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SPECIAL BULLETIN 2021 - 10

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FMCSA Grants Emergency Waiver for Relief In Response to Shutdown of Colonial Pipeline System

RIPA General Counsel Rick Schweitzer has provided the following update on the impact of the Colonial pipeline closure, which is a major supplier of gasoline and various other fuel products to the southern and eastern United States.

The Federal Motor Carrier Safety Administration has issued an [Emergency Declaration](#) in response to the unanticipated shutdown of the Colonial pipeline system due to network issues that affect the supply of gasoline, diesel, jet fuel, and other refined petroleum products throughout the Eastern United States.

Affected States and jurisdictions included in this Emergency Declaration are: Alabama, Arkansas, District of Columbia, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas and Virginia.

The Emergency Declaration exempts drivers and motor carriers from the driver hours of service regulations and other requirements of Parts 390 through 399 of the Federal Motor Carrier Safety Regulations when providing direct assistance to the emergency in the Affected States in direct support of relief efforts related to the shortages of gasoline, diesel, jet fuel, and other refined petroleum products due to the shutdown, partial shutdown, and/or manual operation of the Colonial pipeline system.

Once the driver has completed relief efforts and moves from emergency relief efforts to normal operations, a 10-hour break is required when the total time a driver operates conducting emergency relief efforts, or a combination of emergency relief and normal operation, equals 14 hours.

The Emergency Declaration does not exempt drivers or carriers 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), the hazardous material regulations (49 CFR Parts 100-180), or applicable vehicle size and weight requirements.

The declaration is effective immediately and shall remain in effect until the end of the emergency (as defined in 49 CFR § 390.5) or until 11:59 P.M. (ET), June 8, 2021, whichever is earlier.