

**STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, NEW YORK 12232**

At the Office of the Department of
Transportation in the City of Albany
on January 27, 2026

PRESENT:

Jonathan Nicastro, Director
Office of Modal Safety and Security

CASE 27647 - In the matter of motor carrier compliance with regulations pertaining to hours of service for operators of motor trucks, pursuant to 17 NYCRR 820.6.

WHEREAS EXTENDED COLD TEMPERATURES, WINTER STORMS, AND A SUPPLY CHAIN DISRUPTIONS HAS CAUSED LOGISTICAL NEGATIVE IMPLICATIONS SPANNING MULTIPLE STATES, AN EXCEPTION TO THE PROVISIONS OF 17 NYCRR 820.6 IS BEING ORDERED:

The Department of Transportation is modifying the provisions of 17 NYCRR 820.6, due to compounding multi-state issues transporting Winter Heating Fuels and Transportation Fuels due to logistical and Weather concerns that have resulted in jurisdictional emergency declarations and hours of service waivers and modifications.

It has been determined that action is necessary to address this emergency and the threat it poses to public health and safety and that certain rules should be temporarily modified to ensure the adequate delivery of Fuel Products throughout the State.

Therefore, it is

ORDERED:

The hours-of-service regulations contained in 17 NYCRR 820.6 are hereby modified with respect to the intrastate transportation of Heating and Transportation Fuels performed by motor carriers between points throughout the State effective at the beginning of January 27, 2026, and terminating at the end of February 6, 2026, unless otherwise ordered:

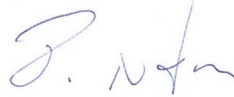
(1) Section 820.6 is temporarily modified as follows:

- a. The 70-hour maximum on duty period in 8-days is modified to be 84 hours.
- b. The 60-hour maximum on duty period in 7-days is modified to be 74 hours.
- c. The 14-hour maximum workday is modified to be 16 hours.
 - i. An 8 hour off duty period must be taken to reset the 16-hour provision. The 34-hour restart provision is modified to be 24 hours.
 - ii. Carriers may utilize a 24-hour off duty period that occurred prior to the date of this Order.
- d. On-Duty Time for the purposes of computation of the 60/70 or 14 hour rules

shall not include time spent waiting in a commercial motor vehicle while on the property of a shipper or carrier, loading point, unloading point, or terminal immediately subsequent to or preceding loading/unloading operations.

- e. Hours used in conformance with a, b, c of this section for Heating Fuel and/or Transportation Fuel transportation for the past 8 days may be applied in computation of compliance with this Order. There is no need for an Hours of Service 24 hour Reset to take advantage of the relief this Order offers.
- (2) That no motor carrier operating under the terms of this order shall require or allow a fatigued or ill driver to operate a commercial motor vehicle. A driver who informs a motor carrier that he or she is not fit to drive shall be given a minimum of 10 consecutive off-duty hours before the driver may return to service.
 - (3) That all regulations pertaining to Commercial Driver License requirements, Controlled Substances and Alcohol Use and Testing requirements and Financial Responsibility requirements remain in force and in effect for all motor carriers and drivers.
 - (4) That motor carriers that have a State or Federal Out-of-Service Order in effect, or a suspension or revocation of a New York State Certificate as a motor carrier of property, are not eligible to take advantage of the relief from the regulation that this order provides.
 - (5) That the Waiver issued on January 21, 2026, is hereby abrogated.

By the Office of Modal Safety and Security

A handwritten signature in blue ink, appearing to read 'J. Nicastro', is positioned above the printed name.

Jonathan Nicastro, Director