



**Federal Motor Carrier
Safety Administration**

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

August 22, 2019

**REGIONAL EMERGENCY DECLARATION
UNDER 49 CFR § 390.23
No. 2019-004**

IOWA, MISSOURI AND NEBRASKA

In accordance with the provisions of 49 CFR § 390.23, the Regional Field Administrator for the Federal Motor Carrier Safety Administration's (FMCSA) Midwestern Service Center, hereby declares 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 widespread damaged and failing levees resulting from flooding in the States of Iowa, Missouri and Nebraska, and the anticipated effects on people and property, including the immediate threat to human life or public welfare. This Emergency Declaration addresses existing and anticipated emergency conditions creating a need for immediate transportation of supplies, equipment and persons, and provides necessary relief.

On March 19, 2019, FMCSA issued a Regional Emergency Declaration for several States, including Iowa, Missouri and Nebraska, due to widespread severe flooding. After several extensions, this Declaration expired on August 16, 2019. As a result of the flooding, the Missouri River levee system in the States of Iowa, Missouri and Nebraska is severely damaged and failing such that even small amounts of additional precipitation will cause a rise in the river and potentially devastating consequences causing immediate threat to human life and public welfare. The Army Corps of Engineers is taking immediate action to rebuild the levees to prevent catastrophic failure.

By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in the States of Iowa, Missouri and Nebraska in direct support of relief efforts related to the damaged and failing Missouri River system levees are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations except as restricted herein.

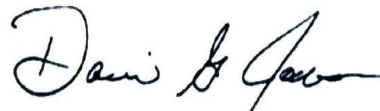
This Emergency Declaration provides for regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts transporting construction materials, including sand, rock, soil, supplies, equipment and fuel into the States of Iowa, Missouri and Nebraska, and transporting persons into and from the States of Iowa, Missouri and Nebraska, or providing other assistance in the form of emergency services during the emergency in the States of Iowa, Missouri and Nebraska from the damaged and

failing Missouri River levees. 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), September 21, 2019, whichever is less.



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