

NOTICE TO UA PIPELINE RIG WELDERS REGARDING FEDERAL EXEMPTION FROM MOTOR CARRIER SAFETY LAWS AND REGULATIONS

On December 4, 2015, President Barack Obama signed into law the Fixing America's Surface Transportation (FAST) Act. The FAST Act includes, at Section 5524, an exemption to the federal motor carrier safety laws and regulations covering virtually all trucks owned by UA welders that are equipped with welding rigs used in pipeline industry. On July 22, 2016, the Federal Motor Carrier Safety Administration (FMCSA) issued a final rule which updated the federal regulations to conform to this exemption, effective immediately. Although a number of federal regulations were updated, 49 C.F.R. § 390.38 is the key subpart in which the exemption is summarized. Attached to this Notice are copies of Section 5524 of the FAST Act and 49 C.F.R. § 390.38.

Under the new law and regulations, if you own a pick-up-style truck (e.g., a pick-up with an enclosed or flat bed) that is equipped with a welding rig used in the construction or maintenance of pipelines and that has a gross vehicle weight and combination weight rating and weight of 15,000 pounds or less, you, your vehicle, and your employer are all covered by the exemption. The exemption applies irrespective of whether you are traveling in the State in which your vehicle is registered or another State.

The exemption is designed to relieve rig welders and their employers from the requirement to register as a motor carrier and from the full range of requirements that flow from registration. Accordingly, as the attached authorities make clear, covered rig welders and their employers are not required to do any of the following:

- Register as a motor carrier or display a DOT number;
- Meet minimum driver qualification requirements;
- Meet requirements related to the driving of commercial motor vehicles;
- Comply with vehicle parts and accessories, inspection, or repair and maintenance requirements; or
- Keep a record of duty log or abide by any other hours of service rule.

Please keep this Notice, together with the attached copies of Section 5524 of the FAST Act and 49 C.F.R. § 390.38, in your vehicle at all times. If you are pulled over for a motor-carrier-related infraction, respectfully inform the officer that your vehicle is exempt from registration as a motor carrier and the associated requirements and offer to provide him or her with a copy of this Notice, including the attached authorities.

Attachments

One Hundred Fourteenth Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,
the sixth day of January, two thousand and fifteen*

An Act

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Fixing America’s Surface Transportation Act” or the “FAST Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

DIVISION A—SURFACE TRANSPORTATION

Sec. 1001. Definitions.
Sec. 1002. Reconciliation of funds.
Sec. 1003. Effective date.
Sec. 1004. References.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 1101. Authorization of appropriations.
Sec. 1102. Obligation ceiling.
Sec. 1103. Definitions.
Sec. 1104. Apportionment.
Sec. 1105. Nationally significant freight and highway projects.
Sec. 1106. National highway performance program.
Sec. 1107. Emergency relief for federally owned roads.
Sec. 1108. Railway-highway grade crossings.
Sec. 1109. Surface transportation block grant program.
Sec. 1110. Highway use tax evasion projects.
Sec. 1111. Bundling of bridge projects.
Sec. 1112. Construction of ferry boats and ferry terminal facilities.
Sec. 1113. Highway safety improvement program.
Sec. 1114. Congestion mitigation and air quality improvement program.
Sec. 1115. Territorial and Puerto Rico highway program.
Sec. 1116. National highway freight program.
Sec. 1117. Federal lands and tribal transportation programs.
Sec. 1118. Tribal transportation program amendment.
Sec. 1119. Federal lands transportation program.
Sec. 1120. Federal lands programmatic activities.
Sec. 1121. Tribal transportation self-governance program.
Sec. 1122. State flexibility for National Highway System modifications.
Sec. 1123. Nationally significant Federal lands and tribal projects program.

Subtitle B—Planning and Performance Management

Sec. 1201. Metropolitan transportation planning.
Sec. 1202. Statewide and nonmetropolitan transportation planning.

Subtitle C—Acceleration of Project Delivery

Sec. 1301. Satisfaction of requirements for certain historic sites.

“(7) TOWAWAY TRAILER TRANSPORTER COMBINATION.—The term ‘towaway trailer transporter combination’ means a combination of vehicles consisting of a trailer transporter towing unit and 2 trailers or semitrailers—

“(A) with a total weight that does not exceed 26,000 pounds; and

“(B) in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers.”

