

STATE *of* NEBRASKA

OFFICE OF THE GOVERNOR

LINCOLN

EXECUTIVE ORDER No. 17-07

Hours of Service

WHEREAS, commercial motor vehicles and motor carriers are engaged in the business of transporting equipment, materials, and storm debris in conjunction with response and recovery efforts in the State of Nebraska due to a State of Emergency declared June 20, 2017 as a result of severe weather events beginning June 12, 2017 and ongoing; and

WHEREAS, the effective and efficient transportation of equipment, materials, and supplies are consistent with emergency management strategies to provide aid, comfort, and security necessary for the restoration of order and safety to local governmental jurisdictions in the State of Nebraska; and

WHEREAS, federal motor carrier safety regulations determine the number of hours the drivers of commercial motor vehicles which deliver equipment, materials, and storm debris may operate; and

WHEREAS, these conditions threaten essential public health and safety services and endanger public property if response and recovery operations are disrupted due to interruptions of commercial motor vehicle hours of service in the State of Nebraska; and

WHEREAS, the declaration of a State of Emergency will facilitate the granting of a waiver from the U.S. Department of Transportation - Federal Motor Carrier Safety Administration, pursuant to 49 CFR part 390.23 to allow relief from 49 CFR parts 390 through 399, specifically 49 CFR part 395 Hours of Service of Drivers, and subject to the limitations described below, and therefore allow equipment, materials, and debris material to operate additional hours; and

WHEREAS, motor carriers that are not directly supporting emergency response and recovery operations in the State of Nebraska, or that have an Out-Of-Service Order in effect may not take advantage of the relief from regulation that such a declaration provides under 49 CFR 390.23,


NOW THEREFORE, I, Pete Ricketts, Governor of the State of Nebraska, by virtue of the authority vested in me by the Constitution and laws of Nebraska, find these conditions constitute a state of emergency and for the purpose pursuant to 49 CFR part 390.23 of facilitating a waiver to the U.S. Department of Transportation, Federal Motor Carrier Safety Regulations, specifically 49 CFR part 395 Hours of Service of Drivers, do hereby declare that a State of Emergency within Nebraska for equipment, materials, and storm debris as of September 1, 2017 through September 30, 2017.

Pursuant to this declaration, I hereby order the following:

1. No motor carrier operating under the terms of this emergency declaration shall require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor carrier that he or she needs immediate rest shall be given a least ten (10) consecutive hour's off-duty before the driver is required to return to service.
2. Drivers operating under this proclamation shall carry a copy of the proclamation with them as evidence of their direct support to the State of Nebraska during this emergency period.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 1st day of September, 2017.





Pete Ricketts, Governor
State of Nebraska



John A. Gale, Secretary of State
State of Nebraska