

Provided for your records are the waivers DOT provides under declarations,

Waiver for Haulers

RE: DOT Waiver for Haulers

Under FMCSA Regulations parts 390-399, once a Governor of a State declares an emergency declaration, parts 390-399 automatically goes into effect for the duration of the declaration (usually 30 days) and the hours of service are waived.

Although Governor Brown did not state the FMCSA regulations in this declaration, and many states do not include it in their declarations, its automatic those FMCSA hours of service is included and waived.

Waivers

Hours of Service and Other Motor Carrier Safety Regulation Waivers Exemptions (“waivers”) from most of the Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR parts 350-399) occur “automatically “ in accordance with 49 CFR 390.23 when the President of the United States, a state Governor or a local government official issues a declaration of emergency (as defined in 49 CFR 390.5). Presidential and State declarations are effective for up to 30 days, and local declarations are effective for up to 5 days. Only a Federal Motor Carrier Safety Administration (FMCSA) Regional or Field Administrator has authority to extend the waivers beyond the initial 30 days and to place additional restrictions on the waivers. The waivers apply to any commercial motor vehicle responding from anywhere in the United States to provide direct relief to the emergency.

Emergency Declarations temporarily lift most safety regulations, including hours of service, from interstate motor carrier drivers and operators providing emergency relief. Regulatory parts of 49 CFR that can be lifted are from 390–399, most significantly: 390: General Requirements (e.g., recordkeeping, vehicle marking); 391: Driver Qualifications (e.g., physical standards, English language proficiency); 392: Driving of CMVs (e.g., pre-trip inspection, fatigued operation); 393: Parts and Accessories (e.g., lighting, cargo securement); 395: Hours of Service (e.g., 11-hour driving limit, 14-hour on-duty limit); and 396: Inspection, Repair and Maintenance (e.g., post-and annual trip inspections). The following are not exempt: drug and alcohol testing, CDL requirements, vehicle size and weight limitations, insurance requirements, hazardous materials regulations, State vehicle registration requirements, household goods movers- consumer protection regulations, and other Federal commercial regulations.