



**U.S. Department
Of Transportation**

**Federal Motor Carrier
Safety Administration**

Southern Service Center
1800 Century Boulevard, Suite 1700
Atlanta, GA 30345

May 17, 2017

DECLARATION OF EMERGENCY UNDER 49 CFR § 390.23

The Regional Field Administrator for the Federal Motor Carrier Safety Administration (FMCSA), hereby declares that an emergency exists that warrants issuance of a Regional Emergency Declaration in the State of Florida under the provisions of 49 CFR § 390.23 providing exemption from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs), except as otherwise restricted by this Regional Declaration. On April 11, 2017, as a result of severe drought conditions resulting in numerous large wildfires, the Governor of the State of Florida signed Executive Order 17-120 declaring that a state of emergency exists in the State of Florida. In accordance with the Executive Order, on April 12, 2017 the State of Florida issued an Emergency Declaration under 49 CFR § 390.23. On May 16, 2017, the State of Florida requested FMCSA extend the April 12, 2017 Emergency Declaration. This Regional Declaration is needed to address the emergency conditions resulting from numerous large wildfires affecting more than 215,075 acres in Florida and extend the Emergency Declaration issued by State of Florida on April 12, 2017 because the emergency conditions have not abated. The wildfires have resulted in severe damage, evacuations, loss of life, and loss of property creating a need for the immediate transportation of personnel, equipment and supplies into and from Florida.

By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance to the wildfires emergency in Florida 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 the regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts transporting personnel, equipment and supplies or providing other assistance in the form of emergency services during the wildfires emergency in the State of Florida. 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.

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), 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 Emergency Declaration, motor carriers and drivers providing direct assistance to the wildfires emergency in Florida are **not granted** emergency relief from and must comply with the following Federal Motor Carrier Safety Regulations (FMCSRs) and conditions:

1. 49 CFR Part 392 related to the operation of a commercial motor vehicle in accordance with state laws and regulations, including compliance with applicable speed limits.
2. 49 CFR Part 392 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, while under this order, 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 of the declaration 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 not in direct furtherance of the emergency relief efforts. 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 requirements of 49 CFR §395.3(a) and (c), and § 395.5(a).

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), June 16, 2017, whichever is less.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrell L. Ruban", with a long horizontal stroke extending to the right.

Darrell L. Ruban, Regional Field Administrator
Federal Motor Carrier Safety Administration