



U.S. Department
Of Transportation

Federal Motor Carrier
Safety Administration

Midwestern Service Center
4900 Lincoln Mall Drive, Suite 300A
Matteson, IL 60443

April 5, 2017

EXTENSION OF STATE DECLARATION NOTICE 49 CFR § 390.25

Pursuant to Title 49 CFR § 390.25, I, Max Strathman, Field Administrator of the Federal Motor Carrier Safety Administration, declare an emergency exists that warrants extension of the Kansas Emergency Declaration continuing the exemption granted in accordance with 49 CFR § 390.23(a)(1) from Parts 390 through 399 of the Federal Regulations (Federal Motor Carrier Safety Regulations), except as otherwise restricted by this declaration. The Kansas Emergency Declaration was in response to the large grass wildfires across areas of Kansas. The grass wildfires have resulted in severe damage and loss of life, livestock, and other property, creating a need for the immediate transportation of large quantities of hay, feed, fencing materials, and other supplies to be transported into Kansas. As a result, the Governor of Kansas has declared that an emergency exists in the State.

This Emergency Declaration Extension is issued as a result of the request of Kansas to extend the Emergency Declaration regarding the large grass wildfires to allow drivers and carriers to safely transport critical hay, feed, fencing materials, and other supplies via commercial motor vehicles within the State of Kansas.

By execution of this Emergency Declaration Extension, motor carriers and drivers providing direct assistance to the grass wildfires emergency within Kansas are **granted** emergency relief from Parts 390 through 399 of the Federal Regulations except as restricted herein.

This Extension provides for the regulatory relief for commercial motor vehicle operations while providing direct assistance supporting the delivery of critical hay, feed, fencing materials, and other supplies within the State of Kansas. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services not directly supporting the emergency relief effort.

Nothing contained in this Extension shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility (insurance) requirements (49 CFR Part 387), applicable size and weight requirements, or any other portion of the regulations not specifically authorized pursuant to 49 CFR § 390.23.

Emergency Declaration Extension Restrictions & Limitations

By execution of this Emergency Declaration Extension, motor carriers and drivers providing direct assistance to the grass wildfires emergency within Kansas are **not granted** emergency relief from and must comply with the following Federal Motor Carrier Safety Regulations (FMCSR) and conditions:

1. 49 CFR Part 392 related to the operation of a commercial motor vehicle in accordance with state laws and regulations, including compliance with applicable speed limits.
2. 49 CFR Part 392 related to operation of a commercial motor vehicle while a driver's ability **or** alertness is so impaired, or so like to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue to operate the commercial motor vehicle.
3. Carriers, while under this order, shall not require or allow fatigued drivers to operate a commercial motor vehicle. A driver who informs a carrier that he/she needs immediate rest shall be given at least ten consecutive hours before the driver is required to return to service.
4. Drivers are required to comply with the portions of 49 CFR Part 395 related to the preparation, retention and accuracy of a driver's record of duty status (RODS). Drivers are directed to note "Emergency Declaration" in the remarks section of the RODS to identify that their operation is in direct assistance to the emergency relief.
5. A motor carrier whose driver is involved in a crash while operating under this emergency declaration must report any recordable crash within 24 hours, by phone or in writing, to the FMCSA Division Office where the motor carrier is domiciled. The carrier must report the date, time, location, driver, vehicle identification, and brief description of the crash.
6. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this declaration until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA.
7. Drivers for motor carriers operating under this declaration must have a copy of the declaration in their possession.
8. Upon termination of direct assistance to the emergency relief effort, the motor carrier and driver is subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location under the terms of the declaration. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo not in direct furtherance of the emergency relief efforts. Upon return to the terminal or other location, such driver must be relieved of all duty and responsibilities.
9. Upon termination of direct assistance to the emergency relief effort, no motor carrier shall require or permit any driver used by it to drive, nor shall any such driver drive in interstate commerce until the driver has met the requirements of 49 CFR §395.3(a) and (c), and § 395.5(a).

In accordance with 49 CFR § 390.25, this declaration is effective immediately and shall remain in effect for the duration of the emergency (*as defined in Title 49 CFR § 390.5*) or until 11:59 P.M. (CT), May 23, 2017, whichever is less.

Sincerely,

A handwritten signature in black ink, appearing to read "Max Strathman", with a long horizontal flourish extending to the right.

Max Strathman

Field Administrator