

Specialized Carriers & Rigging Association



October 17, 2014

Acting Administrator T.F. Scott Darling, III
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Re: Request for Limited Exemption for Specialized Carriers from Department of Transportation, Federal Motor Carrier Safety Administration, Hours of Service of Drivers; Final Rule: Fed. Reg. 81134 / Vol. 76 (Dec. 27, 2011).

Dear Administrator Darling:

On behalf of members of the Specialized Carriers & Rigging Association and motor carriers and drivers engaged in the hauling of loads that exceed maximum legal weight and dimension a.k.a. Oversize/Overweight (OS/OW) loads, the Specialized Carriers & Rigging Association (SC&RA), applies for limited exemption from compliance with the 30-minute Rest Break requirement of the Federal Motor Carrier Safety Administration's (FMCSA) Dec. 27, 2011, Final Rule on Hours of Service of Drivers (Hours of Service Rule) 49 C.F.R. § 395.3(a)(3)(ii)

The Specialized Carriers and Rigging Association (SC&RA) is an international trade association of nearly 1,300 member companies from 43 nations. Members are involved in specialized transportation, machinery moving and erecting, industrial maintenance, millwrighting, crane and rigging operations, manufacturing and rental. SC&RA represents both national and multinational companies that operate in every congressional district in the United States.

NationsBuilders Insurance Services (NBIS) supports this request for exemption and has worked with SC&RA to assess and prepare this request for exemption. NBIS is a Managing General Underwriting Organization specializing in the underwriting of insurance for the Crane, Machinery Moving, Millwright, Rigging and Specialized Transportation segments. NBIS is the exclusively endorsed provider of property and casualty insurance products for the SC&RA membership and works consistently with SC&RA to monitor trucking industry accident and loss trends and build effective risk management and safety programs to help prevent accidents, injuries, fatalities and property losses

Exemption Application Requirements under 49 C.F.R. 381.310:

(b) **Person or class of person covered by the exemption.** The exemption request would apply to specialized carriers and drivers responsible for the hauling of loads that exceed maximum legal weight and dimension, (OS/OW) loads, which require a permit be issued by a government authority. This request is for a waiver on all jurisdictional roads, with or without an escort. While some jurisdictions require

Chairman of the Board
Ron Montgomery
Salt Lake City, UT

President
Alan Barnhart
Memphis, TN

Vice President
Bruce Forster
Dixon, IL

Treasurer
Delynn Burkhalter
Columbus, MS

Assistant Treasurer
John McTrye, Sr.
Orlando, FL

Executive Vice President
Joel Dandrea

HEADQUARTERS
5870 Trinity Parkway
Suite 200
Centreville, VA 20120
United States
Phone: 703/698-0291
Fax: 703/698-0297
Email: info@scranet.org

International Offices
Southfields, Southview Road
Wadhurst East Sussex TN5 6TP
United Kingdom
Phone: (44) 1892-784088
Contact: James King

Rotterdam NL-3001 KL
P.O. Box 23474
The Netherlands
Phone: (31) 651-856228
Contact: Marcel Riemslag

Rua Batataes
391 CEP 01423-902
Jardim Paulista
São Paulo, Brazil
Phone: (55) 11 3887-3852
Contact: João Dominici

*Setting the Standard
For Quality Service*

Website: www.scranet.org



escorts, some jurisdictions do not, and as such we request this waiver for all permitted loads.

(b)(1) Contact Information.

Steven Todd
Vice President
Specialized Carriers & Rigging Association
Trinity Centre One
5870 Trinity Centre Pkwy, Suite 200
Centreville, VA 20120

(b)(2) Name of the individual or motor carrier that would be responsible for the use or operation of CMVs.

This request is an industry wide request for any and all OS/OW commercial motor carriers operating under any OS/OW permit in the United States.

(b)(3) Principal place of business for the motor carrier.

N/A.

(b)(4) USDOT identification number for the motor carrier.

N/A.

