

# State of New Hampshire



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## 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 declares that an emergency exists pertaining to the delivery of propane, heating oil, fuel oil, and natural gas to residential and business establishments within the State of New Hampshire.

The emergency exemption is issued in connection with anticipated emergency conditions as a result of an expected blizzard throughout the State of New Hampshire, beginning January 26, 2015, followed by a period of extremely cold temperatures. The State of New Hampshire is expecting prolonged electrical power outages that will result in the widespread use of propane powered generators to power houses and businesses and cause significant propane and natural gas delivery delays through the State of New Hampshire. 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 395.3 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. The relief also applies to motor carriers engaged in the transportation of such products from terminal locations to local propane and natural gas fuel 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 7, 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: 01/26/2015



John J. Barthelmes  
Commissioner  
New Hampshire Department of Safety