



**U.S. Department
of Transportation**

**Federal Motor Carrier
Safety Administration**

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

December 15, 2017

EXTENSION OF REGIONAL DECLARATION OF EMERGENCY UNDER 49 CFR § 390.25

TEXAS

The Field Administrator for the Federal Motor Carrier Safety Administration's (FMCSA) Western Service Center hereby declares that an emergency exists that warrants extension of the Regional Declaration of Emergency issued on August 25, 2017, and continuing the exemption granted in accordance with 49 CFR § 390.23(a)(1) from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs), except as otherwise restricted herein.

On August 25, 2017, as a result of the effects of Hurricane Harvey on people and property, FMCSA issued a Regional Declaration of Emergency. The Regional Declaration of Emergency was extended on September 22, 2017 and again on November 24, 2017.

Because emergency conditions have not abated, FMCSA is extending the Emergency Declaration and associated regulatory relief in accordance with 49 CFR § 390.25. This extension of the Regional Declaration of Emergency addresses ongoing emergency conditions creating a need for immediate transportation of supplies, equipment and persons into the State of Texas and provides necessary relief.

By execution of this extension of the Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in the State of Texas as a result of Hurricane Harvey are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations except as restricted herein.

The extension of the Emergency Declaration provides for regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts transporting supplies and equipment into the State of Texas and/or transporting persons into or from Texas, or providing other assistance in the form of emergency services during the emergency in the State of Texas resulting from Hurricane Harvey.

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 Texas 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 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 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 the Emergency 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), January 22, 2018, whichever is less.

A handwritten signature in blue ink, appearing to read 'T.D. Wolf'.

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