



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2011-08K

**Waiver of Hours of Service Regulations Relating to Motor Carriers
And Drivers Transporting Utility Poles**

WHEREAS, on April 19, 2011, extreme weather conditions caused damage to utility poles resulting in power outages across Southwest Indiana;

WHEREAS, the availability of essential utility service is vital to the welfare and economy of Indiana, our neighboring state;

WHEREAS, the transportation of new utility poles into the State of Indiana is assisting in the emergency restoration efforts currently underway;

WHEREAS, there are supplies of new utility poles in the State of Ohio that are available to be used in the State of Indiana and which are ready to be transported to Indiana;

WHEREAS, the Federal Motor Carrier Safety Regulations, 49 C.F.R. 390, *et seq.*, limit the hours operators of commercial motor vehicles may drive; and

WHEREAS, 49 C.F.R. 390.23 allows the Governor of a State, having the authority to declare emergencies, to suspend these rules and regulations for up to thirty (30) days.

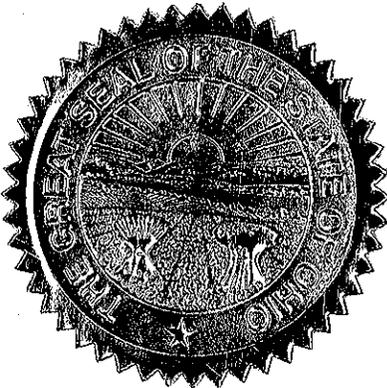
NOW, THEREFORE, I, John R. Kasich, Governor of the State of Ohio, by virtue of the authority vested in me by the Constitution and the laws of the State of Ohio, do hereby order and direct that:

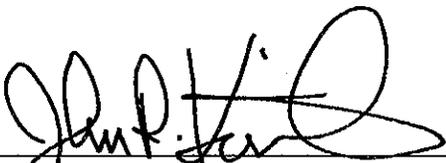
1. There is an emergency, within the meaning of 49 C.F.R. 390.23, for the limited purpose of suspending the federal rules and regulations that limit the hours operators of commercial vehicles may drive, in order to ensure the necessary transportation of utility poles through the State of Ohio and into the State of Indiana. This emergency justifies a suspension of Part 395 (drivers' hours of service) of Title 49 of the Code of Federal Regulations. The suspension shall remain in effect for five (5) days from the date of this Order or until the emergency condition ceases to exist, whichever is less. Nothing herein shall be construed as an exemption from the Commercial Driver's License Requirements in 49 C.F.R. 383 or the financial requirements in 49 C.F.R. 387.

2. It is further ordered that 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 at least ten (10) consecutive hours off-duty before the driver is required to return to service.
3. It is further ordered that this Order does not suspend the operation of any other state or federal laws or regulations within the State of Ohio except as specifically described in this Order. All other laws and regulations remain in full force and effect.

THIS ORDER supersedes any other previous orders, proclamations, or directives to the extent they are in conflict. This Executive Order shall take effect immediately.

I signed this Order on April 22, 2011 in Columbus, Ohio and it will expire no later than April 27, 2011 or whenever the emergency in the State of Indiana ceases to exist, whichever period of time is less.





John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State