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 as the designated representative of the Governor of New Hampshire declares that an emergency exists pertaining to the delivery of gasoline, kerosene, diesel fuel and natural gas to business establishments within the State of New Hampshire.

An emergency exemption is hereby issued in connection with emergency conditions caused by an unanticipated lengthy stretch of heavy snow, blizzard conditions and below zero and sub-zero temperatures and wind chill equivalents that has continued almost unabated throughout the State of New Hampshire. Increased gas consumption as a result of school and college vacation schedules and lower gasoline prices have resulted in additional travel and an increased demand for gasoline. The typical busy gasoline filling station depletes its supply every 3 days under normal conditions. Without an exemption gasoline and diesel haulers will be unable to keep some stations throughout the state supplied and this will impact the ability to keep retail outlets stocked with perishable foodstuffs.

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 all of the Motor Carrier Regulations contained in 49 CFR parts 390 - 397 adopted pursuant to RSA 266:72-a, for motor carriers providing delivery of diesel fuel, kerosene and gasoline to filling stations and government fleet

stations. The relief also applies to motor carriers engaged in the transportation of such products from terminal locations to local petroleum products 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 March 8, 2015 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.

Signed, Date: 2/6/2015

John J. Barthelmes
Commissioner
New Hampshire Department of Safety
Designee of the Governor of New Hampshire