



**Federal Motor Carrier
Safety Administration**

March 16, 2023

**EXTENSION OF REGIONAL EMERGENCY DECLARATION
UNDER 49 CFR § 390.25
Nos. 2022-016/2023-001**

**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. 2022-016 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 Emergency Declaration. Affected States and jurisdictions (Affected States) included in this extension of Emergency Declaration No. 2022-016 are: Colorado, Kansas, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wyoming.

On December 22, 2022, FMCSA issued Emergency Declaration No. 2022-016 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. FMCSA amended Emergency Declaration No. 2022-016 on December 31, 2022, and on January 17, 2023 extended and amended the Emergency Declaration. On February 14, 2023, FMCSA extended the amended Emergency Declaration and associated regulatory relief through March 17, 2023.¹ This extension of the amended Emergency Declaration No. 2022-016 is issued pursuant to 49 CFR § 390.25 and addresses ongoing emergency conditions in the Affected States.²

Emergency Declaration Restrictions & Conditions

By execution of this extension of the amended Emergency Declaration No. 2022-016, motor carriers and drivers providing direct assistance to the emergency the Affected States 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. Nothing in this extension of the amended 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

¹ The January and February extensions were issued under Emergency Declaration No. 2023-001.

² This extension of the amended Emergency Declaration is posted at <https://www.fmcsa.dot.gov/emergency-declarations>.

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 extension of the amended 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 amended Emergency Declaration provides for regulatory relief from 49 CFR § 395.3 for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts in the Affected States. 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 amended 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 amended 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.

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.

In accordance with 49 CFR § 390.25, this extension of the amended Emergency Declaration is effective at 12:00 a.m. (ET) on March 17, 2023 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), April 16, 2023, whichever is earlier. FMCSA intends to continually review the status of this extension of the amended Emergency Declaration and the relief granted herein. As necessary, FMCSA may take action to modify this extension of the amended Emergency Declaration, including modification of the transportations and commodities covered by the Emergency Declaration, extend, or terminate the Emergency Declaration if conditions warrant.

Robin Hutcheson, Administrator
Federal Motor Carrier Safety Administration