



Driver Safety Regulation Waiver Request Form (49 CFR Parts 390-399)

Instructions

Applicants must complete and submit the following information via e-mail to Jeff Blend at jblend@mt.gov and DEQEnergyEmergency@mt.gov.

Applicant Information

Organization Name: _____

Mailing Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

Authorized Rep. Name: _____ Title: _____

Email: _____ Phone: _____

Alternate Rep. Name: _____ Title: _____

Email: _____ Phone: _____

Description of the Situation

1. Describe the energy-related condition that is prompting you to request a waiver of the Hours of Service Regulations. If there is more than one factor, please describe each.

2. Does a fuel supply constraint currently exist or is it expected to exist in the near term? Please describe the constraint to the best of your knowledge.

3. If you are going further for product supplies, please indicate where and how much farther drivers are travelling beyond the usual distance.

4. Please describe how fuel supplies have been impacted under this condition, including your ability to deliver product.

5. How long do you expect the adverse conditions will affect your ability to deliver fuels?

6. Do you anticipate any significant impacts to human health, safety, or public welfare from these adverse conditions? If so, what impacts do you anticipate?

7. What are the alternatives to an Hours of Service Regulation waiver? What have you done to pursue those alternatives and avoid a waiver, or explain why the alternatives are not feasible at this time.

8. Do you know of other companies in-state experiencing similar issues? If so, please provide names and contact information.

9. Please describe the geographic scope of the situation to the best of your knowledge. Do you know of other parts of the state that are experiencing these problems? Do you know of other states/regions that are experiencing these problems?

Application Acknowledgement

Authorized Rep. Name: _____ Title: _____

Authorized Rep. Signature: _____ Date: _____

Notes:

Certain Federal Motor Carrier Safety Regulations (FMCSR) allow temporary emergency relief from the safety regulations of a motor carrier or driver operating a commercial motor vehicle (CMV) to provide direct emergency assistance during an emergency declared by a Governor or other authorized official.

A declaration of emergency by the Governor (or other authorized official) provides the temporary exemption to any motor carrier providing relief to a state (or affected area of a state) regardless of where the motor carrier's starting point. This means truck drivers passing through one or more states to service the needs of another state where an emergency or disaster has been declared are covered by the regulatory relief if they are hauling supplies needed in the recovery effort. In the event of a fuel shortage this could include any refined petroleum products, and any biofuels including biodiesel and ethanol. The only requirement is that the motor carrier be providing direct emergency assistance to the area in which an emergency has been declared.

FMCSA does not require motor carriers to have paperwork documenting their involvement in the emergency relief effort while the declaration is in effect. However, FMCSA recommends that motor carriers have documents to show to enforcement officials in the event the vehicle is stopped prior to reaching the scene of the emergency. The documents may also be needed to enter the emergency area.

Drivers should have a manifest with them that clearly shows a destination for delivery of essential service or commodity in the state declaring the emergency. When the emergency declaration ends or no longer provides direct support, drivers must resume their compliance with all safety regulations.

49 CFR § 390.23(b): "Upon termination of direct assistance to the regional or local emergency relief effort, the motor carrier or driver is subject to the requirements of parts 390 through 399 of this chapter, with the following exception: A driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with parts 390 through 399 of this chapter. However, a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least 10 consecutive hours off duty before the driver is required to return to such terminal or location. Having returned to the terminal or other location, the driver must be relieved of all duty and responsibilities. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo not destined for the emergency relief effort, or when the motor carrier dispatches such driver or commercial motor vehicle to another location to begin operations in commerce."

For more information, contact the nearest FMCSA field office. Contact information is available online: <https://www.fmcsa.dot.gov/mission/field-offices>.