



Matthew G. Bevin
Governor

COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
Frankfort, Kentucky 40622
www.transportation.ky.gov/

Greg Thomas
Secretary

COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
FRANKFORT, KY

OFFICE OF THE SECRETARY

OFFICIAL ORDER NO. 110950

SUBJECT: DECLARATION OF EMERGENCY FOR TRANSPORT OF PETROLEUM AS
A RESULT OF HURRICANE HARVEY

WHEREAS, Texas and Louisiana have suffered, and will continue to suffer, considerable damage from storm winds and flooding due to Hurricane Harvey; and

WHEREAS, there are significant oil refineries located in the storm effected areas of Port Arthur, Galveston Bay, Corpus Christi and Lake Charles that are currently out of service and will likely not regain full production capacity for a considerable amount of time; and

WHEREAS, this situation has resulted in distribution, delivery and staffing problems for petroleum and its transport to and within the Commonwealth of Kentucky; and

WHEREAS, 49 CFR, Part 395, KRS 281.730, 601 KAR 1:005 impose maximum driving time upon drivers of motor carriers; and

WHEREAS, this the Declaration of Emergency will facilitate the granting of a waiver from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, pursuant to 49 C.F.R. Section 390.23, to allow for relief from 49 C.F.R. Sections 390 through 399 and subject to the limitations below, and

WHEREAS, motor carriers that have an Out-Of-Service Order in effect may not take advantage of the relief from regulation that this declaration provides under 49 C.F.R. Section 390.23 as this relates only to the transportation of petroleum and petroleum products; and

NOW, THEREFORE, pursuant to the authority vested in me by virtue of KRS 281.730, 49 CFR 390.23, I hereby declare:


1. That a state of emergency exists requiring relief from the hours of service imposed upon the transporters of petroleum and petroleum products;



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2. That a commercial motor vehicle and its operator transporting petroleum and petroleum products shall be exempt from the hours of service imposed under 49 CFR, Part 395, KRS 281.730, 601 KAR 1:005, during the period of this emergency.
3. That all other safety requirements shall remain in full force and effect;
4. That any driver operating under authority of this Declaration of Emergency shall have a copy of this Declaration in the cab of the vehicle;
5. This Declaration of Emergency shall remain in effect until 12:01 AM E.D.T., September 30, 2017.

This Order is effective August 31, 2017.



Greg Thomas, Secretary
Kentucky Transportation Cabinet

Done this 31st day of August, 2017 at Frankfort, Kentucky

Approved as to form and legality:



Office of Legal Services