



# Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

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October 27, 2022

Docket Services  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
West Building, Ground Floor  
Room W12-140  
Washington, DC 20590-0001

**RE: Docket Number: FMCSA-2022-0175**  
***Hours of Service of Drivers: National Propane Gas Association; Application for Exemption***

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments regarding the Federal Motor Carrier Safety Administration's (FMCSA) request for comments on an application from the National Propane Gas Association (NPGA) for an exemption to waive multiple portions of the hours-of-service (HOS) requirements, docket number FMCSA-2022-0175.

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to prevent commercial motor vehicle crashes, injuries and fatalities and believes that collaboration between government and industry improves road safety and saves lives. Our mission is to improve commercial motor vehicle safety and enforcement by providing guidance, education and advocacy for enforcement and industry across North America.

NPGA is requesting a five-year exemption for its member company drivers to extend the 14-hour duty period in § 395.3(a)(2) to no more than 17 hours; to extend the 11-hour driving period in § 395.3(a)(3) to no more than 14 hours, following 10 consecutive hours off duty; to waive the 60- and 70-hour rules in § 395.3(b) for a period of no more than six consecutive days; and a period of six consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours. NPGA requests the exemption in order to enable the propane industry to prepare and respond to peak periods of consumer demand among residential, agricultural and commercial consumers.

CVSA does not support NPGA's exemption request. However, the Alliance recognizes waiving the HOS requirements are necessary under extenuating emergency circumstances for drivers responding to the emergency. As noted in the exemption request, FMCSA does issue emergency declarations in advance of and in response to severe weather scenarios and other emergencies as appropriate. However, there are potential scenarios that may not merit an emergency declaration that still justify temporary relief from portions of the HOS regulations. It is critical that

citizens have access to propane and other home heating fuels during the winter months. However, an exemption of this scope is not necessary to meet that need.

Instead, CVSA recommends FMCSA find alternative solutions to meet this need that are narrower and more targeted to the individual scenarios. One possible solution would be to direct the service centers to monitor needs and coordinate with industry to provide region specific waivers as appropriate. As noted in the exemption request, peak demand does not always warrant an emergency declaration and can be limited to a specific geographic region. Allowing the FMCSA service centers to manage temporary waivers would enable the agency to provide the necessary relief without creating a broad exemption.

If FMCSA chooses to grant the exemption, CVSA encourages the agency to ensure that 'peak demand' is clearly defined, to avoid potential abuse of the exemption. In addition, any exemption granted should apply to all home heating fuels, rather than be limited to propane. In addition, as the NPGA exemption request is meant to be need-based and trip-specific, CVSA recommends FMCSA provide guidance similar to that found in [FMCSA-RG.390.23 Question 1](#), which provides more specificity as to how the similar utility service vehicle exemption is applied.

The Alliance works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions.

If you have further questions or comments, please do not hesitate to contact me by phone at 202-998-1008 or by email at [collin.mooney@cvsa.org](mailto:collin.mooney@cvsa.org).

Respectfully,



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Commercial Vehicle Safety Alliance