



## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 390

[Docket No. FMCSA-2025-0112]

RIN 2126-AC86

#### Removal of Obsolete References to “Water Carriers”; Correction

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Correcting amendments.

**SUMMARY:** In a final rule published in the *Federal Register* on February 19, 2026, FMCSA amended its regulations to remove obsolete references to “water carriers” in the FMCSA regulations (FMCSRs). The final rule contained an error in the amendatory instructions. The Agency corrects this error.

**DATES:** This correction is effective [Insert date of publication in the FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeffrey L. Secrist, Chief, Registration Division, DOT, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 385-2367; [jeff.secrist@dot.gov](mailto:jeff.secrist@dot.gov). If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

On February 19, 2026, FMCSA published a final rule (91 FR 7856) that removed obsolete references to “water carriers” in the FMCSRs. FMCSA removed the words “water carrier” or “water carriers” from 49 Code of Federal Regulations (CFR)

365.107T,<sup>1</sup> 370.1, 379.1, Appendix B to part 386, and Appendix A to part 390. The terms are remnants carried over from FMCSA's predecessor Agencies and are obsolete, as FMCSA does not have regulatory jurisdiction over water carriers.

Through amendatory instruction number 10 in the final rule, the Agency sought to revise a subsection of Appendix A to part 390 but did not clearly identify which section of regulatory text was to be revised. The Agency corrects this error by providing the full text of the Hotel Related Passenger Transportation subsection and removing the term "water carrier" from that subsection.

The Administrative Procedure Act specifically provides exceptions to its notice and comment rulemaking procedures when an agency finds there is good cause to dispense with them, and incorporates the finding, and a brief statement of reasons therefore, in the rules issued (5 U.S.C.553(b)(B)). Good cause exists when an agency determines that notice and public comment procedures are impractical, unnecessary, or contrary to the public interest. The amendment made in this notice corrects an error in amendatory language in the final rule. The correction does not impose any new material requirements or increase compliance obligations. For these reasons, FMCSA finds good cause that notice and public comment for this correction notice are unnecessary.

#### **List of Subjects in 49 CFR Part 390**

Highway safety, Intermodal transportation, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, FMCSA corrects 49 CFR part 390 by making the following correcting amendments:

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<sup>1</sup> On January 17, 2017, FMCSA suspended certain regulations relating to the electronic Unified Registration System and delayed their effective date indefinitely (82 FR 5292). The suspended regulations were replaced by temporary provisions that contain the requirements in place on January 13, 2017. Section 365.107 was one of the sections suspended and § 365.107T, which is currently in effect, was one of the replacement sections added (82 FR 5299). There is no reference to water carrier or water carriers in the current existing § 365.107 (non-temporary) provision.

**PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS;**

**GENERAL**

1. The authority citation for part 390 continues to read as follows:

**Authority:** 49 U.S.C. 113, 504, 508, 31132, 31133, 31134, 31136, 31137, 31144, 31149, 31151, 31502; sec. 114, Pub. L. 103–311, 108 Stat. 1673, 1677; secs. 212 and 217, Pub. L. 106–159, 113 Stat. 1748, 1766, 1767; sec. 229, Pub. L. 106–159 (as added and transferred by sec. 4115 and amended by secs. 4130–4132, Pub. L. 109–59, 119 Stat. 1144, 1726, 1743, 1744), 113 Stat. 1748, 1773; sec. 4136, Pub. L. 109–59, 119 Stat. 1144, 1745; secs. 32101(d) and 32934, Pub. L. 112–141, 126 Stat. 405, 778, 830; sec. 2, Pub. L. 113–125, 128 Stat. 1388; secs. 5403, 5518, and 5524, Pub. L. 114–94, 129 Stat. 1312, 1548, 1558, 1560; sec. 2, Pub. L. 115–105, 131 Stat. 2263; and 49 CFR 1.81, 1.81a, 1.87.

2. In appendix A to part 390, under section III. Specific Example Scenarios, revise “Hotel Related Passenger Transportation” to read as follows:

**Appendix A to Part 390—Applicability of the Registration, Financial Responsibility, and Safety Regulations to Motor Carriers of Passengers**

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**III. Specific Example Scenarios**

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**Hotel Related Passenger Transportation**

*Scenario 1:* A hotel in Cincinnati, OH offers a courtesy van to take its guests to and from the Cincinnati/Northern Kentucky International Airport in KY. The van is designed to transport 15 passengers, including the driver, and has a GVW and GVWR of less than 10,000 pounds. All passenger transportation occurs within a zone encompassed by a 25-mile radius of the boundary of the airport.

