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

Dear Ms. O’Quinn:

In response to your October 8 letter requesting renewal of an exemption from the hours-of-service minimum 30-minute break provision in 49 CFR 395.3(a)(3)(ii), the Federal Motor Carrier Safety Administration (FMCSA) grants the Specialized Carriers & Rigging Association a limited waiver while the Agency completes its exemption application process.

This waiver covers qualifying motor carriers and drivers operating mobile cranes with a rated lifting capacity of greater than 30 tons previously covered by an exemption granted on November 1, 2016. This waiver is in effect from 12:01 a.m. on November 1, 2018, through 11:59 p.m. on January 30, 2019.

The FMCSA has determined that granting this waiver is in the public interest, and that the waiver is likely to achieve a level of safety equivalent to the level of safety that would be obtained in the absence of the waiver. The terms and conditions of this waiver are specified on the attached pages.

Should you have any questions, please contact Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division, at 202-366-4225, or by email at pearlie.robinson@dot.gov.

Sincerely,

[Signature]

Cathy F. Gautreaux

Attachments
Hours-of-Service Waiver for the
Specialized Carrier & Rigging Association, et al.
(Operation of Mobile Cranes)

TERMS OF THE WAIVER

PERIOD OF THE WAIVER
This waiver 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, 2018, through 11:59 p.m. on January 30, 2019.

EXTENT OF THE WAIVER
This waiver 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 waiver 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 waiver is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this waiver with respect to a firm or person operating under the waiver. States may, but are not required to, adopt the same waiver 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 excused from the requirement for a 30-minute rest break in Section 395.3(a)(3)(ii).

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

(3) All motor carriers operating under this waiver 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 waiver.
(4) Any motor carrier utilizing this waiver 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 waiver. The notification must include the following information:

(a) Identity of Waiver: “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 waiver 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 waiver. The FMCSA will immediately revoke the waiver for failure to comply with its terms and conditions.