



MAINE OIL DEALERS ASSOCIATION  
**TECHNICAL BULLETIN #19.0**

***FEDERAL HEATING OIL DRIVER PILOT PROGRAM***

June, 2002

**Background**

In 2001 the United States Department of Transportation, after more than seven [7] years of study, public comment and consideration, initiated a program to allow certain local heating oil delivery drivers to become eligible to participate in a three year test to determine if granting more flexibility in the hours of service regulations could be done successfully. In order for a company's drivers to participate in this program, the company's vehicular and driver hour compliance record needs to be nearly perfect. The federal program ONLY covers LOCAL heating oil delivery drivers – none other. The federal application needs to be approved by not only the Federal Motor Carrier Safety Administration, but also by the State of Maine's Department of Public Safety, for this pilot program to be used by local heating oil delivery companies in Maine.

In 2001 the Department of Public Safety declined to participate in this pilot program. Therefore, MODA submitted legislation to the second session of the 120<sup>th</sup> Maine Legislature in 2002, LD 1978, and succeeded in securing its passage into law as PL 507. This law compels Maine to be a participant in this pilot program commensurate with the federal guidelines.

Carefully read each section to follow, fill out the information as requested and submit to the Federal Motor Carrier Safety Administration at the address cited at the end. FMCSA will coordinate the application review with Maine and notify the company of its participation in the pilot program.

**Home Heating Oil Hours of Service Pilot Program  
Complying With Agreement**

By agreement, motor carriers must do the following:

1.) Within 10 business days following any accident (as defined in 49 CFR 390.5) or any unintentional discharge of home heating oil that requires the submission of the Department of Transportation Hazardous Materials Incident Report (DOT Form F. 5800.1) involving any of the motor carrier's CMVs, irrespective of whether the CMV was being operated by a participating driver, the motor carrier must submit the following information:

- a.) Date of the accident
- b.) City or town in which the accident occurred, or city or town closest to the scene of the accident

- c.) Driver's name and license number
  - d.) Vehicle number and State license number
  - e.) Number of injuries
  - f.) Number of fatalities
  - g.) Whether hazardous materials other than fuel spilled from the fuel tanks of the motor vehicles involved in the accident, were released
  - h.) The police-reported cause of the accident
  - i.) Whether the driver was cited for violating any traffic laws, motor carrier safety regulations, or hazardous materials discharge
  - j.) Whether the driver was participating in the pilot program and if so, the total driving time, on-duty time since the last restart period prior to the accident, and the length of the last restart period.
- 2.) Notify the FMCSA of the addition of a new driver operating under the alternative restart pilot program within 10 business days, providing the name, driver license number, and date of employment of the new driver.
- 3.) Notify the FMCSA within 10 business days after a participating driver ceases to be employed by the motor carrier providing the driver's name, license number, and date of termination.
- 4.) Notify the FMCSA within 10 business days after a participating driver leaves the pilot program, providing the driver's name, license number, and date participation ended.

## Home Heating Oil Hours of Service Pilot Program Eligibility Requirements

### Motor Carriers

- (1) Must be either "unrated" or have a current safety rating of "Satisfactory" by the DOT or a State;
- (2) Must not have been subject of Federal or State investigation resulting in penalties or fines for violations of motor carrier safety or hazmat transportation regulations or laws within the last 3 years;
- (3) Must not have had, during the last 3 years, any accidents (as defined in 49 CFR 390.5) in which a determination was made by a Federal, State, or local official responsible for investigating the cause of CMV accidents, that the motor carrier's CMV was in unsafe operating condition (i.e. a condition likely to cause an accident, or breakdown of the vehicle) and the mechanical condition was a contributing factor in the accident, or that the driver was cited for violation of Federal or State motor carrier safety regulations or laws (whichever were applicable at the time of the accident) and the driver's violation of those regulations or laws was a contributing factor in the accident.

### Drivers

Participating drivers must not have committed, during the past 3 years, any disqualifying offenses listed in

- (1) 49 CFR 383.51 concerning commercial driver's license disqualifications and penalties (i.e. driving a CMV while under the influence of alcohol; driving under the influence of a controlled substance; leaving the scene of an accident, etc.)
- (2) 49 CFR 391.15 concerning disqualification of drivers operating CMVs in interstate commerce or comparable State regulations or laws concerning disqualifications of individuals operating vehicles with a gross vehicle weight rating/gross vehicle combination weight rating or gross weight of 10,001 pounds or more.
- (3)

If the driver has been convicted in the last 3 years of a disqualifying offense, the driver cannot be included in the participating carrier's pool of drivers that use the alternative restart.

## Home Heating Oil Hours of Service Pilot Program Application Process

In order to be considered for the pilot program interstate motor carriers must submit, in writing, the following to the Federal Motor Carrier Safety Administration (FMCSA):

- 1.) The name of the motor carrier: \_\_\_\_\_
- 2.) USDOT Number, MC Number, and State-issued motor carrier identification number:  
\_\_\_\_\_
- 3.) The address of the principal place of business, telephone number, and fax number  
\_\_\_\_\_  
\_\_\_\_\_
- 4.) Name and title of company official who will serve as the carrier's point of contact for inquiries from the FMCSA  
\_\_\_\_\_
- 5.) A driver roster consisting of names and driver license numbers and State of licensure for all participating drivers  
\_\_\_\_\_  
\_\_\_\_\_
- 6.) The number of home heating oil delivery vehicles that will be operated by drivers using the alternative restart  
\_\_\_\_\_  
\_\_\_\_\_
- 7.) The total number of accidents, as defined §390.5, for each of the previous three calendar years, and the number of accidents that occurred during each of the previous winter seasons (November 1 through April 30)  
\_\_\_\_\_  
\_\_\_\_\_

8.) The following certification signed by a motor carrier official:

I certify that (Name of Motor Carrier) operates CMVs used to deliver home heating oil, and is not currently rated "Unsatisfactory" or "Conditional" by the FMCSA (or the FHWA prior to the establishment of the FMCSA), or a State. I certify that each of the drivers listed on the roster is eligible to participate in the project, that each operates a CMV used predominantly to transport home heating oil, and that we have verified that the driving record of each driver does not include any convictions within the past three years of any disqualifying offense. I have read and agree to be bound by the requirements for notification and submission of information to the FMCSA outlined in the section entitled "The Agreement" in the notice of final determination for this project. I certify under penalty of perjury pursuant to 28 U.S.C. 1746 that the foregoing is true and correct.

Executed on (Date).

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Name of Motor Carrier: \_\_\_\_\_

*Submit this Information to:*  
Federal Motor Carrier Safety Administration  
Office of Bus and Truck Standards and Operations (MC-PSD)  
Home Heating Oil Program  
400 Seventh Street, SW

Washington, DC 20590-0001