

State of Iowa
Executive Department

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

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, because of the high demand for petroleum products throughout the Midwest, the people of the State of Iowa are faced with extensive challenges to timely access to supplies of motor and heating fuels; and

WHEREAS, timely access to adequate supplies of motor and heating fuels are necessary to continue to provide residential, agricultural and commercial heating to our citizens, particularly those in rural portions of the state; and

WHEREAS, the effects of this fuel access constraint are being felt throughout the State of Iowa; and

WHEREAS, strict compliance with the permit and fee requirements of Iowa Code §§ 321.463(6)(a) and (b) and § 321E.29 and Iowa Admin. Code chapter 761-511 allowing oversize and overweight divisible loads under certain circumstances will prevent or hinder efforts to cope with this incident; and

WHEREAS, drivers transporting motor and heating fuels are experiencing long wait times at terminals and challenging driving conditions with ice and snow covered roads; and

WHEREAS, long wait times at petroleum product terminals, combined with the need to truck motor and heating fuels over long distances, make it difficult for transporters to meet demand and comply with state and federal hours-of-service requirements; and

WHEREAS, the limited suspension of certain hours of service regulations for drivers of commercial motor vehicles transporting motor and heating fuels in our state will increase the amount of these products transported throughout the State of Iowa, thereby reducing the damaging effects of this access constraint; and

WHEREAS, these conditions threaten the peace, health, and safety of the citizens of the State of Iowa and accordingly 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 the entire state of Iowa and do hereby **ORDER** and **DIRECT** the following:

SECTION ONE. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code § 321.449 pertaining to hours of service for crews and drivers delivering propane, diesel #1, diesel #2, natural gas, and other fuels used for residential, agricultural, and commercial heating purposes 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 TWO. Pursuant to Iowa Code § 29C.6(6), I hereby 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 that those provisions restrict the movement of oversize and overweight loads of propane, diesel #1, diesel #2, natural gas, and other fuels used for residential, agricultural, and commercial heating purposes and require a permit to transport such loads.

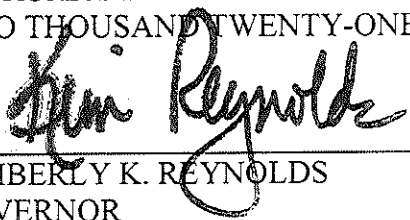
SECTION THREE. Suspension of these provisions applies to loads transported on all highways within Iowa, excluding the interstate system, and those which do not exceed a maximum of 90,000 pounds gross weight, do not exceed the maximum axle weight limit determined under the non-primary highway maximum 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, comply with posted limits on roads and bridges, and otherwise remain within the manufacturer's specification for the maximum load for the vehicles and combination of vehicles.

SECTION FOUR. This action is intended to allow vehicles transporting propane, diesel #1, diesel #2, natural gas, and other fuels used for residential, agricultural, and commercial heating purposes to be oversize and overweight, not exceeding 90,000 pounds gross weight, without a permit, but only for the duration of this proclamation.

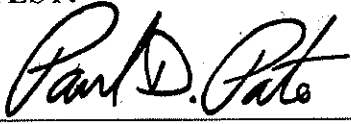
SECTION FIVE. Nothing contained in this declaration shall be construed as an exemption from any other portion of the Iowa Code or Iowa Administrative Code not specifically identified in this proclamation.

SECTION SIX. This state of disaster emergency shall be effective immediately, shall continue for thirty (30) days, and shall expire on March 17, 2021, at 11:59 p.m., 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 FIFTEENTH DAY OF
FEBRUARY IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE.


KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

A handwritten signature in cursive script, reading "Paul D. Pate". The signature is written in black ink and is positioned above a horizontal line.

PAUL D. PATE
SECRETARY OF STATE