

**PROCLAMATION BY THE GOVERNOR  
AMENDING 19-02**

**19-03**

**WHEREAS**, on February 8, 2019, I issued Proclamation 19-02, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of a severe winter storm forecast to produce extensive snowfall and ice causing hazardous driving conditions and extended road closures on mountain passes and other roadways throughout the state; and

**WHEREAS**, the hazardous driving conditions and extended road closures caused by the storm have resulted in delays of food and other emergency supplies reaching grocery stores throughout the State, creating an emergency situation interrupting the delivery of essential food and emergency supplies by preventing the drivers of these trucks from completing their routes within the time limits prescribed by the commercial motor vehicle driver hours of service rules; and

**WHEREAS**, food and other emergency supplies can become quickly depleted due to limited storage capacity, high consumer demand, and consumer behavior of stocking up on these supplies when a storm is predicted. Delivery of food and emergency supplies to grocery stores is incident to the immediate restoration of essential food and emergency supplies and to supplement state and local efforts to save lives and to protect public health and safety; and

**WHEREAS**, storm conditions have also caused an increased short-term demand for propane, interrupted the ability of the propane industry to provide consistent and timely availability of propane supplies to bulk distributors, and delayed loading and transport times of these supplies by commercial delivery, resulting in depletion of available propane fuel supplies in impacted areas and creating a short-term demand for the restocking of these supplies to meet residential, commercial and agricultural needs incident to the immediate restoration of essential fuel supplies and to supplement state and local efforts to save lives and to protect public health and safety; and

**WHEREAS**, the effects of this storm continue to impact the life and health of our people, as well as the property and infrastructure of Washington State, and is a public disaster that affects life, health, property or the public peace; and

**WHEREAS**, the Washington State Military Department, through the State Emergency Operations Center, will continue to coordinate all event-related assistance to the affected areas, monitor the ongoing situation, and assess the impacts of the storm; and

**WHEREAS**, based on these conditions, this amendment extends the current exemption from application of the driver hours of service rules to include motor carriers and drivers of commercial motor vehicles collecting and delivering essential food and emergency supplies to grocery stores for retail resale, and delivering bulk propane fuel supplies to bulk propane distributors, when operating within specified constraints stated herein. Additionally, it extends exemption from application of the driver hours of service rules in Proclamation 19-02 from February 13, 2019, to February 15, 2019.

**NOW, THEREFORE**, I, Jay R. Inslee, Governor of the state of Washington, as a result of the above-noted situation and under Chapters 38.52 and 43.06 RCW, do hereby proclaim that Proclamation 19-02 remains in effect and is amended as provided herein, and that a State of Emergency continues to exist in all counties of the state of Washington. I again direct the plans and procedures in the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the event. Additionally, I direct that the Washington Military Department, Emergency Management Division, continue to coordinate all event-related assistance to the affected areas.

I also hereby find that, based on the above situation, motor carriers and drivers of commercial motor vehicles either collecting and delivering essential food and emergency supplies to grocery stores for retail resale to the public or delivering bulk propane fuel supplies to bulk propane distributors, and who are impacted by mountain pass or other road conditions implicated in these events, are providing emergency relief during an emergency under 49 CFR § 390.23 and, therefore, are exempt from application of the driver hours of service rules in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, until midnight on February 15, 2019.

Furthermore, under the provisions of RCW 43.06.220(1)(i), to preserve and maintain life, health, property or the public peace, I also hereby impose temporary restrictions on motor carriers and drivers of commercial motor vehicles identified above as being exempt from application of the driver hours of service rules by prohibiting application of this exemption as follows:

1. Motor carriers are prohibited from operating under the terms of this exemption if either of the following conditions exist:
  - a. They have an out-of-service order in effect; or
  - b. They do not possess a current safety rating of “Satisfactory” or better assigned by the Federal Motor Carrier Safety Administration or the State in which the motor carrier has its principal place of business.
2. Motor carriers I have not prohibited from operating under the terms of this exemption are prohibited from:
  - a. Requiring or permitting a fatigued or ill driver to operate a commercial motor vehicle; and

- b. Requiring or permitting a driver to operate a commercial motor vehicle after the driver has informed the carrier (verbally or in writing) that he or she needs immediate rest, unless the driver has first received at least ten consecutive hours off-duty documented in writing by the motor carrier; and
- c. Requiring or permitting a driver to operate a commercial motor vehicle after the driver has been on duty for more than 96 hours in any 8 consecutive days, unless the driver has first received at least 34 consecutive hours off-duty documented in writing by the motor carrier.

I ask the motor carriers for the grocery delivery and bulk propane delivery industries to use their best judgment in operating under this exemption in a manner that ensures public health and safety. Drivers operating under this exemption should carry a copy this Proclamation.

Signed and sealed with the official seal of the state of Washington on this 9th day of February A.D., Two Thousand and Nineteen at Olympia, Washington.

By:

/s/  
Jay Inslee, Governor

BY THE GOVERNOR:

/s/  
Secretary of State