

Legal Background FMCSA Emergency Authorities



Emergency Declarations

- **Relief from 49 CFR Parts 390-399**
- **Regional Declarations**
 - President
 - Governor
 - FMCSA
 - Maximum period of 30 days
- **Local Declaration**
 - Federal, State or Local authorities
 - FMCSA
 - Maximum period of 5 days
- **Extensions of Emergency Declarations**
 - FMCSA may extend Regional Declarations
 - Establish new time limit
 - Establish necessary restrictions

Emergency Declarations

- Emergency means any hurricane, tornado, storm (e.g. thunderstorm, snowstorm, ice storm, blizzard, sandstorm, etc.), high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, mud slide, drought, forest fire, explosion, blackout or other occurrence, natural or man-made, **which interrupts the delivery of essential services** (such as, electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) **or essential supplies** (such as, food and fuel) **or otherwise immediately threatens human life or public welfare**, provided such hurricane, tornado, or other event results in a declaration of an emergency

Emergency Declarations

- Emergency relief means an operation in which **a motor carrier or driver of a commercial motor vehicle is providing direct assistance to supplement State and local efforts and capabilities** to save lives or property or to protect public health and safety as a result of an emergency
- Direct Assistance means transportation and other relief services provided by a motor carrier or its driver(s) **incident to the immediate restoration of essential services** (such as, electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) **or essential supplies** (such as, food and fuel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed

Waivers

- Temporary regulatory relief
 - From one or more eligible regulations in:
 - Part 382 – Controlled Substances and Alcohol Use and Testing
 - Part 383 – Commercial Driver’s License Standards and Requirements
 - § 390.19 – Motor Carrier Identification Report
 - § 390.21 – Marking of Commercial Motor Vehicles
 - Part 391 – Qualifications of Drivers
 - Part 392 – Driving of Commercial Motor Vehicles
 - Part 393 – Parts and Accessories Necessary for Safe Operation
 - Part 395 – Hours of Service of Drivers
 - Part 396 – Inspection, Repair and Maintenance (except § 396.25, Qualifications of Brake Inspectors)
- For up to 3 months
- Includes conditions imposed by FMCSA to ensure equivalent level of safety

FMCSA Resources

- **FMCSA Websites**

- <https://www.fmcsa.dot.gov/emergency-declarations>
- <https://www.fmcsa.dot.gov/COVID-19>