



**Federal Motor Carrier
Safety Administration**

November 29, 2021

**EXTENSION OF THE MODIFIED EMERGENCY DECLARATION No. 2020-002
UNDER 49 CFR § 390.25**

THE FIFTY UNITED STATES OF AMERICA AND THE DISTRICT OF COLUMBIA

The Federal Motor Carrier Safety Administration (FMCSA) hereby declares that the continuing national emergency warrants extension of the modified Emergency Declaration No. 2020-002. The extension of the modified Emergency Declaration continues the exemption granted from certain requirements in Part 395 of the Federal Motor Carrier Safety Regulations (FMCSRs) for the fifty States and the District of Columbia as set forth below.

FMCSA issued Emergency Declaration No. 2020-002 in response to the March 13, 2020 declaration of a national emergency under 42 U.S.C. § 5191(b) related to the coronavirus disease 2019 (COVID-19), and the immediate risk COVID-19 presents to public health and welfare. FMCSA has previously modified Emergency Declaration 2020-002 to expand and remove categories of supplies, equipment and persons covered by the Emergency Declaration to respond to changing needs for emergency relief. On August 31, 2021, FMCSA extended and amended the modified Emergency Declaration No. 2020-002 and associated regulatory relief through November 30, 2021 in accordance with 49 CFR § 390.25.

FMCSA is continuing the exemption and associated regulatory relief in accordance with 49 CFR § 390.25, because the presidentially declared emergency remains in place and because, although the number of COVID-19 cases began to decline in the U.S. following widespread introduction of vaccinations, persistent issues arising out of COVID-19 continue to affect the U.S. including impacts on supply chains and the need to ensure capacity to respond to variants and potential rises in infections. Therefore, a continued exemption is needed to support direct emergency assistance for some supply chains. This notice continues the relief granted in Emergency Declaration 2020-002, as modified on June 15, 2020, August 15, 2020, December 1, 2020, and August 2021, through February 28, 2022 subject to the restrictions and conditions set forth herein unless modified or terminated sooner. This extension of the modified Emergency Declaration addresses national emergency conditions that create a need for immediate transportation of essential supplies and provides necessary relief from the FMCSRs for motor carriers and drivers.

By execution of this extension of the modified Emergency Declaration No. 2020-002, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 public health emergency are granted emergency relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles, except as restricted herein. Direct assistance means transportation and other relief services provided by a motor carrier or its

driver(s) incident to the immediate restoration of essential services (such as medical care) or essential supplies related to COVID-19 during the emergency.

The extension of the modified Emergency Declaration No. 2020-002 provides regulatory relief for commercial motor vehicle operations providing direct assistance in support of emergency relief efforts related to COVID-19 and is limited to transportation of (1) livestock and livestock feed; (2) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; (3) vaccines, constituent products, and medical supplies and equipment including ancillary supplies/kits for the administration of vaccines, related to the prevention of COVID-19; (4) supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; (5) food, paper products and other groceries for emergency restocking of distribution centers or stores; (6) gasoline, diesel, jet fuel, and ethyl alcohol; and (7) supplies to assist individuals impacted by the consequences of the COVID-19 pandemic (e.g., building materials for individuals displaced or otherwise impacted as a result of the emergency). Direct assistance does not include non-emergency transportation of qualifying commodities or routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of this emergency declaration. To be eligible for the exemption, the transportation must be both (i) of qualifying commodities and (ii) incident to the immediate restoration of those essential supplies.¹

Emergency Declaration Restrictions & Conditions

By execution of this extension of the modified Emergency Declaration No. 2020-002, motor carriers and drivers providing direct assistance to the national emergency are granted emergency relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles, subject to the following restrictions and conditions:

1. Nothing in this extension of the modified Emergency Declaration No. 2020-002 shall be construed as an exemption from any applicable requirements or any portion of the FMCSRs for which relief is not specifically granted herein.
2. Motor carriers that voluntarily operate under the terms of this extension of the modified Emergency Declaration No. 2020-002 are to report within 5 days after the end of each month their reliance on the Declaration. To report, motor carriers will access their portal account at <https://portal.fmcsa.dot.gov/login>, log-in with their FMCSA portal credentials, and access the Emergency Declaration Reporting under the Available FMCSA Systems section of the page.
3. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this extension of the modified Emergency Declaration No. 2020-002 until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA in writing.
4. This extension of the modified Emergency Declaration No. 2020-002 provides for regulatory relief from 49 CFR § 395.3 for commercial motor vehicle operations while

¹ This Notice of Extension of the modified Emergency Declaration No. 2020-002 and other FMCSA documents related to the COVID-19 national emergency are posted at [fmcsa.dot.gov/COVID-19](https://www.fmcsa.dot.gov/COVID-19).

providing direct assistance supporting emergency relief related to COVID-19. 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 COVID-19 as set forth in this extension of the modified Emergency Declaration No. 2020-002, or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. (49 CFR § 390.23(b)). Upon termination of direct assistance to emergency relief efforts related to COVID-19, the motor carrier and driver are subject to all requirements of the FMCSRs, 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 §§ 395.3. When a driver is moving from emergency relief efforts to normal operations a 10-hour break is required when the total time a driver operates conducting emergency relief efforts, or a combination of emergency relief and normal operations, equals 14 hours.

In accordance with 49 CFR § 390.25, this extension of the modified Emergency Declaration No. 2020-002 is effective at 12:00 A.M. (ET), December 1, 2021 and shall remain in effect until 11:59 P.M. (ET), February 28, 2022, modification or termination by FMCSA, or revocation of the declaration of national emergency under 42 U.S.C. § 5191(b), whichever is soonest.

Meera Joshi
Deputy Administrator