



**Federal Motor Carrier
Safety Administration**

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

**Eastern Service Center
Fallon Federal Building
31 Hopkins Plaza, Ste. 800
Baltimore, MD 21201**

August 29, 2019

**REGIONAL EMERGENCY DECLARATION
UNDER 49 CFR § 390.23
No. 2019-005**

**ALABAMA, FLORIDA, GEORGIA, KENTUCKY, LOUISIANA, MISSISSIPPI, NORTH
CAROLINA, SOUTH CAROLINA, TENNESSEE, VIRGINIA, COMMONWEALTH OF
PUERTO RICO AND THE TERRITORY OF THE U.S. VIRGIN ISLANDS**

In accordance with the provisions of 49 CFR § 390.23, the Regional Field Administrator for the Federal Motor Carrier Safety Administration's (FMCSA) Southern Service Center and the Field Administrator for the Eastern 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 in this Emergency Declaration. Such emergency is in response to Tropical Storm Dorian, and its anticipated effects on people and property, including immediate threat to human life or public welfare from heavy rains, high surf, flooding and high winds. This Emergency Declaration addresses anticipated emergency conditions creating a need for immediate transportation of supplies, equipment, fuel and persons and provides necessary relief. Affected States and Jurisdictions included in this Emergency Declaration are: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, the Commonwealth of Puerto Rico and the Territory of the U.S. Virgin Islands.

By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in the Affected States and Jurisdictions in direct support of relief efforts related to Tropical Storm Dorian 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 supplies, goods, equipment and fuel into the Affected States and Jurisdictions, and transporting persons into and from the Affected States and Jurisdictions, or providing other assistance in the form of emergency services during the emergency in the Affected States and Jurisdictions from Tropical Storm Dorian. 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.

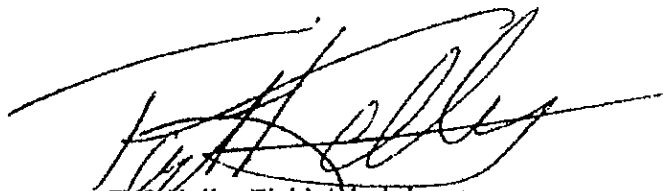
Nothing contained in this Emergency Declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility (insurance) requirements (49 CFR Part 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), September 28, 2019, whichever is less.



Darrell L. Ruban, Regional Field Administrator
Federal Motor Carrier Safety Administration
Southern Service Center



Taff Kelly, Field Administrator
Federal Motor Carrier Safety Administration
Eastern Service Center



Federal Motor Carrier
Safety Administration

1200 New Jersey Ave. SE
Washington, D.C. 20590

August 29, 2019

NOTICE OF ENFORCEMENT DISCRETION DETERMINATION

This is a Notice that the Federal Motor Carrier Safety Administration has exercised agency discretion and determined not to enforce the Temporary Operating Authority Registration fee provisions of 49 C.F.R. 360.3T(d)(2) and (f)(6) against those motor carriers requesting Temporary Operating Authority Registration in order to provide direct assistance to emergency relief efforts pursuant to the Regional Emergency Declaration 2019-005, dated August 29, 2019, issued by FMCSA's Regional Field Administrator for the Southern Service Center and Field Administrator for the Eastern Service Center, including any future amendments or extensions or limitations to that notice. This Notice will expire upon the termination or expiration of Regional Emergency Declaration 2019-005, including any future amendments and extensions.

This Notice:

1. Acknowledges the current and anticipated damage from heavy rains, high surf, flooding and high winds in the Affected States and Jurisdictions, as set forth in Regional Declaration of Emergency 2019-005, as a result of Tropical Storm Dorian;
2. Considers the interests of public safety and the immediate need to alleviate the effects of the storm;
3. Creates no individual rights of action and establishes no precedent for future determinations;
4. Is inapplicable to motor carriers whose operating authority registration is suspended or revoked.

Raymond P. Martinez, Administrator
Federal Motor Carrier Safety Administration