



COMMONWEALTH of VIRGINIA
Department of Emergency Management

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April 28, 2011

**LIMITED EXEMPTION OF HOURS WORKED FOR UTILITY CARRIERS TRANSPORTING
UTILITY RESTORATION EQUIPMENT**

Pursuant to Title 49 Code of Federal Regulations (CFR), Section 390.23, Michael M. Cline, State Coordinator of the Virginia Department of Emergency Management (VDEM), has granted a limited exemption from the provisions of 49 CFR 395.3, based on an emergency pertaining to the transportation utility poles and other emergency utility repair equipment.

This emergency exemption is issued as a result of damage associated with the severe storms in the Commonwealth of Virginia. Some areas in the Commonwealth have reported significant utility outages. These deliveries are critical, and unless additional hours worked are allowed, there will be a delay in the restoration of critical services, causing the potential for a life-threatening situation. This limited exemption will safely enable the delivery of utility poles and other necessary utility restoration equipment during this time to ensure the health and well being of consumers, businesses and travelers in Virginia. This emergency exemption is effective beginning April 28, 2011 for the Commonwealth of Virginia.

This exemption applies only to those utility companies and motor carriers providing direct assistance to the emergency relief effort. Direct assistance terminates when a driver or utility motor vehicle is used in intrastate or interstate commerce to transport cargo not intended for the emergency relief effort.

Nothing in this memo shall provide exemptions to any other requirements specified in Title 49 of the Code of Federal regulations, including but not limited to Commercial Drivers Licenses (49 CFR 382), applicable size and weight regulations or any other portion of the statutes and regulations not specifically identified. Further, Motor Carriers that have an Out-Of-Service Order in effect cannot take advantage of the relief from regulations this memo provides under 49 CFR 390.23. Additionally, motor carriers who have any revocation of registration privileges by the Commissioner of Motor Vehicles cannot take advantage of the relief from regulations. Consistent with 49 CFR 390.23, this memo will remain in effect for the duration of the emergency as defined in 49 CFR 390.05, or until May 28, 2011 whichever is less.

A handwritten signature in black ink, appearing to read "Michael M. Cline".

Michael M. Cline
State Coordinator
Virginia Department of Emergency Management

28 April
Date