



**Federal Motor Carrier
Safety Administration**

June 4, 2021

**EXTENSION AND MODIFICATION OF THE AMENDED REGIONAL
EMERGENCY DECLARATION UNDER 49 CFR § 390.25**
No. 2021-002

**ALABAMA, ARKANSAS, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI,
NORTH CAROLINA, SOUTH CAROLINA, TENNESSEE, AND TEXAS**

The Regional Field Administrators for the Federal Motor Carrier Safety Administration's (FMCSA) Southern, and Western Service Centers hereby declare that an emergency exists that warrants extension and modification of the amended Regional Emergency Declaration No. 2021-002, 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 2021-002 was issued on May 9, 2021 in response to the unanticipated shutdown of the Colonial pipeline system due to network issues that affected the supply of gasoline, diesel, jet fuel, and other refined petroleum products throughout the Affected States. The Declaration was amended on May 11 and 12, 2021. This extension and modification of the amended 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 extension of the amended Emergency Declaration ("Affected States") are: Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Texas.

Because emergency conditions in the Affected States have not abated, FMCSA is extending and modifying the amended Regional Emergency Declaration No. 2021-002 and associated regulatory relief in the Affected States in accordance with 49 CFR § 390.25. This extension and modification of the amended Regional Emergency Declaration provides regulatory relief for commercial motor vehicle operations providing direct assistance supporting emergency relief efforts transporting gasoline, diesel, jet fuel, and other refined petroleum products into the Affected States.

By execution of this extension and modification of the 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.

Emergency Declaration Restrictions & Limitations

By execution of this extension and modification of the expanded modified Emergency Declaration No. 2020-002, motor carriers and drivers providing direct assistance to the national 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. 49 CFR §§ 392.4 and 392.5 related to the prohibitions on drivers using or possessing alcohol, drugs or other substances.
4. 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.
5. 49 CFR §§ 392.80 and 392.82 related to the prohibitions on texting while driving and using a hand-held mobile telephone while driving.
6. 49 CFR §§ 395.8(a), 395.8(k), and 395.11 related to driver's record of duty status, supporting documents, and retention of driver's records of duty status and supporting documents, and subpart B of Part 395 related to electronic logging devices. Drivers will record their duty status for each 24-hour period using the method normally used by the driver when not operating under the Emergency Declaration.
7. 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.
8. 49 CFR § 390.15(a) related to making all records and information pertaining to a crash available to FMCSA, State and local enforcement agencies and providing assistance in the investigation of a crash, as requested. 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.
9. Nothing in the Emergency Declaration or this extension and modification of the amended 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.

10. 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.
11. 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 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 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 COVID-19, 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 the amended Emergency Declaration No. 2021-002 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 18, 2021, whichever is earlier. FMCSA intends to continually review the status of this Emergency Declaration and may take action to modify or terminate the E

mergency Declaration sooner if conditions warrant.



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