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**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

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

Pursuant to 49 CFR § 390.23, and by the authority of Chapter 639 Acts of 1950, as amended, I, Governor Charles D. Baker, declare that an emergency exists pertaining to the intrastate transportation of propane gas, oil, natural gas and gasoline to customers in the Commonwealth of Massachusetts.

This emergency exemption is issued as a result of a severe winter storm with substantial snowfall and prolonged cold temperatures that have caused fuel delivery delays in substantial areas throughout the Commonwealth. Issues with delivery access and hampered driving due to weather conditions have compounded the delivery backlog of propane and heating oil deliveries. This emergency declaration provides regulatory relief for commercial motor vehicles operations while providing direct assistance supporting the delivery of propane gas, oil, natural gas and gasoline into the affected areas and consumers during the emergency. Direct assistance terminates when a driver or commercial vehicle is used to transport cargo or provide services not directly supporting the emergency relief effort.

This emergency exemption is effective beginning January 28, 2015 and will remain in effect for the duration of the emergency or until 11:59 P.M., EST, February 7, 2015, whichever is less.

The following is ordered:

1. An emergency exists that requires relief from regulations adopted in Massachusetts and Federal Statutes and Regulations pertaining to hours of service of motor carriers and drivers of commercial motor vehicles, while transporting and delivering fuels necessary for the continued heating of homes and businesses and the continued delivery of inventory to gasoline stations. (49 CFR Part 395).
2. Nothing contained in this declaration shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing requirements (49 CFR Part 382), the Commercial Drivers License requirements (49 CFR Part 383), the Financial Responsibility requirements (49 CFR Part 387), applicable Size and Weight requirements, or any other portion of the regulation not specifically authorized pursuant to 49 CFR Section 390.23..
3. No motor carrier operating under the terms of this agreement 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 allowed to return to service.

4. Motor carriers or drivers 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.
5. Drivers for motor carriers that operate under this Declaration of Emergency Notice must have a copy of it in their possession.
6. Consistent with Title 49 CFR § 390.23, the emergency notice will remain in effect through February 7, 2015, 11:59 p.m. EST or sooner if terminated by the Governor.



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Charles D. Baker  
Governor

DATE: January 27, 2015