



## PROCLAMATION BY THE GOVERNOR

15-17

**WHEREAS**, a severe winter storm began on December 18, 2015, and is forecast to continue for several days producing extensive blizzard conditions and snowfall causing hazardous driving conditions and extended road closures on mountain passes and roadways for US Highway 2, Interstate 90, and US Highway 12 throughout the lowlands and high elevations in Chelan, King, Kittitas, Lewis, Snohomish and Yakima Counties; and

The road closures and impacts to transportation systems and infrastructure resulting from this storm have delayed essential intrastate collection and delivery of bulk milk products by motor carriers and drivers of commercial motor vehicles from dairy farms to dairy processing facilities and interplant between processing facilities, creating an emergency situation interrupting the delivery of essential food supplies by preventing drivers of these trucks from completing their routes within the time limits prescribed by the commercial motor vehicle driver hours of service rules; and

Milk supplies can become quickly depleted due to the limited storage capacity at dairy farms, the limited shelf life of milk supplies, and consumer behavior of stocking up on milk when a storm is predicted. Collection and delivery of bulk milk products is incident to the immediate restoration of essential food supplies and to supplement state and local efforts to save lives and to protect public health and safety; and

The effect of this storm 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; and

The Washington State Military Department, through the state Emergency Operations Center, will continue to monitor this situation and assess the impact of the event.

**NOW, THEREFORE**, I, Jay Inslee, Governor of the state of Washington, as a result of the aforementioned situation and under Chapters 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in Chelan, King, Kittitas, Lewis, Snohomish and Yakima 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 to 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, is instructed to coordinate all event-related assistance to the affected areas.

I also hereby find, based on the above situation, that motor carriers and drivers of commercial motor vehicles collecting and delivering bulk milk products from dairy farms to dairy processing facilities and interplant between processing facilities impacted by mountain pass conditions implicated in these events 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, until midnight on December 31, 2015.

Furthermore, under the provisions of RCW 43.06.220(1)(i), 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 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; 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.

