



State of Iowa
Executive Department

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

PROCLAMATION OF DISASTER EMERGENCY

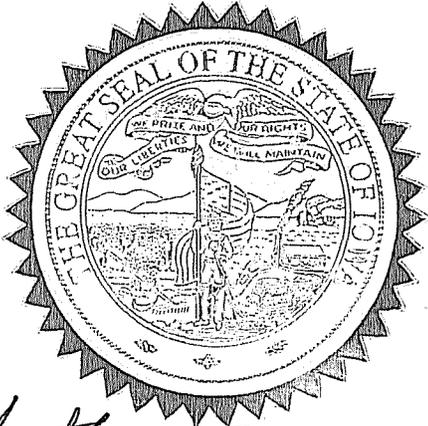
- WHEREAS,** Widespread and continued severe flooding in the Missouri river basin from Woodbury County South through Fremont County has occurred in May of 2011 and is anticipated to continue through September 2011; and
- WHEREAS,** as a result of this flooding, six counties including Fremont, Harrison, Mills, Monona, Pottawattamie and Woodbury counties ("the disaster counties") have been declared disaster areas; and
- WHEREAS,** the recent Missouri River flooding caused a break in the Enterprise Pipeline near Onawa, Iowa and further led to the shutdown of the Enterprise Pipeline propane line. This pipeline supplies much of Iowa with propane. The shutdown has caused a disruption in the normal supply of propane throughout Iowa and reduced the availability of propane in Iowa; and
- WHEREAS,** disruptions in petroleum refinery production, coupled with the recent Missouri River flooding and its impact on certain Iowa fuel terminals, have caused a disruption in the normal supply of gasoline and diesel fuel throughout the state of Iowa; and
- WHEREAS,** many commercial motor vehicle carriers who haul propane, gasoline and diesel fuel are driving longer distances to obtain propane, gasoline and diesel fuel at alternative motor fuel terminals and are experiencing long lines and delays at said terminals across the state of Iowa; and
- WHEREAS,** the upcoming harvest is one of the peak times for consumption of propane, gasoline and diesel fuel by Iowa farmers and relief is needed in order to ensure that farmers have a reliable supply of propane, gasoline and diesel fuel for the upcoming harvest; and
- WHEREAS,** strict compliance with the hours of service requirements of section 321.449 of the Iowa Code will prevent, hinder or delay timely delivery of propane, gasoline and diesel fuel needed for the upcoming harvest.

NOW, THEREFORE, I, Terry E. Branstad, Governor of the State of Iowa, by the power and authority invested in me by the Constitution, Article IV Sections 1 and 8 and Iowa Code section 29C.6(1), do hereby declare the following:

1. Pursuant to Iowa Code section 29C.6(6), I do hereby suspend the regulatory provisions of Iowa Code 321 section 449 pertaining to hours of service of motor carriers and drivers of commercial motor vehicles, while transporting propane, gasoline or diesel fuel products.
2. Nothing contained in this declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR 382), the commercial driver's license requirements (49 CFR 383), the financial responsibility requirements (49 CFR 387), or any other portion of the regulation not specifically identified.

3. No motor carrier operating under the terms of this agreement 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.
4. Upon the request of a driver, a commercial motor carrier operating under this executive order must give a driver at least 34 consecutive hours off when the driver has been on duty for more than 70 hours in any 8 consecutive days.
5. 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.
6. This emergency declaration is effective on August 27, 2011 at 12:01 a.m. and will remain in effect concurrently with the disaster proclamation (and any extension thereof) for the disaster counties. This emergency declaration only applies to hours of service of motor carriers and drivers of commercial motor vehicles while transporting propane, gasoline and diesel fuel products.
7. Upon the expiration of the effective date of this emergency order, 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 34 consecutive hours off duty shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.

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.



ATTEST:


MATT SCHULTZ
SECRETARY OF STATE

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the great seal of the State of Iowa to be affixed. Done at Des Moines this 26th day of August in the year of our Lord Two thousand eleven.


TERRY E. BRANSTAD
GOVERNOR OF IOWA