



STATE OF WASHINGTON  
— OFFICE OF GOVERNOR JAY INSLEE —

**EMERGENCY PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATION 21-18**

**21-18.1**

**Severe Weather Damage, Emergency Assistance and  
Truck Driver Hours Waiver**

**WHEREAS**, a severe wind and rainstorm event that began on November 12, 2021, produced extensive flooding in Clallam, Grays Harbor, Island, Jefferson, Lewis, King, Kitsap, Pierce, Mason, San Juan, Skagit, Snohomish, Thurston, and Whatcom counties, causing hazardous conditions for the people of Washington, homes, property, businesses, agriculture, transportation systems, and the economy of Washington State; and

**WHEREAS**, a weather pattern that began on October 27, 2021, has resulted in saturated soils, which, when combined with the significant precipitation during the event beginning on November 12, 2021, has created flooding conditions on multiple rivers, and rain and snow at mountain elevations exacerbated flooding conditions; and

**WHEREAS**, the severe storm with floods, landslides, mudslides, and the potential for straight-line winds has caused road closures, the need to establish alternate transportation routes, evacuations, impacts to local utility services including significant power outages, localized reductions in available drinking water, and damage to homes and other public and private property and infrastructure; and

**WHEREAS**, a number of landslides have already occurred covering roadways and other infrastructure, and an elevated risk of landslides will continue during and after the November 12, 2021, weather event; and

**WHEREAS**, the flooding and wind damage has caused injuries to the people of Washington and severely affected the agriculture, supply chain, transportation infrastructure, and the economy throughout the state; and

**WHEREAS**, the damage and threat of ongoing damage from this situation impact the life and health of our people as well as the property and infrastructure of Washington State, all of which is a public disaster that affects life, health, property, or the public peace; and

**WHEREAS**, state agencies and local jurisdictions are coordinating resources to address damaged property and infrastructure, assess damage caused by the storms, and implement repairs; and

**WHEREAS**, Washington State individuals and families without children are also suffering significant economic hardship from the flooding and other impacts of this event and require

assistance, but individuals and families without children normally are not eligible to receive benefits under the Family Emergency Assistance Program; and

**WHEREAS**, under RCW 74.04.660(6), during a state of emergency the Governor is authorized to extend eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

**WHEREAS**, the Governor's authority under RCW 74.04.660(6), was amended to clarify the Governor's authority in Substitute House Bill 1151, Section 1, (Chapter 9, Laws of 2021) which took effect on March 31, 2021, and gives the Governor the authority "during a state of emergency and pursuant to an order from the governor under this subsection," to extend benefits to individuals and families without children and to all for more than one period of time within any consecutive 12-month period, that is separate from, and in addition to, the authority established in RCW 43.06.220; and

**WHEREAS**, funding for the State of Washington's disaster cash assistance program has been made available through December 18, 2021; and

**WHEREAS**, the extreme flooding and wind have damaged agricultural operations, including causing the indefinite closure of a major Washington-based livestock feed producer, leading to reduced availability of livestock feed and increased transportation distances to dairy farms in western and central Washington; and

**WHEREAS**, the reduced availability of livestock feed and increased transportation distances and times caused by road closures and other damage from the severe weather event have delayed, and will continue to delay, essential intrastate collection and delivery of livestock feed products by motor carriers and drivers of commercial motor vehicles from processing facilities to dairy farms; and

**WHEREAS**, the increased transportation distances and times have created an emergency situation because commercial drivers cannot complete deliveries of livestock feed within the time limits prescribed by commercial motor vehicle driver hours of service rules, and available trucks with livestock feed cannot be dispatched because commercial drivers have exhausted their current hour limitations, leading to shortages in livestock feed; and

**WHEREAS**, the Washington State Military Department has activated the State Emergency Operations Center to implement the *Washington State Comprehensive Emergency Management Plan* and is coordinating resources to support local jurisdictions in alleviating the immediate impacts to people, property, and infrastructure as a result of this disaster, and is continuing to assess impacts resulting from the incident; 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 delivery of supplies critical to state agricultural needs by preventing drivers of these trucks from making timely deliveries; and

**WHEREAS**, the effect of these disruptions to the agricultural needs continues to impact the life and health of people, as well as the property, economy, and transportation infrastructure of

Washington State, and is a public disaster that affects life, health, property, or public peace.

**NOW, THEREFORE**, I, Jay R. Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapter 38.52 and 43.06 RCW and pursuant to RCW 43.06.220(2)(c) and RCW 74.04.660(6), do hereby proclaim that a State of Emergency continues to exist in Clallam, Grays Harbor, Island, Jefferson, Lewis, King, Kitsap, Pierce, Mason, San Juan, Skagit, Snohomish, Thurston, and Whatcom counties in 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 do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the event. Additionally, the Washington State Military Department, Emergency Management Division, with the support of the Washington National Guard's available resources, is instructed to coordinate all incident-related assistance to the affected areas.

**FURTHERMORE**, I authorize and direct the Secretary of the Department of Social and Health Services to expand eligibility for the Family Emergency Assistance Program to include individuals and families with or without children living in the counties listed above, and order that it be made available, within the funds available for this benefit, to eligible individuals and families, who may apply and receive benefits monthly. This authorization and order for expansion is effective from November 22, 2021, until 11:59 pm on December 18, 2021.

**FURTHERMORE**, I also hereby find, based on the above, that motor carriers and drivers of commercial motor vehicles delivering livestock feed to dairy farms 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, effective immediately and until the earlier of 11:59 pm on December 18, 2021, or the end of the emergency declared in Proclamation 21-18.

**FURTHERMORE**, under the provisions of RCW 43.06.220(1)(h), to preserve and maintain life, health, property or the public peace, I also impose restrictions on application of the driver hours of service rules exemption by prohibiting application of the 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 by the Federal Motor Carrier Safety Administration or the State in which the 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 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

