

Thursday, January 21, 2010

Governor Culver Issues Emergency Proclamation to Aid Ice Storm Response

DES MOINES – Governor Chet Culver today issued an emergency proclamation that will allow crews to more quickly respond to power outages and damage from yesterday’s ice storm.

The statewide proclamation waives certain Iowa Administrative Code rules applicable to commercial motor carriers which may hinder movement of in-state and out-of-state utility crews and their equipment and supplies as they respond to the emergency outages and damages resulting from the ice storm. The measures will expedite the deployment of critical services for Iowans affected by the ice.

The text of the Governor’s proclamation is below.

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, ON WEDNESDAY, JANUARY 20, 2010 AND CONTINUING, SEVERE STORM SYSTEMS MOVED ACROSS PORTIONS OF IOWA; AND

WHEREAS, STORMS HAVE RESULTED IN WIDESPREAD ELECTRIC OUTAGES AND DESTRUCTION TO ELECTRICAL EQUIPMENT AND TRANSMISSION LINES IN CERTAIN AREAS IN IOWA. THESE IMPACTED AREAS ARE REQUESTING OR MAY BE REQUESTING ASSISTANCE IN RESTORING ELECTRIC SERVICE; AND

WHEREAS, THE STATE OF IOWA HAS BEEN REQUESTED TO PROVIDE MUTUAL AID ASSISTANCE THROUGH THE EMERGENCY MANAGEMENT SYSTEM TO IMPACTED AREAS, SPECIFICALLY TO PROVIDE ELECTRICAL REPAIR CREWS AND RELATED SUPPLIES AND EQUIPMENT; AND

WHEREAS, OTHER STATES’ ELECTRICAL REPAIR CREWS MAY BE TRANSVERSING IOWA EN ROUTE TO OTHER STATES’ DISASTER SITES; AND

WHEREAS, STRICT COMPLIANCE WITH PROVISIONS OF THE IOWA CODE REGULATING THE MOVEMENT OF COMMERCIAL VEHICLES WOULD PREVENT OR HINDER EMERGENCY RECOVERY EFFORTS:

NOW, THEREFORE, I, CHESTER J. CULVER, GOVERNOR OF THE STATE OF IOWA, BY THE POWER AND AUTHORITY VESTED IN ME BY THE CONSTITUTION ARTICLE IV, SECTIONS 1 AND 8 AND IOWA CODE SECTION 29C.6(1), DO HEREBY DECLARE THE FOLLOWING MEASURES TO EXPEDITE DEPLOYMENT OF CRITICAL SERVICES:

1. PURSUANT TO IOWA CODE SECTION 29C.6(6), I DO HEREBY SUSPEND THE REGULATORY PROVISIONS OF IOWA CODE 321.449 PERTAINING TO HOURS OF SERVICE FOR ELECTRICAL REPAIR CREWS AND DRIVERS WHILE RESPONDING TO DISASTER SITES.

2. PURSUANT TO IOWA CODE SECTION 29C.6(6), I DO HEREBY SUSPEND THE REGULATORY PROVISIONS OF SECTIONS 321.463 AND 321E.29 OF THE IOWA CODE AND

7611AC511 OF THE IOWA ADMINISTRATIVE CODE. SUSPENSION OF THESE PROVISIONS APPLIES TO LOADS RELATED TO ELECTRICAL REPAIRS IN AREAS AFFECTED BY THE DISASTER AND TRANSPORTED ON ALL HIGHWAYS WITHIN IOWA, EXCLUDING THE INTERSTATE SYSTEM, WHICH DO NOT EXCEED A MAXIMUM OF 88,000 POUNDS GROSS WEIGHT; DO NOT EXCEED THE MAXIMUM AXLE WEIGHT LIMIT DETERMINED UNDER THE NON PRIMARY HIGHWAY MAXIMUM WEIGHT TABLE IN IOWA CODE SECTION 321.463, PARAGRAPH 5.B, BY MORE THAN 10 PERCENT; DO NOT EXCEED THE LEGAL MAXIMUM AXLE WEIGHT OF 20, 000 POUNDS; AND COMPLY WITH POSTED LIMITS ON EMBARGOED ROADS AND BRIDGES. MAXIMUM GROSS WEIGHT ALLOWED ON THE INTERSTATE SYSTEM IS 80,000 POUNDS. THIS ACTION IS INTENDED TO ALLOW SUCH VEHICLES TO BE OVERSIZE AND OVERWEIGHT, NOT EXCEEDING 88,000 POUNDS, WITHOUT A PERMIT, BUT ONLY FOR THE DURATION OF THIS PROCLAMATION.

