

Understanding the FMCSA Emergency Declaration

RYDER SAFETY MESSAGE

The FMCSA announced an Emergency Declaration effective March 13, 2020. By execution of this Emergency Declaration, motor carriers and drivers providing **direct assistance** in support of relief efforts related to the COVID-19 outbreaks are not required to comply with Parts 390 through 399 of the FMCSRs.

Ryder strongly recommends that carriers view this emergency declaration as additional flexibility and not as an allowance for unsafe practices. Motor carriers are still responsible for ensuring that they are not allowing fatigued drivers to operate and can be held accountable if they do so. It is important that motor carriers empower their commercial drivers to make the call to stop driving and rest if they are feeling the effects of fatigue.

The FMCSA Emergency Declaration, found [here](#), states that those commercial drivers operating under this Emergency Declaration must provide **direct assistance** in support of emergency relief efforts related to COVID-19 outbreaks, including the transportation to meet immediate needs for:

- Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19;
- 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;
- Food for emergency restocking of stores;
- Equipment, supplies and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19;
- Persons designated by Federal, State or local authorities for medical, isolation, or quarantine purposes; and
- Persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response.

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 such as food, related to COVID-19 outbreaks during the emergency. **Direct Assistance**, as noted above, does NOT include routine commercial deliveries, or transportation of **mixed loads**. **Mixed Loads** includes any essential supplies, product, or products, noted in the listing above, loaded, transported, or carried within the same trailer as any other non-essential supplies not provided in the listing above.

When the motor carrier dispatches a driver or commercial motor vehicle to another location or route that does not meet the guidelines provided here, they are no longer providing direct assistance and must operate under standard FMCSA guidelines. A driver who provides relief assistance may travel back to his or her terminal with an empty CMV under the exemption.

Hours of Service If a 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 if the driver has returned to the terminal or other normal reporting location, the driver must be relieved of all duty and responsibilities and receive a minimum of 10 hours off duty.

Intrastate Carriers The FMCSA National Emergency Declaration is applicable to interstate commerce transportation. Carriers operating in intrastate commerce should check their state government website for emergency declarations impacting their operation.

Regulatory Compliance Motor Carriers must still comply with regulations pertaining to Drug and Alcohol Testing; Commercial Motor Vehicle Licenses; Financial Responsibility; Hazardous Materials; and Applicable size and weight requirements.

Exemption Deadline The exemption will be in place until 11:59 pm Eastern Time on April 12, 2020, or until termination of the emergency, whichever happens first.

Have questions? Reach out to us at fleetriskservices@ryder.com