*Guidance:* This scenario describes for-hire transportation by a CMV as a part of continuous interstate movement, though some exemptions apply. Though the safety regulations apply to transportation in a CMV within a single State if the transportation is a continuation of interstate transportation, the hotel’s van operation is eligible for the limited exception to safety regulation applicability in §§ 390.3T(f)(6) and 390.3(f)(6)

based on the size of the vehicle and how compensation is received. The hotel's van is designed and used to transport 9 to 15 passengers (including the driver), and payment for transportation is not received directly. If the hotel complies with the applicable provisions listed in §§ 390.3T(f)(6) and 390.3(f)(6), then this passenger transportation is compliant with the safety regulations contained in 49 CFR parts 350 through 399. Because the vehicle is a CMV under § 390.5 and the limited exception does not exempt the hotel from USDOT registration requirements, the hotel must register by following the procedures in 49 CFR part 390 subpart E. The hotel's 15-passenger van is not a CMV under § 383.5, therefore drivers of these vehicles are not required to have CDLs and are not subject to the drug and alcohol testing regulations in 49 CFR part 382.

Operating authority registration under 49 CFR part 365, subpart A, however, is not required. The hotel is providing service subject to the exemption in 49 U.S.C. 13506(a)(8)(A) and § 372.117(a) of this chapter. The hotel's shuttle transportation of passengers is (1) incidental to transportation by aircraft, (2) limited to the transportation of passengers who have had an immediately prior or will have an immediately subsequent movement by air, and (3) confined to a zone encompassed by a 25-mile radius of the boundary of the airport at which the passengers arrive or depart. The hotel does not meet the exemption requirements of 49 U.S.C. 13506(a)(3) for a motor vehicle owned or operated by or for a hotel and only transporting hotel patrons between the hotel and the "local station of a carrier." The definition of carrier within this exemption includes motor carrier and freight forwarder, but does not include air carrier. 49 U.S.C. 13102(3). However, the hotel only needs to meet the requirements of one exemption to not be subject to operating authority registration.

The hotel is providing indirectly compensated, for-hire transportation of passengers in interstate commerce in a vehicle with a seating capacity of 15 and is

required under §§ 387.33T and 387.33 of this chapter to maintain \$1.5 million of financial responsibility.

*Scenario 2:* A hotel in Winchester, VA, located 12 miles outside of the zone encompassed by a 25-mile radius of the boundary of Washington Dulles International Airport, offers a courtesy van to take its guests to and from the airport in Dulles, VA. The van is designed to transport 15 passengers, including the driver, and has a GVW and GVWR of less than 10,000 pounds.

*Guidance:* This scenario describes for-hire transportation by a CMV as a part of continuous interstate movement, though some exemptions apply. Though the hotel is providing interstate transportation in a CMV, a 9 to 15 passenger vehicle operated for compensation, the hotel's van operation is eligible for the limited exception to regulatory applicability in §§ 390.3T(f)(6) and 390.3(f)(6).

This exemption does not relieve the hotel of the requirements in 49 CFR part 365 for operating authority registration. The hotel is providing interstate for-hire transportation (the costs for operating the shuttle van are included in the cost of the room, as an amenity) outside the zone that would qualify it for the incidental to air travel exemption within 49 U.S.C. 13506(a)(8)(A) and § 372.117(a) of this chapter. Also, the hotel's transportation does not meet the exemption requirements of 49 U.S.C. 13506(a)(3) for a motor vehicle owned or operated by or for a hotel and only transporting hotel patrons between the hotel and the local station of a carrier. The definition of carrier applicable to this exemption, at 49 U.S.C. 13102(3), does not include air carrier. The hotel must register by following the procedures in 49 CFR part 365 subpart A and part 390 subpart E. The hotel is also required under §§ 387.33T and 387.33 of this chapter to obtain, file, and maintain \$1.5 million of financial responsibility.

The hotel's 15-passenger van is not a CMV under § 383.5 of this chapter.  
Therefore, drivers of these vehicles are not required to have CDLs and are not subject to  
the drug and alcohol testing regulations in 49 CFR part 382.

\* \* \* \* \*

Issued under authority delegated in 49 CFR 1.87.

**Derek Barrs,**

*Administrator.*

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