

# 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 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, home heating oil, gasoline, and diesel fuel 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 has created an eight day stoppage in railroad traffic delivering fuel products. This in turn may require drivers to travel to distant destinations in order to obtain fuel products. A shortage of qualified drivers limits industry's abilities to ensure uninterrupted fuel service. Additionally, colder weather and snow is predicted to arrive during the time period of the railroad stoppage. 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 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 home heating oil to homes and businesses within the State of New Hampshire, and delivery of gasoline and diesel fuel to filling stations.
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. 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 January 3, 2019 at midnight.**
7. 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: 12/21/2018

Signed,

A handwritten signature in blue ink, appearing to read 'Richard C. Bailey, Jr.', is written over the word 'Signed,'.

Richard C. Bailey, Jr.  
Assistant Commissioner  
New Hampshire Department of Safety