



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Deputy Administrator

January 5, 2018

1200 New Jersey Avenue, SE
Washington, DC 20590

Mr. James Lamb
President
Small Business in Transportation Coalition
1775 I (Eye) Street NW, Suite 1150
Washington, DC 20416

Dear Mr. Lamb:

This is to acknowledge receipt of your letter on behalf of the Small Business in Transportation Coalition, who are requesting an exemption for certain motor carriers from the hours-of-service (HOS) electronic logging device (ELD) requirements in 49 CFR 395.8(a). Additionally, you petitioned for reconsideration of the ELD final rule.

The requirements for applying for an exemption are specified in 49 CFR 381.310. The information that you provided is incomplete as submitted. Your application must describe the reason the exemption is needed, the impacts the motor carriers would experience without the exemption, an assessment of the safety impacts the exemption may have, and a description of how you would ensure a level of safety comparable to that achieved by the regulations.

You may resubmit your request for an exemption according to the procedures stated in 49 CFR 381.310 (see enclosure). The FMCSA provides a 30-day period for the public to submit responses to such notices and, as noted in 49 CFR 381.320, final decisions may take up to 180 days from the date we receive a completed application.

Your petition for reconsideration of the ELD final rule published on December 16, 2015, is untimely because the 30-day deadline for submitting such petitions expired on January 15, 2016 (80 FR 78292).

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

Sincerely,

Cathy F. Gautreaux

Enclosure

§381.310 How do I apply for an exemption?

(a) You must send a written request (for example, a typed or handwritten (printed) letter), which includes all of the information required by this section, to the Administrator, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590-0001.

(b) You must identify the person or class of persons who would be covered by the exemption. The application for an exemption must include:

- (1) Your name, job title, mailing address, and daytime telephone number;
- (2) The name of the individual or motor carrier that would be responsible for the use or operation of CMVs;
- (3) Principal place of business for the motor carrier (street address, city, State, and zip code); and
- (4) The USDOT identification number for the motor carrier.

(c) You must provide a written statement that:

- (1) Describes the reason the exemption is needed, including the time period during which it is needed;
- (2) Identifies the regulation from which you would like to be exempted;
- (3) Provides an estimate of the total number of drivers and CMVs that would be operated under the terms and conditions of the exemption;
- (4) Assesses the safety impacts the exemption may have;
- (5) Explains how you would ensure that you could achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation; and
- (6) Describes the impacts (e.g., inability to test innovative safety management control systems, etc.) you could experience if the exemption is not granted by the FMCSA.

(d) Your application must include a copy of all research reports, technical papers, and other publications and documents you reference.