



STATE *of* NEBRASKA
OFFICE OF THE GOVERNOR
LINCOLN

EXECUTIVE ORDER No. 21-04

**EMERGENCY MOTOR CARRIER RELIEF DUE TO EXTREME
COLD TEMPERATURES**

WHEREAS, commercial motor vehicles and motor carriers are engaged in the business of transporting fuel in order to meet increased energy needs caused by below-average temperatures;

WHEREAS, federal motor carrier safety regulations determine the number of hours the drivers of commercial motor vehicles which deliver fuel may operate;

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;

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 motor carriers delivering equipment and materials to operate additional hours; and

WHEREAS, motor carriers that are not directly supporting emergency response operations in the state of Nebraska, or which have an Out-Of-Service Order in effect may not take advantage of the relief from regulation that 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 of 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 increased fuel demand exists as of February 15, 2021 through February 19, 2021.

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 hours off duty before the driver is required to return to service.
2. Drivers operating under this Executive Order shall carry a copy of the order with them as evidence of their direct support to the state of Nebraska during this emergency period.
3. This Executive Order is operative as of 12:01 a.m. on February 15, 2021 and shall expire at 11:59 p.m. on February 19, 2021.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 16th day of February, 2021.



Attest:



Pete Ricketts, Governor
State of Nebraska



Robert Evnen, Secretary of State
State of Nebraska