3. PURSUANT TO IOWA CODE SECTION 29C.6(6), I DO HEREBY SUSPEND THE REQUIREMENTS FOR OPERATING AUTHORITY, REGISTRATION AND FUEL TAX REPORTING AS REQUIRED BY THE IOWA DEPARTMENT OF TRANSPORTATION FOR ELECTRICAL REPAIR CREWS AND DRIVERS WHILE RESPONDING TO DISASTER SITES.

4. PURSUANT TO IOWA CODE SECTION 29C.6(6), I DO HEREBY SUSPEND THE INTERSTATE REQUIREMENT FOR MEDICAL CARD AND THE MINIMUM AGE FOR A COMMERCIAL DRIVER FOR IOWA-BASED ELECTRICAL REPAIR CREW DRIVERS RESPONDING TO DISASTER SITES.

5. NOTHING CONTAINED IN THIS DECLARATION SHALL BE CONSTRUED AS AN EXEMPTION FROM THE CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING REQUIREMENTS (49 CFR 382), THE COMMERCIAL DRIVERS LICENSE REQUIREMENTS (49 CFR 383), THE FINANCIAL RESPONSIBILITY REQUIREMENTS (49 CFR 387) REQUIREMENTS, OR ANY OTHER PORTION OF THE REGULATION NOT SPECIFICALLY IDENTIFIED.

6. PURSUANT TO IOWA CODE SECTION 29C.6 (6), I DO HEREBY SUSPEND THE REGULATORY PROVISIONS OF SECTION 321.449 OF THE IOWA CODE PERTAINING TO HOURS OF SERVICE OF MOTOR CARRIERS AND DRIVERS OF COMMERCIAL MOTOR VEHICLES WHILE RESPONDING TO DISASTER SITES.

7. NOTHING CONTAINED IN THIS DECLARATION SHALL BE CONSTRUED AS AN EXEMPTION FROM THE CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING REQUIREMENTS (49 CFR 382), THE COMMERCIAL DRIVERS LICENSE REQUIREMENTS (49 CFR 383), THE FINANCIAL RESPONSIBILITY REQUIREMENTS (49 CFR 387), OR ANY OTHER PORTION OF THE REGULATIONS NOT SPECIFICALLY IDENTIFIED.

8. NO MOTOR CARRIER OPERATING UNDER THE TERMS OF THIS AGREEMENT SHALL REQUIRE OR ALLOW A FATIGUED OR ILL DRIVER TO OPERATE A MOTOR VEHICLE. A DRIVER WHO INFORMS A CARRIER THAT HE OR SHE NEEDS IMMEDIATE REST SHALL BE GIVEN AT LEAST 10 CONSECUTIVE HOURS OFF DUTY BEFORE THE DRIVER IS REQUIRED TO RETURN TO SERVICE.

9. UPON THE REQUEST OF THE DRIVER OF COMMERCIAL MOTOR CARRIER OPERATING UNDER THIS EXECUTIVE ORDER MUST GIVE A DRIVER AT LEAST 34 CONSECUTIVE HOURS OFF DUTY WHEN THE DRIVER HAS BEEN ON DUTY FOR MORE THAN 70 HOURS

IN ANY EIGHT CONSECUTIVE DAYS.

10. MOTOR CARRIERS THAT HAVE AN OUT OF SERVICE ORDER IN EFFECT MAY NOT TAKE ADVANTAGE OF THE RELIEF FROM REGULATIONS THAT THIS DECLARATION PROVIDES UNDER TITLE 49 CFR 390.23.

11. UPON THE EXPIRATION OF THE EFFECTIVE DATE OF THIS EMERGENCY ORDER OR WHEN A DRIVER HAS BEEN RELIEVED OF ALL DUTY AND RESPONSIBILITY TO PROVIDE DIRECT ASSISTANCE TO THE EMERGENCY EFFORT A DRIVER THAT HAS HAD AT LEAST 34 CONSECUTIVE HOURS OFF DUTY SHALL BE PERMITTED TO START HIS OR HER ON DUTY STATUS HOURS AT 60/70 HOUR CLOCK AT ZERO.

12. THIS EMERGENCY DECLARATION IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT FOR 7 DAYS. DEPARTMENT OF TRANSPORTATION IS DIRECTED TO MONITOR THE OPERATION OF THIS PROCLAMATION TO ASSURE THE PUBLIC SAFETY AND FACILITATE THE MOVEMENT OF VEHICLES INVOLVED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND CAUSED THE GREAT SEAL OF THE STATE OF IOWA TO BE AFFIXED. DONE AT DES MOINES THIS 21ST DAY OF JANUARY IN THE YEAR OF OUR LORD TWO THOUSAND TEN.

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