



**U.S. Department  
of Transportation**

Federal Motor Carrier  
Safety Administration

1200 New Jersey Avenue SE  
Washington DC 20590

Refer to: MC-PSD

FEB 26 2016

Thomas J. Richardson  
Major General, U.S. Army  
Military Surface Deployment and  
Distribution Command  
1 Soldier Way  
Scott AFB, IL 62225-5006

Dear Major General Richardson:

The limited hours-of-service (HOS) exemption granted to the Military Surface Deployment and Distribution Command (SDDC) for certain drivers has been extended through October 22, 2020.

Section 5206(a)(2) of the "Fixing America's Surface Transportation Act," (FAST Act), effective October 1, 2015, extends existing HOS exemptions five years from their dates of inception. The FMCSA will provide public notice of this change in the Federal Register.

The FMCSA will continue to monitor SDDC's contract driver-employees transporting security-sensitive materials. If the level of safety of these operations while utilizing "attendance time" to meet the 30-minute rest break requirement of the HOS rules [49 CFR 395.3(a)(3)(ii)] deteriorates, FMCSA will take all steps necessary to protect the public interest, including revocation of the exemption.

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](mailto:tom.yager@dot.gov).

Sincerely,

Larry W. Minor  
Associate Administrator for Policy

Attachment

## Federal Motor Carrier Safety Administration

# Hours-of-Service Exemption for the Military Surface Deployment and Distribution Command (SDDC) on Behalf of Contract Carriers Transporting Security-Sensitive Materials

### TERMS OF THE EXEMPTION

#### PERIOD OF THE EXEMPTION

This exemption from the requirements of 49 CFR 395.3(a)(3)(ii) (Maximum driving time for property-carrying vehicles) is approved for the period from October 22, 2015, through October 22, 2020.

#### EXTENT OF THE EXEMPTION

This exemption is restricted to contract driver employees employed by SDDC and employees transporting security-sensitive materials. **This exemption is limited strictly to the provisions of 49 CFR 395.3(a)(3)(ii) (30-minute break rule).** On each trip, the drivers will be allowed to use 30 minutes or more of “attendance time” to meet the requirement for a rest break in the manner provided in 49 CFR 395.1(q). *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 authorized by SDDC to utilize this exemption must have a copy of this exemption document or the Federal Register notice of October 7, 2015, in their possession while operating under the terms of the exemption. The exemption document must be presented to law enforcement officials upon request.
- (2) All motor carriers operating under this exemption must have a “Satisfactory” safety rating with FMCSA, or are “unrated;” motor carriers with “Conditional” or “Unsatisfactory” FMCSA safety ratings are prohibited from using this exemption.
- (3) All motor carriers operating under this exemption must have Safety Measurement System (SMS) scores below FMCSA’s intervention thresholds, as displayed at <http://ai.fmcsa.dot.gov/sms/>.
- (4) Under this exemption, SDDC 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. Exemption Identity: “SDDC”
  - 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 driver’s 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.

Accident notifications shall be e-mailed to [MCPSD@dot.gov](mailto: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.