



**Federal Motor Carrier
Safety Administration**

January 20, 2025

**EXTENSION OF EMERGENCY DECLARATION UNDER 49 CFR § 390.25
No. 2025-002**

WEST VIRGINIA

The United States Department of Transportation (USDOT), Federal Motor Carrier Safety Administration (FMCSA) hereby declares that an emergency exists that warrants extension of the emergency declarations issued by the Governor of the State of West Virginia 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.

On January 2, 2025, due to severe winter storm events followed by dangerous wind chills and other adverse weather events in the State posing a threat to property, public safety, and public welfare, the Governor of the State of West Virginia issued an executive proclamation declaring a state of emergency preparedness and delegating certain emergency powers to the Director of the West Virginia Emergency Management Division. On January 5, 2025, the Director of the West Virginia Emergency Management Division declared that an emergency exists justifying emergency relief from 49 CFR § 395.3 for motor carriers and drivers providing direct assistance to the winter storm emergency in the State of West Virginia. The emergency regulatory relief under 49 CFR § 390.23 related to the West Virginia emergency declaration expires on January 19, 2025. On or about January 18, 2025, the State of West Virginia requested FMCSA extend the emergency relief from 49 CFR § 395.3 for commercial motor vehicle drivers providing direct assistance to the emergency. Because emergency conditions have not abated, FMCSA is extending the emergency declarations issued by the State of West Virginia and granting regulatory relief in accordance with 49 CFR § 390.25 as set forth herein.

The Extension of the Emergency Declaration provides regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts related to the emergency resulting from severe winter storms in the State of West Virginia. By execution of this Extension of the Emergency Declaration, motor carriers and drivers providing direct assistance to the winter storm emergency in the State of West Virginia, including transportation of fuel, propane, groceries, and other essential products, 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. 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 after the initial threat to life and property has passed, nor does it include routine commercial deliveries, including mixed loads

with a nominal quantity of qualifying emergency relief added to obtain the benefits of this Emergency Declaration.

Emergency Declaration Restrictions & Conditions

By execution of this Extension of the Emergency Declaration, 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. Nothing in this Extension of the 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 Extension of the 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(e)). 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), January 31, 2025, 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.

Issued this 20th day of January 2025

Federal Motor Carrier Safety Administration