

## DECLARATION OF EMERGENCY NOTICE (Title 49 CFR 390.23)

### ***Transportation of Home Heating Fuels***

Pursuant to 49 CFR Section 390.23 and Vermont Title 5 VSA 2101, the Vermont Department of Motor Vehicles declares that an emergency exists pertaining to the delivery of home heating fuels (fuel oil, propane) within the State of Vermont.

The emergency exemption is issued in connection with emergency conditions due to extended periods of extremely cold temperatures and continuous snow fall events which have resulted in hazardous driving conditions and extra demands on home heating fuel supplies. It is deemed that a declaration of emergency is required to ensure the continuation of these essential services 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 Title 23 VSA 2101, for motor carriers providing delivery of home heating fuels to customers in Vermont. The relief applies to motor carriers engaged in the transportation of home heating fuels from bulk terminal locations and local delivery operations.
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, the **Emergency Declaration is effective immediately and will expire on February 19, 2015 at midnight.**
7. Upon termination of direct assistance to this emergency relief effort, no motor carrier shall permit or require any driver used by it to drive nor shall any such driver drive in commerce until the driver has met the requirements of §§ 395.3(a), (b) and (c) of this chapter.

Issued at 1:30 P.M. on February 4, 2015.

Signed,  


Robert Ide, Commissioner  
Vermont Department of Motor Vehicles