

OFFICE OF THE GOVERNOR
Governor Terry E. Branstad ★ Lt. Governor Kim Reynolds

FOR IMMEDIATE RELEASE: Thursday, November 20, 2014
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**Governor Branstad approves emergency
proclamation allowing for more diesel transport**

(DES MOINES) –Today, Governor Terry E. Branstad approved an emergency proclamation suspending the regulatory provisions pertaining to hours of service for drivers of commercial motor vehicles transporting diesel products.

Pipeline and refining outages affecting the supply of diesel products, coupled with the abrupt and early drop in temperatures, have resulted in low inventories of diesel products in Iowa and the upper Midwest. The Governor's emergency proclamation suspends regulatory provisions of the Iowa Code pertaining to hours of service for crews and drivers delivering diesel products.

The proclamation is as follows:

WHEREAS, because of pipeline and refining outages affecting the supply of diesel products in Iowa and throughout the upper midwest, coupled with an abrupt and early drop in temperatures throughout the state, the people of the State of Iowa are faced with extremely low inventories of diesel products; and

WHEREAS, this shortage of diesel products has a serious impact on the flow of critical goods and services throughout the State of Iowa; and

WHEREAS, the limited suspension of certain hours of service regulations for drivers of commercial motor vehicles transporting diesel products in our state will increase the amount of those products transported throughout the State of Iowa, thereby reducing the damaging effects of this shortage; 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, TERRY E. BRANSTAD, 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. I temporarily suspend the regulatory provisions of Iowa Code § 321.449 pertaining to hours of service for crews and drivers delivering diesel products 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.

Iowa Code § 29C.6 (6).

SECTION TWO. This state of disaster emergency shall be effective at 12:01 a.m. on November 21, 2014, shall continue for fourteen (14) days, and shall expire on December 5, 2014, at 11:59 p.m., unless sooner terminated or extended in writing by me. Iowa Code § 29C.6(1).

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