



**Federal Motor Carrier  
Safety Administration**

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

**December 7, 2018**

**EXTENSION OF REGIONAL EMERGENCY DECLARATION NO. 2018-009  
UNDER 49 CFR § 390.25**

**CALIFORNIA**

The Regional Field Administrator for the Federal Motor Carrier Safety Administration's (FMCSA) Western Service Center, hereby declares that an emergency exists that warrants extension of Regional Emergency Declaration No. 2018-009 issued on November 15, 2018 and continuing the exemption granted from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs) for the State of California, except as otherwise restricted herein.

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. On November 18, 2018, in response to the widespread wildfires and high winds, FMCSA issued Regional Declaration of Emergency No. 2018-009 for the State of California.

Because emergency conditions in the State of California have not abated, FMCSA is extending Regional Emergency Declaration No. 2018-009 and associated regulatory relief in the State of California in accordance with 49 CFR § 390.25. This extension of the Emergency Declaration addresses ongoing emergency conditions creating a need for immediate transporting of supplies, equipment and fuel into the State of California, transporting persons into or from the State of California, or providing other assistance in the form of emergency services during the emergency in the State of California resulting from the wildfires.

By execution of this extension of Regional Emergency Declaration No. 2018-009, motor carriers and drivers providing direct assistance to the emergency in the State of California in direct support of relief efforts related to wildfires are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations except as restricted herein.

Nothing contained in this extension of the 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), hazardous materials regulations (49 CFR Parts 100 through 180), applicable size and weight requirements, or any other portion of the regulations not specifically authorized pursuant to 49 CFR § 390.23.

## **Emergency Declaration Restrictions & Limitations**

By execution of this extension to the Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in the State of California are **not granted** emergency relief from, and must continue to comply with, the following Federal Motor Carrier Safety Regulations (FMCSRs) and conditions:

1. 49 CFR § 392.2 related to the operation of a commercial motor vehicle in accordance with State laws and regulations, including compliance with applicable speed limits and other traffic restrictions.
2. 49 CFR § 392.3 related to operation of a commercial motor vehicle while a driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue to operate the commercial motor vehicle.
3. Motor carriers shall not require or allow fatigued drivers to operate a commercial motor vehicle. A driver who informs a carrier that he/she needs immediate rest shall be given at least ten consecutive hours before the driver is required to return to service.
4. Drivers are required to comply with the portions of 49 CFR Part 395 related to the preparation, retention and accuracy of a driver's record of duty status (RODS). Drivers are directed to note "Emergency Declaration" in the remarks section of the RODS to identify that their operation is in direct assistance to the emergency relief.
5. A motor carrier whose driver is involved in a crash while operating under this emergency declaration must report any recordable crash within 24 hours, by phone or in writing, to the FMCSA Division Office where the motor carrier is domiciled. The carrier must report the date, time, location, driver, vehicle identification, and brief description of the crash.
6. 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.
7. Drivers for motor carriers operating under this declaration must have a copy in their possession.
8. 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 under the terms of the declaration. 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 return to the terminal or other location, such driver must be relieved of all duty and responsibilities.

9. Upon termination of direct assistance to the emergency relief effort, no motor carrier shall require or permit any driver used by it to drive, nor shall any such driver drive in interstate commerce until the driver has met the minimum hours off duty requirements of 49 CFR §395.3 (property carriers), and § 395.5 (passenger carriers).

In accordance with 49 CFR § 390.25, this extension to Regional Emergency Declaration No. 2018-009 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), January 18, 2019, whichever is less.

A handwritten signature in black ink, appearing to read 'S. G. Hernandez', with a long, sweeping flourish extending to the right.

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