State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, On Thursday, June 2, 2011, a state of disaster emergency was declared for Fremont, Harrison, Mills, Monona, Pottawattamie and Woodbury counties in the state of Iowa as a result of imminent flooding of the Missouri River in and along those counties; and

WHEREAS, Strict compliance with provisions of the Iowa Code regulating the movement of commercial vehicles would prevent or hinder emergency protection, mitigation, and recovery efforts:

NOW, THEREFORE, I, Terry E. Branstad, Governor of the State of Iowa, by the power and authority vested in me by the Constitution Article IV, Sections 1 and 8, and Iowa Code section 29C.6(1), do hereby declare the following measures to expedite deployment of critical services:

1. I hereby suspend the regulatory provisions of Iowa Code 321.449 pertaining to hours of service for crews and drivers providing flood protection, mitigation, and recovery services, equipment, and materials to the disaster counties ("flood response").

2. I hereby suspend the regulatory provisions of sections 321.463, paragraphs "5.A" and "5.B," and 321E.29 of the Iowa Code, and 761 Iowa Administrative Code 511. Suspension of these provisions applies to loads related to flood response and transported on all highways within Iowa, excluding the interstate system, which do not exceed a maximum of 88,000 pounds gross weight; do not exceed the maximum axle weight limit determined under the non primary highway maximum weight table in Iowa Code section 321.463, paragraph "5.B," by more than 10 percent; do not exceed the legal maximum axle weight of 20,000 pounds; and comply with posted limits on embargoed roads and bridges. Maximum gross weight allowed on the interstate system is 80,000 pounds. This action is intended to allow such vehicles to be oversize and overweight, not exceeding 88,000 pounds, without a permit, but only for the duration of this proclamation.

3. I hereby further suspend the regulatory provisions of sections 321.463, paragraphs "5.A" and "5.B," and 321E.29 of the Iowa Code, and 761 Iowa Administrative Code 511, to the extent that those provisions restrict the movement of oversize and overweight loads of livestock, soybeans, corn, hay, straw, and strover and require a permit to transport such loads. Suspension of these provisions applies to loads necessary to protect stores of such products from flood damage or loss, and applies to loads transported on all highways within Iowa, excluding the interstate system, which do not exceed a maximum of 88,000 pounds gross weight; do not exceed the maximum axle weight limit determined under the non primary highway maximum weight table in Iowa Code section 321.463, paragraph "5.B," by more than 10 percent; do not exceed the legal maximum axle weight of 20,000 pounds; and comply with posted limits on embargoed roads and bridges. Maximum gross weight allowed on the interstate system is 80,000 pounds. This action is intended to allow such vehicles to be oversize and overweight, not exceeding 88,000 pounds, without a permit, but only for the duration of this proclamation.

4. I hereby suspend the requirements for operating authority, registration and fuel tax reporting as required by the Iowa Department of Transportation for crews and drivers engaged in flood response.

5. I hereby suspend the interstate requirement for medical cards and the minimum age for a commercial driver for Iowa-based drivers engaged in flood response.

Nothing contained in this declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR 382), the commercial drivers license requirements (49 CFR 383), the financial responsibility requirements (49 CFR 387), or any other portion of the regulations not specifically identified.

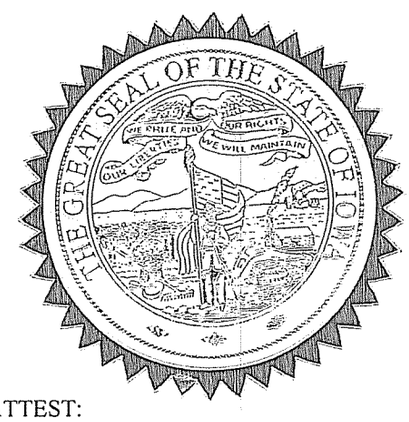
No motor carrier operating under the terms of this agreement shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least 10 consecutive hours off duty before the driver is required to return to service.

Upon the request of a driver, a commercial motor carrier operating under this executive order must give a driver at least 34 consecutive hours off duty when the driver has been on duty for more than 70 hours in any eight consecutive days.

Motor carriers that have an out-of-service order in effect **may not** take advantage of the relief from regulations that this declaration provides under Title 49 CFR 390.23.

Upon the expiration of the effective date of this emergency order, or when a driver has been relieved of all duty and responsibility to provide direct assistance to the emergency effort, a driver that has had at least 34 consecutive hours off duty shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.

This emergency declaration is effective immediately and remains in effect for thirty (30) days. The Department of Transportation is directed to monitor the operation of this proclamation to assure the public's safety and facilitate the movement of vehicles involved.



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the great seal of the State of Iowa to be affixed. Done at Des Moines, Iowa, this 3rd day of June in the year of our Lord two thousand eleven.

TERRY E. BRANSTAD
GOVERNOR OF IOWA

ATTEST:

MATT SCHULTZ
SECRETARY OF STATE