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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 Section 390.23, I, Governor Charles D. Baker, declare that an ongoing emergency exists pertaining to the intrastate delivery of essential supplies, more specifically propane gas and heating oil to customers in the Commonwealth of Massachusetts.

This emergency exemption is issued as a result of past and forecasted continuing cold temperatures that have caused an increased demand for fuel throughout the Commonwealth. This emergency declaration provides regulatory relief for commercial motor vehicles operation while providing direct assistance supporting the delivery of propane gas and heating oil into the affected areas and consumers, including businesses, during the emergency.

This emergency exemption is effective from 12:00 A.M., EST, January 29, 2018 and will remain in effect until 11:59 P.M., EST, February 11, 2018, unless rescinded sooner by appropriate order.

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 (i) fuels necessary for the continued heating of homes, businesses and other structures, and (ii) any necessary fuels to electric generating facilities. (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 **may not** take advantage of the relief from regulations that this declaration provides under Title 49 CFR Section 390.23.
5. The relief from regulations provided by this declaration may not be relied upon when a driver or commercial vehicle is used to transport cargo or provide services not directly supporting the emergency relief effort.
6. Drivers for motor carriers that operate under this Declaration of Emergency Notice must have a copy of it in their possession.
7. Consistent with Title 49 CFR Section 390.23, this emergency notice will remain in effect through February 11, 2018, 11:59 p.m. EST or sooner if terminated by the Governor.



Charles D. Baker
Governor

DATE: January 28, 2018

11:05 AM/PM