



**Federal Motor Carrier
Safety Administration**

July 12, 2022

**EXTENSION OF EMERGENCY DECLARATION UNDER 49 CFR § 390.25
No. 2022-007**

MONTANA

The Federal Motor Carrier Safety Administration (FMCSA) hereby declares that an emergency exists that warrants extension of the emergency declaration issued by the Governor of the State of Montana, and continuing the emergency relief granted for certain regulatory requirements in Part 395 of the Federal Motor Carrier Safety Regulations (FMCSRs) as set forth herein.

On June 14, 2022, due to rapid snowmelt and heavy rains resulting in widespread severe flooding, the Governor of the State of Montana issued a declaration of a statewide disaster emergency (E.O.-4-2022). The emergency regulatory relief under 49 CFR § 390.23 related to that declaration expires on July 14, 2022. On July 11, 2022, the Governor of the State of Montana requested FMCSA extend the emergency relief from 49 CFR § 395.3 for commercial motor vehicle drivers providing direct assistance to the emergency. Because emergency conditions have not abated, FMCSA is extending the State emergency declaration issued on June 14, 2022 and granting regulatory relief in accordance with 49 CFR § 390.25 as set forth herein.

The Extension of the Emergency Declaration provides regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts related to the emergency resulting from the widespread severe flooding in the State of Montana. By execution of this Extension of the Emergency Declaration, motor carriers and drivers providing direct assistance to the flooding emergency in the State of Montana are granted emergency relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles, subject to the restrictions and conditions set forth herein.¹ Direct assistance does not include routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of the emergency declaration.

Emergency Declaration Restrictions & Conditions

By execution of this Extension of the Emergency Declaration, motor carriers and drivers providing direct assistance to the flooding emergency in the State of Montana are granted emergency relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles, subject to the following restrictions and conditions:

¹ This extension of the Emergency Declaration is posted at <https://www.fmcsa.dot.gov/emergency-declarations>.

1. Nothing in this Extension of Emergency Declaration shall be construed as a waiver of or exemption from any applicable requirements or any portion of the FMCSRs or other regulations for which relief is not specifically granted herein.
2. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this Extension of Emergency Declaration until they have met the applicable conditions for its rescission and the order has been rescinded in writing by the issuing jurisdiction.
3. This Extension of Emergency Declaration provides for regulatory relief from 49 CFR § 395.3 for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts. 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 emergency as set forth in this Extension of the 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 the emergency as set forth in this Extension of Emergency Declaration, the motor carrier and driver are subject to the requirements of 49 CFR § 395.3 while operating commercial motor vehicles, 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, except as noted herein. When a driver is moving from emergency relief efforts to normal operations, a 10-hour break is required when the total time a driver is engaged in emergency relief efforts, or in a combination of emergency relief and normal operations, equals or exceeds 14 hours.

In accordance with 49 CFR § 390.25, this Extension of Emergency Declaration is effective at 12:00 a.m. (ET) on July 15, 2022 and shall remain in effect until the end of the emergency (*as defined in 49 CFR § 390.5T*) or until 11:59 P.M. (ET), August 14, 2022, whichever is earlier. FMCSA intends to continually review the status of this Extension of the Emergency Declaration and may take action to extend, modify, or terminate the Extension of the Emergency Declaration if conditions warrant.



Issued this 12th day of July 2022

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