



**Federal Motor Carrier
Safety Administration**

**Western Service Center
12600 West Colfax Ave., Suite B-300
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November 23, 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. On October 22, 2021, FMCSA extended the emergency declaration and granted certain regulatory relief through November 23, 2021. Because emergency conditions have not abated, FMCSA is again 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.

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 the drought emergency in the State of North Dakota, 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 the drought emergency in the State of North Dakota, 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 is engaged in emergency relief efforts, or in a combination of emergency relief and normal operations, equals 14 hours.

Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this extension of the emergency declaration until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA in writing.

In accordance with 49 CFR § 390.25, this Extension of the Emergency Declaration is effective at 12:01 a.m. on November 24, 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), December 24, 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