



**Federal Motor Carrier
Safety Administration**

October 25, 2022

MODIFICATION AND EXTENSION OF REGIONAL EMERGENCY DECLARATION
UNDER 49 CFR § 390.25
No. 2022-013

FLORIDA AND SOUTH CAROLINA

The United States Department of Transportation (USDOT), Federal Motor Carrier Safety Administrations (FMCSA) hereby declares that an emergency exists that warrants extension of the emergency declaration issued by the President of the United States and continuing the emergency relief granted for certain regulatory requirements in Part 395 of the Federal Motor Carrier Safety Regulations (FMCSRs) as set forth herein.

On September 28, 2022, due to heavy rain, high winds, flooding, and storm surge resulting from Hurricane Ian, the FMCSA issued a Regional Declaration of Emergency for eight affected states. The emergency regulatory relief under 49 CFR § 390.23 related to that declaration expires on October 28, 2022. Because emergency conditions have not abated in the States of Florida and South Carolina, FMCSA is extending the emergency declaration issued on September 28, 2022, and granting regulatory relief in accordance with 49 CFR § 390.25 as set forth herein.

The Modification and Extension of the Emergency Declaration provides regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts related to the emergency resulting from Hurricane Ian in the States of Florida and South Carolina. By execution of this Modification and Extension of the Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in the States of Florida and South Carolina as a result of Hurricane Ian, or providing other assistance in the form of emergency services during the emergency in the States of Florida and South Carolina resulting from Hurricane Ian are granted emergency relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles and 49 CFR § 395.5, maximum driving time for passenger-carrying vehicles, subject to the restrictions and conditions set forth herein.¹ Direct assistance does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of this emergency declaration, after the initial threat to life and property has passed.

Emergency Declaration Restrictions & Conditions

By execution of this Modification and Extension of Emergency Declaration No. 2022-013, motor carriers and drivers providing direct assistance to the emergency as set forth herein in

¹ This Modification and Extension of the Emergency Declaration is posted at <https://www.fmcsa.dot.gov/emergency-declarations>.

the States of Florida and South Carolina are granted emergency relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles, and 49 CFR § 395.5, maximum driving time for passenger-carrying vehicles, subject to the following restrictions and conditions:

1. Nothing in this Modification and Extension of the Emergency Declaration shall be construed as a waiver of or exemption from any applicable requirements or any portion of the FMCSRs (49 CFR Parts 350-399) including the controlled substance and alcohol uses and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), or the financial responsibility (insurance) requirements (49 CFR Part 387); Federal Hazardous Materials Safety Regulations (HMRs) (49 CFR Parts 100-180); vehicle size, and weight limitations, as well as route designations administered by the Federal Highway Administration (23 CFR § 658; 23 U.S.C. 127; 49 U.S.C. §§ 31111-31115); or any other regulations for which relief is not specifically granted herein.
2. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this Modification and Extension of the Emergency Declaration until they have met the applicable conditions for its rescission and the order has been rescinded in writing by the issuing jurisdiction.
3. This Modification and Extension of the Emergency Declaration provides for regulatory relief from 49 CFR §§ 395.3 and 395.5 for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts. 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 related to the emergency as set forth in this Modification and Extension of the Emergency Declaration, 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 related to the emergency as set forth in this Modification and Extension of the Emergency Declaration, the motor carrier and driver are subject to the requirements of 49 CFR §§ 395.3 and 395.5 while operating commercial motor vehicles, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with 49 CFR §§ 395.3 and 395.5, except as noted herein. When a driver is moving from emergency relief efforts to normal operations, for a driver operating a passenger-carrying commercial motor vehicle an 8-hour break is required when the total time a driver is engaged in emergency relief efforts, or a combination of emergency relief and normal operations equals or exceeds 15 hours, and for a driver operating a property-carrying commercial motor vehicle a 10-hour break is required when the total time a driver is engaged in emergency relief efforts or in a combination of emergency relief and normal operations equals or exceeds 14 hours.

Please note: If the President of the United States or the Governor or authorized representative of the State in which you are providing direct assistance to emergency relief efforts has also issued an emergency declaration relating to this emergency for that State, that Declaration may provide additional regulatory relief

In accordance with 49 CFR § 390.25, this Modification and Extension of the Emergency Declaration is at 12:00 a.m. (ET) on October 29, 2022 and shall remain in effect until the end of the emergency (*as defined in 49 CFR § 390.5T*) or until 11:59 P.M. (ET), November 28, 2022,

whichever is earlier. FMCSA intends to continually review the status of this Modification and Extension of the Emergency Declaration and the relief granted herein. As necessary, FMCSA may take action to modify this Extension of the Emergency Declaration, including modification of the transportations and commodities covered by the Emergency Declaration, extend, or terminate the Emergency Declaration if conditions warrant.



Jon Dierberger, Field Administrator
Federal Motor Carrier Safety Administration