Refer to: MC-PSD

Ms. Beth A. O’Quinn  
Vice President  
Specialized Carriers & Rigging Association  
Trinity Centre One  
5870 Trinity Centre Pkwy., Suite 200  
Centreville, VA 20120

Dear Ms. O’Quinn:

In response to your request of February 17, the Federal Motor Carrier Safety Administration (FMCSA) has granted the Specialized Carriers & Rigging Association (SC&RA) an exemption from the 30-minute break provision in 49 CFR 395.3(a)(3)(ii). The FMCSA has denied your request for exemption from the 14-hour driving window in 49 CFR 395.3(a)(2). A notice of these decisions was published in the Federal Register on November 1, 2016 (81 FR 75727). A copy of that notice is enclosed.

The FMCSA has determined that granting SC&RA an exemption from the requirements of § 395.3(a)(3)(ii) is in the public interest, and that the exemption is likely to achieve a level of safety equivalent to the level of safety that would be obtained in the absence of the exemption. The exemption is valid from November 1, 2016 through November 1, 2018. The terms and conditions of this exemption are specified on the attached pages.

Should you have any questions, please contact Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, at (614) 942-6477, or by email at tom.yager@dot.gov.

Sincerely,

Larry W. Minor  
Associate Administrator for Policy

Attachment
Federal Motor Carrier Safety Administration

Hours-of-Service Exemption for the Specialized Carrier & Rigging Association

TERMS OF THE EXEMPTION

PERIOD OF THE EXEMPTION
This exemption from the requirements of 49 CFR 395.3(a)(3)(ii) (Rest Breaks) is approved for the period from 12:01 a.m. on November 1, 2016, through 11:59 p.m. on November 1, 2018.

EXTENT OF THE EXEMPTION
This exemption is restricted to all motor carriers and drivers operating mobile cranes with a rated lifting capacity of greater than 30 tons. They do not need to be members of SC&RA. The lifting capacity of the crane must be displayed on a manufacturer’s certification plate on the crane or in manufacturer’s documentations carried on the vehicle. This exemption is limited strictly to the provisions of 49 CFR 395.3(a)(3)(ii) (30-minute break rule). These drivers will not be required to take a 30 minute break. These drivers must comply with all other applicable provisions of the Federal Motor Carrier Safety Regulations (FMCSRs).

PREEMPTION
In accordance with 49 U.S.C. 31313(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

TERMS AND CONDITIONS

(1) Drivers operating mobile cranes with a rated lifting capacity of greater than 30 tons as displayed on a manufacturer’s certification plate on the crane or in manufacturer’s documentations carried on the vehicle are exempt from the requirement for a 30-minute rest break in Section 395.3(a)(3)(ii).

(2) Drivers must have a copy of this exemption document in their possession while operating under the terms of the exemption. The exemption document must be presented to law enforcement officials upon request.

(3) All motor carriers operating under this exemption must have a “Satisfactory” safety rating with FMCSA, or be “unrated.” Motor carriers with “Conditional” or “Unsatisfactory” FMCSA safety ratings are prohibited from using this exemption.

(4) Any motor carrier utilizing this exemption must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier’s CMVs operating under the terms of this exemption. The notification must include the following information:
(a) Identity of Exemption: “SC&RA cranes”
(b) Name of operating motor carrier and USDOT number,
(c) Date of the accident,
(d) City or town, and State, in which the accident occurred, or closest to the accident scene,
(e) Driver's name and license number and State of issuance
(f) Vehicle number and State license plate number,
(g) Number of individuals suffering physical injury,
(h) Number of fatalities,
(i) The police-reported cause of the accident,
(j) Whether the driver was cited for violation of any traffic laws or motor carrier safety regulations, and
(k) The driver's total driving time and total on-duty time period prior to the accident.

Reports filed under this provision shall be e-mailed to MCPSD@DOT.GOV.

TERMINATION
The FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record. However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation of the exemption. The FMCSA will immediately revoke the exemption for failure to comply with its terms and conditions.