



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2026-1717]

Hours of Service: Mainline Services, LLC; Application for Exemption

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

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on Mainline Services, LLC's (Mainline) application for an exemption from certain provisions in the hours-of-service (HOS) regulations. The applicant seeks the exemption for its employees who transport equipment used to clear derailed or disabled trains or debris blocking tracks or railroad rights-of-way when they are responding to unplanned events that affect interstate commerce, service, or the safety of railway operations, including passenger rail operations, and that occur outside of or extend beyond the employee's normal shift. FMCSA is required by statute to publish a notice explaining each exemption request. This notice does not indicate what decision FMCSA will ultimately reach on the request. After reviewing the application, safety analyses, and public comments submitted, FMCSA will grant or deny the exemption.

DATES: Comments must be received on or before [Insert date 30 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: You may submit comments identified by Docket Number FMCSA-2026-1717 by any of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. See the Public Participation and Request for Comments section below for further information.

- **Mail:** Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58-213, West Building, Washington, DC 20590-0001.
- **Hand Delivery or Courier:** 1200 New Jersey Avenue SE, W58-213, West Building, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- **Fax:** (202) 493-2251. Each submission must include the Agency name and the docket number (FMCSA-2026-1717) for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice DOT/ALL-14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at

<https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>.

The comments are posted without edit and are searchable by the name of the submitter.

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

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2026-1717), indicate the specific section of this document to which the comment applies, and provide a reason for your suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2026-1717/document>, click on this notice, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the

notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 or via email at brian.g.dahlin@dot.gov. At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, insert FMCSA-2026-1717 in the keyword box, select the document tab 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 the DOT West Building, 1200 New Jersey Avenue, SE, W58-213, 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 absent such

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(s) from which the exempted party will be exempt, the effective period, and 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. Applicant's Request

Current Regulatory Requirements

Under 49 CFR 395.3(a)(2), drivers of property-carrying commercial motor vehicles (CMVs) are prohibited from driving after a period of 14 consecutive hours after coming on duty following 10 consecutive hours off duty.

Under 49 CFR 395.3(b)(1), such drivers are prohibited from operating a CMV for any period after having been on duty 60 hours in any period of 7 consecutive days if the employing motor carrier does not operate CMVs every day of the week.

Under 49 CFR 395.3(b)(2), such drivers are prohibited from operating a CMV for any period after having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier does operate CMVs every day of the week.

Applicant's Request

Mainline seeks a five-year exemption from the HOS regulations in 49 CFR part 395, specifically the 14-hour driving "window" and 60/7- and 70/8-hour rules. Mainline states that it is a full-service railroad construction, maintenance-of-way, and emergency response contractor operating seven divisions across the U.S. that provides services including emergency derailment response, railcar dismantling, track construction and maintenance, heavy equipment recovery, disaster response, and rail infrastructure support. Mainline employs 135 drivers who operate and transport equipment designed to clear derailed or disabled trains and remove hazardous materials or other debris. It

operates tractor-trailers, rollbacks, pickups, dump trucks, and straight trucks with grapple loaders to transport equipment and restore rail service. The applicant states that many “unplanned events” occur outside of normal business hours, and its drivers must travel to and work on or alongside railroad rights-of-way, often after having been on duty at their home base.

Mainline states that for purposes of its request, the term “unplanned event” refers to incidents that disrupt or threaten the safe operation of railroad infrastructure and require immediate response including, but not limited to: train derailments; rail failures or dangerous track conditions; track occupancy light incidents; disruptions to electric propulsion systems; bridge strikes involving railroad infrastructure disabled vehicles or equipment on railroad tracks; train collisions; weather-related incidents, including fallen trees, snow events, extreme temperatures, rock or mud slides, and washouts; earthquakes or other natural disasters affecting rail infrastructure; national security incidents affecting railroad operations, and public safety hazards, including blocked grade crossings.

Mainline indicates that occasionally, a Federal or State emergency is in effect pursuant to 49 CFR 390.23, which exempts its drivers from the HOS regulations. In many instances, however, the situation is localized, and a local emergency declaration rarely occurs as many “unplanned events” occur in remote locations where it may not be clear who a railroad should contact to declare an emergency. According to Mainline, the HOS limitations in those situations may delay its drivers in reaching the site of an “unplanned event.” Mainline asserts that significant delays in restoring rail service and addressing public safety hazards may occur when drivers cannot travel to the incident location due to the HOS limitations encountered during mobilization.

Applicant’s Equivalent Level of Safety

Mainline believes the exemption would not compromise safety, as it maintains comprehensive training and driver awareness programs, safety supervision, and fatigue

management policies. Mainline indicated that it has had no serious injuries or fatalities related to vehicle operations and will continue implementing the following safety measures: 1) drivers will receive at least one hour of lead time before mobilizing equipment and beginning travel; 2) drivers travel in convoys with escort vehicles positioned at the front and rear; 3) vehicles are equipped with two-way radios; 4) supervisors conduct radio checks every 30-45 minutes requiring each driver to confirm their status; 5) supervisors train employees to recognize signs of driver fatigue; and 6) company policy clearly states that drivers are not required to operate a vehicle if they feel fatigued. Mainline further adds that the requested exemption would apply only to the time drivers spend traveling to the job site, that time spent performing rail restoration work would be recorded as on-duty, not driving time, and that those hours would continue to count toward both daily and weekly HOS duty limits. After completing work at an incident site, drivers would also obtain the required rest period before operating a CMV on a public roadway.

A copy of the Mainline's application for exemption is available for review in the docket for this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on Mainline's application for an exemption from the applicable HOS regulations in 49 CFR part 395. All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after

the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,
Associate Administrator for Policy.

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