



March 12, 2020

VIA EXPRESS U.S. MAIL

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Re: Request for Emergency Nationwide Declaration Pursuant to 49 CFR § 390.5 & 49 CFR § 390.23 and Executive Order Suspending the Federal Hours of Service regulations for property-carrying commercial motor vehicles for the remainder of the month due to the Coronavirus (COVID-19) Pandemic.

Dear President Trump:

As you know, America is currently experiencing a pandemic due to the Coronavirus (COVID-19). We believe this constitutes an “**emergency**” situation under 49 CFR § 390.5. We hereby request you please make a declaration of national emergency pursuant to your authority under 49 CFR § 390.23 and issue an Executive Order suspending Federal Hours of Service (HOS) Regulations until April 1st, 2020.

EMERGENCY SITUATION

Under the regulatory definition, an “emergency” includes any “occurrence, natural or man-made, which interrupts the delivery of essential services (such as, electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as, food and fuel) or otherwise immediately threatens human life or public welfare...”

With news in the media of the virus spreading by the hour, especially in the states of Washington, California and New York, American consumers have resorted to “panic buying,” causing severe strain on America’s supply chain in this, the last month of Winter, 2020. This crisis is expected to worsen as the virus spreads. We believe there will be disruptions to the delivery of food and home heating oil as transportation workers are inevitably affected and unable to report to work. This will entail significant hardships for Americans, especially in the North.

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Page 2 of 2

We note here that the United States Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) routinely relieves industry of HOS Regulations whenever there are disruptions in the delivery of home heating oil. A review of the FMCSA website <https://www.fmcsa.dot.gov/emergency-declarations> shows the Secretary has issued "No declarations at this time."

In the interest of national security and in furtherance of the US economy, we implore you, Mr. President, to please immediately issue an Emergency Declaration pursuant to 49 CFR § 390.5 & 49 CFR § 390.23 that declares that a national emergency exists that warrants issuance of a Nationwide Declaration and an exemption from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs). We ask that you also please issue an Executive Order that temporarily suspends Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs) until April 1, 2020.

Clearly, the Coronavirus pandemic plaguing our nation constitutes a bona fide emergency and its effects on people and property, including immediate threat to human life and public welfare call for presidential action. Such a Declaration would address these emergency conditions, provide for the continued delivery of supplies, equipment, fuel and effect necessary relief from regulations that would otherwise adversely affect American citizens in this dire time of emergency.

Thank you for your consideration.

Sincerely,

/s/ JAMES LAMB
Executive Director

cc: The Honorable Elaine Chao, Secretary of Transportation
Acting FMCSA Administrator Jim Mullen
Members of U.S. Senate Committee on Commerce, Science, and Transportation
Members of House Committee on Transportation and Infrastructure