



**Federal Motor Carrier
Safety Administration**

**Midwestern Service Center
4749 Lincoln Mall Drive, Ste. 300A
Matteson, IL 60443**

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

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.

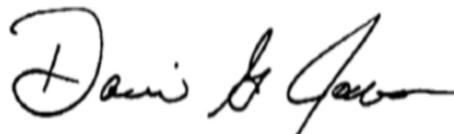
This Emergency Declaration provides for regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts transporting heating fuel, including propane, natural gas and heating oil, into the Affected States, or providing other assistance in 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.



Darin G. Jones, Regional Field Administrator
Federal Motor Carrier Safety Administration
Midwest Service Center



Scott G. Hernandez, Regional Field Administrator
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