



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

**EMERGENCY PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 21-10**

21-10.1

WILDFIRES – BURN BAN – FUEL DELIVERY

WHEREAS, on July 6, 2021, I issued Proclamation 21-10, proclaiming a state of emergency in all of Washington’s 39 Counties because abnormally high temperatures, historic drought, and dangerous fuel fire conditions have led to the development of multiple wildfires requiring significant use of limited state and local firefighting resources; and

WHEREAS, the numerous large wildfires affecting more than 32,000 acres in Washington State and the continuation of high temperatures and low humidity have further increased the threat of dangerous fire conditions; and

WHEREAS, similar fire conditions exist throughout the western United States, with numerous wildfires already burning and historic heat and drought conditions persisting or worsening; and

WHEREAS, the large number of wildfires in the western United States has created a fuel distribution disruption for firefighting activities in Washington State and Oregon, requiring fuel to be resupplied over greater distances and from throughout the region; and

WHEREAS, road closures and traffic detours resulting from wildfires throughout the State and region have also caused, exacerbated, and seriously threatened delays in the provision of adequate fuel supplies to consistently maintain necessary firefighting activities in Washington State; and

WHEREAS, adequate fuel supplies are essential to effective firefighting efforts and can quickly become depleted without consistent and reliable deliveries, which are critical in supporting state and local efforts to save lives and protect public health and safety; and

WHEREAS, due to the above-noted conditions, the time limits prescribed by the commercial motor vehicle driver hours of service rules impede the necessary maintenance of essential fuel supplies critical to State firefighting efforts by preventing drivers of these trucks from making timely deliveries; and

WHEREAS, the effect of these fires continues to impact the life and health of our citizens, as well as the property and transportation infrastructure of Washington State, and is a public disaster that affects life, health, property, or the public peace.

NOW, THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, as a result of the above-notedsituation and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a wildfire state of emergency continues to exist in all 39 Counties and that Proclamation 21-10, including the burn ban therein, remains in effect and that Proclamation 21-10 is amended to include the below-described exemptions from and limitations on the driver hours of service rules set forth in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, and I again direct the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are again 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. My order into active state service of the Washington State organized militia also remains in effect. The Washington State Emergency Operations Center is instructed to continue monitoring the event and coordinating all event-related assistance to the affected areas.

I also hereby find, based on the above situation, that motor carriers and drivers of commercial motor vehicles delivering fuel products from distribution centers in the Pacific Northwest in support of firefighting efforts are providing emergency relief during an emergency under 49 CFR § 390.23 and, therefore, are exempt from application of 49 CFR §§ 390 through 399, including the driver hours of service rules in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, until 11:59 p.m. on August 14, 2021.

FURTHERMORE, under the provisions of RCW 43.06.220(1)(h), 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 exists:
 - 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

