***\*Question 29:*** Section 390.3T(f)(5) provides an exemption from the FMCSRs for the operation of fire trucks and rescue vehicles while such vehicles are being used in emergency and related operations. Section 390.23 provides an exception to most of the FMCSRs for motor carriers providing direct assistance during an emergency. What are the differences between these provisions when they are applied to contract wildfire suppression services?

*Guidance:* Section 390.3T(f)(5) provides an exception to all of the requirements in Subchapter B of Chapter III, Title 49 of the Code of Federal Regulations (49 CFR Parts 350 through 399) for certain operations of fire trucks and rescue vehicles. By contrast the exception provided by §390.23 is limited to all of the requirements in 49 CFR Parts 390 through 399 and may be used by any motor carrier, including contract wildfire suppression services, providing direct assistance during an emergency, as defined in 49 CFR 390.5T.

The exception provided by § 390.3T(f)(5) may be used by operators of fire trucks and rescue vehicles while such vehicles are used in emergency and related operations, regardless of whether there is an emergency declaration. The exception provided in § 390.23 always requires a declaration of an emergency by the President of the United States, the Governor of a State, or their authorized representatives having authority to declare emergencies, such as the FMCSA Field Administrator for the geographical area in which the occurrence happens; or by other Federal, State, or local government officials having authority to declare emergencies.