



**Federal Motor Carrier
Safety Administration**

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

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

August 25, 2017

REGIONAL DECLARATION OF EMERGENCY UNDER 49 CFR § 390.23

In accordance with the provisions of 49 CFR § 390.23, the Field Administrator for the Federal Motor Carrier Safety Administration's (FMCSA) Western Service Center and Regional Field Administrator for FMCSA's Southern Service Center, hereby declare that an emergency exists that warrants issuance of a Regional Emergency Declaration in the States of Texas and Louisiana 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 Tropical Storm Harvey and its possible effects on people and property, including the immediate threat to human life or public welfare in those States. On August 23, 2017, the Governor of the State of Texas declared a state of disaster for 30 counties based on Tropical Storm Harvey posing a threat of imminent disaster, including severe flooding, storm surge and damaging winds. On August 24, 2017, the Governor of the State of Louisiana signed Proclamation Number 104 JBE 2017 declaring a statewide emergency based on expected significant flooding and risk of storm surge resulting from Tropical Storm Harvey. This Emergency Declaration addresses possible emergency conditions creating a need for immediate transportation of supplies, equipment and persons into and from those States and provides necessary relief.

By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in the States of Texas and Louisiana as a result of Tropical Storm Harvey 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 persons into or from the States of Texas and Louisiana or providing other assistance in the form of emergency services during the emergency resulting from Tropical Storm Harvey in the States of Texas and Louisiana. 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. 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.

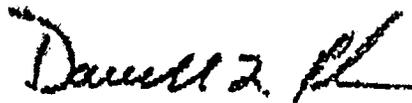
Nothing contained in this Emergency Declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility (insurance) requirements (49 CFR Part 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), September 24, 2017, whichever is less.



Terry D. Wolf, Field Administrator
Federal Motor Carrier Safety Administration
Western Service Center



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