



COLORADO

State Patrol

Department of Public Safety

Hazardous Materials Section
15065 S. Golden Rd.
Golden, Colorado 80401

March 14, 2020

Law Enforcement Personnel and Commercial Motor Carriers,

As you are aware, emergency declarations were issued at both the State and Federal level in response to Coronavirus Disease 2019 (COVID-19) outbreaks and their effects on people and the immediate risk present to the public health, safety and welfare of the public. As such, on March 13, 2020, the President issued an emergency declaration (No. 2020-002) under 42 U.S.C. 5121, et seq., and pursuant to 49 CFR 390.23(a)(l)(i), indicating that an emergency exists warranting an exemption from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs). By execution of this emergency declaration, interstate motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations, except as restricted within that declaration.

Due to an overwhelming demand for fuel associated with concerns surrounding COVID-19, the fuel distribution industry is experiencing significant challenges in meeting fuel delivery needs in the State, specifically related to increased loading times at key fuel distribution facilities. As indicated under 49 CFR 390.5, the providing of *direct assistance* to an emergency may include the transportation of fuel by a motor carrier or its driver incident to the immediate restoration of essential services or essential supplies. Therefore, pursuant to its authority under 8 CCR1507-1, the Colorado State Patrol is granting an emergency variance to the hours-of-service regulations under 49 CFR Part 395 as adopted for only drivers of commercial motor vehicles used primarily for the transportation of petroleum products within Colorado.

This variance shall be effective on March 15, 2020 at 12:00AM until March 29, 2020 at 11:59PM unless superseded by further order of the Colorado State Patrol. The terms of the variance are as follows:

1. Drivers may have two (2) additional hours for on-duty and driving, allowing up to 13 hours driving time and on-duty time up to 16 hours.
2. Drivers may increase overall driving limits by 10 hours from the 60/70 hour rule to 70/80 hours on duty in 7/8 consecutive days.

This variance shall not be construed as an exemption from Colorado Revised Statutes, Title 42 as it relates to general motor vehicle safety, state and federal financial responsibility requirements, commercial driver's license requirements, and size and weight regulations. In addition, this variance does not exempt carriers or drivers from any other regulations not specifically identified herein.

Further, as required by 49 CFR Part 392.3 (Ill and Fatigued Drivers), carriers shall be responsible for monitoring its drivers for fatigue. Should it become apparent that a driver's ability or alertness is impaired, or is likely to become impaired by fatigue or illness; the driver must not be allowed to drive. In addition, an ill or fatigued driver shall not operate a commercial motor vehicle.



Should you have any questions regarding this variance, you may direct your questions to the Colorado State Patrol Operational Services Branch at 303-273-1900.

Sincerely,



Colonel Matthew Packard
Chief, Colorado State Patrol

