



Member Alert

25 January 2026

FMCSA Issues 40-State Emergency Declaration for Winter Storm

The Federal Motor Carrier Safety Administration has issued a [Regional Emergency Declaration](#) for 40 States and the District of Columbia in response to severe winter storms and cold temperatures substantially below normal.

The Emergency Declaration provides relief from the daily and weekly driving hours limits in 49 CFR § 395.3 for property-carrying vehicles. The hours of service relief is not specific to the transportation of any particular products—it applies to any motor carriers and drivers providing direct assistance supporting emergency relief efforts involving transportation and other relief services incident to the immediate restoration of essential supplies or services in the Affected States.

The Affected States are Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

When the driver is no longer providing direct assistance to emergency relief efforts related to the emergency, the motor carrier and driver are subject to the requirements of 49 CFR § 395.3 while operating commercial motor vehicles in interstate commerce, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with § 395.3 and 395.5. 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.

This information was developed to assist GAWDA members in complying with government regulations; it does not constitute legal advice, and users are advised to obtain legal counsel to develop their individual compliance programs. Additionally, GAWDA does not guarantee that use of this material will ensure compliance with any regulatory or legal standard.

The Emergency Declaration is effective immediately and shall remain in effect until the end of the emergency or until 11:59 P.M. (ET), February 6, 2026, whichever is earlier.

If you have questions or need additional information, please contact Rick Schweitzer, GAWDA Government Affairs Consultant, at rpschweitzer@rpselgal.com or (703) 946-2548.