

**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 August 29, 2011

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 labor for operators of motor trucks, pursuant to 17 NYCRR 820.6.

APPLICATION OF NEW YORK STATE MOTOR TRUCK ASSOCIATION AND EMPIRE STATE PETROLEUM ASSOCIATION, INC. FOR EXCEPTION TO CERTAIN PROVISIONS OF 17 NYCRR 820.6

The New York State Motor Truck Association and the Empire State Petroleum Association, Inc. having requested the Department of Transportation to modify certain provisions of 17 NYCRR 820.6, due to extensive travel restrictions and delays caused by Hurricane Irene throughout most portions of the Capital District, Hudson Valley and the Metropolitan Region of the State of New York

It has been determined that action is necessary to address this continuing 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 goods throughout New York State. Therefore, it is

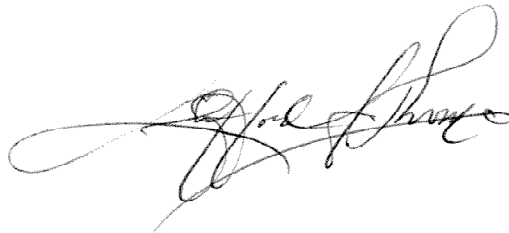
ORDERED:

The following hours of service regulations are modified with respect to the intrastate transportation of property performed by motor carriers throughout New York State, effective at the beginning of August 28, 2011 and terminating at the end of September 5, 2011, 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 property 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 74 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 property 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 Drivers' Licenses requirements and insurance requirements remain in force and effect for all motor carriers.
- (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 & Security

A handwritten signature in black ink, appearing to read "John J. ...", is written over a horizontal line.