



## TRANSPORTATION CABINET

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

**Steven L. Beshear**  
Governor

**Joseph W. Prather**  
Secretary

COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET  
FRANKFORT, KY

OFFICE OF THE SECRETARY

OFFICIAL ORDER NO. 104937

**SUBJECT:** DECLARATION OF EMERGENCY AND EXEMPTION OF HOURS OF SERVICE FOR DELIVERY OF PETROLEUM PRODUCTS AND UTILITY SERVICE REPAIRS

WHEREAS, beginning on September 14, 2008, conditions within the Commonwealth of Kentucky resulting from Hurricane(s) Gustav and Ike have created a danger to public health and safety and have threatened public and private property in all parts of the Commonwealth; and

WHEREAS, severe weather has resulted in widespread electrical outages to a significant portion of the Commonwealth, disrupting the delivery of vital services and thus affecting the public health, safety and welfare of its citizens; and

WHEREAS, severe weather has resulted in distribution and delivery problems at petroleum terminals, resulting in excessive delays in the transport of petroleum to the citizens of the Commonwealth; and

WHEREAS, 49 CFR Part 395, KRS 281.730, 601 KAR 1:005 impose maximum driving time upon the drivers of motor carriers delivering petroleum products and the operation of utility service vehicles; and


WHEREAS, KRS 189.270 and 601 KAR 1:018 impose standards and establish procedures for the issuance of permits for overweight and/or overdimensional vehicles.

NOW THEREFORE, pursuant to the authority vested in me by KRS 281.730 and 49 CFR 390.23 and by virtue of the DECLARATION OF EMERGENCY issued by Governor Beshear on September 14, 2008;

1. I hereby declare that conditions exist requiring relief from the hours of service imposed upon the transporters of petroleum products;
2. That conditions exist further requiring relief from the hours of service imposed upon the operators of utility service repair vehicles, such relief to further include a waiver of stopping at all weigh stations for utility service repair vehicles responding to the affected areas from out of state;
3. That commercial motor vehicles and their operators transporting petroleum products and those operators of utility service repair vehicles 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;
4. That commercial vehicles providing relief as set forth herein shall be exempt from permit fees for overweight/overdimensional vehicles, but shall be required to obtain a permit for verification of routes;

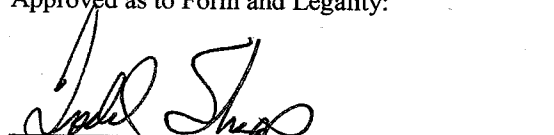


5. That the IRP Registration Requirements for vehicles providing relief services and relief supplies to the affected areas shall be waived;
6. That all other safety requirements shall remain in full force and effect;
7. This declaration of emergency shall remain in effect until 12:01 AM EDT, September 26, 2008, unless extended.

  
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Joseph W. Prather, Secretary  
Kentucky Transportation Cabinet

Done this 15th day of September, 2008 at Frankfort, Kentucky.

Approved as to Form and Legality:

  
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Office of Legal Services