



**Federal Motor Carrier
Safety Administration**

February 14, 2023

EXTENSION OF REGIONAL EMERGENCY DECLARATION
UNDER 49 CFR § 390.25
No. 2023-001

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

The Federal Motor Carrier Safety Administration (FMCSA) hereby declares that an emergency exists that warrants extension of Regional Emergency Declaration No. 2023-001 and continuing the exemption from certain regulatory requirements in Part 395 of the Federal Motor Carrier Safety (FMCSRs), except as otherwise restricted in this extension of the Regional 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 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 extension of Regional Emergency Declaration No. 2023-001 is issued pursuant to 49 CFR § 390.25 and addresses ongoing emergency conditions based upon the continued response to the unanticipated shutdown of the Suncor refinery in Colorado, impacts of winter storms, and the high demand resulting in continued difficulty in obtaining necessary gasoline, diesel and jet fuel, and provides necessary relief. Affected States and jurisdictions (Affected States) included in this extension of Emergency Declaration No. 2022-001 are: Colorado, Kansas, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wyoming.

By execution of this extension of Regional Emergency Declaration No. 2023-001, 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.

Nothing in this extension of Regional Emergency Declaration No. 2023-001 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. Motor carriers or drivers

¹ This extension of Regional Emergency Declaration No. 2023-001 is posted at <https://www.fmcsa.dot.gov/emergency-declarations>.

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.

This extension of Regional Emergency Declaration No. 2023-001 provides for regulatory relief 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 in the Affected States as set forth in this extension of Regional Emergency Declaration No. 2023-001, 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 in the Affected States, the motor carrier and driver are subject to all requirements of the FMCSRs 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 14 hours.

Please note: If 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, that State Declaration may provide additional regulatory relief.

In accordance with 49 CFR § 390.25, this extension of Regional Emergency Declaration No. 2023-001 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), March 17, 2023, 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.

Robin Hutcheson, Administrator
Federal Motor Carrier Safety Administration