

FOR IMMEDIATE RELEASE

November 11, 2007

GOVERNOR CULVER TAKES ACTION TO ADDRESS RISING GAS PRICES

Emergency Proclamation Will Temporarily Ease Restrictions on Petroleum Deliveries

(Des Moines) Governor Chet Culver has signed an executive order to ease hours of service restrictions on gasoline, ethanol, and diesel delivery drivers. The order comes after supply and distribution problems across the Midwest have contributed to higher gas prices.

"With gas prices once again topping \$3 per gallon, I am committed to doing whatever necessary on the state level to reduce pain at the pump," said Governor Culver. "I took this temporary, yet necessary, step to help address the distribution problems affecting Iowa's gas and diesel suppliers. It is my hope this proclamation will help reduce the price of fuel across the state and put more money in the pockets of Iowans."

Governor Culver's proclamation takes effect immediately, and will expire on December 10th.

The text of the proclamation appears below.

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, THE EMERGENCY EXEMPTION IS ISSUED AS A RESULT OF THE SHORTAGES AND INTERRUPTIONS IN THE AVAILABILITY AND/OR DELIVERY OF PETROLEUM PRODUCTS AT VARIOUS LOCATIONS THROUGHOUT IOWA.

WHEREAS, SURROUNDING STATES TO IOWA HAVE BEEN AFFECTED BY DIMINISHED SUPPLIES OF VARIOUS PETROLEUM PRODUCTS THAT ARE ESSENTIAL TO THE SAFETY AND WELL-BEING OF IOWANS; AND

WHEREAS, THIS SITUATION HAS RESULTED IN DISTRIBUTION AND DELIVERY PROBLEMS AND HAS AFFECTED THE AVAILABILITY OF UNLEADED GASOLINE AND DIESEL FUEL, AND

WHEREAS, STRICT COMPLIANCE WITH THE HOURS OF SERVICE REQUIREMENTS OF IOWA CODE 321 SECTION 449 WOULD PREVENT OR HINDER EFFORTS TO COPE WITH THIS DISASTER EMERGENCY.

NOW, THEREFORE, I, CHESTER J. CULVER, 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 ENTIRE STATE TO BE IN A STATE OF DISASTER EMERGENCY. FURTHER:

1. PURSUANT TO IOWA CODE SECTION 29C.6(6), I DO HEREBY SUSPEND THE REGULATORY PROVISIONS OF IOWA CODE 321 SECTION 449 PERTAINING TO HOURS OF SERVICE OF MOTOR CARRIERS AND DRIVERS OF COMMERCIAL MOTOR VEHICLES, WHILE TRANSPORTING GASOLINE, ETHANOL, AND DIESEL FUEL.
2. 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 REGULATION NOT SPECIFICALLY IDENTIFIED.
3. A CARRIER MUST KEEP THE TIME RECORDS REQUIRED BY CODE OF FEDERAL REGULATIONS, TITLE 49, SECTION 395.1, PARAGRAPH (E) FOR DRIVERS OPERATING WITHIN A 100 AIR-MILE RADIUS OF THE DRIVER'S NORMAL WORK REPORTING LOCATION. DRIVERS AND CARRIERS OPERATING OUTSIDE OF THE 100 AIR-MILE RADIUS MUST COMPLY WITH CODE OF FEDERAL REGULATIONS, TITLE 49, SECTION 395.8.
4. NO MOTOR CARRIER OPERATING UNDER THE TERMS OF THIS DECLARATION 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 TEN CONSECUTIVE HOURS OFF DUTY BEFORE THE DRIVER IS REQUIRED TO RETURN TO SERVICE. IF A DRIVER REQUESTS TIME OFF UNDER THIS PARAGRAPH, THE MOTOR CARRIER MUST DOCUMENT THE REQUEST IN WRITING THAT INCLUDES THE DRIVER'S NAME AND THE DATE AND TIME OF THE REQUEST. THE CARRIER SHALL RETAIN THE DOCUMENT FOR SIX MONTHS.
5. UPON THE REQUEST OF A DRIVER, A COMMERCIAL MOTOR CARRIER OPERATING UNDER THIS DECLARATION 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 8 CONSECUTIVE DAYS.
6. MOTOR CARRIERS THAT HAVE AN OUT-OF-SERVICE ORDER IN EFFECT CAN NOT TAKE ADVANTAGE OF THE RELIEF FROM REGULATIONS THAT THIS DECLARATION PROVIDES UNDER TITLE 49 CFR 390.23.
7. THIS EMERGENCY DECLARATION IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT UNTIL MONDAY, DECEMBER 10, 2007, AT 11:59 P.M. CST.
8. UPON THE EXPIRATION OF THE EFFECTIVE DATE OF THIS DECLARATION, 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.

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 THIS TENTH DAY OF NOVEMBER IN THE YEAR OF OUR LORD TWO THOUSAND AND SEVEN.

CHESTER J. CULVER
GOVERNOR

ATTEST:

MICHAEL A. MAURO
SECRETARY OF STATE