(b) GENERAL LIMITATIONS.—Section 31111(b)(1) of such title is amended by adding at the end the following:

“(H) has the effect of imposing an overall length limitation of less than 82 feet on a towaway trailer transporter combination.”

(c) CONFORMING AMENDMENTS.—

(1) PROPERTY-CARRYING UNIT LIMITATION.—Section 31112(a)(1) of such title is amended by inserting before the period at the end the following: “, but not including a trailer or a semitrailer transported as part of a towaway trailer transporter combination (as defined in section 31111(a))”.

(2) ACCESS TO INTERSTATE SYSTEM.—Section 31114(a)(2) of such title is amended by inserting “any towaway trailer transporter combination (as defined in section 31111(a)),” after “passengers,”.

SEC. 5524. EXEMPTIONS FROM REQUIREMENTS FOR CERTAIN WELDING TRUCKS USED IN PIPELINE INDUSTRY.

(a) COVERED MOTOR VEHICLE DEFINED.—In this section, the term “covered motor vehicle” means a motor vehicle that—

(1) is traveling in the State in which the vehicle is registered or another State;

(2) is owned by a welder;

(3) is a pick-up style truck;

(4) is equipped with a welding rig that is used in the construction or maintenance of pipelines; and

(5) has a gross vehicle weight and combination weight rating and weight of 15,000 pounds or less.

(b) FEDERAL REQUIREMENTS.—A covered motor vehicle, including the individual operating such vehicle and the employer of such individual, shall be exempt from the following:

(1) Any requirement relating to registration as a motor carrier, including the requirement to obtain and display a Department of Transportation number, established under chapters 139 and 311 of title 49, United States Code.

(2) Any requirement relating to driver qualifications established under chapter 311 of title 49, United States Code.

(3) Any requirement relating to driving of commercial motor vehicles established under chapter 311 of title 49, United States Code.

(4) Any requirement relating to parts and accessories and inspection, repair, and maintenance of commercial motor vehicles established under chapter 311 of title 49, United States Code.

(5) Any requirement relating to hours of service of drivers, including maximum driving and on duty time, established under chapter 315 of title 49, United States Code.

Title 49 → Subtitle B → Chapter III → Subchapter B → Part 390 → Subpart B → §390.38

Electronic Code of Federal Regulations e-CFR

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e-CFR data is current as of October 6, 2016

[Title 49 \(/Title-49/\)](#) → [Subtitle B \(/Title-49/subtitleB\)](#) → [Chapter III \(/Title-49/chapterIII\)](#) → [Subchapter B \(/Title-49/CIIIsubchapB\)](#) → [Part 390 \(pt49.5.390\)](#) → [Subpart B \(sp49.5.390.b&r=SUBPART&ty=HTML\)](#) → §390.38

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Title 49: Transportation

[PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL \(pt49.5.390\)](#)

[Subpart B—General Requirements and Information \(sp49.5.390.b&r=SUBPART&ty=HTML\)](#)

§390.38 Exemptions for pipeline welding trucks.

(a) *Federal requirements.* A pipeline welding truck, as defined in paragraph (b) of this section, including the individuals operating such vehicle and the employer of such individual, is exempt from the following:

- (1) Any requirement relating to registration as a motor carrier, including the requirement to obtain and display a Department of Transportation number, in 49 CFR part 365 or 390.
- (2) Any requirement relating to driver qualifications in 49 CFR part 391.
- (3) Any requirement relating to driving of commercial motor vehicles in 49 CFR part 392.
- (4) Any requirement relating to parts and accessories and inspection, repair, and maintenance of commercial motor vehicles in 49 CFR parts 393 and 396.
- (5) Any requirement relating to hours of service of drivers, including maximum driving and on duty time, found in 49 CFR part 395.

(b) *Definition.* “Pipeline welding truck” means a motor vehicle that is travelling in the State in which the vehicle is registered or another State, is owned by a welder, is a pick-up style truck, is equipped with a welding rig that is used in the construction or maintenance of pipelines, and has a gross vehicle weight and combination weight rating and weight of 15,000 pounds or less.

[81 FR 47720, July 22, 2016]