

Congress of the United States

Washington, DC 20515

June 10, 2025

Ms. Sue Lawless
Executive Director and Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Request for FMCSA Memorandum Establishing a Preemptive and Proactive Policy Regarding Hours of Service Regulatory Relief

Dear Executive Director Lawless:

We write to respectfully request the Federal Motor Carrier Safety Administration (FMCSA) adopt preemptive and proactive emergency declarations to provide for hours of service (HOS) exemptions in advance of major disasters and emergencies and in response to regional events. As you are aware, the number and intensity of disasters and emergencies interrupting the flow of essential services and supplies has been growing in recent years. The FMCSA holds a critical responsibility for safely addressing strained logistics during such events in a timely and predictable manner. To enhance state and regional preparedness and recovery efforts, a preemptive and proactive HOS exemptions policy is imperative for the immediate restoration of essential services and supplies in interstate commerce.

Liquid fuel marketers provide vital services before, during, and after emergencies. They ensure fueling stations remain adequately supplied and, in cold weather occurrences, allow households to heat their homes throughout life-threatening events, facilitating safe and swift recovery in affected areas. One of the most important actions the FMCSA can take to support marketers' transportation operations in direct assistance of an emergency or disaster response is to provide HOS regulatory relief under 49 C.F.R. § 390.23(b). This relief allows marketers to navigate complex conditions — such as increased fuel demand, road closures, challenging travel routes, longer fuel pickup distances, and extended wait times at terminals — while ensuring safe and reliable fuel delivery.

To make HOS relief most effective, the FMCSA should adopt a preemptive and proactive approach for exemptions, consistent with the statute and its legislative intent to provide timely and predictable relief during emergencies. Specifically, the agency should:

- 1. Develop internal guidance to facilitate federal declaration of an emergency and trigger automatic relief at least 5 days before a reliably predicted disaster or emergency.**

A preemptive policy is crucial for preparedness and recovery efforts. Marketers must keep stations and homes adequately fueled ahead of an emergency or disaster to support evacuations and prepare for forthcoming logistics complications that could result in shortages. Likewise, heating oil marketers and their customers would benefit from advanced preparation to meet increased demand during severe weather events.

- 2. Implement agency policy on automatic regional relief to promote uniformity in disaster and emergency response.**

Having only state-level regulatory relief in response to state and local emergency declarations often creates an uneven regulatory environment and confusion and delay in regional responses to emergencies and disasters, particularly for multi-state suppliers and retailers. A uniform federal approach to regional emergencies is essential to prevent confusion and compliance challenges caused by the piecemeal adoption of state emergency declarations with varying conditions (e.g., heating fuels covered in one state but not in another, and different start and end dates).

The FMCSA has the authority to issue an emergency declaration prior to state declarations. In the preamble to its final rulemaking on HOS relief in 2023, the agency emphasized its authority to declare emergencies and noted that it has exercised this authority many times. While coordination with state regulators is encouraged, the FMCSA should proactively address logistical challenges in interstate commerce. Establishing clear internal guidance on the issuance of regional relief will eliminate confusion when drivers must rely on multiple declarations to transport fuel across state lines. Clarity and consistency will enable drivers to make the best route decisions for the efficient restoration of essential fuel supplies.

We encourage the FMCSA to establish a preemptive and proactive approach in the issuance of regional emergency declarations and regulatory relief, as outlined above. We welcome the opportunity to work with the FMCSA in the development of this much-needed regulatory relief.

Sincerely,



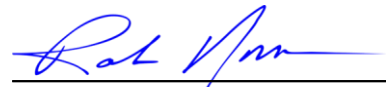
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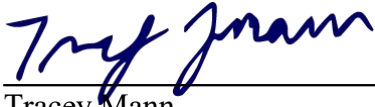
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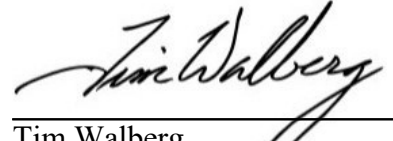
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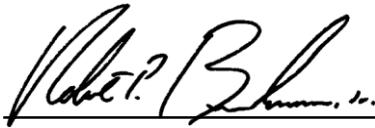
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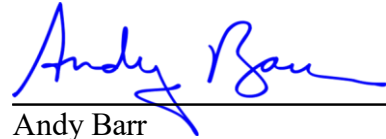
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