

"P" 1 (2015)

Albany, New York

February 13, 2015

TO: All Enforcement Agencies

SUBJECT: IRP Update – Declaration of Emergency in New Hampshire

In response to extreme weather conditions, an emergency declaration has been issued by the New Hampshire Department of Safety. Under the authority of 49 CFR 390.23, carriers who participate in emergency relief efforts are relieved from compliance with 49 CFR 395 (hours of service regulations) while the declaration is in effect. This will facilitate the movement of supplies to support emergency relief efforts and to ensure the continuation of essential services and supplies to residential and commercial establishments.

New Hampshire's declaration is effective through February 21, 2015. A copy of the declaration is attached. Carriers should have a copy of the declaration in each vehicle that is operated in response to New Hampshire's relief efforts.

Please share this information with appropriate staff, including all road patrol enforcement. Thank you.

J. David Sampson
Executive Deputy Commissioner

Attachment

State of New Hampshire



JOHN J. BARTHELMES
COMMISSIONER OF SAFETY

DEPARTMENT OF SAFETY

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DECLARATION OF EMERGENCY NOTICE (Title 49 CFR 390.23)

Pursuant to 49 CFR Section 390.23 and New Hampshire RSA 266:72-a, the New Hampshire Department of Safety as the designated representative of the Governor of New Hampshire declares that an emergency exists pertaining to the delivery of propane, heating oil, fuel oil, gasoline, kerosene, diesel fuel and natural gas to residential and business establishments within the State of New Hampshire.

An emergency exemption is hereby issued in connection with emergency conditions caused by an unanticipated lengthy stretch of heavy snow, blizzard conditions and below zero and sub-zero temperatures and wind chill equivalents that has continued almost unabated throughout the State of New Hampshire. The State of New Hampshire has experienced electrical power outages that have resulted and may continue to result in the use of propane powered generators to power houses and businesses and caused significant propane and natural gas delivery delays through the State of New Hampshire. Supplies of heating oil have also been depleted and are requiring more frequent replenishment. The emergency has also been impacted by school and college vacation schedules and lower gasoline prices which have resulted in additional travel and an increased demand for gasoline. The typical busy gasoline filling station depletes its supply every 3 days under normal conditions. Without an exemption gasoline and diesel haulers will be unable to keep some stations throughout the state supplied and this will impact the ability to keep retail outlets stocked with perishable foodstuffs.

It is deemed that a declaration of emergency is required to ensure the continuation of these essential services to both residential and commercial establishments within the State.

As a result of the emergency conditions, the following Declaration of Emergency is ordered:

1. Relief from the Hours of Service Regulations contained in 49 CFR parts 390 - 397 of the Federal Motor Carrier Regulations adopted pursuant to RSA 266:72-a, for motor carriers providing delivery of propane and natural gas to homes and businesses within the State of New Hampshire and diesel fuel, kerosene and gasoline to filling stations and government fleet stations. The relief also applies to motor carriers engaged in the transportation of such products from terminal locations to local petroleum products delivery companies.
2. No motor carrier operating under the terms of this declaration shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive hours off-duty before the driver is required to return to service.
3. Motor Carriers that have an Out of Service Order in effect **cannot** take advantage of the relief from regulations that this declaration provides under Title 49 CFR 390.23.
4. Nothing contained in this declaration shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing requirements, Commercial Drivers License requirements, Financial Responsibility requirements, Size and Weight requirements or any other portion of the regulations not specifically identified.
5. Drivers for motor carriers that operate under this Declaration of Emergency Notice must have a copy in their possession.
6. Consistent with Title 49 CFR Part 390.23, the Emergency Declaration will remain in effect **through February 21, 2015 at midnight.**
7. Drivers who utilize this exemption may come back into compliance and restart the hours of service clock after taking 24 hours off-duty at the end of their extended hours period.

Signed,

Date: 2/5/2015



John J. Barthelmes
Commissioner
New Hampshire Department of Safety
Designee of the Governor of New Hampshire