



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

19-04

WHEREAS, on February 8, 2019, I issued Proclamation 19-02, proclaiming a State of Emergency for all counties throughout the state of Washington and exempting certain motor carriers and drivers of commercial motor vehicles from the driver hours of service rules 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, on February 9, 2019, as a result of the impact of road closures and hazardous driving conditions on grocery and propane deliveries, I issued Proclamation 19-03 amending Proclamation 19-02 and extending 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 therein; and

WHEREAS, current weather forecasts predict the snow storm will continue to create additional hazardous driving conditions and road closures throughout the State this week, and these conditions are now impacting the ability to timely receive and deliver runway deicer and wing deicer manufacturing supplies and products to manufacturing facilities and airports throughout the State, creating an emergency situation interrupting the delivery of essential emergency supplies by preventing the drivers of these vehicles from completing their routes within the time limits prescribed by the commercial motor vehicle driver hours of service rules; and

WHEREAS, supplies of runway and wing deicer for airplanes at airports can become quickly depleted due to limited storage capacity and high usage/demand, and its timely delivery to airports throughout the State is crucial to the immediate restoration of essential emergency 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 delivering essential and emergency supplies of runway deicer and wing deicer manufacturing supplies and products to manufacturing facilities and airports throughout the State, when operating within specified constraints stated herein.

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 Proclamations 19-02 and 19-03 remain in effect, that Proclamation 19-02 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 delivering supplies of essential runway deicer and wing deicer manufacturing supplies and products to manufacturing facilities and airports throughout the State, 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:

