



**Federal Motor Carrier
Safety Administration**

May 11, 2021

**AMENDED REGIONAL EMERGENCY DECLARATION
UNDER 49 CFR § 390.23
No. 2021-002**

**ALABAMA, ARKANSAS, DISTRICT OF COLUMBIA, DELAWARE, FLORIDA,
GEORGIA, KENTUCKY, LOUISIANA, MARYLAND, MISSISSIPPI, NEW JERSEY,
NEW YORK, NORTH CAROLINA, PENNSYLVANIA, SOUTH CAROLINA,
TENNESSEE, TEXAS, VIRGINIA, AND WEST VIRGINIA**

In accordance with the provisions of 49 CFR § 390.23, the Regional Field Administrators for the Federal Motor Carrier Safety Administration's (FMCSA) Eastern, Southern, and Western Service Centers hereby declares that an emergency exists that warrants issuance of a Regional Emergency Declaration and an exemption from Parts 390 through 399 of the Federal Motor Carrier Safety (FMCSRs), except as otherwise restricted in this Emergency Declaration. Such emergency is in response to the unanticipated shutdown of the Colonial pipeline system due to network issues that affect the supply of gasoline, diesel, jet fuel, and other refined petroleum products throughout the Affected States. This Declaration addresses the emergency conditions creating a need for immediate transportation of gasoline, diesel, jet fuel, and other refined petroleum products and provides necessary relief. Affected States and jurisdictions included in this Amended Emergency Declaration ("Affected States") are: Alabama, Arkansas, District of Columbia, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

By execution of this Amended Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in the Affected States in direct support of relief efforts related to the shortages of gasoline, diesel, jet fuel, and other refined petroleum products due to the shutdown, partial shutdown, and/or manual operation of the Colonial pipeline system are granted relief from Parts 390 through 399 of Title 49 Code of Federal Regulations except as restricted herein.

This Amended Emergency Declaration provides for regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts transporting gasoline, diesel, jet fuel, and other refined petroleum products into the Affected States during the emergency from shortages due to the shutdown, partial shutdown, and/or manual operation of the Colonial pipeline system. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services not in support of emergency relief efforts related to the shortages of gasoline, diesel, jet fuel, and other refined petroleum products due to the shutdown, partial shutdown, and/or manual operation of the Colonial pipeline system in the Affected States, 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 shortages of gasoline, diesel, jet fuel, and other refined petroleum products due to the

shutdown, partial shutdown and/or manual operation of the Colonial pipeline system in the Affected States, 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 operation, equals 14 hours.

All other applicable safety requirements remain in place and will be enforced by the FMCSA. Specifically, nothing contained in this Amended Emergency Declaration shall be construed as an exemption from the controlled substances 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 authorized pursuant to 49 CFR § 390.23.

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 accordance with 49 CFR § 390.23, this amended declaration is effective immediately 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), June 8, 2021, whichever is earlier. FMCSA intends to continually review the status of this Emergency Declaration and may take action to modify or terminate the Emergency Declaration sooner if conditions warrant.



Taft Kelly, Regional Field Administrator
Federal Motor Carrier Safety Administration
Eastern Service Center



Darrell L. Ruban, Regional Field Administrator
Federal Motor Carrier Safety Administration
Southern Service Center



Scott G. Hernandez, Regional Field Administrator
Federal Motor Carrier Safety Administration
Western Service Center