



**Federal Motor Carrier  
Safety Administration**

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

**March 19, 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 2019-002, dated March 19, 2019, issued by FMCSA's Regional Field Administrators for the Midwestern, Southern and Western Service Centers and the 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 2019-002, including any future amendments and extensions.

This Notice:

1. Acknowledges the current and anticipated damage from severe flooding in the Affected States as set forth in Regional Declaration of Emergency 2019-002;
2. Considers the interests of public safety and the immediate need to alleviate the effects of the flooding;
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.

A handwritten signature in black ink, appearing to read "Raym. P. Martinez".

Raymond P. Martinez, Administrator  
Federal Motor Carrier Safety Administration



**Federal Motor Carrier  
Safety Administration**

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

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

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

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

**March 19, 2019**

**REGIONAL EMERGENCY DECLARATION  
UNDER 49 CFR § 390.23  
No. 2019-002**

**ARKANSAS, ILLINOIS, IOWA, KANSAS, KENTUCKY, LOUISIANA, MINNESOTA,  
MISSISSIPPI, MISSOURI, NEBRASKA, OHIO, OKLAHOMA, SOUTH DAKOTA,  
TENNESSEE, WEST VIRGINIA 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, Southern and Western Service Centers and the Field Administrator for FMCSA's 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 severe flooding in the Affected States, and its anticipated effects on people and property, including the immediate threat to human life or public welfare. This Declaration addresses the emergency conditions creating a need for immediate transportation of supplies, equipment, fuel and persons and provides necessary relief. Affected States included in this Emergency Declaration are: Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, West Virginia and Wisconsin.

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 severe flooding are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations except as restricted herein

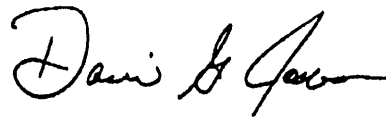
This Emergency Declaration provides for regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts transporting supplies, equipment, fuel and persons into and from the Affected States or providing other assistance in the form of emergency services during the emergency in the Affected States from severe flooding. 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), April 18, 2019, whichever is less.



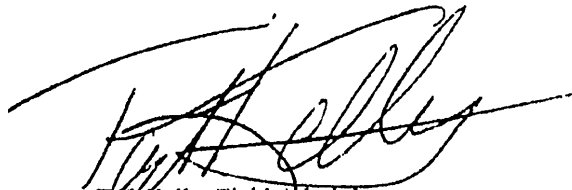
Darin G. Jones, Regional Field Administrator  
Federal Motor Carrier Safety Administration  
Midwest Service Center



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



Scott G. Hernandez, Regional Field Administrator  
Federal Motor Carrier Safety Administration  
Western Service Center



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