



**Federal Motor Carrier
Safety Administration**

**Western Service Center
12600 W. Colfax Avenue, Suite B-300
Lakewood, CO 80215**

November 15, 2018

**REGIONAL EMERGENCY DECLARATION
UNDER 49 CFR § 390.23
No. 2018-009**

CALIFORNIA

In accordance with the provisions of 49 CFR § 390.23, the Regional Field Administrator for the Federal Motor Carrier Safety Administration's (FMCSA) Western Service Center, hereby declares that an emergency exists that warrants issuance of a Regional Emergency Declaration and an exemption from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs), except as otherwise restricted by this Emergency Declaration. Such emergency is in response to widespread wildfires and high winds in the State of California, and their effects on people and property, including the immediate threat to human life or public welfare. This Emergency Declaration addresses existing and anticipated emergency conditions creating a need for immediate transportation of supplies, equipment and persons, and provides necessary relief.

On November 8 and 9, 2018, the California Governor's Office declared a state of emergency in several California counties, including Butte, Los Angeles and Ventura, as a result of critical fire danger and widespread wildfire activity which threaten critical infrastructure and have destroyed homes and caused widespread evacuations of residents. On November 9, 2018, President Donald J. Trump declared that an emergency exists in the State of California due to the emergency conditions resulting from wildfires.

By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in the State of California in direct support of relief efforts related to the wildfires are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations except as restricted herein.

This Emergency Declaration provides for regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts transporting supplies, equipment, and fuel into the State of California and transporting persons into and from the State of California or providing other assistance in the form of emergency services during the emergency in the State of California from the wildfires. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services not directly supporting the emergency relief effort or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. Upon termination of direct assistance to the emergency relief effort, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal

work reporting location without complying with Parts 390 through 399. However, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted at least 10 consecutive hours off duty before the driver is required to return to the motor carrier's terminal or the driver's normal reporting location. Once the driver has returned to the terminal or other location, the driver must be relieved of all duty and responsibilities and must receive a minimum of 10 hours off duty if transporting property, and 8 hours if transporting passengers.

Nothing contained in this Emergency Declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility (insurance) requirements (49 CFR Part 387), the hazardous material regulations (49 CFR Parts 100-180), applicable size and weight requirements, or any other portion of the regulations not specifically authorized pursuant to 49 CFR § 390.23.

Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this declaration until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA.

In accordance with 49 CFR § 390.23, this declaration is effective immediately and shall remain in effect for the duration of the emergency (*as defined in 49 CFR § 390.5*) or until 11:59 P.M. (ET), December 15, 2018, whichever is less.

A handwritten signature in black ink, appearing to read 'S. G. Hernandez', written in a cursive style.

Scott G. Hernandez, Regional Field Administrator
Federal Motor Carrier Safety Administration
Western Service Center