

State of Iowa
Executive Department

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

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, the states along the southeastern coast of the United States which have suffered severe storms in connection with the impact of Hurricane Irma, affecting widespread electric outages and destruction to electrical equipment and transmission lines,

WHEREAS, said states are requesting mutual aid assistance in restoring electric service in the impacted areas; and

WHEREAS, strict compliance with the requirements of Iowa Code Chapters 321, 326, and 452A will prevent, hinder, or delay efforts to cope with any assistance given to those states in need.

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** 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 disaster repair crews and drivers delivering goods and services while responding to disaster sites 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 C.F.R. § 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. I temporarily suspend the regulatory provisions of IOWA CODE §§ 321.463(5)(a), (5)(b) and 321E.29 and 761 Iowa Admin. Code Chapter 511, to the extent those provisions restrict the movement of loads related to disaster repairs on all highways within Iowa, excluding the interstate system, and require a permit to transfer such loads, when such loads:

- A. Do not exceed a maximum of 90,000 pounds gross weight,
- B. Do not exceed by more than twelve and one-half percent (12.5%) the maximum axle weight limit determined under the non-primary highway maximum gross weight table in Iowa Code § 321.463(5)(b),
- C. Do not exceed the legal maximum axle weight limit of 20,000 pounds, and
- D. Comply with posted weight limits on roads and bridges.

IOWA CODE § 29C.6(6).

Persons operating without a permit under authority of this declaration are responsible for assessing and determining their route and should consult the Iowa Department of Transportation's travel information at www.511IA.org to determine road closures and restrictions.


SECTION THREE. I temporarily suspend the provisions of 761 Iowa Admin. Code 500.1, *et seq.*, which implement the International Registration Plan as they apply to disaster repair crews and drivers giving disaster aid to the southeastern United States. IOWA CODE § 29C.6.

SECTION FOUR. I temporarily suspend the requirements for operating authority, registration and fuel tax licensing, permitting, and reporting as required by Iowa Code Chapter 452A, Division III, and 761 Iowa Administration Code 505.1, *et seq.*, for disaster repair crews and drivers while responding to disaster sites in the southeastern United States. IOWA CODE § 29C.6(6).

SECTION FIVE. This state of disaster emergency shall be effective at 12:01 a.m. on September 9, 2017, shall continue for sixty (60) days, and shall expire on November 8, 2017 at 11:59 p.m., unless sooner terminated or extended in writing by me. IOWA CODE § 29C.6 (1). The Iowa 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.



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 ninth day of September in the year of our Lord Two Thousand Seventeen.



KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:



PAUL D. PATE
SECRETARY OF STATE