



**Federal Motor Carrier
Safety Administration**

**Western Service Center
12600 West Colfax Ave., Suite B-300
Lakewood, CO 80215**

October 22, 2021

**EXTENSION OF EMERGENCY DECLARATION UNDER 49 CFR § 390.25
No. 2021-009**

NORTH DAKOTA

The Regional Field Administrator for the Federal Motor Carrier Safety Administration's (FMCSA) Western Service Center hereby declares that an emergency exists that warrants extension of the Emergency Declaration issued by the Governor of the State of North Dakota, and continuing the exemption granted for certain regulatory requirements in Part 395 of the Federal Motor Carrier Safety Regulations (FMCSRs) as set forth herein.

On September 22, 2021, as a result of widespread severe drought conditions, the Governor of the State of North Dakota issued a declaration of emergency (Executive Order 2021-15) finding that more than 90% of the state is under severe drought conditions resulting in significant impact on maintaining adequate supplies of water and livestock feed. In accordance with 49 CFR § 390.23, the State declaration of emergency resulted in relief from regulations in 49 CFR Parts 390-399 for a period of 30 days. Because emergency conditions have not abated, FMCSA is extending the Emergency Declaration and granting regulatory relief in accordance with 49 CFR § 390.25. This Extension of the Emergency Declaration addresses ongoing emergency conditions creating a need for immediate transportation of water and livestock feed including hay and provides necessary relief.

By execution of this Extension of the Emergency Declaration, motor carriers and drivers providing direct assistance to the drought emergency in the State of North Dakota are granted emergency relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles. Nothing in this Extension of the Emergency Declaration shall be construed as an exemption from any applicable requirements or any portion of the FMCSRs for which relief is not specifically granted herein.

The Extension of the Emergency Declaration provides regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts transporting water and livestock feed including hay into the State of North Dakota, or providing other assistance in the form of emergency services during the drought emergency in the State of North Dakota.

In accordance with 49 CFR § 390.25, this Extension of the Emergency Declaration is effective at 12:01 a.m. on October 23, 2021 and shall remain in effect until the end of the emergency (*as defined in 49 CFR § 390.5*) or until 11:59 P.M. (ET), November 23, 2021, whichever is earlier. FMCSA intends to continually review the status of this Extension of the Emergency Declaration and may take action to modify or terminate the Emergency Declaration sooner if conditions warrant.



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