



**Federal Motor Carrier
Safety Administration**

**Southern Service Center
1800 Century Blvd., Suite 1700
Atlanta, GA 20245**

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

October 7, 2020

**REGIONAL EMERGENCY DECLARATION
UNDER 49 CFR § 390.23
No. 2020-007**

ALABAMA, FLORIDA, LOUISIANA, MISSISSIPPI AND TEXAS

In accordance with 49 CFR § 390.23, the Regional Field Administrators for the Federal Motor Carrier Safety Administration's (FMCSA) Southern and Western Service Centers hereby declare that an emergency exists that warrants issuance of a Regional Emergency Declaration and an exemption from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs), except as otherwise restricted in this Emergency Declaration. Such emergency is in response to Hurricane Delta, and its current and anticipated effects on people and property, including immediate threat to human life or public welfare from heavy rains, strong winds, storm surge, high surf, and flooding. This Declaration addresses the emergency conditions creating a need for immediate transportation of supplies, goods, equipment, fuel and persons and provides necessary relief. Affected States included in this Emergency Declaration are: Alabama, Florida, Louisiana, Mississippi and Texas.

By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in the Affected States in direct support of relief efforts related to Hurricane Delta are granted 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, goods, equipment and fuel into the Affected States, and transporting persons into and from the Affected States, or providing other assistance in the form of emergency services during the emergency in the Affected States from Hurricane Delta. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services not in support of emergency relief efforts related to Hurricane Delta, or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. (49 CFR § 390.23(b)). Upon termination of direct assistance to emergency relief efforts related to Hurricane Delta in the Affected States, 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 without complying

with Parts 390 through 399. When a driver is moving from emergency relief efforts to normal operations a 10-hour break is required when the total time a driver operates conducting emergency relief efforts, or a combination of emergency relief and normal operation, equals 14 hours.

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), November 6, 2020, whichever is less.



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