



State of Iowa Executive Department

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

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, on August 10, 2020, and continuing thereafter, a severe storm system affected the state of Iowa; and

WHEREAS, this storm system caused severe weather, including damaging winds, straight-line winds, heavy rains, thunderstorms, flash flooding, resulting in significant damage to public and private property, power outages resulting from downed power lines and poles, large debris piles and damage to emergency communications systems; and

WHEREAS, Boone, Clinton, Dallas, Johnson, Marshall, and Story counties suffered significant damage from this event; and

WHEREAS, reports forwarded to the Iowa Department of Homeland Security and Emergency Management by the emergency management coordinators and others in the affected counties indicate that local resources and capabilities have been exhausted and that state assistance and resources are needed to respond to and recover from the effects of this event; and

WHEREAS, reports forwarded to the Iowa Department of Homeland Security and Emergency Management by the emergency management coordinators in certain affected counties indicate that state individual assistance pursuant to Iowa Code § 29C.20A and 441 Iowa Admin. Code 58.2 (1) is needed to assist certain individuals and families adversely affected by the disaster who cannot be helped by other means of financial assistance and for whom federal assistance under the Stafford Act is either not available or does not adequately meet the needs of the citizens in the disaster area; and

WHEREAS, these conditions threaten the public peace, health, and safety of citizens of the State of Iowa and have damaged and destroyed public and private property. Because of this, they provide legal justification for the issuance of a Proclamation of a State of Disaster Emergency pursuant to Iowa Code § 29C.6 (1).

NOW, THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by the power and authority vested in me by the Iowa Constitution Art. IV, §§ 1, 8 and Iowa Code § 29C.6 (1), and all other applicable laws, do hereby proclaim a **STATE OF DISASTER EMERGENCY** for Boone, Clinton, Dallas, Johnson, Marshall, and Story counties and do hereby **ORDER** and **DIRECT** the following:

SECTION ONE. As required by Iowa Code § 29C.6 (1), (10) and 42 U.S.C. § 5170 in cases of Presidential Disaster Declarations, this Proclamation of Disaster Emergency activates the disaster response and recovery aspects of the Iowa Department of Homeland Security and Emergency Management's Iowa Emergency Response Plan and those additional response plans applicable to the counties affected by this disaster and authorizes the use and deployment of all available state resources, supplies, equipment, and materials as are reasonably necessary to assist those citizens located in the disaster counties.

SECTION TWO. I authorize the Iowa Department of Human Services under the terms and conditions as allowed by Iowa law to render individual disaster assistance to eligible residents of Dallas, Johnson, Marshall, and Story Counties. Iowa Code § 29C.20A and 441 Iowa Admin. Code 58.2 (1).

SECTION THREE. I temporarily suspend the regulatory provisions of 11 Iowa Admin. Code § 53.11 (3) prohibiting pay to those State of Iowa employees for hours worked in excess of 40 hours per workweek while present in the State's Emergency Operations Center or otherwise engaged in assigned disaster response missions or other activities. This suspension shall be retroactive to the initial activation of the State's Emergency Operations Center.

SECTION FOUR. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code Chapter 8A, Iowa Code § 313.10, 11 Iowa Admin. Code Chapters 117 and 118, and 641 Iowa Admin. Code Chapter 176, requiring the Iowa Department of Homeland Security and Emergency Management, the Iowa Department of Transportation, the Iowa Department of Public Safety, the Iowa Department of Natural Resources, the Iowa Department of Public Health, and other state agencies involved in the response to this disaster emergency to procure goods and services through a competitive selection process. Suspension of these provisions is limited to the duration of this proclamation and is further limited to procurements which are necessary to respond to this disaster emergency.

SECTION FIVE. Pursuant to Iowa Code § 29C.6(6) and 49 CFR § 390.23, I temporarily suspend the regulatory provisions of Iowa Code § 321.449 pertaining to hours of service for disaster repair crews and drivers delivering goods and services while responding to disaster sites throughout Iowa related to this severe storm system during the duration of this disaster, subject to these conditions:

- A. Nothing contained in this Proclamation shall be construed as an exemption from the controlled substances and alcohol use and testing requirements under 49 CFR Part 382, the commercial drivers' license requirements under 49 CFR Part 383, the financial responsibility requirements of 49 CFR Part 387, or any other portion of the Code of Federal Regulations not specifically identified in this proclamation.
- B. No motor carrier operating under the terms of this proclamation 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.
- C. Upon the request of a driver, a commercial motor carrier operating under this proclamation must give a driver at least thirty-four (34) consecutive hours off when the driver has been on duty for more than seventy (70) hours during any eight consecutive days.
- D. 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.
- E. Upon the expiration of the effective date of this Proclamation, 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 thirty-four (34) consecutive hours off duty shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.

SECTION SIX. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code §§ 321.463(6) (a) and (b) and 321E.29 and Iowa Admin. Code chapter 761-511, to the extent those provisions restrict the movement of loads related to disaster repairs throughout Iowa related to this severe storm system on all highways within Iowa, excluding the interstate system, and require a permit to transfer such loads, when such loads:

- A. Suspension of these provisions applies to loads transported on all highways within Iowa, excluding the interstate system, and those which do not exceed a maximum of 90,000 pounds gross weight, do not exceed the maximum axle weight limit determined under the non-primary highway maximum gross weight table in Iowa Code §321.463 (6) (b), by more than twelve and one-half percent (12.5%), do not exceed the legal maximum axle weight limit of 20,000 pounds, and comply with posted limits on roads and bridges.

B. This action is intended to allow vehicles responding to this disaster to be oversize and overweight, not exceeding 90,000 pounds gross weight, without a permit, but only for the duration of this proclamation.

SECTION SEVEN. Pursuant to Iowa Code § 29C.6(6), I continue to temporarily suspend the regulatory provisions of Iowa Code §§ 321.463(3), 321E.2, 321E.8, and 321E.9 that limit issuance of permits for oversize or overweight loads to loads which are indivisible, to allow annual permits issued under Iowa Code § 321E.8 and single-trip permits issued under § 321E.9 to be issued for loads which are divisible and related to responding to and recovering from this disaster. I further waive for vehicle and loads, whether divisible or indivisible, the regulatory provisions of Iowa Code § 321E.12 that require the vehicle traveling under a permit to be registered for the gross weight of the vehicle and load and the regulatory provisions of Iowa Code § 321E.14 that require the payment of a fee for a permit issued for a vehicle and load related to responding to and recovering from this disaster. The provisions of this paragraph apply only when the movement of the vehicle and load is related to responding to and recovering from this disaster. The movement of any vehicle or load under this paragraph must comply with all other requirements of Chapter 321E of the Iowa Code and of the permit issued, other than as suspended in this proclamation. The provisions of this paragraph relating to the permitting and movement of divisible loads authorize the movement of such loads on all highways of this state, excluding the interstate system.

SECTION EIGHT. The Iowa Department of Transportation is hereby directed to monitor the operation of this proclamation to assure the public's safety and facilitate the movement of trucks involved in responding to this disaster.

SECTION NINE. This state of disaster emergency shall be effective on August 10, 2020, shall continue for thirty (30) days, and shall expire on September 9, 2020, unless sooner terminated or extended in writing by me. Iowa Code § 29C.6 (1).

IN TESTIMONY WHEREOF, I HAVE
HEREUNTO SUBSCRIBED MY NAME AND
CAUSED THE GREAT SEAL OF THE STATE
OF IOWA TO BE AFFIXED AT DES MOINES,
IOWA THIS TENTH DAY OF AUGUST IN
THE YEAR OF OUR LORD TWO THOUSAND
TWENTY



KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE