U.S. Department
Of Transportation

Federal Motor Carrier
Safety Administration

Western Service Center
12600 W. Colfax Ave, B-300
Lakewood, CO 80215

February 5, 2014

EXTENSION OF STATE DECLARATIONS NOTICE 49 CFR § 390.25

Pursuant to 49 CFR § 390.25, I, William R. Paden, Regional Field Administrator of the Federal Motor Carrier Safety Administration, declare an emergency exists that warrants extension of the State and Regional Emergency Declarations continuing the exemptions granted in accordance with 49 CFR §§ 390.23 and 390.25 from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations, except as otherwise restricted by this declaration. The emergency declarations were in response to the extreme cold experienced throughout some Western states from the polar vortex and the possible continuing effects of the arctic cold on people and property, including an immediate threat to human life or public welfare in areas of the Western United States.

The emergency exemption is issued as a result of extreme arctic cold weather conditions causing shortages and interruptions in the availability and/or delivery of propane and other home heating fuels in North Dakota and South Dakota.

This declaration provides for the regulatory relief for commercial motor vehicles operations while providing direct assistance supporting the delivery of propane and home heating fuels into the affected areas and consumers in the above-mentioned states during the emergency. 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 Extension Restrictions & Limitations

By execution of this Emergency Declaration Extension, motor carriers and drivers providing direct assistance to the propane and home heating fuel emergency within the identified states are **not granted** emergency relief from and must comply with the following Federal Motor Carrier Safety Regulations and conditions:

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. Drivers for motor carriers operating under this declaration must have a copy of the declaration in their possession.

7. 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.

8. 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 §395.3(a) and (c), and § 395.5(a).

In accordance with 49 CFR § 390.25, 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., March 1, 2014, whichever is less.

Sincerely,

Lorraine C. Ehret

for Regional Field Administrator