

# State of New Hampshire



JOHN J. BARTHELMES  
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## DEPARTMENT OF SAFETY

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## 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 declares that an emergency exists pertaining to the loss of services including fuel deliveries as well as utility and highway infrastructure within the State of New Hampshire.

The emergency exemption is issued in support of restoration of services associated with weather damages from hurricane/tropical storm Irene at locations throughout NH and in support of services going to relief efforts in the State of Vermont. This notice is **effective beginning at 3:00 pm Tuesday September 27, 2011**. 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. Any motor carrier or driver providing direct assistance in emergency relief may utilize the provisions of 49 CFR 390.23(a).
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, this exemption shall not exceed the length of the motor carrier's or driver's direct assistance in providing emergency relief. the Emergency Declaration will remain in effect **through October 27, 2011.**
7. Driver who utilize this exemption may come back into compliance and restart the hours of service clock after taking 24 hours off-duty at the end of their extended hours period.

Signed,

Date: 09-27-2011

A handwritten signature in black ink that reads "J. Barthelmes". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

John J. Barthelmes  
Commissioner  
New Hampshire Department of Safety

