


State of Iowa
Executive Department

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

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, A PROCLAMATION WAS ISSUED SEPTEMBER 21, 2010 (THE SEPTEMBER 21, 2010 PROCLAMATION), DECLARING THE ENTIRE STATE TO BE IN A STATE OF DISASTER EMERGENCY DUE TO THE SIGNIFICANT SIZE OF THE CORN AND SOYBEAN CROP AND WEATHER CONCERNS; AND,

WHEREAS, SINCE THE SEPTEMBER 21, 2010 PROCLAMATION WAS ISSUED, DEMAND FOR DIESEL FUEL HAS BEEN EXTRAORDINARILY HEAVY DUE TO A VERY EARLY HARVEST ACROSS THE MIDWEST; AND,

WHEREAS, THIS CIRCUMSTANCE IN IOWA AND SURROUNDING STATES HAS CAUSED IOWA TO EXPERIENCE SIGNIFICANT DISRUPTIONS IN THE SUPPLY OF DIESEL FUEL, WITH WAITING TIMES FOR EACH TRANSPORT LOAD OF DIESEL FUEL INCREASING AND WITH ABILITY TO TRANSPORT GASOLINE DISRUPTED DUE TO SIGNIFICANT ADDITIONAL TIME DEVOTED TO DIESEL TRANSPORT; AND,

WHEREAS, WITHOUT RELIEF, FARMERS MAY NOT BE ABLE TO OBTAIN NEEDED SUPPLIES OF DIESEL FUEL TO COMPLETE THE HARVEST AND STORAGE PROCESS, OTHER CONSUMERS OF DIESEL FUEL MAY NOT BE ABLE TO OBTAIN NEEDED SUPPLIES OF DIESEL FUEL TO MEET OTHER SHIPPING AND TRANSPORTATION NEEDS, AND GENERAL CONSUMERS OF GASOLINE MAY EXPERIENCE INCREASED FUEL PRICES; AND,

WHEREAS, STRICT COMPLIANCE WITH THE HOURS OF SERVICE REQUIREMENTS OF SECTION 321.449 OF THE IOWA CODE WILL PREVENT, HINDER, OR DELAY TIMELY DELIVERY OF DIESEL FUEL AND GASOLINE NEEDED TO COPE WITH THE EMERGENCY DESCRIBED AND DECLARED ON SEPTEMBER 21, 2010; AND,

WHEREAS, TIMELY DELIVERY OF DIESEL FUEL AND GASOLINE IS NECESSARY TO PROTECT THE PUBLIC HEALTH AND SAFETY AND TO PROTECT AGAINST DAMAGE OR DESTRUCTION OF PRIVATE PROPERTY, INCLUDING DAMAGE TO OR LOSS OF CROPS READY FOR HARVEST;

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 ADOPT AND REPEAT THE EMERGENCY DECLARATION MADE BY THE SEPTEMBER 21, 2010 PROCLAMATION, AND FURTHER DECLARE THE FOLLOWING:

1. PURSUANT TO IOWA CODE SECTION 29C.6(6), I DO HEREBY SUSPEND THE REGULATORY PROVISIONS OF SECTION 321.449 OF THE IOWA CODE PERTAINING TO HOURS OF SERVICE OF MOTOR CARRIERS AND DRIVERS OF COMMERCIAL MOTOR VEHICLES, WHILE TRANSPORTING DIESEL FUEL OR GASOLINE.
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. 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 TEN CONSECUTIVE HOURS OFF DUTY BEFORE THE DRIVER IS REQUIRED TO RETURN TO SERVICE.
4. 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.

5. 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.
6. 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 EXPIRES WITH THE SEPTEMBER 21, 2010 PROCLAMATION (60 DAYS FROM SEPTEMBER 21, 2010). 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.