



# Plumbers & Steamfitters Local Union 342

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## Memo

Date: Monday, December 14, 2015  
To: UA Local 342 – Rig Welders  
From: Robbie Nash, UA Local 342 Business Representative  
Re: Exemption from Federal Motor Carrier Safety Laws and Regulations

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Our office recently received information pertaining to the new exemption signed into law this month by President Barack Obama.

We would like to thank those members who took the time to submit letters to T.F. Scott Darling, III – Federal Motor Carrier Safety Administration, United States Department of Transportation, to advocate for our welders. Your efforts did not go unnoticed.

Please see the attached documentation and retain a copy in your vehicle.



Founded 1889

*United Association* of Journeymen and Apprentices of the  
Plumbing and Pipe Fitting Industry of the United States and Canada

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General Office File Reference:

TDG

December 9, 2015

Re: Welder Exemption from Federal Motor Carrier Safety Laws and Regulations

To: Business Managers of Pipeline Local Unions

Earlier this week General President Hite sent you a memo bearing tremendous news. This past Friday, President Barack Obama signed into law a landmark highway bill—the Fixing America’s Surface Transportation (FAST) Act—that includes an exemption to federal motor carrier safety laws and regulations covering virtually all of our pipeline welders with rig-equipped trucks. Securing an exemption of this nature from Congress is a rare and difficult feat. General President Hite touched on two of the key reasons for our success. First, we were able to tap into the political and legislative infrastructure the UA has built and capture the attention and support of elected leaders from both sides of the aisle. Second, we worked closely with the PLCA, speaking with one voice to Congress about our problem and how it could be solved.

I want to thank you for your support throughout this process. Many of you were asked to make calls to particular Members of the House or Senate and mobilize your members to do so. Without exception, you delivered. As you know, in addition to pursuing a Congressional exemption, we filed an application for a regulatory exemption with the Federal Motor Carrier Safety Administration (FMCSA). In light of the new law, we no longer need a regulatory exemption and expect to withdraw our application in short order. I note, however, that the letters you collected from rig welders helped us not only with our application to FMCSA, but also our outreach to Congress. Members of Congress were impressed to learn that nearly 2,200 letters from rig welders were sent to FMCSA in support of our application. I would be remiss not to recognize Danny Hendrix and Wade Pilgreen, who collected over 2,050 of those 2,200 letters and have worked closely with the Pipeline Department on this issue for many years.

Now that we have an exemption, we must see that it is applied to the fullest extent possible. To that end, I am attaching a Notice that rig welders should keep in their vehicles at all times. The Notice summarizes the exemption granted by Congress, attaches the section of the FAST Act setting forth the exemption, and provides guidance to the welders on what they should do if they are pulled over by an officer for failure to display a DOT number.

Bear in mind that Congress’s power to exempt the welders flows from its constitutional authority to regulate interstate commerce (i.e., commerce across state lines). UA rig welders typically travel to pipeline jobs in States other than their State of residence and they travel across State lines to jobs multiple times a year. Based on these facts and guidance provided by FMCSA, the UA’s position is that the typical rig welder is in interstate commerce and covered by the exemption at all times. Nevertheless, many States have laws requiring certain vehicle operators to register for intrastate DOT numbers if their vehicles are used for intrastate commerce (i.e., travel within their home state for commercial purposes). If you receive a report of a welder being told to register for an intrastate DOT number, please contact the Pipeline Department for assistance.

Thank you for your attention and, again, for your support. We will keep you apprised of notable issues and developments as we proceed with the implementation of the exemption.

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Yours truly,

Tom D. Gross  
Director of Pipeline & Gas Distribution

TDG:clw



## **NOTICE TO UA PIPELINE RIG WELDERS REGARDING EXEMPTION FROM FEDERAL 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 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. Attached to this Notice is a copy of Section 5524.

Under the new law, if you own a pick-up-style truck (e.g., a pick up truck with an enclosed or flat bed) that is equipped with a welding rig that is 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 in another State.

The exemption was designed to cover all of the requirements that the typical rig welder was previously required to meet under federal law. If the exemption applies, you and your employer are not required to do any of the following in relation to your truck:

- Register as a motor carrier
- Obtain or display a DOT number
- Maintain a driver qualification file
- Meet federal requirements related to vehicle parts and accessories, inspections or repair and maintenance
- Keep a record of duty log or comply with any other hours of service rule

Please keep this Notice, and the attached copy of Section 5524 of the FAST Act, in your vehicle at all times. If you are pulled over for not displaying a DOT number, respectfully inform the officer that your vehicle is covered by a federal exemption and offer to provide him or her with this Notice and the attached copy of Section 5524.

Attachment

1 (c) CONFORMING AMENDMENTS.—

2 (1) PROPERTY-CARRYING UNIT LIMITATION.—

3 Section 31112(a)(1) of such title is amended by in-  
4 serting before the period at the end the following: “,  
5 but not including a trailer or a semitrailer trans-  
6 ported as part of a towaway trailer transporter com-  
7 bination (as defined in section 31111(a))”.

8 (2) ACCESS TO INTERSTATE SYSTEM.—Section  
9 31114(a)(2) of such title is amended by inserting  
10 “any towaway trailer transporter combination (as  
11 defined in section 31111(a)),” after “passengers,”.

12 **SEC. 5524. EXEMPTIONS FROM REQUIREMENTS FOR CER-**  
13 **TAIN WELDING TRUCKS USED IN PIPELINE**  
14 **INDUSTRY.**

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

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

20 (2) is owned by a welder;

21 (3) is a pick-up style truck;

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

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

1 (b) FEDERAL REQUIREMENTS.—A covered motor ve-  
2 hicle, including the individual operating such vehicle and  
3 the employer of such individual, shall be exempt from the  
4 following:

5 (1) Any requirement relating to registration as  
6 a motor carrier, including the requirement to obtain  
7 and display a Department of Transportation num-  
8 ber, established under chapters 139 and 311 of title  
9 49, United States Code.

10 (2) Any requirement relating to driver qualifica-  
11 tions established under chapter 311 of title 49,  
12 United States Code.

13 (3) Any requirement relating to driving of com-  
14 mercial motor vehicles established under chapter 311  
15 of title 49, United States Code.

16 (4) Any requirement relating to parts and ac-  
17 cessories and inspection, repair, and maintenance of  
18 commercial motor vehicles established under chapter  
19 311 of title 49, United States Code.

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