(c)(1) Reason the exemption is needed. The federal government delegates the regulation of OS/OW movement to each of the fifty states. Within each of these fifty states, thousands of municipalities, counties, and other government entities also set forth unique OS/OW permit regulations for loads hauled on each roadway under their specific local jurisdictions. An OS/OW permit issued by most state and local entities is valid for up to 5 days, although some are valid for 3 to 7 days. The hours of operation in which a driver may haul an OS/OW load on a valid permit varies tremendously from state to state, and even among local jurisdictions within a state, differing in terms of the particular days of the week and the precise hours of the day that transit is allowed. Because hours in which an OS/OW load can travel are restricted by permit requirements, often times those hours will be in conflict with the timing of a required 30 minute rest break. A sampling of disparate jurisdictional regulations, which each driver must be aware of and comply with during transit, include combinations of the following:

Monday thru Friday Travel

- (IA) 11' W X 14'4" H X 100' L; Loads that exceed these dimensions 1/2 hour before sunrise and 1/2 hour after sunset
- (IL) 1/2 hour prior to sunrise to 1/2 hour after sunset *unless permit has a provision 9
- (IN) Over 110' L X 10'-14'4" W X up to 15' H 7 Days a week 1/2 hour before sunrise to 1/2 hour after sunset



- (KY) No travel in various areas 7 a.m. and 9 a.m. and from 4 p.m. to 6 p.m.
- (MI) Daylight hours only, beginning 1/2 hour before sunrise ending 1/2 hour after sunset

Weekend Travel

- (IA, KS) All day Saturday and Sunday
- (MO) All day Saturday and Sunday 14' Wide or less - Daylight hours only
- (IL) Over dimension loads up to 12 wide, 13-6 high, 115 long may move additionally on Saturdays to 1/2 hour after sunset and Sundays 1/2 hour before sunrise to noon.
- (IL,IN) Saturday until noon/no Sunday
- (MI) Saturday and Sunday daylight until 3 p.m.
- (OH) Sunrise until 3 p.m. on Saturday / Sunday
- (KY) Saturday only Mobile homes daylight hours
- (MN) Memorial Day to Labor Day – no travel after 2 p.m. on Friday and Sundays until 2 a.m. the following day – otherwise all weekend

Additional Scenarios showing the conflict between OS/OW loads and the 30 minute rest break:

1. Despite a motor carrier's best planning for adequate safe haven parking locations for an over dimension load, there are no safe locations to be found as the driver approaches the 30 minute mandatory rest break. Does the driver pull over on an inadequate shoulder or exit? Or does the driver stop three hours earlier, as that location is the only safe haven? The restricted time of permit movement expires leaving the driver stranded and in need of new permits/police escorts which could take several days to secure. This not only effects movement in that state, but likelihood of subsequent state permits/police escorts already lined up expiring, etc.
2. A driver is being escorted by state police and informs the officer that a 30 minute rest break is required. The officer may respond in several ways, the two most common are (1) tells the driver to finish, as they are almost done with the trooper's portion of the trip; or (2) tells the driver to park wherever they are, which leaves the driver stranded, and now requires the driver to put in a new request for a state police escort which will likely leave the driver sitting for at least 48 hours. This not only effects movement in that state, but likelihood of subsequent state permits/police escorts already lined up expiring, etc. This scenario may also result in a load being parked for several days or longer in a location that may not be as safe as another location awaiting new permits.
3. A driver is operating cross country and within a couple miles of a state line. The permit for the state from which the driver is departing expires today, but the driver needs to take a 30 minute rest break. As required, the driver takes the break. The restricted time of permit movement expires, leaving the driver



stranded and in need of new permit which could take several days or more to secure. This not only effects movement in that state, but likelihood of subsequent state permits/police escorts already lined up expiring, etc.

The specialized transportation industry is proficient at planning both intrastate and cross country interstate trips. However, in spite of effective planning, the aforementioned regulations frequently can cause drivers to put the motoring public at risk, since the driver is required by law now to park their OS/OW loads for hours, and even days, at state lines/borders while they wait for the next jurisdiction's OS/OW permit days/hours of operation to allow compliant passage.

An average OS/OW load may measure approximately 15-16 feet wide and high and in excess of 100 feet in length. Thousands more loads, annually, measure well in excess of 20 feet wide and high and nearly 200 feet or longer in length. Each driver has the additional burden of finding a place large enough to accommodate and park their load until passage is permitted. Several parking shortage studies have been conducted, including the Commercial Motor Vehicle Parking Shortage, released in May 2012. This study and others referenced within the report acknowledge the existing parking shortage, and further provide evidence that locating adequate parking space for such over-dimensional loads is extremely challenging.

