



**Federal Motor Carrier
Safety Administration**

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November 4, 2020

**EXTENSION OF REGIONAL EMERGENCY DECLARATION UNDER 49 CFR § 390.25
No. 2020-007**

ALABAMA, FLORIDA, LOUISIANA, MISSISSIPPI AND TEXAS

The Regional Field Administrators for the Federal Motor Carrier Safety Administration's (FMCSA) Southern and Western Service Centers hereby declare that an emergency exists that warrants extension of Regional Emergency Declaration No. 2020-007 issued October 7, 2020, and continuing the exemption granted pursuant to 49 CFR § 390.23(a)(1) from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs), except as otherwise restricted herein. Affected States included in this extension of the Emergency Declaration are: Alabama, Florida, Louisiana, Mississippi and Texas.

Emergency Declaration No. 2020-007 was issued in response to Hurricane Delta, and its effects on people and property, including immediate threat to human life or public welfare, from heavy rains, strong winds, storm surge, high surf, and flooding. Because emergency conditions in the Affected States have not abated, FMCSA is extending Regional Emergency Declaration No. 2020-007 and the associated regulatory relief in the Affected States in accordance with 49 CFR § 390.25. The extension of Emergency Declaration No. 2020-007 provides regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts transporting supplies, goods, equipment and fuel into the Affected States, and transporting persons into and from the Affected States, or providing other assistance in the form of emergency services during the emergency in the Affected States from Hurricane Delta.

By execution of this Extension of Emergency Declaration No. 2020-007, motor carriers and drivers providing direct assistance to the emergency in the Affected States as a result of Hurricane Delta are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations except as restricted herein.

Emergency Declaration Restrictions & Limitations

By execution of this Extension to the Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in the Affected States are **not granted** emergency relief from, and must continue to comply with, the following Federal Motor Carrier Safety Regulations (FMCSRs) and conditions:

1. 49 CFR § 392.2 related to the operation of a commercial motor vehicle in accordance with State laws and regulations, including compliance with applicable speed limits and other traffic restrictions.
2. 49 CFR § 392.3 related to the operation of a commercial motor vehicle while a driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue to operate the motor vehicle.
3. Motor carriers shall not require or allow fatigued drivers to operate a commercial motor vehicle. A driver who informs a carrier that he/she needs immediate rest shall be given at least ten consecutive hours before the driver is required to return to service.
4. 49 CFR §§ 392.80 and 392.82 related to the prohibitions on texting while driving and using a hand-held mobile telephone while driving.
5. A motor carrier whose driver is involved in a crash while operating under this Extension of the Emergency Declaration must report any recordable crash within 24 hours, by phone or in writing, to the FMCSA Division Office where the motor carrier is domiciled. The carrier must report the date, time, location, driver, vehicle identification, and brief description of the crash.
6. Drivers are required to comply with the portions of 49 CFR Part 395 related to the preparation, retention and accuracy of a driver's record of duty status (RODS). Drivers are directed to note "Emergency Declaration" in the remarks section of the RODS to identify that their operation is in direct assistance to the emergency relief.
7. Nothing in the this Extension of the Emergency Declaration shall be construed as an exemption from the controlled substance and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility (insurance) requirements (49 CFR Part 387), the hazardous material regulations (49 CFR Parts 100-180), applicable size and weight requirements, or any other portion of the regulations not specifically exempted under 49 CFR § 390.23.
8. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this Extension of the Emergency Declaration until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA in writing.
9. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. (49 CFR § 390.23(b)). Upon termination of direct assistance to emergency relief efforts, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's

normal work reporting location without complying with Parts 390 through 399. When a driver is moving from emergency relief efforts to normal operations a 10-hour break is required when the total time a driver operates conducting emergency relief efforts, or a combination of emergency relief and normal operations, equals 14 hours.

In accordance with 49 CFR § 390.25, this extension of Emergency Declaration No. 2020-007 is effective at 12:00 A.M. (ET), November 7, 2020 and shall remain in effect for the duration of the emergency (as defined in 49 CFR § 390.5) or until 11:59 P.M. (ET), December 6, 2020, whichever is sooner.



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