



Rulemaking Briefing: Clarification to the Applicability of Emergency Exemptions

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U.S. Department of Transportation
Federal Motor Carrier Safety Administration

Rule Overview – What's Changed?

	Old Regulation	New Regulation
Regional Declarations of Emergency	<ul style="list-style-type: none">• 30 days (or when declaration expires, whichever occurs first)• All FMCSRs Parts 390-99	<ul style="list-style-type: none">• 14 days (or when declaration expires, whichever occurs first)• HOS Rules in 49 CFR 395.3 and 395.5
Local Declarations of Emergency	<ul style="list-style-type: none">• 5 days (or when declaration expires, whichever occurs first)• All FMCSRs Parts 390-99	<ul style="list-style-type: none">• Still 5 days (or when declaration expires, whichever occurs first)• HOS Rules in 49 CFR 395.3 and 395.5
Extensions/Modifications	<ul style="list-style-type: none">• FMCSA on own or after request, but not for all exemptions (no local, no tow trucks)• Requests made to region covering principal place of business• Allowed for conditions	<ul style="list-style-type: none">• FMCSA on own or after request for any exemption• All requests to a single email inbox• Conditions still allowed, but now explicitly states reporting may be a condition

Rule Overview – What's Changed?

	Old Regulation	New Regulation
Definitions	<p>Included definitions of:</p> <ul style="list-style-type: none">• Direct Assistance• Emergency• Emergency Relief	<ul style="list-style-type: none">• Removed definition of Emergency Relief (term no longer used)• Revised Emergency definition to clarify scenarios that are NOT considered emergencies (primarily economic, market based)• Added substance of emergency relief definition into definition of direct assistance• Added Residential Heating Fuel definition from old 49 CFR 390.23

Rule Overview – What's Stayed the Same?

- Emergency Exemptions triggered by presidential declarations
 - 30 days (or when declaration expires, whichever occurs first)
 - All FMCSRs Parts 390-99
- Home Heating Fuel exemption, taxi exemption
- What qualifies as direct assistance: relief provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services or essential supplies
- FMCSA's ability to modify or extend emergency exemptions of any length of time, for more than just the HOS limits, with or without conditions
 - FMCSA can do this from the onset of the emergency as well
- Procedures for Waivers or Individual Exemptions (found in 49 CFR part 381)

Key Contacts

- 49 CFR 390.27 Locations of motor carrier safety service centers.
- <https://www.fmcsa.dot.gov/mission/field-offices>
 - Includes service center and field office contact information
- FMCSAdeclaration@dot.gov
- <https://www.fmcsa.dot.gov/emergency-declarations>