

**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 February 16, 2021

**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.

APPLICATION BY EMPIRE STATE ENERGY ASSOCIATION, THE NEW YORK STATE ENERGY COALITION, THE TRUCKING ASSOCIATION OF NEW YORK, AND THE NEW YORK STATE PROPANE GAS ASSOCIATION FOR EXCEPTION TO THE PROVISIONS OF 17 NYCRR 820.6

The Associations having requested the Department of Transportation to modify the provisions of 17 NYCRR 820.6, due to the compounding impacts of a series of winter storms in combination with an extended period of below normal temperatures and issues on supply logistics and delivery of vital heating and transportation fuels to homes, businesses, and power plants. The Governor of the State of New York having previously declared a State of Emergency in various counties.

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 the adequate supply and delivery of vital heating, power plant, and transportation fuels throughout the State. Therefore, it is

**ORDERED:**

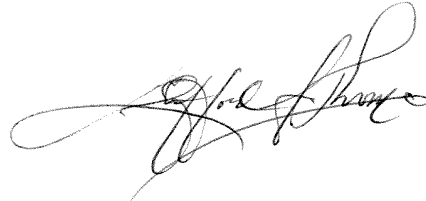
The hours of service regulations contained in 17 NYCRR 820.6 are hereby modified with respect to the intrastate transportation of fuels performed by motor carriers effective at the beginning of February 17, 2021 and terminating at the end of March 1, 2021 unless otherwise ordered:

- (1) Section 820.6 is temporarily modified as follows:
  - a. The 70-hour maximum on duty period in 8-days is modified to be 84 hours.
  - b. The 60-hour maximum on duty period in 7-days is modified to be 74 hours.
  - c. The 14-hour maximum workday is modified to be 16 hours.
    - i. An 8 hour off duty period must be taken to reset the 16-hour provision.
- (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", with a stylized flourish at the end.

Clifford A. Thomas, Director