



**COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET**

Frankfort, Kentucky 40622
www.transportation.ky.gov/

Matthew G. Bevin
Governor

Greg Thomas
Secretary

OFFICE OF THE SECRETARY

OFFICIAL ORDER NO. 110407

SUBJECT: DECLARATION OF EMERGENCY AND EXEMPTION OF HOURS OF SERVICE REGULATIONS FOR DELIVERY AND TRANSPORT OF GASOLINE AND DIESEL FUEL

WHEREAS, on September 9, 2016, a leak was discovered in Shelby County, Alabama of a Colonial pipeline primarily used for gasoline, causing the pipeline to be shut down; and

WHEREAS, the pipeline shutdown has disrupted the distribution of gasoline for the use of citizens throughout the southeast and has impacted its distribution within the Commonwealth of Kentucky; and

WHEREAS, this shortage has resulted in a heightened transport to the affected areas to lessen the impact upon the health and safety of affected citizens; and

WHEREAS, this situation has resulted in distribution, delivery and staffing problems for gasoline and its transport to the southeast and within the Commonwealth of Kentucky; and

WHEREAS, this the Declaration of Emergency will facilitate the granting of a waiver from the US Department of Transportation, Federal Motor Carrier Safety Administration, pursuant to 49 CFR Section 390.23, to allow relief from 49 CFR Sections 390 through 399 and subject to the limitations below; and,


WHEREAS, motor carriers that have an Out-of-Service Order in effect may not take advantage of the relief from regulation that this declaration provides under 49 CFR 390.23, as this only relates to the transportation of fuel; and

WHEREAS, 49 CFR Part 395, KRS 281.730, 601 KAR 1:005 impose maximum driving fine upon the drivers of motor carriers delivering gasoline and petroleum products;

NOW THEREFORE, pursuant to the authority vested in me by KRS 281.730 and 49 CFR 390.23, I hereby declare:



1. That a state of emergency exists requiring relief from the hours of service imposed upon the transporters of gasoline and diesel fuel;
2. That a commercial motor vehicle and its operator transporting gasoline and diesel fuel shall be exempt from the hours of service imposed under 49 CFR Part 395, 601 KAR 1:005 and KRS 281.730 during the period of this emergency;
3. That all other safety requirements shall remain in full force and effect;
4. That this declaration of emergency shall remain in effect until 12:01 AM EDT, October 5, 2016;
5. That any driver operating under authority of this Declaration of Emergency shall have a copy of this Declaration in the cab of the vehicle.



Greg Thomas, Secretary
Kentucky Transportation Cabinet

Done this 20th day of September, 2016 at Frankfort, Kentucky

Approved as to form and legality:



Office of Legal Services