



**Federal Motor Carrier
Safety Administration**

May 7, 2024

**CONTINUATION OF EXTENSION OF EMERGENCY
DECLARATION UNDER 49 CFR § 390.25**
No. 2024-002

MARYLAND

The United States Department of Transportation (USDOT), Federal Motor Carrier Safety Administration (FMCSA) hereby declares that an emergency exists to extend the emergency declaration issued by the Governor of the State of Maryland and continuing the emergency relief granted from certain regulatory requirements in Part 395 of the Federal Motor Carrier Safety Regulations (FMCSRs) as set forth herein.

I. BACKGROUND

On March 26, 2024, due to the collapse of the Francis Scott Key Bridge and impacts to transportation, critical infrastructure, and navigable waterways, which poses a threat to property, public safety, and public welfare, the Governor of the State of Maryland issued an executive order declaring a state of emergency. (*See* Executive Order 01.01.2024.09). The emergency regulatory relief under 49 CFR § 390.23 related to that declaration expired on April 8, 2024. On or about March 30, 2024, the State of Maryland and the Maryland Motor Truck Association asked FMCSA to extend the emergency relief for commercial motor vehicle drivers providing direct assistance to the emergency. FMCSA issued an extension of the Maryland emergency declaration on April 4, 2024 granting specific regulatory relief through May 8, 2024. Due to ongoing conditions, including the continuing inaccessibility of the Port of Baltimore to the vast majority of commercial vessel traffic and complex salvage and debris removal operations, on April 23, the State of Maryland requested that FMCSA renew and extend the provisions of its April 4 extension beyond the current May 8 expiration date. Because emergency conditions, including the sudden and significant disruption of distribution operations, have not abated, FMCSA continues its extension of the emergency declaration issued by the State of Maryland and grants regulatory relief in accordance with 49 CFR § 390.25 as set forth herein.¹

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

II. APPLICABILITY

This extension applies to commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts related to the emergency resulting from the collapse of the bridge and partial closure of the Port of Baltimore in the State of Maryland. Direct assistance does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries, after the initial threat to life and property has passed, or mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of this emergency declaration.

In this Extension, direct assistance includes the following:

1. Transportation related to the immediate restoration of essential services at the Port of Baltimore.
2. Transportation of commodities re-routed due to the disruptions to vessel traffic into the Port, subject to the restrictions and conditions set forth in this Extension.
3. Transportation of fuel (gasoline, ethanol, propane, natural gas, and heating oil) from Maryland's Curtis Bay terminal (within the Baltimore Marine Terminal area) for delivery to the following locations within Maryland: Anne Arundel, Baltimore City, Baltimore County, Carroll County, Cecil County, Frederick County, Harford County, Howard County, Queen Anne's County, and Washington County.

III. RELIEF GRANTED

This Extension does not waive any requirement for motor carriers or drivers not specifically identified below. Motor carriers are required to comply with all other federal, state, and local laws and regulations while operating under this Extension.

A. Relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles.

The following motor carriers and commercial motor carrier drivers are granted emergency relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles, for commercial motor vehicle operations in support of emergency relief efforts related to the collapse of the Francis Scott Key Bridge and partial closure of the Port of Baltimore and adjacent navigable waterways:

1. Transportation related to the immediate restoration of essential services and reopening of the Port of Baltimore and adjacent navigable waterways.

Motor carriers and drivers providing direct assistance related to the immediate restoration of essential services and reopening of the navigable waters into the Port of Baltimore and including: (1) transporting equipment and supplies related to immediate repairs to the roadways and navigable waterways adjacent to the Port of Baltimore, and (2) transportation related to the removal of wreckage and debris from the navigable waterways providing access to the Port of Baltimore 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.

2. Transportation related to commodities rerouted from the Port of Baltimore.

Motor carriers and drivers transporting commodities rerouted from the Port of Baltimore to other East Coast ports because of the Key Bridge collapse including: fuel, intermodal freight, including shipping containers and their contents, automobiles, or other equipment transported in roll on roll of operations such as heavy duty machinery and farm equipment are granted emergency relief from 49 CFR § 395.3(a)(3)(i), maximum 11-hour driving time for property-carrying vehicles, up to a maximum of two additional hours, subject to the restrictions and conditions in this Extension.

3. Fuel transportation within the specified Baltimore Metropolitan Areas

Motor carriers and drivers transporting fuel (gasoline, ethanol, propane, natural gas, and heating oil) from Maryland's Curtis Bay terminal (within the Baltimore Marine Terminal area) for delivery to the following locations within Maryland: Anne Arundel, Baltimore City, Baltimore County, Carroll County, Cecil County, Frederick County, Harford County, Howard County, Queen Anne's County, and Washington County are granted emergency relief from 49 CFR § 395.3(a)(3)(i), maximum 11-hour driving time for property-carrying vehicles, up to a maximum of two additional hours, subject to the restrictions and conditions set forth herein.

B. Relief from 49 CFR § 395.8(a)(1)(i), use of electronic logging devices (ELDs).

Motor carriers and drivers identified in Section III.A. and who are not currently required to use an electronic logging device (ELD) under 49 CFR § 395.8(a) and who do not have an ELD installed, including those currently operating under the short-haul operations exception in 49 CFR § 395.1(e), are also granted emergency relief from 49 CFR § 395.8(a)(1)(i), ELD requirements for records of duty status. Such carriers and drivers are required to maintain paper logs and supporting documents while operating under this Extension.

IV. TERMS AND CONDITIONS

Motor carriers and commercial motor vehicle drivers may operate under this Extension only if they comply with the following terms and conditions.

1. Comply with all other applicable federal, state, and local laws and regulations.
2. Motor carriers and commercial motor vehicle drivers eligible for relief from the electronic logging device (ELD) requirements as set forth in Section III.A. of this Extension of Emergency Declaration must manually comply with the records of duty status (RODS) requirements in 49 CFR § 395.8 by using paper RODS. Such paper RODS, and supporting documents, must be retained by the motor carrier and the driver as required by 49 CFR §§ 395.8(k) and 395.11.
3. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this Extension of Emergency Declaration until they have met the

applicable conditions for rescission and the order has been rescinded in writing by the issuing jurisdiction.

4. This Extension of Emergency Declaration provides for regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts related to the collapse of the Francis Scott Key Bridge and partial closure of the Port of Baltimore and adjacent waterways in the State of Maryland. Consistent with FMCSA's authority under 49 CFR § 395.25 to evaluate the circumstances of the ongoing emergency and to determine the nature of the relief to be provided, the regulatory relief under this Extension of Emergency Declaration applies regardless of the motor carrier or origin of the trip, so long as the carrier or driver is providing direct assistance as set forth herein.
5. 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 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 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 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), June 8, 2024, whichever is earlier. FMCSA intends to continually review the status of the emergency including the status of the partial closure of the Port of Baltimore and adjacent navigable waterways and the relief granted under this Extension of Emergency Declaration. As necessary, FMCSA may take action to modify this Extension of Emergency Declaration, including modification of the transportations and commodities covered by the Emergency Declaration, and to extend or terminate the Emergency Declaration if conditions warrant.

Issued this 7th day of May 2024

Sue Lawless

Sue Lawless, Acting Deputy Administrator
Federal Motor Carrier Safety Administration