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Winter Storm/Motor Carrier Regulations: Arkansas Governor Hutchinson Declares Regional Emergency Pursuant to 49 C.F.R. § 390.23

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Governor Asa Hutchinson issued a Proclamation declaring a regional emergency for Arkansas pursuant to the Federal Motor Carrier Safety Administration (“FMCSA”) regulations at 49 C.F.R. § 390.23.

Parts 390 to 399 of the FMCSA are not applied (with certain exceptions) to a motor carrier driver operating a commercial vehicle to provide emergency relief during an emergency when the Governor of a state declares such an emergency.

The Governor’s Proclamation (DR 21-03) declares a regional emergency because of the winter storm that began on February 9th. The Proclamation notes in part that:

. . . The extreme weather conditions surrounding Arkansas require transporters to travel farther distances to secure sources of fuel to meet the needs of consumers in Arkansas and its neighboring states, creating an emergency situation that is limiting the delivery of gasoline, diesel, jet fuel, and liquefied petroleum. . .

Also referenced are transporters of commodities deemed essential such as groceries, poultry, livestock, pharmacy items, and medical equipment.

The Proclamation notes that the Governor’s declaration cannot exceed 30 days from the date of its initiation and exempts any motor carrier driver operating a commercial motor vehicle that is providing direct assistance in providing emergency relief during an emergency pursuant to 49 C.F.R. § 390 to 49 C.F.R. § 399.

Arkansas Oil Marketers Association Executive Vice President Steve Ferren notes that the Proclamation provides a waiver for various regulatory requirements such as hours of service rules.

A copy of the Proclamation can be downloaded [here](#).