



**Federal Motor Carrier
Safety Administration**

October 4, 2024

**REGIONAL EMERGENCY DECLARATION AND
EXTENSION OF EMERGENCY DECLARATIONS
PURSUANT TO 49 CFR §§ 390.23 AND 390.25
No. 2024-008**

**ALABAMA, FLORIDA, GEORGIA, NORTH CAROLINA, SOUTH CAROLINA,
TENNESSEE, VIRGINIA, WEST VIRGINIA**

The United States Department of Transportation (USDOT), Federal Motor Carrier Safety Administration (FMCSA) declares that an emergency exists that warrants issuance of a Regional Emergency Declaration and extension of emergency declarations issued by State Governors, to continue emergency relief granted from certain regulatory requirements in Parts 390-399 of the Federal Motor Carrier Safety Regulations (FMCSRs).¹ This Declaration is in response to Hurricane Helene and its effects on people and property, including immediate threats to human life, public safety, and public welfare from heavy rains, strong winds, storm surge, high surf, and flooding. This Declaration addresses the emergency conditions creating a need for immediate transportation relating to the restoration of essential supplies and essential services and provides necessary relief. Affected States included in this Declaration are: Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

Between September 23-27, 2024, the Governors of the States of Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia issued emergency declarations related to Hurricane Helene; each of these declarations resulted in up to 14 days of emergency relief from 49 CFR §§ 395.3 and 395.5. Additionally, during the period of September 24 through 27, the President of the United States issued major disaster and/or emergency declarations for the states of Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia; these declarations result in up to 30 days of emergency relief from Federal regulations in 49 CFR Parts 390 through 399. Because emergency conditions have not abated, FMCSA is issuing this Declaration and granting regulatory relief in accordance with 49 CFR §§ 390.23 and 390.25 as set forth herein.

This Declaration provides regulatory relief for commercial motor vehicle operations providing direct assistance supporting emergency relief efforts involving transportation and other relief services incident to the immediate restoration of essential supplies or essential services in the Affected States. The regulatory relief under this Declaration applies regardless of the origin

¹ This Declaration is posted at <https://www.fmcsa.dot.gov/emergency-declarations>.

of the trip, so long as the carrier or driver is providing direct assistance to the Affected States. Direct assistance does not include transportation related to long-term rehabilitation of damaged physical infrastructure after the initial threat to life and property has passed, nor does it include routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of this emergency declaration.

Emergency Declaration Restrictions & Conditions

By execution of this Declaration, motor carriers and drivers providing direct assistance to the emergency in the Affected States are granted emergency relief from regulations in 49 CFR Parts 390 through 399, 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 (49 CFR Parts 350-399) including the controlled substance and alcohol uses and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), or the financial responsibility (insurance) requirements (49 CFR Part 387); Federal Hazardous Materials Safety Regulations (HMRs) (49 CFR Parts 100-180); vehicle size, and weight limitations, as well as route designations administered by the Federal Highway Administration (23 CFR Part 658; 23 U.S.C. 127; 49 U.S.C. §§ 31111-31115); or any 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 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 Declaration provides for regulatory relief from 49 CFR Parts 390-399 for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts in the Affected States. 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 Declaration, 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 emergency relief efforts related to the emergency under this Declaration, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390-399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with 49 CFR Parts 390-399. However, if a driver returning to normal operations informs the motor carrier that they need immediate rest, the driver must be permitted a minimum of 10 consecutive hours off duty before the driver is required to return to the motor carrier's terminal or the driver's normal work reporting location. Additionally, when a driver is moving from emergency relief efforts to normal operations, a minimum of 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.

In accordance with 49 CFR §§ 390.23 and 390.25, this 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 27, 2024, whichever is earlier. FMCSA intends to continually review the status

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

A handwritten signature in black ink, appearing to read "Vincent G. White", with a long horizontal flourish extending to the right.

Issued this 4th day of October 2024

Vincent G. White, Deputy Administrator
Federal Motor Carrier Safety Administration