



**Federal Motor Carrier
Safety Administration**

**Midwestern Service Center
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**Southern Service Center
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**Western Service Center
12600 W. Colfax Ave., Ste. B-300
Lakewood, CO 80215**

November 22, 2019

**EXTENSION AND AMENDMENT OF REGIONAL EMERGENCY
DECLARATION No. 2019-008 UNDER 49 CFR § 390.25**

**ILLINOIS, INDIANA, IOWA, KANSAS, KENTUCKY, MINNESOTA, MISSOURI,
NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA AND WISCONSIN**

The Regional Field Administrators for the Federal Motor Carrier Safety Administration's (FMCSA) Midwestern, Southern and Western Service Centers, hereby declare that an emergency exists that warrants extension of Regional Emergency Declaration No. 2019-008 issued on November 1, 2019, and continuing the exemption granted from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs) for the Affected States except as otherwise restricted herein. Affected States under the original Emergency Declaration were: Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. Affected States included in this Extension and Amendment of the Emergency Declaration are: Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

On October 31 and November 1, 2019, the Governors of several States, including Iowa, Minnesota, Missouri, and Wisconsin, issued Emergency Declarations for the transportation of heating fuel, including propane, as a result of low supplies and high demand due to weather and other conditions. On November 1, 2019 in order to prevent interruption of the delivery of essential supplies as a result of the effects of the winter weather conditions, unusually high demand and low supply, FMCSA issued a Regional Declaration of Emergency for the Affected States.

Because emergency conditions in the Affected States have not abated, FMCSA is extending and amending Regional Emergency Declaration No. 2019-008 and the associated regulatory relief in the Affected States in accordance with 49 CFR § 390.25. The original Regional Declaration was limited to transportation of propane, natural gas, and heating oil. Due to ongoing shortages of three additional fuels, this Extension and Amendment of the Regional Declaration of Emergency addresses ongoing emergency conditions creating a need for immediate transportation of heating fuel, including propane, natural gas, and heating oil, gasoline, diesel and ethanol into the Affected States and provides necessary relief.

By execution of this Extension and Amendment of Regional Emergency Declaration No. 2019-008, motor carriers and drivers providing direct assistance to the emergency in the enumerated Affected States in direct support of relief efforts related to the emergency conditions are granted

emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations except as restricted herein.

Nothing contained in this Extension and Amendment 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.

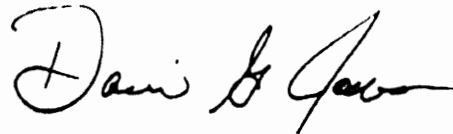
Emergency Declaration Restrictions & Limitations

By execution of this Extension and Amendment of the Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in the Affected States are **not granted** emergency relief from, and must continue to comply with, the following Federal Motor Carrier Safety Regulations 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 and motor carriers are required to comply with the portions of 49 CFR Part 395 related to the preparation, retention and accuracy of drivers' records 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 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 or provide services not directly supporting the emergency relief effort or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. 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 and Amendment of Regional Emergency Declaration No. 2019-008 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 10, 2020, whichever is less.



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November 1, 2019

**REGIONAL EMERGENCY DECLARATION
UNDER 49 CFR § 390.23
No. 2019-008**

**ILLINOIS, IOWA, KANSAS, MINNESOTA, MISSOURI, NEBRASKA,
SOUTH DAKOTA AND WISCONSIN**

In accordance with the provisions of 49 CFR § 390.23, the Regional Field Administrators for the Federal Motor Carrier Safety Administration's (FMCSA) Midwestern Service Center and Western Service Center, 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 by this Emergency Declaration. Such emergency is in response to early onset of early winter weather conditions, flooding, and high demand resulting in decrease in availability of heating fuel, including propane, for household use in the Affected States, and its anticipated effects on people and property, including the immediate risk to public health, safety and welfare. This Declaration addresses the emergency conditions creating a need for immediate transportation of heating fuel, including propane, natural gas and heating oil, and provides necessary relief. Affected States included in this Emergency Declaration are: Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

On October 31 and November 1, 2019, the Governors of several States, including Iowa, Minnesota, Missouri, and Wisconsin, issued Emergency Declarations for the transportation of heating fuel, including propane, as a result of low supplies and high demand due to weather and other conditions. 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 the transportation of heating fuel, including propane, natural gas, and heating oil, are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations except as restricted herein.

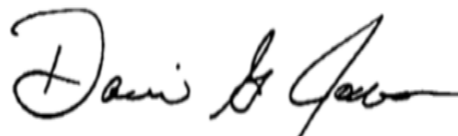
This Emergency Declaration provides for regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts transporting heating fuel, including propane, natural gas and heating oil, into the Affected States, or providing other assistance in the form of emergency services during the emergency in the Affected States from the heating oil shortages. 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 or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. 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 without complying with Parts 390 through 399. However, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted at least 10 consecutive hours off duty before the driver is required to return to the motor carrier's terminal or the driver's normal reporting location. Once the driver has returned to the terminal or other location, the driver must be relieved of all duty and responsibilities and must receive a minimum of 10 hours off duty if transporting property, and 8 hours if transporting passengers.

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 30, 2019, whichever is less.



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