Summary: Emergency Declaration **_09-13_**

Effective **__November 13, 2009 at 09:01 a.m. Central Time____** through **_____November 25, 2009 at 12:00 p.m. Central Time____**

In response to unprecedented demand for propane to facilitate the drying of grain in the States of Missouri, Iowa, Illinois and Minnesota, which has slowed product delivery through pipelines, resulting in wait times at several Missouri terminals of eight or more hours, the Missouri Department of Transportation issues an emergency declaration to waive certain state and federal regulations for propane carriers who participate in emergency relief efforts for these states, only.

While this declaration is in effect, participating carriers:

- Are not required to abide by Hours-of-Service laws.
- May benefit from the waiver while under load and when returning either empty or with loads directly related to the emergency.
- Carriers must abide by all state and federal motor carrier safety rules and regulations which are not specifically exempted in the following emergency declaration.
- **Must carry a copy of this declaration in each vehicle that operates in response to relief efforts.**

NONE of the emergency provisions apply to carriers who are not directly involved in emergency relief efforts.

Carriers must read and understand the attached emergency declaration. In the event this note contradicts any information in the declaration, the declaration language shall rule.

EMERGENCY DECLARATION
09-13

WHEREAS, in response to unprecedented demand for propane to facilitate grain drying in the States of Missouri, Iowa, Illinois and Minnesota, which has slowed product delivery through pipelines, resulting in wait times at several Missouri terminals of eight or more hours; and

WHEREAS, weather conditions in the States of Missouri, Iowa, Illinois and Minnesota delayed row crop harvest and resulted in higher than normal moisture measurements in the commodities, requiring a substantial amount of propane for drying crops, a massive public and private response is required to provide immediate, emergency assistance and continuing emergency relief to individual persons and businesses in need of propane transportation;

WHEREAS, Executive Order 07-01 issued January 2, 2007, and extended by Executive Order 08-40 on December 17, 2008, authorizes the Director of the Missouri Department of Transportation (hereinafter, MoDOT), or the Director's designee, to issue Emergency Declarations for the limited purpose of temporarily suspending certain usual and necessary federal and state laws, regulations and administrative rules for commercial motor vehicles and drivers while they are transporting property to assist in the emergency relief efforts during the emergency; and

WHEREAS, Pete K. Rahn, MoDOT Director, issued a Memorandum on January 5, 2009, delegating the authority to Jan Skouby, MoDOT Motor Carrier Services Director, to issue such Emergency Declarations for the limited purpose of suspending certain federal and state laws, regulations and administrative rules for commercial motor vehicle and drivers while they are transporting property to assist in the emergency relief efforts during the emergency; and

NOW THEREFORE, I, JAN SKOUBY, MOTOR CARRIER SERVICES DIRECTOR FOR MODOT, by virtue of the authority delegated to me by Director Rahn under Executive Order 07-01 and Executive Order 08-40, hereby declare that I acknowledge the existence of a state of emergency in the States of Missouri, Iowa, Illinois and Minnesota, as a result of the severe demand for propane described above; and

WHEREAS, the safety and welfare of the citizens of the aforementioned States require that operators of commercial motor vehicles upon the public highways within Missouri who are rendering assistance to the emergency efforts within the affected States should be allowed more rapid and efficient travel to meet this emergency need for transportation of property; and

WHEREAS, this requirement for more rapid and efficient transportation would be facilitated by the temporary suspension of the driver's hours of service regulations, while drivers are transporting property to assist in the relief efforts in the State of Missouri; and

WHEREAS, authorized personnel of the Missouri Department of Transportation, and Missouri State Highway Patrol officers and employees within the Missouri Department of Public Safety, who generally are authorized to enforce the provisions of Part 395 of Title 49, Code of Federal Regulations, as provided by the Revised Statutes of Missouri, shall recognize this temporary suspension of the driver's hours of service regulations during the duration of these emergency conditions, both while providing assistance to the emergency relief efforts during the emergency, and while returning empty to the motor carrier's terminal or driver's normal work reporting location; and

FURTHER, I direct that this Emergency Declaration shall become effective at 9:01 a.m. on Friday, November 13, 2009, and shall continue in effect until 12:00 p.m. on Wednesday, November 25, 2009, unless extended in whole or in part by a subsequent emergency declaration.

Executed this 13th day of November 2009.

Jan Skouby, Director
Motor Carrier Services Division
Missouri Department of Transportation
Jefferson City, Missouri