

TRANSPORTATION SAFETY NEWSLETTER

APRIL 2020

FMCSA Issues Emergency Declaration in Response to COVID-19 Outbreak

Hours of Service

The Federal Motor Carrier Safety Administration (FMCSA) issued a national emergency declaration recently in response to the nationwide coronavirus (COVID-19) outbreak. Effective immediately, commercial motor vehicles that are delivering goods as part of the relief effort will be exempt from all hours of service regulations. This exemption will be in place until either the emergency is terminated, or until 11:59 PM on April 12, 2020 (whichever occurs sooner).

This is the first time the agency has issued nationwide regulatory relief.

“Because of the decisive leadership of President Trump and Secretary Chao, this declaration will help America’s commercial drivers get these critical goods to impacted areas faster and more efficiently. FMCSA is continuing to closely monitor the coronavirus outbreak and stands ready to use its authority to protect the health and safety of the American people,” said FMCSA Acting Administrator Jim Mullen.

These exemptions are designed to help expedite the delivery of supplies and equipment that are needed for the relief effort **and are only in effect for CMV drivers that are delivering these goods.** This includes:

- Medical supplies and equipment used to test, diagnose and treat COVID-19
- Masks, gloves, hand sanitizer, soap, disinfectants and other supplies required by our healthcare community to promote safety and prevent COVID-19 spread
- Food, paper products and other groceries for the emergency restocking of distribution centers and stores
- Precursor raw materials like paper, plastic or alcohol

- The equipment, supplies and people needed to establish and manage temporary housing and quarantine facilities
- Personnel to provide medical or other emergency assistance

While relief drivers may operate an unladen CMV back to the terminal under the exemption, they must adhere to all of their normal hours of service regulations if they’re transporting cargo that doesn’t meet the criteria above.

Also important to note, is that drivers still have the right to adequate rest under the declaration. Once the delivery is complete, property-carrying drivers must receive a minimum of 10 hours off duty while passenger carriers must receive at least 8 hours off duty. Drivers also have the right to inform their carrier if they need immediate rest and the carrier must comply by providing the same 8 or 10 hours of off-duty time (for passenger or property carrying vehicles, respectively).

CDL & Medical Card Expiration Dates

The FMCSA issued a waiver that gives drivers until June 30 to renew their commercial driver’s licenses, commercial learner’s permits and medical cards. This extension will only apply to those whose CDL, CLP or medical card expired on or after March 1.

This waiver was issued in response to the current COVID-19 outbreak, which is closing state motor vehicle offices and medical clinics across the country. With many doctors canceling routine visits, many drivers in need of a DOT physical won’t be able to get one in time. Provided the medical certificate was issued for at least 90 days, the expired document will be accepted as valid until the June 30 deadline.

In addition, CLP holders won’t be required to retake their general and endorsement knowledge tests under the waiver.

For now, drivers should carry their expired CDLs, CLPs and medical cards and present them when asked, with the knowledge that they will be accepted as valid until the June 30 deadline. It’s important to keep in mind that this waiver is only good for documents that have expired since March 1. If the expiration date was prior to that, the waiver won’t

apply and drivers could be issued out-of-service orders or fines for operating noncompliantly.

FAQ Related to Emergency Declaration

Are loads that include supplies related to direct assistance under the emergency declaration mixed with other, un-related materials covered under the declaration?

Generally, yes, however, mixed loads with only a nominal quantity of qualifying emergency relief added to obtain the benefits of this emergency declaration are not covered.

Is a driver required to take a 30-minute break?

No, none of the hours of service regulations apply while the driver is engaged with providing direct assistance under the emergency relief exemption.

How do the hours a driver worked under the emergency exemption impact the 60/70-hour rule when the driver goes back to normal operations?

The hours worked providing direct assistance under the emergency relief exemption do not count toward the 60/70- hour rule.

Is a 34-hour restart required after providing direct assistance under the emergency declaration?

No, however, upon completion of the direct assistance and prior to returning to normal operations, the driver is required to meet the requirements of §§ 395.3(a) and (c) and 395.5(a), which include, for example, the requirement to take 10 hours off duty (8 hours for passenger carriers) and to comply with the on-duty limit of 60/70 hours in 7/8 days before returning to driving.

Is the driver required to use a paper logbook or ELD?

No, the emergency exemption includes relief from all the hours-of-service regulations in 49 CFR part 395, including the recordkeeping requirements (i.e., records of duty status (RODS)).

If there is an ELD in the truck, what should a driver do to account for the miles driven?

There are three options

1. Use the "authorized personal use" (personal conveyance) function of the ELD to record all of the time providing direct assistance under the exemption. Use of this function will result in the time being recorded as off duty and requires an annotation.
2. Use the ELD in its normal mode and annotate the ELD record to indicate they were driving under the emergency relief exemption; or
3. Turn off the ELD, in which case the carrier would address the unassigned miles in accordance with the current regulation.

What documentation is needed to verify that the driver is operating under the exemption?

There is no specific documentation required for verification. Retention of ordinary business records, such as the bill of lading, may be useful later for the convenience of the motor carrier and driver, to document use of the exemption during a future inspection or enforcement action.

Does FMCSA have preemptive authority over states that decide/attempt to close highway rest stops?

No, however FMCSA is working closely with the States to ensure adequate truck parking and facilities are available.

Information Provided By: FMCSA