

SOUTHERN SERVICE CENTER
1800 CENTURY BOULEVARD, SUITE 1700
ATLANTA, GA 30345

November 4, 2016
DECLARATION OF REGIONAL EMERGENCY

The Regional Field Administrator for the Federal Motor Carrier Safety Administration, hereby declares that an emergency exists that warrants issuance of a Regional Emergency Declaration Under the provisions of 49 CFR 390.23 from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs), except as otherwise restricted by this Regional Declaration. This Regional Declaration is needed to respond to the severe impacts to the southeast region of the United States resulting from Hurricane Matthew. Several states previously issued emergency declarations which have expired and some states have continuing emergency declarations. This Regional Declaration is necessary to ensure consistency of exemptions afforded within the affected region and because the need for emergency relief to those affected by the hurricane has not abated. The states included in this Regional Emergency Declaration include Florida, Georgia, North Carolina, and South Carolina.

This declaration provides for the regulatory relief for commercial motor vehicles operations while providing direct assistance in providing emergency relief during. 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.

Nothing contained in this 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), applicable size and weight requirements, or any other portion of the regulations not specifically authorized pursuant 49 CFR §390.23.

Emergency Declaration Restrictions & Limitations

1. By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency relief efforts within the identified states are not granted emergency relief from and must comply with the following Federal Motor Carrier Safety Regulations (FMCSR) and conditions:
2. 49 CFR Part 392 related to the operation of a commercial motor vehicle in accordance with state laws and regulations, including compliance with applicable speed limits.

3. 49 CFR Part 392 related to operation of a commercial motor vehicle while a driver's ability or alertness is so impaired, or so like 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.
4. 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 - date, time, location, driver and 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 is 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, the 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 requirements of 49 CFR § 395.3(a) and (c), and § 395.5(a).
10. In accordance with Title 49 CFR § 390.25, this declaration is effective November 4, 2016 at 12:00AM and shall remain in effect for 30 days or for the duration of the emergency (as defined in Title 49 CFR § 390.5), whichever is less.

Federal Motor Carrier Safety Administration



Darrell L. Ruban
Regional Field Administrator