

**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 11, 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 TRUCKING ASSOCIATION OF NEW YORK, NEW YORK PROPANE GAS ASSOCIATION AND EMPIRE STATE ENERGY ASSOCIATION FOR EXCEPTION TO CERTAIN PROVISIONS OF 17 NYCRR 820.6

The Trucking Association of New York, New York Propane Gas Association and Empire State Energy Association having requested the Department of Transportation to modify certain provisions of 17 NYCRR 820.6, due to dangerously cold temperatures well below zero throughout New York causing a spike in demand for fuel deliveries across the State.

It has been determined that action is necessary to address this continued emergency which could result in a threat to public health and safety and that certain rules should be temporarily modified to ensure adequate delivery of fuels throughout New York. In addition, to coincide with the regulatory relief issued by the Federal Motor Carrier Safety Administration the previous department order should be modified to mirror the extended relief granted pursuant to the federal waiver. Therefore, it is

AMENDED ORDER:

The following hours of service regulations are modified with respect to the intrastate transportation of fuels throughout New York effective at the beginning of December 27, 2017 and terminating at the end of January 28, 2018 unless otherwise ordered:

- (1) That the hours of service rules pursuant to 17 NYCRR 820.6 are hereby suspended as they pertain to on-duty time allowing a driver of a commercial motor vehicle transporting fuels throughout New York State, regardless of the number of carriers using the driver's services.
- (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