



BARBARA J. FIALA
Commissioner

STATE OF NEW YORK DEPARTMENT OF MOTOR VEHICLES

6 EMPIRE STATE PLAZA, ALBANY, NY 12228

"P" 1 (2014)

Albany, New York

January 10, 2014

TO: All Enforcement Agencies

SUBJECT: IRP Update – Declaration of Emergency in New Hampshire and Missouri

In response to extreme weather conditions, emergency declarations have been issued by the New Hampshire Department of Safety and the Missouri Department of Public 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 declarations are 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 midnight on January 21, 2014. Missouri's declaration is effective until midnight January 13, 2014. A copy of each declaration is attached. Carriers should have a copy of the state's declaration in each vehicle that is operated in response to the state's relief efforts.

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

Barbara J. Fiala
Commissioner

State of New Hampshire



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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 declares that an emergency exists pertaining to the delivery of propane, gasoline, diesel, and fuel oil to distributors, residential and business establishments within the State of New Hampshire.

The emergency exemption is issued in connection with anticipated emergency conditions from a shortage of propane at Sea-3 in Portsmouth, two major winter storms in a row, and a period of sub-zero temperatures, all of which have resulted in hazardous driving conditions and extra demands on fuel supplies. It is deemed that a declaration of emergency is required to ensure the continuation of these essential services to both residential and commercial establishments and government buildings within the State.

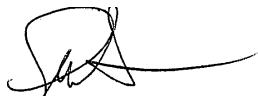
As a result of the emergency conditions, the following Declaration of Emergency is ordered:

1. Relief from the Hours of Service Regulations contained in 49 CFR 395.3 of the Federal Motor Carrier Regulations adopted pursuant to RSA 266:72-a, for motor carriers providing delivery of propane, gasoline, diesel, and fuel oil to distributors, homes, businesses and government buildings within the State of New Hampshire. The relief also applies to motor carriers engaged in the transportation of such products from terminal locations to local 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 Driver's 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, this Emergency Declaration has been extended through midnight on January 21, 2014.
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 period of extended hours.

Issued at 4:00pm on January 7, 2014.

Signed,

A handwritten signature in black ink, appearing to be 'ES', with a long horizontal line extending to the right.

Earl M. Sweeney
Assistant Commissioner
New Hampshire Department of Safety

EMERGENCY DECLARATION COVER LETTER

Emergency Declaration Summary 14-01

Effective January 7, 2014 to January 13, 2014

In response to frigid temperatures and increased demand for propane delivery, the Missouri Department of Public Safety has issued an emergency declaration to waive certain federal regulations under the authority of 49 CFR 390.23, for carriers who participate in emergency relief efforts.

While this declaration is in effect, participating carriers are relieved from compliance with 49 CFR parts 395 (hours of service regulations).

Carriers may benefit from the waiver while under load and when returning either empty or with loads directly related to the emergency relief efforts.

Carriers should carry a copy of the declaration in the vehicle while operating in response to the relief efforts.

NONE of the emergency provisions apply to carriers who are not directly involved in the emergency relief efforts or delivery of essential services or supplies.

Carriers must read and understand the attached emergency declaration. In the event this note contradicts any information in the declaration, the declaration language shall rule.

EMERGENCY DECLARATION

14-01

WHEREAS, in response to frigid temperatures and the increased demand for propane delivery in the State of Missouri; and

WHEREAS, a massive public and private response is required to provide immediate, emergency assistance and continuing emergency relief to individual persons and businesses in need of such services; and

WHEREAS, Executive Order 09-29 issued December 31, 2009, authorizes the Director of the Department of Public Safety or the Director's designee, to issue Emergency Declarations for the limited purpose of temporarily suspending certain usual and necessary federal and state laws, regulations and administrative rules for commercial motor vehicles and drivers while they are transporting property to assist in the emergency relief efforts during the emergency; and

NOW THEREFORE, I, Jerry Lee, Director of the Department of Public Safety, by virtue of the authority delegated to me by Executive Order 09-29, hereby declare that I acknowledge the existence of a state of emergency in the State of Missouri, and the need for emergency relief efforts and essential services and supplies; and


WHEREAS, the safety and welfare of the citizens of Missouri require that operators of commercial motor vehicles upon the public highways within Missouri who are rendering assistance to the emergency efforts within the state should be allowed more rapid and efficient travel to meet this emergency need; and

WHEREAS, this requirement for more rapid and efficient transportation would be facilitated by the temporary suspension of the driver's hours of service regulations, while drivers are transporting property to assist in the relief efforts in the State of Missouri; and

WHEREAS, authorized personnel of the Missouri State Highway Patrol and employees within the Missouri Department of Public Safety, who are authorized to enforce the provisions of Part 395 of Title 49, Code of Federal Regulations, as provided by the Revised Statutes of Missouri, shall recognize this temporary suspension of the driver's hours of service regulations during the duration of these emergency conditions, both while providing assistance to the emergency relief efforts during the emergency, and while returning empty to the motor carrier's terminal or driver's normal work reporting location and

FURTHER, I direct that this emergency declaration shall become effective at 8:00 a.m. on January 7 and shall continue in effect until midnight January 13, 2014, unless extended in whole or in part by a subsequent emergency declaration.

Executed this 7th day of January 2014.



Jerry Lee, Director
Missouri Department of Public Safety
Jefferson City, Missouri