State of New Hampshire

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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 a state emergency exists pertaining to the delivery of propane, natural gas, fuel oil, gasoline and foodstuffs and the repair of utility outages within the State of New Hampshire.

The emergency exemption is issued in support of restoration of services associated with weather damages from the October 2012 windstorm and coastal and road flooding both in New Hampshire and in other coastal states that are the source cities for such deliveries, a situation that is expected to delay deliveries of needed products and services to New Hampshire state and local government, homes and businesses and given the current length of supply chain and in-state stocks of these products so vital to the citizens and businesses in the state, 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) for motor carriers providing delivery of propane and natural gas to homes and businesses within the State of New Hampshire, delivery of gasoline to filling stations, delivery of foodstuffs and medicines to grocery and drugstores, and vital work by local utility crews and utility crews dispatched to New Hampshire from other states and from Canadian provinces.

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 midnight, November 2, 2012**, unless extended.

Signed, Date: 10-29-2012

J Barthelmes

John J. Barthelmes
Commissioner
New Hampshire Department of Safety