

## Emergency Declaration 09-12 Summary

Effective **November 4, 2009 at 12:01 p.m. Central Time** through **December 1, 2009 at 12:01 a.m. Central Time**.

In response to unseasonably heavy rainfall throughout Missouri, the Missouri Department of Transportation has issued an emergency declaration to waive certain state and federal regulations for farmers and for private and for-hire motor carriers assisting Missouri farmers who must now rush to harvest row crops and transport commodities to storage facilities.

While this declaration is in effect, participating motor carriers:

- Will be limited to:
  - A loaded, gross weight no greater than ten percent (10%) above the gross licensed weight of the commercial motor vehicle;
  - Transport of row crop commodities from the farm to a storage facility, transportation from a storage facility to another storage facility or end user facility and empty return trips all within the State of Missouri.
  - When crossing a bridge, the driver must restrict the vehicle speed to no more than forty-five miles per hour (45 mph) and must center the truck between two lanes of the bridge.
  - Travel on highways **other** than Missouri interstate highways – **NO TRAVEL ON MISSOURI INTERSTATE HIGHWAYS**.
  
- Are not required to abide by Hours-of-Service laws.
  
- May benefit from the waiver while under load and when returning empty.
  
- **Must carry a copy of this declaration in each vehicle that operates in response to relief efforts.**

Farmers may carry either Emergency Declaration 09-11 or 09-12. Motor carriers must carry a copy of Emergency Declaration 09-12.

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**  
**09-12**

WHEREAS, In response to unseasonably heavy rainfall throughout Missouri, Missouri farmers must rush to harvest row crops and transport commodities to storage facilities to avoid economic devastation; and

WHEREAS, these extreme weather conditions and the resulting delay in the harvest and transfer of row crop commodities to storage facilities require and will continue to require a massive public and private response to provide immediate, emergency assistance and continuing emergency relief to individual persons and businesses in need of transportation for row crop commodities, which are at risk of ruin, threatens to overload the available transportation systems to, from, and within the state of Missouri;

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 State of Missouri, as a result of the severe weather conditions described above; and

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

WHEREAS, a farmer is defined by the Federal Motor Carrier Safety Regulations as any person who operates a farm or is directly involved in the cultivation of land, crops or livestock which:

- (a) are owned by that person; or
- (b) are under the direct control of that person; 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 farm motor carrier's terminal or driver's normal work reporting location; and

FURTHER, I direct the waiver of vehicle weight restrictions for farm motor carriers engaged in intrastate transportation within the State of Missouri in support of disaster relief efforts identified in this Emergency Declaration, subject to the following requirements:

The farm motor carrier will be limited to:

A loaded, gross weight no greater than ten percent above the vehicle license weight of the commercial motor vehicle;

Transport of row crop commodities from the farm to a storage facility, transportation from a storage facility to another storage facility or end user facility and empty return trips all within the State of Missouri;

When crossing a bridge, the driver must restrict the vehicle speed to no more than forty-five miles per hour (45 mph) and must center the truck between two lanes of the bridge;

Travel on highways other than Missouri interstate highways; and

FURTHER, I direct that this Emergency Declaration shall become effective at 12:01 p.m. on Wednesday, November 4, 2009, and shall continue in effect until 12:01 a.m. on Tuesday, December 1, 2009, unless extended in whole or in part by a subsequent emergency declaration.

Executed this 4 day of November 2009.

A handwritten signature in cursive script that reads "Jan Skouby".

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