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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2026-1521]

Hours of Service; Lone Star Haz Mat Response, LLC; Application for Exemption

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

ACTION: Notice of final disposition; denial of application for exemption.

SUMMARY: FMCSA announces its decision to deny Lone Star Haz Mat Response, LLC's (Lone Star) application for an exemption to allow its "field response" drivers to exceed the hours of service (HOS) requirements for the purpose of returning to their normal work reporting location or residence following hazardous materials incident response operations. FMCSA analyzed the application and public comments and determined that the exemption would not likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

FOR FURTHER INFORMATION CONTACT: Ms. Bernadette Walker, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Bernadette.walker@dot.gov.

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-2026-1521/document and choose the document to review. To view comments, click this notice, then click "Document 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.

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 person or class of persons granted the exemption, the regulatory provision(s) from which the persons is 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. Background

Current Regulatory Requirements

Under 49 CFR 395.3(a)(1), a property-carrying commercial motor vehicle (CMV) driver may not drive without first taking 10 consecutive hours off duty. Under sections 395.3(a)(2) and 395.3(a)(3)(i), the driver may drive no more than a total of 11 hours during a period of 14 consecutive hours after coming on duty following 10 consecutive hours off duty. Under 49 CFR 395.3(a)(3)(ii), driving is not permitted if

more than 8 hours of driving time have passed without at least a consecutive 30-minute interruption in driving status. Under 49 CFR 395.3(b)(1), no motor carrier shall permit or require a driver of a property-carrying 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 having been on duty 70 hours in any period of 8 consecutive days (49 CFR 395.3(b)(2)).

Applicant's Request

Lone Star's application for exemption was described in detail in a Federal Register notice published on June 30, 2026 (91 FR 39658) and will not be repeated as the facts have not changed.

IV. Public Comments

The Agency received five comments, one supporting and four opposing the exemption. An anonymous commenter said, "I support the adoption of the proposed exemption. The circumstances described in the application affect many hazardous materials and emergency response carriers throughout the country and are not unique to Lone Star Hazmat."

AWM Associates, LLC said, "Lone Star's application doesn't address fatigue. . .. It appears Lone Star is seeking relief from the regulations to overcome its ability to fulfill its contractual agreements."

Scott Keane said, "While I understand the desire to get employees home, the practical effect of this exemption is to reposition personnel and equipment for the company's next response. That primarily benefits the carrier, not public safety."

The Commercial Vehicle Safety Alliance commented, "The FMCSR were established to provide a framework of the minimum requirements to operate commercial

motor vehicles safely. An exemption to those safety regulations should not be granted simply because they don't comport to a company's or industry's operational model."

The Truck Safety Coalition (TSC), Citizens for Reliable and Safe Highways, and Parents Against Tired Truckers filed a joint comment and said, "LoneStar Haz-Mat LLC fails to meet the threshold to qualify for HOS exemption. Its exemption application does not include a single countermeasure that combats driver fatigue."

V. FMCSA Decision

FMCSA has evaluated Lone Star's application and the public comments and denies the exemption. Lone Star's application does not provide an analysis of the safety impacts the requested exemption from the HOS regulations may cause. It also does not provide any safety countermeasures. FMCSA is therefore unable to determine that the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulations.

For the reasons stated, Lone Star's exemption application is denied.

Derek D. Barrs,
Administrator.

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