



Oregon

Kate Brown, Governor

Department of Transportation

Motor Carrier Transportation Division

3930 Fairview Industrial Dr. SE

Salem, OR 97302-1166

www.oregon.gov/ODOT/MCT/

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FILE CODE:

To Whom It May Concern,

A state of emergency has been declared by Governor Brown for the State of Oregon. Severe winter weather and freezing temperatures have taken a toll on Oregon. Federal Motor Carrier Regulations found in 49 CFR 390.23 state that when an emergency is declared by the Governor parts 390-399 shall not apply to any motor carrier or driver operating a commercial motor vehicle to provide emergency relief during an emergency. This exemption shall not exceed the duration of the motor carrier's or driver's direct assistance in providing relief, or 30 days from the date of the initial declaration of the emergency.

To assist with the interpretation of this exemption the following example is provided: Response to normal electrical outages and repairs is not exempt. In the event there are significant outages related to an event that warrants the declaration of an emergency the operations to restore the outage are exempt.

Additional clarifications can be found at the following link:

<https://www.fmcsa.dot.gov/regulations/title49/section/390.23>

Based on this, our interpretation is that we have a severe weather event with freezing temperatures. This will likely result in increased demand on those resources used to provide heat. Providing heat is in the interest of public safety. If responding to someone who needs propane to maintain the ability to heat their home then your drivers are responding to the emergency. Additionally, drivers who transport to distributors contribute to the efficient flow of propane to the public and would also be considered responding to the emergency. However, if the transport of propane is part of a normal scheduled delivery it is not exempt. Drivers and company officials will need to make this determination based on their operations and this guidance. You are not required to carry a copy of this letter but it is recommended you provide it to your drivers to assist them with roadside enforcement. A copy of this letter will be shared with law enforcement.

Amy Ramsdell, Administrator
Motor Carrier Transportation Division