

State of New Hampshire



JOHN J. BARTHELMES
COMMISSIONER OF SAFETY

DEPARTMENT OF SAFETY

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305

Tel: (603) 271-2791

Speech/Hearing Impaired

TDD Access Relay NH 1-800-735-2964

DECLARATION OF EMERGENCY NOTICE (Title 49 CFR 390.23)

Pursuant to 49 CFR 390.23 and NH RSA 266:72-a, the NH Department of Safety declares that an emergency exists pertaining to the pickup of residential and commercial refuse from residences and businesses and delivery of such refuse within the State of New Hampshire.

The emergency exemption is necessitated as a result of the coalescence of factors not within the control of the Industry. The Christmas and New Year's holidays delayed garbage and refuse pickups by a total of two days, which had to be made up by putting drivers on overtime schedules. This was followed by a snow storm and below average cold temperatures. The combined conditions left some roads temporarily closed or impassible and slowed the rate at which the trucks could cover their territories. The result is an accumulation of refuse on the streets and in snowbanks as local pickup was delayed, as well as runs to transfer stations. When garbage is left on the streets it is prone to being strewed by domestic and wild animals, and if prolonged, a traffic hazard and a hazard to public health. There is a cascading effect and an economic impact due to trucks having to return to the same locations more than once.

Because of the aforementioned unusual and severe weather compounded by excess holiday volumes, additional time is needed by the solid waste industry to safely transport and dispose of residential solid waste from households. Currently, the industry has waste in trucks that are parked and cannot move which will create health, safety and sanitation issues creating serious local board of health concerns. Additionally the inability to respond to this situation will severely hamper the ability to safely dispose of solid waste into next week. Stranded vehicles containing solid waste create serious public health and safety Issues.

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 and to ensure uninterrupted collection of refuse and shipment of refuse to landfills and recycling centers.

As a result of these 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 Safety Regulations adopted pursuant to RSA 266:72-a, for motor carriers providing pickup and delivery of garbage and refuse from homes and businesses and delivery to landfills and recycling centers while operating within the State of New Hampshire.
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 or a suspension or revocation of a New Hampshire State Certificate or Permit as a motor carrier of passengers or property 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. Consistent with Title 49 CFR Part 390.23, the Emergency Declaration will remain in effect **through January 19, 2018 at midnight.**
6. Drivers who utilize this exemption may come back into compliance and restart the hours of service clock after taking 34 hours off-duty at the end of their extended hours period.

Date: 1/4/2018

Signed,



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