



GOVERNOR GREG ABBOTT

August 6, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:17pm O'CLOCK

AUG 06 2021

Secretary of State

Mr. Joe A. Esparza
Deputy Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Mr. Deputy Secretary:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation declaring a regional emergency exists which justifies an exemption from Part 395 of Title 49 (Federal Motor Carrier Safety Regulations) affecting drivers and carriers servicing the Port of Houston and exempting drivers from hours of service regulations listed in Title 49, CFR Part 395.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, do hereby certify pursuant to Title 49, Code of Federal Regulations (CFR), Part 390.23 and Chapter 644 of the Texas Transportation Code, that a regional emergency exists which justifies an exemption from Part 395 of Title 49 (Federal Motor Carrier Safety Regulations) for drivers and carriers servicing the Port of Houston; and

WHEREAS, this emergency declaration is in response to the need to move essential goods out of the Port of Houston due to a backlog of intermodal containers that was caused by internal problems at the port; and

WHEREAS, the goods are essential for the citizens of the State, the lack of movement is causing an economic hardship to the State, and operations at the Port are causing a backup of drivers and trucks attempting to move products into and out of the Port of Houston;

NOW, THEREFORE, in accordance with the authority vested in me by Title 49, Code of Federal Regulations (CFR), Part 390.23 and Chapter 644 of the Texas Transportation Code, I do hereby declare that a regional emergency exists which justifies an exemption from Part 395 of Title 49 (Federal Motor Carrier Safety Regulations). This declaration affects drivers and carriers servicing the Port of Houston and exempts drivers from hours of service regulations listed in Title 49, CFR Part 395. This includes but is not limited to transportation of intermodal containers and essential services to operate and maintain port operations.

Nothing contained herein shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing Requirements of Title 49, CFR, Parts 40 and 382; Commercial Drivers License requirements of Title 49, CFR, Part 383 and Chapter 522 of the Texas Transportation Code; the Financial Responsibility requirements in Title 49, CFR, Part 387 and Chapters 601 and 643 of the Texas Transportation Code; the Hazardous Material Transportation Regulations of Title 49, CFR, Parts 107 (Subpart G), 171, 172, 173, 177, 178, and 180; or the applicable State of Texas size, weight, or traffic safety regulations.

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

Consistent with Title 49, CFR, Part 390.23, the emergency declaration will take effect on August 6, 2021, and will remain in effect for the duration of the emergency (as defined in Title 49, CFR, Part 390.5) or for 30 days, ending on September 5, 2021, whichever is less.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I
have hereunto signed my name
and have officially caused the Seal
of State to be affixed at my office

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in the City of Austin, Texas, this
the 6th day of August, 2021.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "Joe A. Esparza".

JOE A. ESPARZA
Deputy Secretary of State

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