



PROCLAMATION BY THE GOVERNOR

19-02

WHEREAS, a severe winter storm struck Washington State on February 8, 2019, and is forecast to produce extensive snowfall and ice causing hazardous driving conditions and extended road closures on mountain passes and other roadways throughout the lowlands and high elevations statewide; and

WHEREAS, additional snow, ice and subfreezing temperatures are predicted to continue throughout the State for the next two weeks; and

WHEREAS, road closures and impacts to transportation systems and infrastructure resulting from this storm have delayed essential intrastate collection and delivery of bulk milk products by motor carriers and drivers of commercial motor vehicles from dairy farms to dairy processing facilities and interplant between processing facilities, creating an emergency situation interrupting the delivery of essential food supplies by preventing 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, road closures and impacts to transportation systems and infrastructure resulting from this storm have also delayed essential deliveries of de-icing road salt to municipalities in the state, creating an emergency situation interrupting the delivery of essential de-icing road salt supplies by preventing drivers of these trucks from making necessary deliveries to municipalities within the time limits prescribed by the commercial motor vehicle driver hours of service rules; and

WHEREAS, milk supplies can become quickly depleted due to the limited storage capacity at dairy farms, the limited shelf life of milk supplies, and consumer behavior of stocking up on milk when a storm is predicted. Collection and delivery of bulk milk products is incident to the immediate restoration of essential food supplies and to supplement state and local efforts to save lives and to protect public health and safety; and

WHEREAS, delivery of de-icing road salt is critical to maintaining safe travel for emergency and other vehicles on the state's highways and city streets, and is essential to state and local efforts to save lives and to protect public health and safety; and

WHEREAS, this storm and its effects 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 has activated the State Emergency Operations Center, implemented emergency response procedures, is coordinating resources to support local officials in alleviating the immediate social and economic impacts to people, property, and infrastructure, and is continuing to assess the magnitude of the event.

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 a State of Emergency exists throughout the state of Washington, and 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, the Washington Military Department, Emergency Management Division, is instructed to coordinate 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 collecting and delivering either (1) bulk milk products from dairy farms to dairy processing facilities and interplant between processing facilities, or (2) de-icing road salt to Washington municipalities, 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 13, 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

