



Federal Motor Carrier
Safety Administration

March 4, 2021

EXTENSION AND MODIFICATION OF REGIONAL EMERGENCY DECLARATION
No. 2021-001

KENTUCKY, LOUISIANA, OKLAHOMA, TEXAS, VIRGINIA, AND WEST VIRGINIA

The Regional Field Administrators for the Federal Motor Carrier Safety Administration's (FMCSA) Eastern, Southern, and Western Service Centers hereby declare that an emergency exists that warrants extension and modification of Regional Emergency Declaration No. 2021-001 issued on February 17, 2021, and continuing the exemption granted from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs) for the Affected States except as otherwise restricted herein. Regional Emergency Declaration 2021-001 was issued in response to damage, and heating and other fuel shortages, from severe winter storms in the Affected States, and their effects on people and property, including immediate threat to human life or public welfare. Affected States included in this extension and modification of Regional Emergency Declaration No. 2021-001 are: Kentucky, Louisiana, Oklahoma, Texas, Virginia and West Virginia.

Because emergency conditions in the Affected States have not abated, FMCSA is extending Regional Emergency Declaration No. 2021-001 and associated regulatory relief in the Affected States in accordance with 49 CFR § 390.25. This extension and modification of the Regional Emergency Declaration addresses ongoing emergency conditions and provides necessary relief. This extension and modification of the Regional Emergency Declaration provides for regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts transporting supplies, goods, equipment, heating fuels, including propane, natural gas, and heating oil, and other fuel products including gasoline 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 severe winter storms.

By execution of this extension and modification of Regional Emergency Declaration No. 2021-001, motor carriers and drivers providing direct assistance to the emergency in the Affected States in direct support of relief efforts related to the severe winter storms 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 and modification of Regional Emergency Declaration No. 2021-001, motor carriers and drivers providing direct assistance to the emergency are **not granted** emergency relief from, and must continue to comply with, the following Federal Motor Carrier Safety Regulations 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. 49 CFR §§ 396.7 and 396.9 related to the prohibitions on operating a vehicle in a condition likely to cause an accident or breakdown of the vehicle and operating a vehicle declared and marked out-of-service until all repairs required by the out-of-service notice have been satisfactorily completed.
6. A motor carrier whose driver is involved in a crash while operating under this 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.
7. Nothing in the Emergency Declaration or this extension of the expanded modified Emergency Declaration 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 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 related to the severe winter storms 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 severe winter storms, 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 and modification of Regional Emergency Declaration No. 2021-001 is effective at 12:00 A.M. (ET), March 5, 2021 and shall remain in effect until the end of the emergency (*as defined in 49 CFR § 390.5*) or until 11:59 P.M. (ET), March 19, 2021, whichever is sooner.



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