Most importantly, the parking concerns raise safety issues. In addition it often adds additional miles, time, and thus, cost to the project. Occasionally, the safest and singular option for drivers is to park such loads on the shoulders of interstates, highways and ramps. This decision requires the driver to protect and alert the motoring public by employing traffic control measures such as setting up safety cones, etc. In some cases, the OS/OW load is so large and/or the road shoulder width is so limited, the tractor trailer(s) combination cannot be completely parked off the roadway and therefore takes up an entire lane of the road. The scenarios mentioned above raise safety risks for the general motoring public, the driver, and public and emergency personnel. These safety issues are compounded in inclement weather conditions. Drivers may be driving down the road at a high speed, when they quickly realize an OS/OW load is parked on the shoulder and/or partly on the roadway, and immediately need to change lanes to avoid a collision with the OS/OW parked load. Additionally, depending on the location and time of day, blocking off lanes, or parts of lanes, because it is the only place to park an OS/OW load for a 30 minute rest break can cause significant traffic delays and problems.

The Hours of Service Regulations, effective July 1, 2013, and in particular, the 30-minute break provision, uniquely effects OS/OW loads and has exacerbated the number of instances in which drivers have had to park their OS/OW loads roadside, consequently, impacting the safety of both the general public, and the driver.



(c)(2) **Regulation from which exemption is requested.** This application is for exemption for permitted OS/OW loads from the 30-minute Rest Break requirement of the Federal Motor Carrier Safety Administration's (FMCSA) Dec. 27, 2011, Final Rule on Hours of Service of Drivers (Hours of Service Rule) 49 C.F.R. § 395.3(a)(3)(ii), which became effective July 1, 2013.

(c)(3) **Estimated total number of drivers and CMV's covered by the request exemption.** It is difficult to ascertain this number. While many carriers specialize in only OS/OW loads, there are times when they are hauling loads that are not OS/OW, and as such the requested exemption would not apply.

(c)(4) **Safety Impacts.** The specialized transportation industry does not foresee any negative impact to safety factors due to being exempted from 49 C.F.R. 395.3(a)(3)(ii). The specialized transportation industry is committed to a high level of safety. It is anticipated, and the intent of the industry, that granting the exemption would have a very favorable impact on overall safety by reducing the frequency of drivers resorting to less than ideal parking options, thereby reducing the frequency of lanes being partially or fully obscured.

(c)(5) **Ensuring continued safety.** The specialized transportation industry has been diligent in ensuring that its drivers are safety compliant by identifying, deploying, analyzing and monitoring best practices. The effectiveness of the industry's efforts is substantiated through its safety record. By demand and due to the type and nature of the size and weight involved, these drivers tend to be more experienced and skilled than many drivers in the industry. Specifically, safety is achieved through rigorous, mandated training for all drivers on a daily, weekly, monthly and quarterly basis, in conjunction with annual safety checks, and self-imposed random safety audits. Further, most specialized transportation carriers conduct weekly (or sometimes more frequent) meetings with drivers to ensure that they are current on information with regard to operating OS/OW loads in the specialized transportation industry. This training includes full recognition of HOS regulations, and compliance with such regulations to ensure OS/OW drivers are not operating fatigued.

(c)(6) **Impact to the industry if the exemption is not granted.** The frequency with which Specialized Carriers and drivers have been forced to seek less than ideal roadway/shoulder parking has increased dramatically since the July 1, 2013 Hours of Service rules became effective. The circumstance is aggravated by an ever increasing truck parking space shortage which has been acknowledged by the entire industry and the government. In an attempt to address the parking shortage problem, the Federal government recently made several potential projects eligible for funding under National Highway Performance Program (NHPP), and Highway Safety Improvement Program (HSIP) programs. Unfortunately, due to other competing highway related projects, in addition to construction time in general, it is predicted that it will be several years before the truck parking



shortage crisis is resolved, leaving drivers to seek alternative parking options in the meantime.

As less space is available for regular sized trucks, specialized tractor/trailer(s) combinations hauling OS/OW loads will increasingly be parked alongside interstate, highway, and ramp shoulders, further compromising their safety and the safety of the general public on the roadways.

(d) **Reference publications and documents.** Included with this exemption request is a copy of the study: Commercial Motor Vehicle Parking Shortage – May 2012.

The SC&RA appreciates your attention to this matter and consideration of an exemption. For more information please feel free to contact me at 703-698-0291-or (stodd@scranet.org).

Sincerely,

A handwritten signature in cursive script that reads "Steven Todd".

Steven Todd, Vice President
Specialized Carriers & Rigging Association