



**State of West Virginia
Emergency Management Division**

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G.E. McCabe
Director

Matt Blackwood
Deputy Director

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On January 18, 2024, pursuant to the Constitution of the State of West Virginia and West Virginia Code § 15-5-6, Governor Jim Justice issued a proclamation declaring that a State of Emergency exists in the State of West Virginia due to developing weather patterns that suggest a significant winter storm event.

Pursuant to the State of Emergency, certain administrative powers have been delegated to the Director of the Emergency Management Division to facilitate the provision of essential emergency services.

Wherefore, pursuant to Title 49, Code of Federal Regulations (CFR), part 390.23, Director G.E. McCabe, Director of the West Virginia Emergency Management Division, has declared that a local emergency exists which justifies certain exemptions from Parts 390 through 399 of Title 49.

Declaration of this emergency provides relief from Title 49, CFR, Part 395.3 of the Federal Motor Carrier Safety Regulations (Hours of Service for Drivers) for motor carriers in West Virginia providing direct assistance to the winter storm emergency in the State of West Virginia. This includes, but is not limited to, fuel, propane, groceries, and other essential products.

Nothing contained herein shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing Requirements of Title 49, CFR, Parts 40 and 382; Commercial License requirements of Title 49, CFR, Part 383; the Financial Responsibility requirements in Title 49, CFR, Part 387; the Hazardous Material Transportation Regulations of Title 49, CFR, Parts 107, 171, 173, 177, 178, and 180; or the applicable size, weight, or traffic safety regulations in the State of West Virginia. Further, drivers are expected to use good judgment and not operate vehicles with fatigued or ill drivers, or under any conditions presenting a clear hazard to other motorists using the highways.

This exemption will take effect immediately and will remain in effect for the duration of the emergency as defined in Title 49, CFR, Part 390.5, or ending at 11:59 p.m. on February 17, 2024, whichever is less.

G.E. McCabe
Director, West Virginia Emergency Management Division