The State of Maryland

Executive Department

EXECUTIVE ORDER
01.01.2015.11

Winter Weather Relief Efforts

WHEREAS, The State of Maryland has experienced prolonged below normal temperatures requiring greater demand for petroleum products statewide;

WHEREAS, The delivery of petroleum products for the benefit of the citizens of Maryland is vital to the preservation of life and property;

WHEREAS, The facilitated movement of these supplies is in the best interest of the citizens of Maryland;

WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency and Maryland Department of Transportation that there is a need to take protective actions to protect the lives and property of citizens being currently impacted by severe cold and high winds;

WHEREAS, Because of the potential impact of these conditions on the State of Maryland and preparations for all contingencies, an emergency exists in all jurisdictions of the State of Maryland; and

WHEREAS, In order to implement the emergency powers of the Governor, an Executive Order of the Governor is appropriate.

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HEREBY DECLARE THAT AN EMERGENCY EXISTS PERTAINING TO THE TRANSPORT AND DELIVERY OF PETROLEUM PRODUCTS WITHIN MARYLAND.

As a result of the emergency conditions, the following is ordered:

1. Relief from the 60/70-hour limit in 49 CFR Part 395.3(b) of the Federal Motor Carrier Safety Regulations, adopted in

Maryland under Section 25-111 of the Maryland Transportation Article, for drivers of vehicles delivering or transporting petroleum products within the State of Maryland for the benefit of the citizens of Maryland.

2. Property-carrying drivers must comply with the 11-hour maximum driving time and 14-hour maximum driving on duty time limits contained in 49 CFR Part 395.3(a).

3. Nothing contained in this Executive Order 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 requirements (49 CFR Part 387), applicable size and weight requirements, or any portion of the regulation not specifically authorized pursuant to 49 CFR Section 390.23.

4. No motor carrier operating under the terms of this Executive Order shall require or allow a fatigued, ill, or otherwise impaired driver to operate a commercial motor vehicle in violation of 49 CFR Section 392.3. Any driver requiring qualifying rest shall be placed out of service until such time as eligibility to drive is reestablished.

5. Motor carriers or drivers that have an Out of Service Order in effect cannot take advantage of the relief from regulations that this declaration provides under Title 49 CFR 390.23.

6. Upon termination of direct assistance to the emergency relief effort, the motor carrier and driver are subject to all requirements of 49 CFR Parts 390 through 399 - except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location under the terms of the declaration. Direct assistance terminates when a driver or commercial motor vehicle is used to transport cargo not in direct furtherance of the emergency relief efforts. Upon return to the terminal or other location, the driver must be relieved of all duty and responsibilities.

7. Drivers for motor carriers that operate under this Executive Order must have a copy of it in their possession.

8. Consistent with Title 49 CFR Part 390.23 and Maryland law, this Executive Order shall remain in effect for 30 days unless earlier modified or rescinded by the Governor.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 23rd day of February, 2015.

Lawrence J. Hogan, Jr.
Governor

ATTEST:

John C. Wobensmith
Secretary of State