



Arkansas Oil Marketers Association

# Breaking News

September 1, 2017

## **New Expanded Regional Emergency Declaration**

AOMA Members:

Arkansas is included in the attached broader Regional Declaration of Emergency from the FMCSA. Chief Burks, Arkansas Highway Police, interprets the second paragraph of the declaration to include drivers in Arkansas hauling fuel within Arkansas delayed due to supply issues.

*Your drivers should carry a copy of this declaration in the truck.*

### NEW Emergency Declaration

**Here is the email Chief Burks sent to all Arkansas Highway Police Officers this morning:**

All AHP Officers,

Attached you will find the subject regional declaration, issued by the applicable FMCSA Field Administrators, granting emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations, except as restricted, for those commercial motor carriers and drivers transporting fuel products into and from the below listed affected states as a result of Tropical Storm Harvey. Such emergency is in response to anticipated fuel shortages due to refinery delays and interruption of delivery through pipelines as a result of damage from Tropical Storm Harvey.

Affected States and jurisdictions included in this Emergency Declaration are: Alabama, **Arkansas**, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, South Carolina, Virginia, Washington, D.C. and West Virginia.

Nothing contained in the Emergency Declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility (insurance) requirements (49 CFR Part 387), the hazardous material regulations (49 CFR Parts 100-180), applicable size and weight requirements, or any other portion of the regulations not specifically authorized pursuant to 49 CFR § 390.23. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this declaration until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA.

In accordance with 49 CFR § 390.23, this declaration is effective immediately and shall remain in effect for the duration of the emergency (as defined in 49 CFR § 390.5) or until 1:59 P.M.(ET), September 30, 2017, whichever occurs first.

Officers should thoroughly review and familiarize themselves with the attached declaration. Officers should contact their immediate supervisor should they have questions or require clarification.

*Ronnie Burks*

**Chief - Arkansas Highway Police**

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**Federal Motor Carrier  
Safety Administration**

August 31, 2017

**REGIONAL DECLARATION OF EMERGENCY UNDER 49 CFR § 390.23**

In accordance with the provisions of 49 CFR § 390.23, the Field Administrator for the Federal Motor Carrier Safety Administration's (FMCSA) Western Service Center and Regional Field Administrators for FMCSA's Southern Service Center, Eastern Service Center and Midwestern Service Center, hereby declare that an emergency exists that warrants issuance of a Regional Emergency Declaration and an exemption from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs), except as otherwise restricted by this Emergency Declaration. Such emergency is in response to anticipated fuel shortages due to refinery delays and interruption of delivery through pipelines as a result of damage from Tropical Storm Harvey. Affected States and jurisdictions included in this Emergency Declaration are: Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, South Carolina, Virginia, Washington, D.C. and West Virginia.

This Emergency Declaration responds to emergency conditions created as a result of Tropical Storm Harvey, including anticipated fuel shortages in the Affected States and jurisdictions, which will create a need for immediate transportation of fuel products, including gasoline, diesel fuels, kerosene, jet fuel, aviation fuel, aviation gasoline, propane and home heating oil, into and from the Affected States and jurisdictions and provides necessary relief.

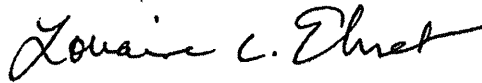
By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency transporting fuel products into and from the above listed Affected States and jurisdictions are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations except as restricted herein, including for any portion of the trip that occurs outside of the Affected States and jurisdictions.

Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services not directly supporting the emergency relief effort. Upon termination of direct assistance to the emergency relief effort, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399.

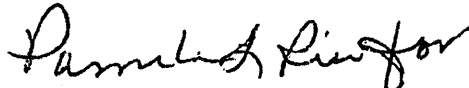
Nothing contained in this Emergency Declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility (insurance) requirements (49 CFR Part 387), the hazardous material regulations (49 CFR Parts 100-180), applicable size and weight requirements, or any other portion of the regulations not specifically authorized pursuant to 49 CFR § 390.23.

Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this declaration until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA.

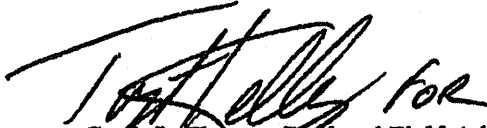
In accordance with 49 CFR § 390.23, this declaration is effective immediately and shall remain in effect for the duration of the emergency (as defined in 49 CFR § 390.5) or until 11:59 P.M. (ET), September 30, 2017, whichever occurs first.




*for*  
Terry D. Wolf, Field Administrator  
Federal Motor Carrier Safety Administration  
Western Service Center



Darrell L. Ruban, Regional Field Administrator  
Federal Motor Carrier Safety Administration  
Southern Service Center



Curtis L. Thomas, Regional Field Administrator  
Federal Motor Carrier Safety Administration  
Eastern Service Center



Darin G. Jones, Regional Field Administrator  
Federal Motor Carrier Safety Administration  
Midwestern Service Center