

GOVERNOR CULVER ISSUES PROCLAMATION TO ASSIST WITH CORN AND SOYBEAN HARVEST

DES MOINES – Today, Governor Chet Culver issued a proclamation suspending the hours of service requirement for truck drivers delivering propane. The suspension of the rule will help bring propane into the state quicker, helping to ensure an adequate supply of fuel for farmers drying their crops after this year's harvest.

"Iowa's farmers are the best in the world," said Governor Culver. "This proclamation will assist corn and soybean growers get these important commodities to market as quickly as possible."

On October 1st, Governor Culver issued a proclamation lifting weight restrictions on highways for corn and soybeans. Today's proclamation takes effect immediately, and remains in effect for the duration of the weight restriction proclamation, which is 60 days from October 1st.

Below is the text of Governor Culver's proclamation:

WHEREAS, a proclamation was issued October 1, 2009, 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 OCTOBER 1, 2009 proclamation WAS ISSUED, unseasonably cool and wet weather conditions have resulted in significant harvest delays and have significantly affected the condition of Iowa's soybean and corn crops, with in-FIELD moisture ranges substantially higher than average, resulting in the need for substantial amounts of propane for drying crops; and,

WHEREAS, this circumstance in Iowa and surrounding states has caused Iowa to experience severe supply disruptions in the supply of propane, with waiting times for each transport load of propane increasing, thereby threatening the ability of farmers to meet their grain-drying needs and the ability of general consumers to meet necessary heating and energy needs with winter approaching; and,

WHEREAS, without relief, farmers may not be able to obtain needed supplies of propane to complete the harvest and storage process and general consumers may not be able to obtain needed supplies of propane to meet their heating and energy needs; 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 propane needed to cope with THE emergency described and declared on October 1, 2009; and,

WHEREAS, timely delivery of propane supplies 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 harvested crops;

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 DELCARATION MADE BY THE OCTOBER 1, 2009 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 PROPANE GAS PRODUCTS.

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 OCTOBER 1, 2009 PROCLAMATION (60 DAYS FROM OCTOBER 1, 2009). 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.

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