**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 September 21, 2020

**PRESENT:**

 Clifford A. Thomas, Director

 Office of Modal Safety and Security

CASE 27647 - In the matter of motor carrier compliance with intra-state regulations pertaining to hours of service for operators of commercial motor vehicles, pursuant to 17 NYCRR 820.6.

WHEREAS, THE COMMISSIONER HAS THE AUTHORITY TO REGULATE MOTOR CARRIERS BY ESTABLISHING REASONABLE REQUIREMENTS WITH RESPECT TO UNIFORM SYSTEMS OF ACCOUNTS, RECORDS, REPORTS, SAFETY OF OPERATION AND EQUIPMENT

NOW, THEREFORE, THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION HEREBY WAIVES CERTAIN PROVISIONS OF 17 NYCRR 820.6

The New York State Department of Transportation has been requested to modify certain provisions of 17 NYCRR 820.6 to allow for improved safety and flexibility for Commercial Drivers and Motor Carriers in the application of the Hours of Service requirements in accordance with newly enacted federal standards.

It has been determined that this action is necessary to ensure the equitable application of the regulations.

Therefore, it is

**ORDERED:**

The following hours of service regulations are modified with respect to the intrastate transportation of property and passengers effective September 29, 2020:

1. The maximum duty period allowed under the short-haul exception is extended from 12 to 14 hours for passenger and property carriers.
2. The maximum radius of the short-haul exception is extended from 100 to 150 air-miles for passenger and property carriers.
3. A driver of a passenger or property-carrying commercial vehicle can extend the maximum driving window by up to two hours during adverse conditions.
4. The property carrier 30-minute break provision may be satisfied after 8 hours of driving by changing duty status to off-duty; on-duty not driving; or sleeper berth.
5. The property carrier sleeper berth off-duty period may be taken in two periods, provided one off-duty period (whether in or out of the sleeper berth) is at least 2 hours long in combination with at least 7 consecutive hours being spent in the sleeper berth. Neither period will count against the maximum 14-hour driving window
6. Nothing in this order shall be deemed to limit a motor carrier from adopting more stringent standards relating to safety of its operations and employee safety and health.

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 By the Office of Modal Safety and Security

 

 Clifford A. Thomas, Director