

**STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, NEW YORK 12232**

At the Office of the Department of
Transportation in the City of Albany
on February 8, 2013

PRESENT:

Clifford A. Thomas, Acting Director
Office of Modal Safety and Security

CASE 27647 - In the matter of motor carrier compliance with regulations pertaining to the safe operations of commercial motor vehicles by motor carriers and drivers, pursuant to 17 NYCRR 820.0 – 820.14.

GOVERNOR’S EMERGENCY DECLARATION

Effective February 8, 2013, Governor Andrew M. Cuomo declared a state of emergency as a major winter storm has brought heavy snow and high winds to parts of New York State. A state of emergency mobilizes resources to local governments that otherwise are restricted to state use only and allows the Governor to suspend laws and regulations that would impede rapid response. The disaster declaration is in effect for the following counties: Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk and Westchester.

It has been determined that action is necessary to address this emergency situation which could result in a threat to public health and safety and that certain rules should be temporarily suspended in order to ensure adequate delivery of emergency relief to Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk and Westchester Counties. Therefore, it is

ORDERED:

The following motor carrier and driver safety regulations are hereby suspended.

- (1) Title 17 NYCRR 820.0 – 820.14 which adopts Title 49 CFR Parts 390 – 399 shall not apply to motor carriers or drivers of commercial motor vehicles providing emergency relief during the emergency to or in the aforementioned counties, for the duration of the motor carrier’s or drivers direct assistance in providing emergency relief, or up to 30 days from the date of the initial declaration.
- (2) That no motor carrier operating under the terms of this order shall require or allow a fatigue or ill driver to operate a commercial motor vehicle. A driver who informs a motor carrier that he or she is not fit to drive shall be given a minimum of 10 consecutive off-duty hours before the driver may return to service.

- (3) That all regulations pertaining to Commercial Driver License requirements, Controlled Substances and Alcohol Use and Testing requirements and Financial Responsibility requirements remain in force and effect for all motor carriers and drivers.
- (4) That motor carriers that have an Out-of-Service Order in effect, or a suspension or revocation of a New York State Certificate or Permit as a motor carrier of passenger or property, are not eligible to take advantage of the relief from the regulation that this order provides.

By the Office of Modal Safety and Security

A handwritten signature in black ink, appearing to read "Clifford Thomas", written in a cursive style.

Clifford Thomas, Acting Director