

State of Iowa
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, relief efforts for Hurricane Helene continue in Florida, North Carolina, South Carolina and surrounding areas, relief efforts are underway for Hurricane Milton and the State of Iowa seeks to render mutual aid to assist in the federal and state disaster response; and

WHEREAS, the resulting damage includes widespread electrical outages to significant portions of the affected states, disrupting delivery of vital services and products and thus affecting the public health, safety and welfare of such citizens. Because of this, legal justification is provided for the issuance of a proclamation of state of disaster emergency pursuant to Iowa Code § 29C.6 (1).

NOW, THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by the power and authority vested in me by Article IV, Sections 1 and 8 of the Iowa Constitution and Sections 29C.1 and 29C.6(1) of the Iowa Code, and all other applicable laws, do hereby proclaim a **STATE OF DISASTER EMERGENCY** continues and do hereby **ORDER** and **DIRECT** the following:

SECTION ONE. Pursuant to 49 CFR §390.23, I waive 49 CFR Part 395.3 and 395.5 for motor carriers providing direct assistance to disaster relief efforts incident to the immediate restoration of essential services or providing essential supplies in areas impacted by Hurricanes Helene and Milton.

SECTION TWO. I continue to temporarily suspend the regulatory provisions of Iowa Code § 321.449 pertaining to hours of service for disaster repair crews and drivers delivering goods and services while responding to disaster sites during the duration of this disaster, subject to these conditions:

- A. Nothing contained in this proclamation shall be construed as an exemption from the controlled substances and alcohol use and testing requirements under 49 CFR Part 382, the commercial drivers' license requirements under 49 CFR Part 383, the financial responsibility requirements of 49 CFR Part 387, or any other portion of the Code of Federal Regulations not specifically identified in this proclamation.
- B. No motor carrier operating under the terms of this proclamation 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 ten consecutive hours off duty before the driver is required to return to service.
- C. Upon the request of a driver, a commercial motor carrier operating under this proclamation must give a driver at least thirty-four (34) consecutive hours off when the driver has been on duty for more than seventy (70) hours during any eight consecutive days.
- D. 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.
- E. Upon the expiration of the effective date of this proclamation, 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 thirty-four (34) consecutive hours off duty shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.

SECTION THREE. I continue to temporarily suspend the regulatory provisions of Iowa Code §§ 321.463(6) (a) and (b) and 321E.29 and Iowa Admin. Code §761-511, to the extent those provisions restrict the movement of loads related to disaster response on all highways within Iowa, excluding the interstate system, and require a permit to transfer such loads, when such loads:

- A. Do not exceed a maximum of 90,000 pounds gross weight,
- B. Do not exceed by more than twelve and one-half percent (12.5%) the maximum axle weight limit determined under the non-primary highway maximum gross weight table in Iowa Code § 321.463(6) (b),
- C. Do not exceed the legal maximum axle weight limit of 20,000 pounds, and
- D. Comply with posted weight limits on roads and bridges.

SECTION FOUR. I continue to temporarily suspend the requirements for operating authority, registration, and fuel tax reporting as required by the Iowa Department of Transportation under Iowa Code §§452A.52 through 452A.56 and Iowa Code Chapter 326 for all electrical repair crews and drivers as part of this disaster response.

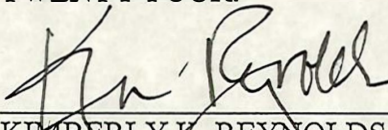
SECTION FIVE. I continue to direct the Iowa Department of Public Safety to monitor the operation of this proclamation to assure the public's safety and facilitate the movement of trucks involved.

SECTION SIX. Nothing contained in this declaration shall be construed as an exemption from any other portion of the Iowa Code or Iowa Administrative Code not specifically identified in this proclamation.

SECTION SEVEN. The provisions of this proclamation shall be effective immediately and continue until the earliest of the following: (1) the conclusion of the motor carrier's or driver's direct assistance in providing emergency relief; (2) fourteen (14) days from the date of this initial extension of the declaration of emergency; (3) the issuance of a proclamation terminating this state of emergency, or (4) any other time dictated by the FMCSA's regulations.




IN TESTIMONY WHEREOF, I HAVE
HEREUNTO SUBSCRIBED MY NAME AND
CAUSED THE GREAT SEAL OF THE STATE
OF IOWA TO BE AFFIXED AT DES MOINES,
IOWA THIS FIFTEENTH DAY OF OCTOBER IN
THE YEAR OF OUR LORD TWO THOUSAND
TWENTY-FOUR.



KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:



PAUL D. PATE
SECRETARY OF STATE