



PROPANE EXCHANGE

March 2009 * West Virginia Propane Gas Assn.

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DATES TO REMEMBER

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| March 23-24, 2009 | Spring Membership Mtg. Charleston, WV |
| April 4-6, 2009 | NPGA SE Convention Atlanta, GA |
| June 9-10, 2009 | Propane Days Washington, DC |

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WV Legislature Considering Legislation to Regulate Propane Installations

Bill result of recommendations about 2007 Ghent Incident

Five representatives in the House of Delegates introduced HB 2968 which would require the State Fire Marshall to establish regulations, for legislative approval, which cover the installation of liquefied petroleum gas systems.

The bill is expected to pass the House and go to the State Senate in short order.

This legislation will be the focus of remarks by Sterling Lewis, State Fire Marshal, when he speaks at the Spring Membership meeting on March 23, 2009. This event is open to all interested parties in the propane industry.

Late last Fall in anticipation that legislation would be introduced, WVPGA President Heather Haldeman appointed a special task force to work with WVPGA's Lobbyist, Rudy Seacrist.

Members of the Task Force include Rick Bowen, Airgas Mid-America; Heather Haldeman, Blue Flame; Bill Kraft, Southern States Cooperative; William Phillips, AmeriGas; Randy Thompson, Thompson Gas; and Jim Tucker, Valley National Gases.

Those who want to read the bill in its entirety and track its progress can visit
http://www.legis.state.wv.us/bill_status/bills_history.cfm?year=2009&sessiontype=rs&btype=bill

News Flash:

Propane Days is only a few months away. It takes place June 9-10, 2009 at the Hyatt Regency Washington on Capital Hill.

Keynote speakers at the Senate and House Reception on June 9 will be David Plouffe, campaign manager of Obama for America, and Gen. Peter Pace, former chairman of the Joint Chiefs of Staff.

More information along with registration may be found at npga.org.

NEWS FROM THE STATE



WVPGA Co-sponsors Training for State's Volunteer Firefighters

The Propane Education & Research Council has joined with WVPGS and the National Volunteer Fire Council to sponsor "Responding to Propane Emergencies" classes.

The all day classes are being held at the Chesapeake Volunteer Fire Department on March 28 & 29, 2009.

The classes, open to 50 participants each day, is being taught by Dennis Cruise, Outreach Coordinator for the Virginia Propane Gas Association.

Firefighters will use Propane Emergencies as their text which they get to keep after the class. All books, breaks and lunch are being provided at no charge to those attending.

Funding for the program is coming through WVPGA's Propane Emergencies Rebate Request to PERC.

Tom Miller, West Virginia's NVFC representative, has accepted an invitation to speak to the WVPGA Board of Directors when it meets on March 24, 2009 in Charleston.

The State Fire Marshal's office is also a co-sponsor of the program.

The 11-hour driving rule and the 34-hour restart provision have been the subject of repeated litigation brought by safety groups who claim these provisions undermine safety.

Safety Groups Challenge HOS Rule



On Monday, March 9, the Teamsters, Public Citizen, Advocates for Highway and Auto Safety, and the Truck Safety Coalition petitioned the D.C. Circuit Court of Appeals to overturn the recently refinalized driver hours of service rule.

The group successfully had the hours-of-service rule resent to the Department of Transportation (DOT) for further review twice before, but a final rule governing the amount of time (hours-of-service) a driver may operate a commercial motor vehicle became effective on January 19, 2009.

The two primary issues in contention are the question of how much time a driver may operate a vehicle during a daily shift and whether, and to what extent, a driver may “restart the clock” for the purpose of calculating permissible driving time over the course of several days.

The rules have been revised over the years and fleets have incorporated these changes into their operations.

In 2003 the rules were revised to permit 11 hours of driving time within a 14-hour period from the time a driver begins work, after the driver has been off-duty for a period of at least 10 consecutive hours. Prior to the change, drivers could in effect “extend” their workday by taking breaks during the day.

Under the 2003 rules, (which were re-issued in a 2005 rulemaking) a driver may not drive after the 14th hour from clocking in, until he or she has had at least 10 consecutive hours off-duty. It does not matter how long the driver has actually operated the vehicle or how much off-duty time may have been taken during the course of the 14-hour period.

Another change in the 2003/2005 rules was to permit a driver to “restart” the weekly “clock” at any time after he or she has obtained at least 34 hours of consecutive off-duty time. The “weekly clock” requirement limits a driver’s on-duty time to 60 hours in any seven consecutive days, or, if the fleet operates seven days a week, 70 hours in any eight consecutive days.

An effect of the 34-hour restart provision is to permit an extra 14-hour shift every 7 days. It also permits a “short week” to be “restarted”. For example, a driver could work two consecutive days of 14-hour shifts, and be off the following day. When off-duty for at least 34 consecutive hours, the “weekly” 7 or 8-day period may be “restarted.”

The 11-hour driving rule and the 34-hour restart provision have been the subject of repeated litigation brought by safety advocacy groups who claim these provisions undermine safety.

In July 2007, the U.S. Circuit Court of Appeals for the District of Columbia resent the rule to DOT’s Federal Motor Carrier Safety Administration (FMCSA) to resolve these issues.

In December 2007, FMCSA issued an interim final rule retaining the 11-hour driving rule and the 34-hour re-start. The final rule which became effective January 19 also retains these provisions.

The Teamsters and safety groups also sent a letter to Transportation Secretary Ray LaHood yesterday requesting the department “promptly” begin new hours-of-service rulemaking. Because the rule has been finalized, FMCSA will need to start the rulemaking from scratch if it is to declaring a new rule

Propane water heaters cost 30% less to operate than electric ones.



Promote Propane Water Heaters

This new **builder tankless water heater brochure** is now available on the MaRC. Homebuilders, remodelers, and homeowners are turning to propane appliances to help lower their energy costs and reduce their carbon footprint.

This brochure gives an overview of one of the most popular appliances: the propane tankless water heater. Use the brochure as a mailer, a leave-behind, or a trade show handout.

Click [here](#) to view and download the brochure or log on to the [MaRC](#). Or preorder the brochures (\$9.55 for a pack of 25; item 008245) through the Association office.



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