MOUNT PLEASANT TOWNSHIP
RESOLUTION # 2016-1

A RESOLUTION OF MOUNT PLEASANT TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, PROVIDING FOR AN EXEMPTION TO CMV DRIVING TIME LIMITS DURING CERTAIN EMERGENCIES

WHEREAS, the Township of Mt. Pleasant, ("Township") is a municipal township of the second class situated in Washington County, Pennsylvania, and;

WHEREAS, the state's Vehicle Code at Title 67 Pa. Code Chapter 231.8(15) exempts local government drivers performing Roadway Maintenance, Snow Plowing Operations, and Traffic Control Support Operations from the commercial motor vehicle driving time limits normally imposed on such operations, and;

WHEREAS, the state's Vehicle Code at Title 67 Pa. Code Chapter 231.7(7) imposes commercial motor vehicle driving time limits on all other municipal operations not specifically exempted by Title 67 Pa. Code Chapter 231.8(15), and;

WHEREAS, the state's Vehicle Code at Title 67 Pa. Code Chapter 231.7(3) incorporates federal regulation 49 CFR Part 390.23 providing a mechanism for local governments to obtain needed relief from commercial motor vehicle driving time limits when engaged in municipal operations not already exempted by Title 67 Pa. Code Chapter 231.8(15), and;

WHEREAS, the Township wishes to establish a procedure to clarify when a situation exists for which the Township must specifically declare an emergency solely for the purpose of legally allowing its commercial motor vehicle drivers to exceed the normally-imposed commercial motor vehicle driving time limits;

NOW, THEREFORE, BE IT RESOLVED as follows:

A. An emergency shall exist anytime that the Township, upon decision of the Chairman of the Township Board of Supervisors, or, in his absence, his duly-appointed alternate, determines that a situation currently exists or is imminent, and which is not a situation already exempted by Title 67 Pa. Code Chapter 231.8(15), requiring Township drivers to exceed the normal daily driving time limits for commercial motor vehicles.

B. Declaring an emergency shall be the responsibility of the Chairman of the Township Board of Supervisors or, in his absence, his duly-appointed alternate, who shall: (1) Inform all Township commercial motor vehicle drivers that an emergency has been declared which authorize all qualified township drivers to exceed the normal commercial motor vehicle driving time limits; (2) Evaluate the rest status of the available drivers and take such status into account when dispatching qualified drivers, and (3) Provide written documentation of such declaration and authorization to such drivers, who shall carry said documentation while on driving duty in response to the emergency.

C. The Chairman of the Township Board of Supervisors, or, in his absence, his duly-appointed alternate, shall inform the Board of Supervisors of the declaration of any emergency at the next regular meeting of the Board of Supervisors.

D. As guidance, the individual making driving assignments during an emergency should employ best efforts to limit any individual driver's emergency assignment to fourteen (14) total driving hours before requiring at least eight (8) hours off-duty before re-assignment.

E. Further, the emergency suspension of commercial motor vehicle driving time limits shall neither exceed the duration of the Township's direct action in providing emergency relief, nor extend longer than five days from the date of this declaration of emergency.

BE IT FURTHER RESOLVED that the Board of Supervisors and the Township manager are authorized to execute the documents necessary to effect this change, pursuant to the documents attached hereto and incorporated herein.

RESOLVED AND ADOPTED, by the Board of Supervisors of Mount Pleasant Township, Washington County, Pennsylvania, on this 26 day of OCTOBER, 2016.

ATTEST:

Secretary

MT. PLEASANT TOWNSHIP

By

Gary R. Farner, Supervisor

By

Brian D. Temple, Supervisor

By

Donald G. Reed, Sr., Supervisor