

**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 November 19, 2014

PRESENT:

William B. Leonard, 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 ~ No. 137

Effective November 18, 2014, Governor Andrew M. Cuomo declared a state of emergency as strong lake effect snow storms began to impact New York State and continue to pose an imminent danger to vital public transportation, utility service and public health and public safety systems to major portions of New York State. These storms produced blizzard-like conditions, snowfall amounts of more than three feet, with some areas receiving more than six feet of snow, and dangerously cold temperatures, and these conditions may cause widespread power outages and roadway closures, damage to homes and businesses and public and private property, and will continue to pose a threat to the public health and safety. The disaster declaration is in effect for the following counties: Cattaraugus, Chautauqua, Erie, Franklin, Genesee, Herkimer, Jefferson, Lewis, Oswego, Wyoming and contiguous counties which are Allegany, Clinton, Essex, Fulton, Hamilton, Livingston, Monroe, Montgomery, Niagara, Oneida, Onondaga, Orleans, Otsego, St. Lawrence, Steuben and Wayne Counties effective at the beginning of November 18, 2014 and terminating at the end of December 17, 2014 unless otherwise ordered:.

It has been determined that immediate 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 the counties of Cattaraugus, Chautauqua, Erie, Franklin, Genesee, Herkimer, Jefferson, Lewis, Oswego, Wyoming and contiguous counties which are Allegany, Clinton, Essex, Fulton, Hamilton, Livingston, Monroe, Montgomery, Niagara, Oneida, Onondaga, Orleans, Otsego, St. Lawrence, Steuben and Wayne Counties. Therefore, it is

ORDERED:

The following motor carrier, commercial motor vehicle 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 that reads "William B. Leonard". The signature is written in a cursive style with a large, looping initial "W".

William B. Leonard, Director