



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2020-0171]

Hours of Service of Drivers: Association of American Railroads and American Short Line and Regional Railroad Association; Application for Exemption Renewal

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of provisional renewal of exemption.

SUMMARY: FMCSA announces its decision to renew provisionally for four months the exemption granted to the Association of American Railroads and the American Short Line and Regional Railroad Association and member railroads (the Associations) from the prohibitions against driving after the 14th hour from the beginning of the work shift (the 14-hour rule) and against driving after accumulating 60 hours of on-duty time within 7 consecutive days, or 70 hours of on-duty time within 8 consecutive days (the 60-hour/70-hour rule). The exemption will enable the employees of the Associations subject to the hours-of-service (HOS) rules to respond to unplanned events that occur outside of, or extend beyond, an employee's normal work hours. The Associations are seeking a five-year renewal of this exemption. FMCSA has requested additional information from the Associations and will review the application further before issuing a final decision on the request.

DATES: The exemption is effective from June 19, 2026, and expires October 19, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; richard.clemente@dot.gov or (771) 216-2436. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2020-0171/document> and choose the document to review. To view comments, click this notice, then click “Browse Comments.” If you do not have access to the internet, you may view the docket by visiting Dockets Operations in room W58-213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the *Federal Register* (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant’s safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved without the exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the *Federal Register* (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the exempted parties will be exempt and the effective period and will explain all terms and conditions of the exemption (49

CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulatory Requirements

Under 49 CFR 395.3(a)(2), a driver may not drive after a period of 14 consecutive hours after coming on-duty following 10 consecutive hours off-duty. Under 49 CFR 395.3(b), no motor carrier shall permit or require a driver of a property-carrying commercial motor vehicle (CMV) to drive, nor shall any driver drive a property-carrying CMV, regardless of the number of motor carriers using the driver's services, for any period after having been on duty 60 hours in any period of 7 consecutive days or 70 hours in any period of 8 consecutive days.

Applicant's Request

The Associations' exemption application was described in detail in a Federal Register notice published on December 19, 2025 (90 FR 59648) and will not be repeated as the facts have not changed. FMCSA granted a six-month provisional renewal of the exemption on December 19, 2025 (90 FR 59648). FMCSA is requesting additional information from the Associations, including the complete list of USDOT numbers that will operate under the exemption, the frequency with which motor carriers have operated under the exemption, and the list of accidents involving any motor carriers operating under the exemption. FMCSA will post this additional information to the docket and request public comment before issuing a final decision on the exemption application.

IV. Public Comments

The Agency did not receive any comments on the request for an exemption renewal.

V. Grant of Provisional Renewal of Exemption

FMCSA determined in 2020 that the exemption, subject to the terms and conditions imposed, would likely achieve a level of safety that is equivalent to the level that would be achieved absent such exemption. The Agency does not presently have data to suggest that the requested relief would compromise safety when used occasionally to respond to unplanned events while the Agency further considers the request for a five-year exemption.

However, FMCSA provisionally renews the exemption for a period of four months, subject to the terms and conditions outlined below and further consideration of the exemption. The exemption from the prohibitions in the 14-hour rule and the 60-hour/70-hour rule is effective from June 19, 2026 through October 19, 2026, 11:59 p. m. local time, unless revoked earlier.

A. Applicability of Exemption

This exemption is restricted to individuals employed by the member railroads of the Associations while driving CMVs to the site of an unplanned event which includes the following:

- A derailment;
 - A rail failure or other report of a dangerous track condition;
 - A track occupancy light;
 - A disruption to the electric propulsion system;
 - A bridge strike;
 - A disabled vehicle on the train tracks;
 - A train collision;
 - Weather- and storm-related events including fallen trees and other debris on the tracks, snow, extreme cold or heat, rock and mudslides, track washouts, and earthquakes;
- and

- A matter concerning national security or public safety, including a blocked grade crossing.

B. Terms and Conditions of the Exemption

1. When operating under this exemption, drivers:

- May extend the 14-hour rule in § 395.3(a)(2) to no more than 17 hours;
- May not exceed 11 hours of driving time, following 10 consecutive hours off-duty;
- May extend the 60-hour/70-hour rule in § 395.3(b) by no more than 6 hours; and
- May not travel more than 300 air miles from the normal work-reporting location or terminal;

2. Drivers must comply with the applicable HOS limits after arriving at the site, including recording all time working to restore rail service as on-duty, not driving time;

3. Drivers may take advantage of the Agency’s personal conveyance regulatory guidance when traveling between the unplanned event work site and nearby lodging or dining facilities (83 FR 26377 (June 7, 2018)). If that guidance is not applicable to the trip, CMV drivers who have reached the HOS limits must be transported from the work site by an individual who is not subject to HOS restrictions or use a vehicle that does not meet FMCSA’s definition of a CMV (49 CFR 390.5T) when they leave the site;

4. Drivers must complete the Driver Education Module 3 and the Driver Sleep Disorders and Management Module 7 of the North American Fatigue Management Program (NAFMP) (www.nafmp.org) prior to operating under the exemption; railroads subject to the exemption could direct CMV drivers to the Federal Railroad Administration’s website, the “Railroaders’ Guide to Healthy Sleep” (<https://railroaderssleep.fra.dot.gov/>) as an alternative resource if NAFMP’s website is unavailable;

5. Motor carriers and drivers must comply with all other provisions of the Federal Motor Carrier Safety Regulations;

6. Upon request, the Associations must provide to FMCSA a list of the U.S. Department of Transportation (USDOT) numbers of motor carriers operating under this exemption; and

7. Notification to FMCSA. The Associations must notify FMCSA within five business days of any accident, as defined in 49 CFR 390.5T, involving any of the motor carrier's CMVs operating under the terms of this exemption. Reports filed under this provision shall be emailed to MCPSD@DOT.GOV. The notification must include the following information:

- a. Identifier of the Exemption: "Association of American Railroads and American Short Line and Regional Railroad Association;"
- b. Name of operating carrier and USDOT number;
- c. Date of the crash;
- d. City or town, and State, in which the accident occurred, or closest to the crash scene;
- e. Driver's name and license number;
- f. Co-driver's name (if any) and license number;
- g. Vehicle number and State license number;
- h. Number of individuals suffering physical injury;
- i. Number of fatalities;
- j. The police-reported cause of the crash, if provided by the enforcement agency;
- k. Whether the driver was cited for violation of any traffic laws or motor carrier safety regulations; and

l. The total on-duty time accumulated during the seven consecutive days prior to the date of the crash, and the total on duty time and driving time in the work shift prior to the crash.

C. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation 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.

D. Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration in their safety performance. However, the exemption will be revoked if: (1) the Associations, motor carriers, or drivers operating under the exemption fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136.

Derek Barrs,
Administrator.