



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

August 15, 2025

Docket Services
U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building, Ground Floor
Room W12-140
Washington, DC 20590-0001

RE: Docket Number: FMCSA-2025-0125
Hours of Service: National Propane Gas Association; Application for Exemption

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments regarding the Federal Motor Carrier Safety Administration's (FMCSA) request for comments on an application from the National Propane Gas Association (NPGA) for an exemption to waive multiple portions of the hours-of-service (HOS) requirements, docket number FMCSA-2025-0125.

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to prevent commercial motor vehicle crashes, injuries and fatalities and believes that collaboration between government and industry improves road safety and saves lives. Our mission is to improve commercial motor vehicle safety and enforcement by providing guidance, education and advocacy for enforcement and industry across North America.

NPGA is requesting a five-year exemption for its member company drivers to extend the 14-hour duty period in § 395.3(a)(2) to no more than 15 hours; to extend the 11-hour driving period in § 395.3(a)(3) to no more than 12 hours, following 10 consecutive hours off duty; to waive the 60- and 70-hour rules in § 395.3(b) for a period of no more than six consecutive days; and to allow for a period of six consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours.

CVSA does not support NPGA's exemption request, as it is unnecessary and does not provide an explanation for how an equivalent level of safety will be maintained if implemented. The Alliance recognizes that waiving HOS requirements can be necessary under extenuating emergency circumstances for drivers responding to emergencies, and CVSA recognizes the benefits of planning and staging to prepare for an emergency event prior to its occurrence. However, as noted in NPGA's exemption request, FMCSA already has in place a process to issue emergency declarations and HOS waivers in advance of and in response to severe weather scenarios and other emergencies, as appropriate. On page two of the exemption request, NPGA notes that they "requested, justified, and received

regional hours of service waivers covering all or parts of the continental United States for fifty-six days” during the winter of 2024-2025. NPGA goes on to say that their efforts in receiving HOS waivers were successful. Because the process for issuing emergency declarations meets NPGA’s needs, an exemption of this nature is not necessary.

It is critical that citizens have access to propane and other home heating fuels during the winter months, but the scope of NPGA’s exemption request is too broad. For example, NPGA provides five different scenarios that may determine when a waiver is necessary but does not include specifics for each of the criteria, which could detail how the forecasted temperatures are arrived at or provide a definition for “limitations of pipeline services.” By not including specifics for the criteria, the exemption request may apply to situations where waiving the HOS rules is not necessary. Additionally, the information presented in the exemption request leaves room for interpretation around the authority of who is deciding that a waiver is necessary. Finally, by granting this exemption, FMCSA would be giving NPGA the authority to determine the scenarios in which the HOS rules should not apply over a three-month period. In the exemption request, NPGA shares that FMCSA would be notified of the exemption, but there is no validation by FMCSA that the waiver is necessary and appropriate. It is important that FMCSA maintain its authority over the issuance of emergency declarations and waivers, as the federal regulatory body.

Instead, CVSA recommends FMCSA find alternative solutions to meet NPGA’s needs that are narrower and more targeted to the individual scenarios. One possible solution would be to direct the service centers to monitor and respond to industry-presented needs, as detailed in the exemption request, and coordinate with industry to provide region specific waivers as appropriate. FMCSA should also permit the exemption to begin in advance of the forecasted event to allow for planning. Allowing the FMCSA service centers to manage temporary waivers would enable the agency to provide the necessary relief without creating a broad exemption, while also maintaining the agency’s authority.

Furthermore, NPGA’s exemption request and the Federal Register notice do not establish a process for notifying roadside commercial motor vehicle inspectors when a waiver is in place. NPGA shares that FMCSA will receive prior notice when NPGA members plan to operate under the exemption, however, there is no information addressing how that will be communicated to the roadside inspectors charged with the enforcement of the safety regulations. FMCSA’s current emergency declaration process has mechanisms in place to ensure the inspector community is notified and information related to all active emergency declarations and waivers is maintained on CVSA’s Emergency Declarations Portal. It is important for inspectors to have the necessary information to verify a driver’s compliance with the safety regulations, as well as with the safety requirements found in the exemption. This ensures that the inspector is correctly applying the regulations to the driver being inspected.

As discussed above, because a process is already in place that allows FMCSA to issue waivers from the HOS rules when needed to prepare for and respond to inclement weather conditions, the waiver authority being requested by NPGA is not needed. However, if FMCSA chooses to grant the exemption, CVSA encourages FMCSA to add a step in the process for FMCSA to approve or deny NPGA’s activation of a waiver. This will ensure that FMCSA retains its regulatory oversight authority. In addition, it is imperative the agency establish a process for notifying roadside

inspectors when a waiver is in effect. This will ensure that roadside inspectors have the information needed to correctly apply the regulations during the inspection. One possible solution would be for FMCSA to provide notice to roadside inspectors through the CVSA Emergency Declarations Portal, as is done for all other emergency declarations.

CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge, and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions. We appreciate the opportunity to provide feedback to the agency.

If you have further questions or comments, please do not hesitate to contact me by phone at 202-998-1008 or by email at collin.mooney@cvsa.org.

Respectfully,

A handwritten signature in black ink, appearing to read 'Collin B. Mooney'.

Collin B. Mooney, MPA, CAE
Executive Director
Commercial Vehicle Safety Alliance