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# Regional Emergency Declaration (Hours of Service)/Notice of Enforcement Discretion Determination (Temporary Operating Authority): Federal Motor Carrier Safety Administration March 19th Announcement

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The Arkansas Oil Marketers Association publication Breaking News referenced two announcements by the Federal Motor Carrier Safety Administration (“FMCSA”) which affect certain provisions of Parts 390-399 of Title 49 of the Code of Federal Regulations.

FMCSA issued a Regional Emergency Declaration (“RED”) under 49 C.F.R § 390.23 and a Notice of Enforcement Discretion Determination (“NEDD”) that affect hours of operation and temporary operating authority registration, respectively.

The RED and NEDD are stated to be in response to the emergency conditions caused by severe flooding in the affected states. The affected states are noted to include:

- Arkansas
- Illinois
- Iowa
- Kansas
- Kentucky
- Louisiana
- Minnesota
- Mississippi
- Missouri
- Nebraska
- Ohio
- Oklahoma
- South Dakota
- Tennessee
- West Virginia

- Wisconsin

The RED provides an exemption from certain parts of 390-399 of Title 49 for regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts transporting supplies, equipment, fuel, and persons into and from the affected states for providing other assistance in the form of emergency services during the emergency in the affected states from severe flooding.

The NEDD states that FMCSA is exercising agency discretion and will not enforce the Temporary Operating Authority Registration fee provisions of 40 C.F.R. 360.3T(d)(2) and (f)(6) against those motor carriers requesting Temporary Operating Authority Registration in order to provide direct assistance to emergency relief efforts pursuant to the RED.

A copy of the RED and NEDD can be found [here](#).