

**STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, NEW YORK 12232**

At the Office of the Department of
Transportation in the City of Albany
on January 3, 2018

PRESENT:

William B. Leonard, Director
Office of Modal Safety and Security

CASE 27647 - In the matter of motor carrier compliance with regulations pertaining to hours of service for operators of motor trucks, pursuant to 17 NYCRR 820.6.

APPLICATION OF THE TRUCK ASSOCIATION OF NEW YORK FOR EXCEPTION TO CERTAIN PROVISIONS OF 17 NYCRR 820.6

The Truck Association of New York having requested the Department of Transportation to modify certain provisions of 17 NYCRR 820.6, due to dangerously cold temperatures and ice conditions throughout New York causing a spike in the demand for salt, it has been determined that action is necessary to address this emergency situation which could result in a threat to public health and safety and that certain rules should be temporarily waived in order to ensure the adequate delivery of salt throughout New York State. Therefore, it is

ORDERED:

Pursuant to 17 NYCRR 820.12, the following hours of service regulations are waived with respect to the intrastate transportation of salt performed by motor carriers effective at the beginning of January 3, 2018 and terminating at the end of January 17, 2018 unless otherwise ordered:

- (1) That the hours of service rules pursuant to 17 NYCRR 820.6 are hereby suspended for drivers and motor carriers performing intrastate transportation of salt throughout New York State.
- (2) That no motor carrier operating under the terms of this order shall require or allow a fatigued or ill driver to operate a commercial motor vehicle. A driver who informs a motor carrier that he or she is not fit to drive shall be given a minimum of 10 consecutive off-duty hours before the driver may return to service.
- (3) That all regulations pertaining to Commercial Driver License requirements, Controlled Substances and Alcohol Use and Testing requirements and Financial Responsibility requirements remain in force and effect for all motor carriers and drivers.

- (4) That motor carriers that have an Out-of-Service Order in effect, or a suspension or revocation of a New York State Certificate as a motor carrier of property, are not eligible to take advantage of the relief from the regulation that this order provides.

By the Office of Modal Safety and Security

A handwritten signature in black ink that reads "William B. Leonard". The signature is written in a cursive style with a large, looping initial "W".

William B. Leonard, Director