



U.S. Department  
Of Transportation

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Federal Motor Carrier  
Safety Administration

## **EXTENSION OF STATE DECLARATION NOTICE 49 CFR § 390.25**

October 30, 2015

Pursuant to Title 49 CFR § 390.25.I, Darrell L. Ruban, Field Administrator of the Federal Motor Carrier Safety Administration declare that an ongoing emergency exists what warrants extension of the emergency declaration issued by the Governor of South Carolina on October 1, 2015, continuing the exemption granted in accordance with 49 CFR § 390.23 from Parts 390.399 of the Federal Regulations (Federal Motor Carrier Safety Regulations), except as otherwise provided below. The state emergency declaration was issued in response to the historic flood and to enable emergency relief and recovery efforts to expedite the movement of equipment, materials, services, supplies, food, fuel, timber, debris, and other items.

This extension is issued in response to continued shortages of the foregoing equipment, materials, services, supplies, food, fuel, timber, debris, and other items to enable a motor carrier or driver of a commercial motor vehicle to provide emergency relief and direct assistance as defined in 49 CFR § 390.5, to affected areas within the State of South Carolina.

This declaration provides for regulatory relief for commercial motor vehicles operations providing direct assistance supporting delivery of direct assistance in South Carolina 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) or any other portion of the regulations not specifically authorized pursuant 49 CFR § 390.23.

### **Emergency Declaration Extension Restrictions and Limitations**

By execution of this Emergency Declaration Extension motor carriers and drivers providing direct assistance to the emergency within South Carolina are granted emergency relief only from the provisions of 49 CFR Parts 390-399, and except as provided below, and must also promptly with the following conditions.

1. Carriers, while under this order, shall not require or allow fatigued drivers to operate a commercial motor vehicle. A driver who informs a carrier that he/she needs immediate rest shall be given at least ten consecutive hours before that driver is required to return to service.
2. Drivers are required to comply with the portions of 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.
3. 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.
4. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this declaration.
5. Drivers for motor carriers operating under this declaration must have a copy of the declaration in their possession.
6. 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 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, such driver must be relieved of all duty and responsibilities.
7. 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 (b), 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 Title 49 CFR § 390.5) or until 11:59 P.M., November 29, whichever is less.

Signed,



Darrell L. Ruban  
Field Administrator