



**Federal Motor Carrier  
Safety Administration**

**October 18, 2022**

**EXTENSION OF REGIONAL EMERGENCY DECLARATION**  
**UNDER 49 CFR § 390.25**  
**No. 2022-015**

**COMMONWEALTH OF PUERTO RICO**

The United States Department of Transportation (USDOT), Federal Motor Carrier Safety Administrations (FMCSA) hereby declares that an emergency exists that warrants extension of the emergency declaration issued by the President of the United States 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 September 18, 2022, due to heavy rain, high winds, and storm surge resulting from Tropical Storm/Hurricane Fiona, the President of the United States issued an Emergency Declaration pursuant to under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (*See* EM-353-PR, Docket ID FEMA-2022-0001). The emergency regulatory relief under 49 CFR § 390.23 related to that declaration expires on October 18, 2022. Because emergency conditions have not abated, FMCSA is extending the emergency declaration issued on September 18, 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 Tropical Storm/Hurricane Fiona in the Commonwealth of Puerto Rico. By execution of this Extension of the Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in the Commonwealth of Puerto Rico as a result of Tropical Storm/Hurricane Fiona, including motor carriers and drivers operating in the United States transporting supplies and equipment destined for the Commonwealth of Puerto Rico, or providing other assistance in the form of emergency services during the emergency in the Commonwealth of Puerto Rico resulting from Tropical Storm/Hurricane Fiona 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.<sup>1</sup> Direct assistance does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of this emergency declaration, after the initial threat to life and property has passed.

**Emergency Declaration Restrictions & Conditions**

By execution of this Extension of the Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency as set forth herein are granted emergency relief

---

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

from 49 CFR § 395.3, maximum driving time for property-carrying vehicles, subject to the following restrictions and conditions:

1. Nothing in this Extension of the Emergency Declaration shall be construed as a waiver of or exemption from any applicable requirements or any portion of the FMCSRs; Federal Hazardous Materials Safety Regulations (HMRs); vehicle size, 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); 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 the 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 the 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 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 the 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 the 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. (ET), November 17, 2022, whichever is earlier. FMCSA intends to continually review the status of this Extension of the Emergency Declaration and the relief granted herein. As necessary, FMCSA may take action to modify this Extension of the Emergency Declaration, including modification of the transportations and commodities covered by the Emergency Declaration, extend, or terminate the Emergency Declaration if conditions warrant.



Taft R. Kelly, Regional Field Administrator  
Federal Motor Carrier Safety Administration