



**Federal Motor Carrier
Safety Administration**

August 26, 2022

**EXTENSION OF EMERGENCY DECLARATION UNDER 49 CFR § 390.25
No. 2022-010**

KENTUCKY

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 Kentucky, and continuing emergency relief from certain regulatory requirements in Part 395 of the Federal Motor Carrier Safety Regulations (FMCSRs) as set forth herein.

On July 28, 2022, due to severe weather resulting in multiple rounds of torrential rain causing severe flooding, mudslides, and landslides, the Governor of the State of Kentucky issued a declaration of emergency (2022-457). In addition, on July 29, 2022, the President issued a major disaster declaration under 42 U.S.C. § 5121 *et seq.* (FEMA-4663-DR) due to damage in certain areas in the State of Kentucky resulting from the severe storms, flooding, landslides, and mudslides. In accordance with 49 CFR § 390.23(a)(1), the emergency declaration triggered relief from Parts 390 through 399 of the FMCSRs for a period of 30 days. Because emergency conditions have not fully abated, and at the request of the State of Kentucky, FMCSA is extending the State emergency declaration issued on July 28, 2022 and granting regulatory relief in accordance with 49 CFR § 390.25.

This Extension of Emergency Declaration provides regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts in the State of Kentucky. By execution of this Extension of Emergency Declaration, motor carriers and drivers providing direct assistance to the severe weather and flooding emergency in the State of Kentucky as set forth herein 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.

Restrictions & Conditions

By execution of this Extension of Emergency Declaration, motor carriers and drivers providing direct assistance to the severe weather and flooding emergency in the State of Kentucky 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 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 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 immediately and shall remain in effect until the end of the emergency (as defined in 49 CFR § 390.5T) or until 11:59 p.m. (EST), September 30, 2022, whichever is earlier. FMCSA intends to continually review the status of this Extension of Emergency Declaration and may take action to modify or terminate the Extension of Emergency Declaration sooner if conditions warrant.



Issued this 26th day of August 2022

Jon Dierberger, Field Administrator
Federal Motor Carrier Safety Administration
Southern Service Center