



**Federal Motor Carrier
Safety Administration**

September 28, 2022

REGIONAL EMERGENCY DECLARATION
UNDER 49 CFR § 390.23
No. 2022-013

**ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI,
NORTH CAROLINA, SOUTH CAROLINA, AND TENNESSEE**

In accordance with the provisions of 49 CFR § 390.23, the U.S. Department of Transportation (USDOT), Federal Motor Carrier Safety Administration's (FMCSA) hereby declares that an emergency exists that warrants issuance of a Regional Emergency Declaration and relief from certain regulatory requirements in Part 395 of the Federal Motor Carrier Safety Regulations (FMCSRs), except as otherwise restricted herein. Such emergency is in response to Hurricane Ian and the current and anticipated effects on people and property, including immediate threat to human life or public welfare from heavy rains, high surf, flooding, and strong winds. This Emergency Declaration addresses emergency conditions and provides necessary relief. Affected States and jurisdictions (Affected States) included in this Emergency Declaration are: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

The Emergency Declaration provides 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 related to Hurricane Ian in the Affected States. By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in direct support of relief efforts related to the emergency as set out in this declaration are granted relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles and 49 CFR § 395.5, maximum driving time for passenger-carrying vehicles, subject to the restrictions and conditions set forth herein.¹ Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential supplies or essential services. Direct assistance does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of this emergency declaration, after the initial threat to life and property has passed.

¹ This Emergency Declaration No. 2022-013 is posted at <https://www.fmcsa.dot.gov/emergency-declarations>.

Emergency Declaration Restrictions & Conditions

By execution of this Emergency Declaration No. 2022-013, motor carriers and drivers providing direct assistance to the emergency as set forth herein in the Affected States are granted emergency relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles, and 49 CFR § 395.5, maximum driving time for passenger-carrying vehicles, subject to the following restrictions and conditions:

1. Nothing in this Emergency Declaration shall be construed as a waiver of or exemption from any applicable requirements or any portion of the FMCSRs, Federal Hazardous Materials Safety Regulations (HMRs), or other regulations for which relief is not specifically granted herein.
2. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this Emergency Declaration until they have met the applicable conditions for its rescission and the order has been rescinded in writing by the issuing jurisdiction.
3. This Emergency Declaration provides for regulatory relief from 49 CFR §§ 395.3 and 395.5 for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to the emergency as set forth in this Emergency Declaration, 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 the emergency as set forth in this Emergency Declaration, the motor carrier and driver are subject to the requirements of 49 CFR §§ 395.3 and 395.5 while operating commercial motor vehicles, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with 49 CFR §§ 395.3 and 395.5, except as noted herein. When a driver is moving from emergency relief efforts to normal operations, for a driver operating a passenger-carrying commercial motor vehicle an 8-hour break is required when the total time a driver is engaged in emergency relief efforts, or a combination of emergency relief and normal operations equals or exceeds 15 hours, and for a driver operating a property-carrying commercial motor vehicle a 10-hour break is required when the total time a driver is engaged in emergency relief efforts or in a combination of emergency relief and normal operations equals or exceeds 14 hours.

Please note: If the President of the United States or the Governor or authorized representative of the State in which you are providing direct assistance to emergency relief efforts has also issued an emergency declaration relating to this emergency for that State, that Declaration may provide additional regulatory relief

In accordance with 49 CFR § 390.23, this Emergency Declaration is effective immediately and shall remain in effect until the end of the emergency (*as defined in 49 CFR § 390.5T*) or until 11:59 P.M. (ET), October 28, 2022, whichever is earlier. FMCSA intends to continually review the status

of this Emergency Declaration and the relief granted herein. As necessary, FMCSA may take action to modify the Emergency Declaration, including modification Affected States included in this Emergency Declaration or of the transportations and commodities covered by the Emergency Declaration, extend, or terminate the Emergency Declaration if conditions warrant.

A handwritten signature in blue ink, appearing to be 'JD', is positioned above the typed name of the Field Administrator.

Jon Dierberger, Field Administrator
Federal Motor Carrier Safety Administration