



**Federal Motor Carrier
Safety Administration**

April 28, 2025

**EXTENSION OF EMERGENCY DECLARATION
PURSUANT TO 49 CFR § 390.25
No. 2025-006**

MONTANA

The United States Department of Transportation (USDOT), Federal Motor Carrier Safety Administration (FMCSA) declares that an emergency exists that warrants extension of the emergency declaration issued by the Governor of the State of Montana to continue emergency relief granted from certain regulatory requirements in Parts 390-399 of the Federal Motor Carrier Safety Regulations (FMCSRs).¹ This Extension of Emergency Declaration is in response to severe weather and late winter storms impacting the supply of fertilizer for crop production in the State of Montana and their effects on people and property, including immediate threats to human life, public safety, or public welfare. This Extension of Emergency Declaration addresses the emergency conditions creating a need for immediate transportation of fertilizer for crop production and provides necessary relief in the State of Montana.

On April 14, 2025, the Governor of the State of Montana issued an emergency declaration related to severe weather and late winter storms impacting the delivery of fertilizer for crop production to the State of Montana (E.O. 1-2025); the declaration resulted in up to 14 days of emergency regulatory relief from 49 CFR § 395.3. On April 25, 2025, the State of Montana requested FMCSA extend the State-issued emergency declaration for an additional 14 days. Because emergency conditions have not abated, FMCSA is issuing this Extension of Emergency Declaration and granting regulatory relief in accordance with 49 CFR § 390.25 as set forth herein.

This Extension of Emergency Declaration provides regulatory relief from 49 CFR § 395.3 for commercial motor vehicle operations providing direct assistance during the declared emergency involving transportation incident to the immediate restoration of fertilizer for crop production in the State of Montana. The regulatory relief under this Extension of Emergency Declaration applies regardless of the origin of the trip, so long as the carrier or driver is providing direct assistance to the emergency in the State of Montana. 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 the Declaration.

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

Emergency Declaration Restrictions & Conditions

By execution of this Extension of Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in the State of Montana are granted emergency relief from regulations in 49 CFR § 395.3, subject to the following restrictions and conditions:

1. Nothing in this Extension of 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 Part 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 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 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 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(e)). 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), May 12, 2025, whichever is earlier. FMCSA intends to continually review the status of this Declaration and the relief granted herein. As necessary, FMCSA may take action to modify this Declaration, including modification of the transportations and commodities covered by the Declaration, and extend, or terminate this Extension of Emergency Declaration if conditions warrant.

Issued this 28th day of April 2025

Federal Motor Carrier Safety Administration