



**American Trucking Associations Summary of
Federal Motor Carrier Safety Administration (FMCSA)
Emergency Declaration Conference Call – Questions and Answers**
Tuesday, March 17, 2020 as of 1:00 p.m. ET



The following questions and answers are based on a FMCSA conference call on Tuesday, March 17. These responses are subject to further interpretation and change, especially as the public health situation with regard to COVID-19 continues to evolve. Motor carriers are responsible for reviewing the Emergency Declaration and working with the appropriate Department of Transportation authorities to determine how they should best comply with the federal rules and regulations. As always, ATA staff are also available to help answer or direct questions to FMCSA. Regular updates are posted to www.trucking.org

Are the hours-of-service (HOS) rules waived for the movement of goods from supply chains to distribution centers? Yes. The declaration covers that movement.

How is FMCSA ensuring critical deliveries continue in light of state and local restrictions? If motor carriers have specific locations where there are problems, let FMCSA know. The agency has preemptive authority to ensure state and local laws and regulations do not disrupt interstate activities.

Are toilet paper and paper-based products covered by the declaration? Yes. FMCSA is working to ensure that emergency supplies are not impeded. Trailers with these emergency goods should make these deliveries.

Is fuel included in declaration? Not at this time, but that may change soon.

Will the waiver cover livestock? Livestock is not included in the current declaration. Inventories of emergency products were in good shape when the declaration was issued, but as FMCSA works through the process, they will continue to monitor.

Guidelines on where to truckers should self-quarantine, especially when transporting freight? Visit the CDC website.

Are drivers subject to state curfew mandates? FMCSA is working with state and local authorities. Let FMCSA know about impediments.

Is there an emergency notation on bills of lading? No. When FMCSA talked to CVSA, they indicated they are in a better position to determine the location of shipments. Best practices are for the shipper to label the bill of lading. No further guidance.

Are fertilizers covered? Not now but fertilizer and other items may be included if FMCSA expands the declaration.

Does FMCSA have the preemptive authority to close highway rest stops? FMCSA is working with FHWA on that issue. They cannot give specific answers to prevent it. If it happens, it could be problematic for the trucking industry, but FMCSA also understands the concerns of many governors.

Who determines what food items are covered for emergency restocking? The focus is to replenish grocery store shelves, and to that end, FMCSA is working with regulated community. To that end, operate in the spirit that the declaration intended.

Does the emergency declaration apply to intrastate commerce? Yes.

Is FMCSA concerned about driver depletion/shortages? FMCSA is very concerned. It is possible that as drivers get sick, there could be increased shortages. Capacity could become constrained. FMCSA is evaluating what to do to get more drivers, reduce CDL barriers, etc.

Is pet food covered under declaration? No.

Does the 30-minute rest break rule apply? The 30-minute mandatory break is waived under the declaration. Same for other HOS rules under 395 (*i.e.*, 11-hours driving, 14-hours driving window) if the emergency shipment is critical.

Are random drug testing protocols waived? No. But labs have closed. Drivers are concerned about going into clinics for testing at this time. DOT is evaluating this issue.

Have you considered as part of the declaration elimination of HOS inspections to focus only on the safety of the trucks in operation? No.

Can you issue emergency tort protections? That's outside of FMCSA's jurisdiction.

How do we handle supplying goods to quarantined areas? FMCSA will work with quarantined areas, namely, with regard to emergency relief goods. Let FMCSA know if goods are not going into quarantined areas.

What does carrier capacity look like right now? Capacity is being taxed; however, FMCSA does not know to what extent. Do not expect for goods to be delivered in the timeframe they need to be delivered. Let FMCSA know if driver depletion becomes an issue. Right now, capacity is sufficient, but they are continuing to monitor.

Are otherwise exempt products subject to the emergency declaration (*i.e.*, boxes, barrels, other products)? FMCSA will have to get back to you on that; it currently applies to raw products. Plastics are a similar issue.

What about the weekly HOS restart/time limits? Do drivers need a 34-hour break, or 10-hour break after hitting the weekly limit? Drivers are never required to take 34 hours aside from the

emergency declaration. The 10-hour rule applies in cases where the driver completes a run and must take 10 hours off independently of the 60/70 requirement.

What declaration documentation do drivers need to carry? They don't need anything.

What types of info does FMCSA need to make decisions beyond current inventory levels?

Inventory levels are a good start. The department will need to look at overall capacity for each segment of the industry.

With many states issuing restrictions, does FMCSA have authority on size and weights? No.

Will there be written documentation with regard to the declaration? That is under advisement and under consideration.

Will FMCSA communicate with enforcement on parking so drivers can obtain adequate rest?

FMCSA is only aware of one problem area in PA. They are communicating through intergovernmental channels.

Does the declaration include those hauling livestock to packing facilities? No. FMCSA is continuing to monitor.

Questions? Email fmcsadeclaration@dot.gov.

The March 13, 2020 details of the declaration can be found at:

<https://www.fmcsa.dot.gov/newsroom/us-department-transportation-issues-national-emergency-declaration-commercial-vehicles>