

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY



MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY

400 Worcester Road Framingham, MA 01702-5399

Tel: 508-820-2000 Fax: 508-820-2030

Website: [www.mass.gov/mema](http://www.mass.gov/mema)

Deval L. Patrick  
Governor

Kurt N. Schwartz  
Director

Timothy P. Murray  
Lieutenant Governor

Andrea J. Cabral  
Secretary

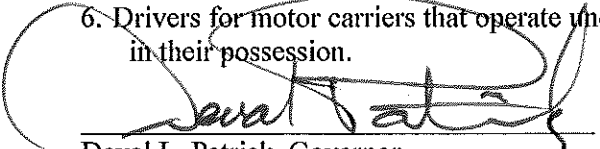
DECLARATION OF EMERGENCY NOTICE  
(Title 49 CFR Part 390.23)

Pursuant to 49 CFR §390.23, and by the authority of Chapter 639 Acts of 1950, I, Governor Deval L. Patrick, declare that an emergency exists pertaining to the intrastate transportation of gasoline, diesel fuel, propane gas and heating oil to customers in the Commonwealth of Massachusetts.

This emergency exemption is issued in connection with anticipated emergency conditions from Winter Storm Nemo. This emergency exemption relieves motor carriers from compliance with the Maximum Driving Time Regulations contained in 49 CFR §395.3, only while providing direct assistance through the delivery of gasoline, diesel fuel, heating oil and propane in connection with the emergency. This emergency exemption is effective beginning February 9, 2013, 11:59 p.m. EST and will remain in effect for 7 days.

The following is ordered:

1. An emergency exists that requires relief from regulations adopted in Massachusetts and Federal Statutes and Regulations pertaining to hours of service of motor carriers and drivers of commercial motor vehicles, while transporting and delivering fuels necessary for the continued heating of homes and businesses. (49 CFR Part 395).
2. Nothing contained in this declaration shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing requirements (49 CFR 382), the Commercial Drivers License requirements (49 CFR 383), the Financial Responsibility requirements (49 CFR 387), applicable Size and Weight requirements, or any other portion of the regulation not specifically identified.
3. No motor carrier operating under the terms of this agreement 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.
4. 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.
5. Consistent with Title 49 CFR Part 390.23, the emergency notice will remain in effect until February 16, 2013, 11:59 p.m. EST, or until sooner terminated.
6. Drivers for motor carriers that operate under this Declaration of Emergency Notice must have a copy of it in their possession.

  
Deval L. Patrick, Governor

DATE: February 8<sup>th</sup>, 2013

Region I  
P.O. Box 116  
365 East Street  
Tewksbury, MA 01876  
Tel: 978-328-1500 Fax: 978-851-8218

Region II  
P.O. Box 54  
12-I Rear Administration Road  
Bridgewater, MA 02324-0054  
Tel: 508-427-0400 Fax: 508-697-8869

Region III / IV  
1002 Suffield Street  
Agawam, MA 01001  
Tel: 413-750-1400 Fax: 413-821-1599