



**Federal Motor Carrier
Safety Administration**

January 16, 2023

REGIONAL EMERGENCY DECLARATION
No. 2023-001

**COLORADO, KANSAS, NEBRASKA, NEW MEXICO, OKLAHOMA,
TEXAS, UTAH AND WYOMING**

The Federal Motor Carrier Safety Administration hereby declares 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 Regulations (FMCSRs), except as otherwise restricted in this Emergency Declaration. Such emergency is in response to the unanticipated shutdown of the Suncor refinery in Colorado, severe winter storms, and high demand resulting in difficulty in obtaining necessary gasoline, diesel and jet fuel in the Affected States, and the current and anticipated effects on people and property, including the immediate risk to public health, safety and welfare. This Declaration addresses the emergency conditions creating a need for immediate transportation of gasoline, diesel and jet fuel and provides necessary relief. Affected States and jurisdictions (Affected States) included in this Emergency Declaration are: Colorado, Kansas, Nebraska, New Mexico, Oklahoma, Texas, Utah and Wyoming.

By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance supporting emergency relief efforts transporting gasoline, diesel, or jet fuel into the Affected States 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 means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential supplies or essential services. 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 Emergency Declaration No. 2023-001, motor carriers and drivers providing direct assistance to the emergency as set forth herein 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 Emergency Declaration No. 2023-001 is posted at <https://www.fmcsa.dot.gov/emergency-declarations>.

1. Nothing in this Emergency Declaration shall be construed as a waiver of or exemption from any applicable requirements or any portion of the FMCSRs (49 CFR Parts 350-399) including the controlled substance and alcohol uses and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), or the financial responsibility (insurance) requirements (49 CFR Part 387); Federal Hazardous Materials Safety Regulations (HMRs) (49 CFR Parts 100-180); 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 any 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 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 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 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 § 390.23, this 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), February 15, 2023, whichever is earlier. FMCSA intends to continually review the status of this Emergency Declaration and the relief granted herein. As necessary, FMCSA may take action to modify the Emergency Declaration, including modification of the transportations and commodities covered by the Emergency Declaration, extend, or terminate the Emergency Declaration if conditions warrant.

Please note: If the President of the United States or the Governor or authorized representative of the State in which you are providing direct assistance to emergency relief efforts has also issued an emergency declaration relating to this emergency for that State, that Declaration may provide additional regulatory relief.

Robin Hutcheson, Administrator
Federal Motor Carrier Safety Administration