

BURR ALERT

Federal Motor Carrier Safety Administration (FMCSA) *Emergency Declaration Allowing Regulatory Reprieve for Carriers and Drivers Providing “Direct Assistance” to COVID-19 Relief*

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In an effort to address critical transportation needs associated with the COVID-19 emergency, the Federal Motor Carrier Safety Administration (FMCSA) issued an emergency declaration on March 13, 2020 suspending multiple driver safety regulatory requirements. [Here](#) is a link to the emergency declaration (No. 2020-002) promulgated by the FMCSA.

These impacted regulations are found within 49 C.F.R. §§ 390-399, and apply to commercial motor carriers and drivers. The FMCSA Declaration includes suspending enforcement of hours-of-service, driver qualifications requirements, and other regulations.

The suspension applies to “motor carriers and drivers engaged in the transport of essential supplies, equipment and persons,” that are “providing direct assistance in support of relief efforts related to the COVID-19 outbreaks.” Direct assistance encompasses transportation to meet immediate needs in a number of critical areas:

- Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19;
- Supplies and equipment (including masks, gloves, hand sanitizer, etc), necessary for health care workers, patient and community safety, sanitation and to prevent the spread of COVID-19;
- Food for restocking of stores;
- Equipment, supplies and personnel necessary for establishing and managing temporary housing and quarantine facilities;
- Persons designated by Federal, State or local authorities for transport of medical, isolation, or quarantine purposes; and
- Personnel to provide other medical or emergency services.

Of note, the suspension of regulations – within the ambit of the “direct assistance” framework – does not include routine commercial operations or transportation of mixed loads; i.e., those deliveries which include essential supplies, equipment and personnel mixed with or included along with cargo not being transported in support of the emergency relief efforts associated with COVID-19.

Further, upon conclusion of the direct assistance tied to emergency relief efforts related to the COVID-19, the motor carrier and its driver are again subject to the requirements of 49 C.F.R. §§ 390-399. Should a driver inform the motor carrier that he/she needs immediate rest, the carrier must

allow the driver at least ten (10) consecutive hours off duty if transporting property, and eight (8) hours if the transportation involves passengers?

Finally, the emergency declaration does not impact or suspend other DOT regulations, including those pertaining to CDL requirements, financial responsibility, hazmat, etc. The suspension ends upon the termination of the COVID-19 emergency or April 12, 2020, whichever is earlier.

Should you have any question about this Declaration, or any other matters concerning transportation and logistics, please contact one of our Practice Group members:

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