



COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
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Andy Beshear
GOVERNOR

Jim Gray
SECRETARY

OFFICE OF THE SECRETARY

OFFICIAL ORDER NO. 112757

SUBJECT: DECLARATION OF EMERGENCY, EXEMPTION OF HOURS OF SERVICE
AND STOPPAGE AT WEIGH STATIONS

WHEREAS, there is currently an outbreak of avian flu in Western and Southern Kentucky requiring the depopulation by poultry farmers of a large number of birds; and

WHEREAS, the need for wood chips for composting the depopulated birds is essential, resulting in a high volume of wood chips being supplied from out of state suppliers, and accordingly, pursuant to KRS 189.230, 189.233, 281.730, and 49 CFR 390.23, I hereby declare that a state of emergency exists requiring relief from the hours of service imposed on commercial vehicles providing needed wood chips for composting the depopulated birds; and

WHEREAS, an urgent need exists for the requisite composting materials to be obtained and delivered to the affected areas as soon as possible; distributors said materials are experiencing transportation challenges (including hours of service limitations and shortage of drivers); and the suspension of certain hours of service regulations for the drivers of commercial motor vehicles transporting said materials will help facilitate the above objective; and

WHEREAS, 49 CFR Part 395, 49 CFR 390.23, KRS 281.730, 601 KAR 1:005 impose maximum driving time upon the drivers of commercial vehicles; and

NOW, THEREFORE, pursuant to the authority vested in me by KRS 189.230, 189.233, 281.730, and 49 CFR 390.23, I hereby declare:

1. That a state of emergency exists requiring relief from the hours of service imposed on commercial vehicles providing composting materials within the affected areas; and
2. That conditions exist further requiring a waiver of stopping at all weigh stations for these commercial vehicles responding to the affected areas; and
3. That commercial vehicles providing composting materials and their operators shall be exempt from the hours of service imposed under 49 CFR Part 395, 601 KAR 1:005 and KRS 281.730 during the period of this emergency; and
4. That all other safety requirements shall remain in full force and effect;
5. That any driver operating under the authority of this Official Order shall have a copy of the Order in the cab of the vehicle; and
6. This declaration of emergency shall remain in effect until 12:01 AM EST, March 18, 2022.



Jim Gray, Secretary
Kentucky Transportation Cabinet

Done this 18 day of February, 2022 at Frankfort, Kentucky.

Approved as to form and legality:



Will Fogle, Attorney
KYTC, Office of Legal Services