



Federal Motor Carrier
Safety Administration

Western Service Center
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October 14, 2020

**EXTENSION OF STATE EMERGENCY DECLARATIONS UNDER 49 CFR § 390.25
No. 2020-005**

CALIFORNIA AND OREGON

The Field Administrator for the Federal Motor Carrier Safety Administration's (FMCSA) Western Service Center hereby declares that an emergency exists that warrants extension of the State Emergency Declarations, and continuing the exemption granted in accordance with 49 CFR § 390.23(a)(1) from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs), except as otherwise restricted herein.

On August 18-19, 2020, as a result of widespread wildfire activity and critical fire danger due to hot, dry windy conditions and dry thunderstorms, the Governors of the States of California and Oregon issued State declarations of emergency finding the conditions posed an imminent threat to the safety of persons and property. FMCSA issued an extension to the State declarations on September 10, 2020. Because emergency conditions have not abated in these States, FMCSA is again extending the Emergency Declarations and associated regulatory relief in accordance with 49 CFR § 390.25. This Extension of the Emergency Declarations addresses ongoing emergency conditions creating a need for immediate transportation of supplies, goods, equipment, fuel and persons and provides necessary relief. Affected States included in this Extension of the Emergency Declarations are: California and Oregon.

By execution of this Extension of the Emergency Declarations, motor carriers and drivers providing direct assistance to the wildfire emergency in the Affected States are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations except as restricted herein.

The Extension of the Emergency Declarations 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 the wildfires.

Restrictions & Limitations

By execution of this Extension to the Emergency Declarations, 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 Declarations 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 Declarations shall be construed as an exemption from the controlled substance and alcohol uses 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 Declarations 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 the Emergency Declarations is effective immediately 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), November 19, 2020, whichever is sooner.



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Federal Motor Carrier Safety Administration
Western Service Center