



**Federal Motor Carrier
Safety Administration**

August 29, 2021

**REGIONAL EMERGENCY DECLARATION
No. 2021-008**

ALABAMA, ARKANSAS, LOUISIANA, MISSISSIPPI, TENNESSEE, 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 issuance of a Regional Emergency Declaration and an exemption from certain regulatory requirements in Part 395 of the Federal Motor Carrier Safety (FMCSRs), except as otherwise restricted in this Emergency Declaration. Such emergency is in response to Hurricane Ida, and the current and anticipated effects on people and property, including immediate threat to human life or public welfare from heavy rains, high surf, flooding, and strong winds. This Declaration addresses the emergency conditions creating a need for immediate transportation of supplies, goods, equipment, fuel, and persons and provides necessary relief. Affected States (Affected States) included in this Emergency Declaration are: Alabama, Arkansas, Louisiana, Mississippi, Tennessee, and Texas.

By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency related to Hurricane Ida in the Affected States are granted emergency relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles, and 49 CFR § 395.5, maximum driving time for passenger-carrying vehicles, subject to the restrictions and conditions set forth herein.

The Emergency Declaration 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 related to Hurricane Ida in the Affected States.

Restrictions and Conditions

By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency related to Hurricane Ida in the Affected States are granted emergency relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles, and 49 CFR § 395.5, maximum driving time for passenger-carrying vehicles, subject to the following restrictions and conditions:

1. Nothing in this Emergency Declaration shall be construed as an exemption from any portion of the FMCSRs for which relief is not specifically granted herein. Motor carriers and drivers providing direct assistance to the emergency related to Hurricane Ida in the Affected States shall comply with all applicable FMCSRs, including but not limited to:

- A. 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.
 - B. 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.
 - C. 49 CFR §§ 392.4 and 392.5 related to the prohibitions on drivers using or possessing alcohol, drugs, or other substances.
 - D. 49 CFR §§ 392.80 and 392.82 related to the prohibitions on texting while driving and using a hand-held mobile telephone while driving.
 - E. 49 CFR §§ 395.8(a), 395.8(k), and 395.11 related to driver's records 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 this Emergency Declaration. Motor carriers and drivers subject to the ELD requirements must continue to use ELDs, maintain ELD records and data for 6 months from the date the electronic record is generated, and produce, transfer and make ELD records and data accessible to law enforcement and safety officials upon request.
 - F. 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.
 - G. 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.
- 2. 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.
 - 3. Nothing in this 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 hazardous material safety permit requirements (49 CFR Part 385); the financial responsibility (insurance) requirements (49 CFR Part 387); the hazardous material regulations (49 CFR Parts 100-180); or vehicle size, length, width, and weight limitations, as well as route

designations administered by the Federal Highway Administration (23 CFR § 658; 23 U.S.C. 127; 49 U.S.C. §§ 31111-31115).

4. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this Emergency Declaration until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA in writing.
5. This Emergency Declaration provides for regulatory relief from 49 CFR §§ 395.3 and 395.5 for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts to the emergency related to Hurricane Ida in the Affected States. 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 Hurricane Ida in the Affected States as set forth in this Emergency Declaration, 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 Hurricane Ida in the Affected States, the motor carrier and driver are subject to the all requirements of the FMCSRs, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with 49 CFR §§ 395.3 and 395.5. 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 § 390.23, this Emergency 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), September 28, 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.



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