Federal Motor Carrier
Safety Administration

May 13, 2025

REGIONAL EMERGENCY DECLARATION AND EXTENSION OF STATE EMERGENCY DECLARATIONS PURSUANT TO 49 CFR §§ 390.23 AND 390.25 No. 2025-007

IOWA, KANSAS, AND NEBRASKA

The United States Department of Transportation (USDOT), Federal Motor Carrier Safety Administration (FMCSA) declares that an emergency exists that warrants issuance of a Regional Emergency Declaration and extension of emergency declarations issued by State Governors, to continue emergency relief granted from certain regulatory requirements in Parts 390-399 of the Federal Motor Carrier Safety Regulations (FMCSRs).[1] This Declaration is in response to the widespread fuel shortages in Affected States impacting agricultural operations and the national food supply, and their effects on people and property, including immediate threats to human life, public safety, or public welfare. This Declaration addresses the emergency conditions creating a need for immediate interstate transportation of motor fuels, including diesel, gasoline, and gasoline and biodiesel blends, and provides necessary relief. Affected States and jurisdictions (Affected States) in this Emergency Declaration are: Iowa, Kansas, and Nebraska.

During the period of April 30-May 9, 2025, the Governors of the States of Iowa, Kansas and Nebraska issued emergency declarations related to shortages of fuel products; in accordance with 49 CFR § 390.23; each of these declarations resulted in up to 14 days of emergency relief from 49 CFR § 395.3. On May 13, 2025, the Energy Marketers of America submitted a request for regulatory relief from the maximum driving and on-duty time hours-of-service limits in 49 CFR § 395.3 for commercial motor vehicle drivers engaged in the transport of motor fuels (including diesel, gasoline, and gasoline and biodiesel blends) to customers in Iowa, Kansas, and Nebraska affected by fuel shortages resulting from unexpected increased demand for the spring planting season coupled with refinery conversion to summer blends, pipeline maintenance in key supply corridors, and outages at terminals.[2] Because emergency conditions have not abated, FMCSA is issuing this Declaration and granting regulatory relief in accordance with 49 CFR §§ 390.23 and 390.25 as set forth herein.

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

[2] On January 20, 2025, the President of the United States issued Executive Order 14156 Declaring a National Energy Emergency and advising all agencies to identify and exercise any lawful emergency authorities to, among other actions, facilitate the transportation of domestic energy resources (see 90 Fed. Reg. 8433 (Jan. 20, 2025).

By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance supporting emergency relief efforts, including waiting to be loaded and transporting, motor fuels including diesel, gasoline, and gasoline and biodiesels blends into the Affected States are granted emergency relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles, subject to the restrictions and conditions set forth herein. Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential supplies or essential services. 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 this Emergency Declaration.

Emergency Declaration Restrictions & Conditions

By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency as set forth herein are granted relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles, subject to the following restrictions and conditions:

1. Nothing in this 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 § 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 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 Emergency Declaration provides for regulatory relief from 49 CFR § 395.3 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 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 Emergency Declaration, the motor carrier and driver are subject to the requirements of 49 CFR § 395.3 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 § 395.3, except as noted herein. When a driver is moving from

emergency relief efforts to normal operations, 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.

In accordance with 49 CFR § 390.23, this 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), June 30, 2025, whichever is earlier. FMCSA intends to continually review the status of this Emergency Declaration and the relief granted herein. As necessary, FMCSA may take action to modify the Emergency Declaration, including modification of the transportations and commodities covered by the Emergency Declaration, extend, or terminate the Emergency Declaration if conditions warrant.

Issued this 13th day of May 2025

Federal Motor Carrier Safety Administration