

TO BE RESCINDED

4901:2-5-02 **Adoption of U.S. department of transportation safety standards.**

- (A) The public utilities commission of Ohio hereby adopts the provisions of the motor carrier safety regulations of the U.S. department of transportation contained in 49 C.F.R. 40, 107, subparts f and g, 367, 380, 382, 383, 385, 386, 387 and 390 to 397, unless specifically excluded or modified by a rule of this commission, and those portions of the hazardous materials transportation regulations contained in 49 C.F.R. 171 to 180, as are applicable to transportation or offering for transportation by motor vehicle, as effective on the date referenced in paragraph (G) of this rule. All motor carriers operating in intrastate commerce within Ohio shall conduct their operations in accordance with those regulations and the provisions of this chapter. With respect to such regulations as applicable to intrastate motor carriers, any notices or requests permitted or required to be made to the U.S. department of transportation or officials thereof under 49 C.F.R. 390 to 397 shall instead be made to the director of the commission's transportation department.
- (B) All motor carriers engaged in interstate commerce in Ohio shall operate in conformity with all regulations of the U.S. department of transportation, which have been adopted by this commission. Violation of any such federal regulation by any motor carrier engaged in interstate commerce in Ohio shall constitute a violation of this commission's rules.
- (C) All offerors shall operate in conformity with all applicable regulations of the U.S. department of transportation, which have been adopted by this commission. Violation of any such federal regulation by any offeror shall constitute a violation of this commission's rules.
- (D) Enforcement of those portions of 49 C.F.R. 171 to 180 as are applicable to transportation or offering for transportation of hazardous materials by motor vehicle shall be subject to any exemptions granted by the U.S. department of transportation pursuant to 49 C.F.R. 107 and shall be consistent with interpretations issued by the pipeline and hazardous materials safety administration, U.S. department of transportation.
- (E) Title 49 C.F.R. 395.3, maximum driving time, does not apply to private motor carriers engaged in the intrastate transportation of construction materials and equipment. As to such carriers, the following maximum driving time limitations apply:
- (1) No private motor carrier engaged in the intrastate transportation of construction materials and equipment shall permit or require any driver used by it to drive nor shall any such driver drive:

- (a) More than twelve hours following eight consecutive hours off duty; or
 - (b) For any period after having been on duty sixteen hours following eight consecutive hours off duty.
- (2) No private motor carrier engaged in the intrastate transportation of construction materials and equipment shall permit or require a driver of a commercial motor vehicle to drive, nor shall any driver drive, regardless of the number of motor carriers using the driver's services, for any period after:
- (a) Having been on duty seventy hours in any seven consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or
 - (b) Having been on duty eighty hours in any eight consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.
- (3) Paragraphs (E)(1) and (E)(2) of this rule shall not apply when the commission grants regulatory relief from the hours-of-service requirements. Relief may be granted when such action is consistent with regulatory relief issued by the United States department of transportation for carriers in interstate commerce or whenever the commission finds it necessary, in case of severe weather conditions, earthquake, flood, drought, fire, famine, epidemic, pestilence, unusual interruption of any public utility services, or other calamitous visitation or disaster, to grant relief to any motor carrier when transporting passengers or property in intrastate commerce within Ohio. Because emergency situations are often unforeseeable, the commission may designate one or more of its employees to issue a document granting the relief.
- (F) For purposes of this rule, "transportation of construction materials and equipment" means the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles, by a driver to or from an active construction site (a construction site between mobilization of equipment and materials to the site to the final completion of the construction project) within a fifty air mile radius of the normal work reporting location of the driver. This definition shall not apply to the transportation of material found by the United States secretary of transportation to be hazardous under 49 U.S.C. 5103 in a quantity requiring placarding pursuant to 49 C.F.R. 172, subpart f.
- (G) Each citation contained within this chapter that is made to a regulation in the code of federal regulations is intended, and shall serve, to incorporate by reference the

particular version of the cited matter that was effective on March 16, 2011.

Effective: 10/30/2014

Five Year Review (FYR) Dates: 08/07/2014

CERTIFIED ELECTRONICALLY

Certification

10/20/2014

Date

Promulgated Under: 111.15
Statutory Authority: 4905.04, 4921.04, 4923.03
Rule Amplifies: 4921.03, 4923.20
Prior Effective Dates: 10/19/63, 11/30/63, 1/23/64, 4/12/67, 5/31/64, 7/1/64, 6/12/65, 2/17/67, 11/23/70, 9/5/77, 11/11/78, 3/19/87, 12/25/87, 12/15/88, 10/28/90, 4/25/92, 7/7/97, 6/25/98, 11/18/98, 5/5/00 (Emer.), 9/27/01, 12/27/01, 11/8/02, 9/26/03, 1/5/04 (Emer.), 2/12/04, 10/4/05 (Emer.), 1/23/06, 9/17/06, 10/1/09, 1/8/10 (Emer.), 4/6/10, 6/6/11