



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

**EMERGENCY PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 22-01**

22-01.1

Winter Weather and Flooding

WHEREAS, on January 7, 2022, I issued Emergency Proclamation 22-01, proclaiming a state of emergency in all of Washington's 39 Counties due to a series of severe winter storms that struck Washington State beginning on December 17, 2021, producing extensive rain and snow and causing hazardous driving conditions, flooding, landslides, and extended road closures on mountain passes and other roadways throughout the lowlands and high elevations statewide; and

WHEREAS, melting snow, saturated soils, and additional rainstorms are predicted to increase flooding as rivers and streams continue to rise throughout the state of Washington; and

WHEREAS, widespread flooding and landslides are causing road closures, road damage, evacuations, the need to establish alternate transportation routes, impacts to local utility services, and damage to public and private property and infrastructure; and

WHEREAS, road closures and impacts to transportation systems and infrastructure resulting from these storms have impacted travel, caused delays in supply chains affecting multiple industries, and interrupted the delivery of essential supplies by preventing drivers 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 have impacted the ability of various industries, including the propane industry and many others, to provide consistent and timely availability of supplies, delaying and hindering delivery within the time limits prescribed by the commercial motor vehicle driver hours of service rules, resulting in the depletion of available supplies needed to meet Washingtonians' needs; and

WHEREAS, the damage and threat of ongoing damage from these storms and the resultant flooding impact the life and health of our people as well as the property and infrastructure of Washington State, all of which constitute 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, 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.

FURTHERMORE, I also hereby find, based on the above, that motor carriers and drivers of commercial motor vehicles in Washington State collecting or delivering essential supplies and services during the above-described emergency are providing direct assistance and 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 until 11:59 p.m. on January 14, 2022.

I also hereby restrict this exemption from the driver hours of service rules for motor carriers and drivers of commercial motor vehicles identified above 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 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; or
 - 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; or
 - c. Requiring or permitting a driver to operate a commercial motor vehicle after the driver has been on duty for more than 96 hours in any 8 consecutive days, unless

