

**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 18, 2020

PRESENT:

Clifford A. Thomas, 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.

APPLICATIONS BY THE NEW YORK PROPANE GAS ASSOCIATION AND EMPIRE STATE ENERGY ASSOCIATION FOR EXCEPTION TO THE PROVISIONS OF 17 NYCRR 820.6

The New York Propane Gas Association and Empire State Energy Association having requested the Department of Transportation to waive the provisions of 17 NYCRR 820.6, due to the impacts of the December 16, 2020 Nor'easter on the delivery of vital heating and transportation fuels to homes and businesses;

It has been determined that action is necessary to address this emergency situation and the threat it poses to public health and safety and that certain rules should be temporarily modified in order to ensure adequate delivery of vital heating and transportation fuels during post-storm recovery amid an extended period of below normal temperatures throughout the counties of Albany, Broome, Chenango, Columbia, Delaware, Dutchess, Greene, Montgomery, Orange, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Sullivan, Tioga, Ulster, Washington, and contiguous counties. Therefore, it is

ORDERED:

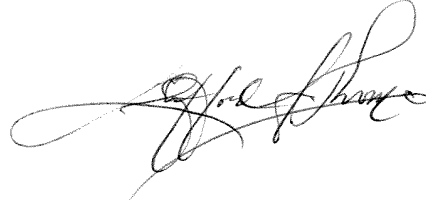
The hours of service regulations contained in 17 NYCRR 820.6 are hereby waived with respect to the intrastate transportation of fuels performed by motor carriers effective at the beginning of December 18, 2020 and terminating at the end of December 28, 2020 unless otherwise ordered:

- (1) Section 820.6 is temporarily waived.
- (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 in 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, appearing to read "Clifford A. Thomas", written in a cursive style.

Clifford A. Thomas, Director