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Sent: Mon, 7 Jul 2025 20:49:21 +0000
To: Chris.Devine@mail.house.gov
Subject: Fw: TEXAS - Extension of Emergency Declaration from Regulations in 49 CFR Parts 390-399
Attachments: WSC - TX- Emergency Declaration - Flooding- No. 2025-008.pdf

From: Snyder, Ryan (FMCSA) <ryan.snyder@dot.gov>
Sent: Monday, July 7, 2025 4:34:43 PM
Cc: Matesic, Hannah (OST) <hannah.matesic@dot.gov>; Cullitan, Caitlin (FMCSA) <Caitlin.Cullitan@dot.gov>; Kunz, Jarrett (FMCSA) <jarrett.kunz@dot.gov>
Subject: TEXAS - Extension of Emergency Declaration from Regulations in 49 CFR Parts 390-399

Good afternoon –

Please see below and attached extension of emergency declaration from certain regulatory requirements in parts 390-399 of the FMCSRs, which is in response to the severe storms and flooding in Texas.

**EXTENSION OF EMERGENCY DECLARATION
PURSUANT TO 49 CFR § 390.25
No. 2025-008**

TEXAS

The United States Department of Transportation (USDOT), Federal Motor Carrier Safety Administration (FMCSA) declares that an emergency exists that warrants extension of the emergency declaration issued by the Governor of the State of Texas to continue emergency relief granted from certain regulatory requirements in Parts 390-399 of the Federal Motor Carrier Safety Regulations (FMCSRs).^[1] This Extension of Emergency Declaration is in response to severe storms and flooding and their effects on people and property, including immediate threats to human life, public safety, or public welfare. This Extension of Emergency Declaration addresses the emergency conditions creating a need for immediate transportation relating to the restoration of essential supplies and services, and provides necessary relief in the State of Texas.

On July 5, 2025, the Governor of the State of Texas issued an emergency declaration related to heavy rains and flooding; the declaration resulted in up to 14 days of emergency regulatory relief from 49 CFR §§ 395.3 and 395.5. Additionally, on July 6, 2025, the President of the United States issued a major disaster declaration (DR-4879-TX) for the State of Texas related to severe storms, straight-line winds, and flooding resulting in up to 30 days of emergency relief from Federal regulations in 49 CFR Parts 390 through 399 from the date of the initial declaration of emergency. On July 7, 2025, the State of Texas requested FMCSA issue an emergency declaration for assistance in the restoration of essential supplies and services. Because emergency conditions have not abated, FMCSA is issuing this Extension of Emergency

Declaration and granting regulatory relief in accordance with 49 CFR § 390.25 as set forth herein.

This Extension of Emergency Declaration provides regulatory relief from 49 CFR Parts 390-399 for commercial motor vehicle operations providing direct assistance supporting emergency relief efforts involving transportation and other relief services incident to the immediate restoration of essential supplies or essential services in the State of Texas. The regulatory relief under this Extension of Emergency Declaration applies regardless of the origin of the trip, so long as the carrier or driver is providing direct assistance to the State of Texas. Direct assistance does not include transportation related to long-term rehabilitation of damaged physical infrastructure after the initial threat to life and property has passed, nor does it include routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of the Declaration.

Emergency Declaration Restrictions & Conditions

By execution of this Extension of Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in the State of Texas are granted emergency relief from regulations in 49 CFR Parts 390-399, subject to the following restrictions and conditions:

1. Nothing in this Extension of Emergency Declaration shall be construed as a waiver of or exemption from any applicable requirements or any portion of the FMCSRs (49 CFR Parts 350-399) including the controlled substance and alcohol uses and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), or the financial responsibility (insurance) requirements (49 CFR Part 387); Federal Hazardous Materials Safety Regulations (HMRs) (49 CFR Parts 100-180); vehicle size, and weight limitations, as well as route designations administered by the Federal Highway Administration (23 CFR Part 658; 23 U.S.C. 127; 49 U.S.C. §§ 31111-31115); or any other regulations for which relief is not specifically granted herein.
2. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this Extension of Emergency Declaration until they have met the applicable conditions for its rescission and the order has been rescinded in writing by the issuing jurisdiction.
3. This Extension of Emergency Declaration provides for regulatory relief from 49 CFR Parts 390-399 for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts. 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 emergency as set forth in this Extension of Emergency Declaration, or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. (49 CFR § 390.23(e)). Upon termination of direct assistance

to emergency relief efforts related to the emergency as set forth in this Extension of the Emergency Declaration, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390-399 while operating commercial motor vehicles, 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 Parts 390-399, except as noted herein. When a driver is moving from emergency relief efforts to normal operations, (1) if a driver is transporting property, 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 or exceeds 14 hours; and (2) if a driver is transporting passengers, an 8-hour break is required when the total time a driver is engaged in emergency relief efforts, or a combination of emergency relief and normal operations, equals or exceeds 10 hours.

In accordance with 49 CFR §§ 390.23 and 390.25, this Extension of Emergency Declaration is effective immediately and shall remain in effect until the end of the emergency (*as defined in 49 CFR § 390.5T*) or until 11:59 P.M. (ET), August 4, 2025, whichever is earlier. FMCSA intends to continually review the status of this Declaration and the relief granted herein. As necessary, FMCSA may take action to modify this Declaration, including modification of the transportations and commodities covered by the Declaration, and extend, or terminate this Extension of Emergency Declaration if conditions warrant.

Issued this 7th day of July 2025

Federal Motor Carrier Safety Administration

Please let me know if you have any questions.

Ryan Snyder

Director, Governmental & Legislative Affairs

Federal Motor Carrier Safety Administration

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^[1] This Declaration is posted at <https://www.fmcsa.dot.gov/emergency-declarations>.