

2. At 8:00.am. on February 9, 2025, Governor Laura Kelly issued a state of disaster emergency proclamation related to winter weather that is forecast to impact Kansas. Delivery of commodities, propane, fuel, power restoration and life saving measures may be impacted. Governor Kelly's declaration covers all counties in Kansas and suspends the provisions of any statutes, order or rule and regulation would prevent, hinder, or delay in any way necessary action in coping with the disaster as set forth in K.S.A. 48-925(c)(1).

3. Under these circumstances, the Commission, pursuant to K.S.A. 77-536(a), will exercise its powers to protect the public from immediate danger to health, safety, and welfare. K.S.A. 77-536(a) provides State agencies with the authority to act when there is “an immediate danger to the public health, safety or welfare requiring immediate state agency action.” Pursuant to K.S.A. 77-536(a), the Commission is providing relief to all intrastate and interstate motor carriers, pursuant to 49 CFR 390.23 (b)(1) of the Federal Motor Carrier Safety Administration (FMCSA) Regulations. This relief includes: (1) a 14-day waiver of 49 CFR 395.3 and 395.5 to carriers providing direct assistance during the emergency that has been declared by Governor Kelly; and (2) a 30-day waiver of Parts 390 through 399 to a motor carrier or driver operating a commercial motor vehicle to provide residential heating fuel in the geographic area designated in an emergency declaration issued by the Governor of a State.

THEREFORE, THE COMMISSION ORDERS:

A. To protect the motor carriers assisting in relief efforts, there will be a 14-day waiver of 49 CFR 395.3 and 395.5 to carriers providing direct assistance during the state of emergency declared by Governor Kelly.

B. To protect the motor carriers assisting in relief efforts, there will be a 30-day waiver of Parts 390 through 399 to a motor carrier or driver operating a commercial motor vehicle to provide residential heating fuel in the geographic area designated in an emergency declaration issued by the Governor of a State.

C. All other applicable state and federal regulations shall apply to include but not limited to: Title 49C.F.R. Part 382 as adopted by K.A.R.82 4-3c, Controlled Substances and Alcohol Use and Testing; the Kansas Motor Vehicle Driver’s License Act, K.S.A. 8-234 et seq. and Title 49 C.F.R. Part 383 Commercial Driver’s License Standards as adopted by the Kansas

Uniform Commercial Drivers' License Act, K.S.A. 8-2,125 et. seq., the federal Minimum Levels of Financial Responsibility (insurance requirements) Title 49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n and state insurance requirements as provided in K.A.R. 82-4-23, and the regulations governing transportation of hazardous materials in Kansas in 49 C.F.R. Part 107, 171, 172, 173, 177, 178 and 180 as adopted by K.A.R. 82-4-20.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 02/10/2025



Abigail D. Emery
Acting Secretary to the Commission

BGF

CERTIFICATE OF SERVICE

25-TRAM-269-MIS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

electronic service on 02/10/2025.

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/S/ KCC Docket Room
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