

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-68**

20-73.1

Wildfires – Truck Driver Hours – Utility Restoration

WHEREAS, on August 19, 2020, I issued Proclamation 20-68, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of multiple on-going wildfires, abnormally dry weather conditions, and periods of exceptionally high temperatures throughout the state creating high-risk fuel conditions in many areas; and

WHEREAS, since I issued Proclamation 20-68, Washington State has experienced new wildfires which were caused or exacerbated by an historic wind event that brought high winds and low humidity from the east to the west, and conditions that will increase the difficulty in containing current wildfires, and the risk of new wildfires starting and spreading are predicted to continue through September 2020; and

WHEREAS, approximately 330,000 acres burned on Labor Day, September 7, 2020 and multiple fires are currently active in the state; and

WHEREAS, the threat to life and property from wildfires is extreme and has and could continue to cause damage to homes, public utilities and facilities, businesses, agriculture, and natural resources impacting, and to cause interruptions in electrical, telecommunication and other utility services, all of which affects the life and health of citizens throughout Washington and the public peace, and is a public disaster in Washington demanding immediate action; and

WHEREAS, current available firefighting resources, including fire retardant powder, may not be adequate to address the outbreak of simultaneous large wildfires resulting from the above-noted conditions, and fire retardant powder, which is currently in high demand in several Pacific Northwest states, is produced outside of the state and must be transported to counties fighting fires, and there are insufficient drivers so that they are frequently over the maximum number of driving hours allowed by state law under normal conditions when they enter the state;

WHEREAS, the ability of private and public entities to restore electric, telecommunication, and utility services interrupted by the wildfires is limited due to existing and projected fire conditions and activities throughout the region, the high demand for goods and services related to those

restoration operations, and a limited number of drivers available to provide transportation for the goods, services, and personnel necessary for such operations; and

WHEREAS, the limited number of drivers available to transport goods, services, and personnel necessary to restore electrical, telecommunication, and utility services interrupted by the wildfires means that those drivers are frequently over the maximum number of driving hours allowed by state law under normal conditions when they enter the state;

WHEREAS, on September 10, 2020, pursuant to 49 CFR 390.23(a)(1)(i), the Federal Motor Carrier Safety Administration issued *Extension of State Emergency Declarations Under 49 CFR § 390.25 No. 2020-005*, granting motor carriers and drivers transporting supplies, goods, equipment, fuel, and persons that provide direct assistance to the wildfire emergencies in the states of Washington, Oregon, and California, relief from Parts 390 through 399 of Title 49 Code of Federal Regulations, except as restricted therein until October 19, 2020, to include relief from 49 CFR § 395, which was adopted in Washington State pursuant to RCW 46.32.020 and WAC 446-65-010; and

WHEREAS, on September 11, 2020, I issued Proclamation 20-73, waiving and suspending rules concerning driver hours of service rules for motor carriers and drivers transporting fire retardant powder; and

WHEREAS, the time limits prescribed by the commercial motor vehicle driver hours of service rules also impede operations necessary to restore electrical, telecommunication, and utility services interrupted by the wildfires by preventing truck drivers from making timely deliveries of goods, services, and personnel critical to restore such services, making necessary this amendment of Proclamation 20-73; and

WHEREAS, the effect of the wildfires 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 noted situation and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency exists in all 39 Counties and that Proclamation 20-68, remains in effect, and that Proclamation 20-73 is amended to extend the 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 as provided in the September 10, 2020, order of the Federal Motor Carrier Safety Administration, as provided herein.

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.

FURTHERMORE, to additionally clarify application of the September 10, 2020, order of the Federal Motor Carrier Safety Administration, motor carriers and drivers of commercial motor vehicles in Washington State providing transportation services necessary to restore electrical, telecommunication, and utility services interrupted by the wildfires are providing emergency relief during an emergency under 49 CFR § 390.23 and are providing direct assistance under the September 10, 2020, order of the Federal Motor Carrier Safety Administration, 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 11:59 p.m. on September 30, 2020.

FURTHERMORE, under the provisions of RCW 43.06.220(l)(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 driver has been on duty for more than 96 hours in any 8 consecutive days, unless the driver has first received at least 34 consecutive hours off-duty documented in writing by the motor carrier.

This amendatory proclamation does not revoke or reduce the exemptions provided in Proclamation 20-73, which remain in effect as stated therein.

I ask all motor covered operating under this exemption to use their best judgment to ensure public health and safety. Drivers operating under this exemption should carry a copy this Proclamation.

Signed and sealed with the official seal of the state of Washington this 14th day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

