



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

**20-73**

**Wildfires – Truck Driver Hours – Fire Retardant Powder**

**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**, there are multiple new wildfires throughout Washington State caused by a historic wind event this week that brought high winds from the east to the west, and current weather forecasts predict continued elevated temperatures and windy conditions throughout the state over the next week, and those conditions are predicted to continue through September which will increase the current burning environment capable of producing and impacting the ability to contain significant multiple wildfires; 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 facilities, businesses, public utilities, infrastructure, agriculture, and natural resources impacting the life and health of citizens throughout Washington, all of which affect life, health, property, or the public peace, and is a public disaster demanding immediate action; and

**WHEREAS**, current availability of firefighting resources throughout the state of Washington and the western United States is limited due to existing and projected fire conditions and activities throughout the region, and existing firefighting resources may already be committed to fighting wildfires throughout the Pacific Northwest; 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**, 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**, the time limits prescribed by the commercial motor vehicle driver hours of service rules impede the necessary maintenance of essential fire retardant powder supplies critical to Washington firefighting efforts by preventing drivers of these trucks from making timely deliveries; and

**WHEREAS**, the effect of these fires 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 20-68 is amended to include those 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, to provide for certain exemptions from driver hours of service rules, 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 again 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 delivering fire retardant powder 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.

