

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of a Temporary Waiver of)
Federal Regulations for Carriers Providing)
Direct Assistance or Residential Heating Fuel) Docket No. 25-TRAM-269-MIS
during the State of Emergency declared by)
Governor Kelly.)

**ORDER GRANTING TEMPORARY WAIVER OF FEDERAL REGULATIONS FOR
CARRIERS PROVIDING DIRECT ASSISTANCE OR RESIDENTIAL HEATING FUEL
DURING THE STATE OF EMERGENCY DECLARED BY GOVERNOR KELLY**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112, and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction.

2. At 3:46 p.m. on January 4, 2025, Governor Laura Kelly issued a verbal state of disaster emergency proclamation related to winter weather that is currently moving across Kansas. This declaration covers all counties in Kansas and allows resources to be used to provide state assistance.

3. Under these circumstances, the Commission, pursuant to K.S.A. 77-536(a), will exercise its powers to protect the public from immediate danger to health, safety, and welfare. K.S.A. 77-536(a) provides State agencies with the authority to act when there is “an immediate

danger to the public health, safety or welfare requiring immediate state agency action.” Pursuant to K.S.A. 77-536(a), the Commission is providing relief to all intrastate and interstate motor carriers, pursuant to 49 CFR 390.23 (b)(1) of the Federal Motor Carrier Safety Administration (FMCSA) Regulations. This relief includes: (1) a 14-day waiver of 49 CFR 395.3 and 395.5 to carriers providing direct assistance during the emergency that has been declared by Governor Kelly; and (2) a 30-day waiver of Parts 390 through 399 to a motor carrier or driver operating a commercial motor vehicle to provide residential heating fuel in the geographic area designated in an emergency declaration issued by the Governor of a State.

THEREFORE, THE COMMISSION ORDERS:

A. To protect the motor carriers assisting in relief efforts, there will be a 14-day waiver of 49 CFR 395.3 and 395.5 to carriers providing direct assistance during the state of emergency declared by Governor Kelly.

B. To protect the motor carriers assisting in relief efforts, there will be a 30-day waiver of Parts 390 through 399 to a motor carrier or driver operating a commercial motor vehicle to provide residential heating fuel in the geographic area designated in an emergency declaration issued by the Governor of a State.

C. All other applicable state and federal regulations shall apply to include but not limited to: Title 49C.F.R. Part 382 as adopted by K.A.R.82 4-3c, Controlled Substances and Alcohol Use and Testing; the Kansas Motor Vehicle Driver’s License Act, K.S.A. 8-234 et seq. and Title 49 C.F.R. Part 383 Commercial Driver’s License Standards as adopted by the Kansas Uniform Commercial Drivers’ License Act, K.S.A. 8-2,125 et. seq., the federal Minimum Levels of Financial Responsibility (insurance requirements) Title 49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n and state insurance requirements as provided in K.A.R. 82-4-23, and the

regulations governing transportation of hazardous materials in Kansas in 49 C.F.R. Part 107, 171, 172, 173, 177, 178 and 180 as adopted by K.A.R. 82-4-20.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 01/08/2025



Lynn M. Retz
Executive Director

BGF

CERTIFICATE OF SERVICE

25-TRAM-269-MIS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 01/08/2025.

MICHAEL CHRISTOPHER
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
1200 NEW JERSEY AVENUE, SE
WASHINGTON, DC 20590
michael.christopher@dot.gov

BRIAN G. FEDOTIN, GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
brian.fedotin@ks.gov

MIKE HOEME
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
mike.hoeme@ks.gov

Stephen LaRow, CAPTAIN
KANSAS HIGHWAY PATROL
MOTOR CARRIER SAFETY ASSISTANCE
700 SW JACKSON SUITE 704
TOPEKA, KS 66603
stephen.larow@ks.gov

/S/ KCC Docket Room
KCC Docket Room