
State of Iowa
Executive Department

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

PROCLAMATION OF DISASTER EMERGENCY

- WHEREAS,** The State of Iowa is in the midst of a severe drought; and
- WHEREAS,** the drought has destroyed and depleted sources and stores of hay, straw, and stover necessary for livestock production and feed; and
- WHEREAS,** the lack of hay, straw and stover threatens the health and viability of Iowa livestock and the economic health and well being of Iowa livestock producers and the State of Iowa; and
- WHEREAS,** strict compliance with the permit and fee requirements of Iowa Code sections 321.454, 321.463, and 321E.29 and 761 I.A.C. 511 allowing overwidth and overweight loads, and strict compliance with the hours of service requirements of section 321.449 of the Iowa Code will prevent, hinder, or delay timely transportation and delivery of hay, straw, and stover necessary to protect and preserve Iowa livestock and Iowa livestock producers from the effects of the drought.

NOW, THEREFORE, I, Terry E. Branstad, Governor of the State of Iowa, by the power and authority invested in me by the Constitution, Article IV Sections 1 and 8 and Iowa Code section 29C.6(1), do hereby proclaim a state of disaster emergency for the entire State of Iowa. Further, pursuant to Iowa Code section 29C.6(6), I hereby suspend the following regulatory provisions:

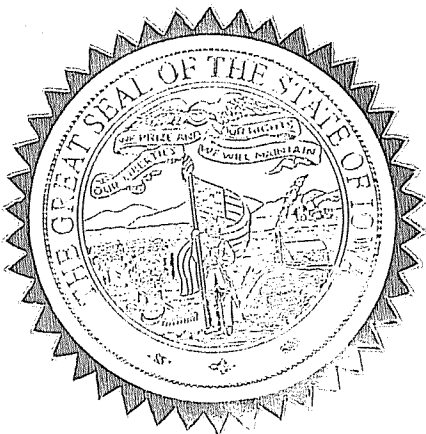
1. I hereby suspend the regulatory provisions of Iowa Code sections 321.463, paragraphs "5.a" and "5.b" and 321E.29 and 761 I.A.C. 511 to the extent that those provisions restrict the movement of overweight loads of hay, straw, and stover only and require a permit to transport such loads. Suspension of these provisions applies to loads transported on all highways within Iowa, excluding the interstate system, and which do not exceed a maximum of 90,000 pounds gross weight, do not exceed the maximum axle weight limit determined under the nonprimary highway maximum gross weight table in Iowa Code section 321.463 paragraph "5.b" by more than twelve and one-half percent (12.5%), do not exceed the legal maximum axle weight limit of 20,000 pounds, and comply with posted limits on roads and bridges.
2. I hereby suspend the regulatory provisions of Iowa Code sections 321.454 and 321E.29 and 761 I.A.C. 511 to the extent that those provisions restrict the movement of overwidth loads of hay, straw, and stover only and require a permit to transport such loads. Suspension of these provisions applies to loads transported on all highways within Iowa and which are a width of 12 feet 5 inches or less, are of a length that complies with Iowa Code section 321.457, are of a height that is 13 feet 6 inches or less, and are within the weight restrictions set forth in paragraph "1" above. This paragraph and paragraph "1" above are intended to allow vehicles transporting hay, straw or stover only to be overwidth but not overweight, not exceeding 12 feet 5 inches, on all highways within Iowa including the interstate system without a permit, and to be overwidth and overweight, not exceeding 12 feet 5 inches and 90,000 pounds gross weight, on all highways within Iowa, excluding the interstate system, without a permit, but only for the duration of this proclamation.

Persons transporting hay, straw, or stover without a permit under authority of this declaration are responsible for assessing and determining their route and should consult Iowa Department of Transportation travel information at www.511IA.org to determine road closures and restrictions.

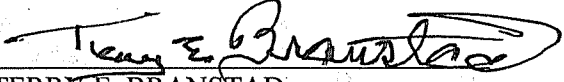
Movement of vehicles operated without a permit under authority of this declaration that are overwidth shall be permitted only during the hours from one-half-hour before sunrise to one-half-hour after sunset, and shall comply with the flags, signs, and lights requirements applicable to overwidth vehicles set forth in 761 I.A.C. 511.15(3).

3. I do hereby suspend the regulatory provisions of Iowa Code section 321.449 pertaining to hours of service of motor carriers and drivers of commercial motor vehicles, only while transporting hay, straw, or stover during the duration of this proclamation.
4. 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 in this proclamation.
5. 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.
6. Upon the request of a driver, a commercial motor carrier operating under this proclamation must give a driver at least 34 consecutive hours off when the driver has been on duty for more than 70 hours in any eight consecutive days.
7. 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.
8. This proclamation only applies to hours of service of motor carriers and drivers of commercial motor vehicles while transporting hay, straw, or stover only.
9. 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 34 consecutive hours off duty shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.


This proclamation of disaster emergency becomes effective at noon on the twenty-sixth day of July, 2012 and expires 60 days from the date issued. The Iowa Department of Transportation is directed to monitor the operation of this proclamation to assure the public's 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 26th day of July in the year of our Lord two thousand twelve.


TERRY E. BRANSTAD
GOVERNOR OF IOWA

ATTEST:


MATT SCHULTZ
SECRETARY OF STATE