

**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 December 13, 2013

**PRESENT:**

Clifford A. Thomas, Acting 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 NEW YORK PROPANE GAS ASSOCIATION FOR EXCEPTION TO CERTAIN PROVISIONS OF 17 NYCRR 820.6**

The New York Propane Gas Association having requested the Department of Transportation to modify certain provisions of 17 NYCRR 820.6, because of the lack of product locally due to market conditions and global economies.

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 modified in order to ensure adequate delivery of propane for heating purposes throughout New York State. Therefore, it is

**ORDERED:**

The following hours of service regulations are modified with respect to the intrastate transportation of propane to homes and businesses for heating purposes performed by motor carriers effective at the beginning of December 13, 2013 and terminating at the end of December 27, 2013 unless otherwise ordered:

- (1) Section 820.6 (b) is temporarily extended so that no carrier shall permit or require a driver of a motor truck transporting propane, regardless of the number of carriers using the driver's services, nor shall any driver drive for any period after having been on duty more than 72 hours in any seven (7) consecutive days if the employing motor carrier does not operate motor vehicles every day of the week. Any period of (7) seven consecutive days may end with the beginning of any off-duty period of (34) thirty-four or more consecutive hours.
- (2) Section 820.6 (b) is temporarily extended so that no carrier shall permit or require a driver of a motor truck transporting propane, regardless of the number of carriers using the driver's services, nor shall any driver drive for any period after having been on duty more than 84 hours in any eight (8) consecutive days if the

employing motor carrier operates motor vehicles every day of the week. Any period of (8) eight consecutive days may end with the beginning of any off-duty period of (34) thirty-four or more consecutive hours.

- (3) That no motor carrier operating under the terms of this order shall require or allow a fatigue 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.
- (4) 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.
- (5) 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, appearing to read "Clifford Thomas", written in a cursive style.

Clifford Thomas, Acting Director