

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
DIRECTOR
FREEMAN F. MARTIN
RANDALL B. PRINCE
JEFF WILLIAMS
DEPUTY DIRECTORS



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NELDA L. BLAIR
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DALE WAINWRIGHT

July 30, 2021

DECLARATION OF EMERGENCY NOTICE (TITLE 49, CODE OF FEDERAL REGULATIONS, PART 390.23)

Pursuant to Title 49, Code of Federal Regulations (CFR), Part 390.23 and Chapter 644 of the Texas Transportation Code, Director Steven C. McCraw has declared that a regional emergency exists which justifies an exemption from Part 395 of Title 49 (Federal Motor Carrier Safety Regulations). Such emergency declaration is in response to the need to move essential goods out of the Port of Houston. This backlog of intermodal containers was caused by internal problems at the port. The goods are essential for the citizens of the State the lack of movement is causing an economic hardship to the State. Operations at the Port are causing a backup of drivers and trucks attempting to move products into and out of the Port of Houston.

This declaration affects drivers and carriers servicing the Port of Houston and exempts drivers from hours of service regulations listed in 49, CFR Part 395. This includes but is not limited to transportation of intermodal containers and essential services to operate and maintain port operations.

Nothing contained herein shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing Requirements of Title 49, CFR, Parts 40 and 382; Commercial Drivers License requirements of Title 49, CFR, Part 383 and Chapter 522 of the Texas Transportation Code; the Financial Responsibility requirements in Title 49, CFR, Part 387 and Chapters 601 and 643 of the Texas Transportation Code; the Hazardous Material Transportation Regulations of Title 49, CFR, Parts 107 (Subpart G), 171, 172, 173, 177, 178, and 180; or the applicable State of Texas size, weight, or traffic safety regulations.

Motor carriers that have an Out-of-Service Order in effect cannot take advantage of the relief from the regulations that this declaration provides under Title 49, CFR, Part 390.23.

Consistent with Title 49, CFR, Part 390.23, the emergency declaration will take effect on August 02, 2021, and will remain in effect for the duration of the emergency (as defined in Title 49, CFR, Part 390.5) or for five days, ending at August 6, 2021, whichever is less.

A handwritten signature in blue ink that reads 'Steven C. McCraw'.

Steven C. McCraw
Director