



**State of Iowa**  
**Executive Department**

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

**PROCLAMATION OF DISASTER EMERGENCY**

**WHEREAS**, on June 14, 2018, and continuing thereafter, a severe storm system affected the State of Iowa; and

**WHEREAS**, this storm system caused severe weather, including damaging winds, heavy rains, thunderstorms, flash flooding, and flooding resulting in significant damage to public and private property; and

**WHEREAS**, one significant impact from this storm was the derailment of approximately thirty tanker cars hauling crude oil on a Burlington Northern Sante Fe train in Lyon County; and

**WHEREAS**, reports forwarded to the Iowa Homeland Security and Emergency Management Department indicate response, recovery, and remediation efforts to clear the derailment require the construction of a temporary road to reach the derailed cars; and

**WHEREAS**, Burlington Northern Sante Fe contractors need to complete construction of this temporary road as soon as possible; and

**WHEREAS**, Burlington Northern Sante Fe has indicated that they may need to transport some necessary assets from as far away as Woodbury County to assist in the response, recovery, and remediation efforts; and

**WHEREAS**, to ensure that any needed assets for the response, recovery, and remediation efforts can be facilitated as quickly as possible, Burlington Northern Sante Fe may need to transport needed assets through Lyon, Plymouth, Sioux, and Woodbury Counties; and

**WHEREAS**, these conditions threaten the public peace, health, and safety of citizens of the State of Iowa and have damaged and destroyed public and private property. Because of this, they provide an adequate legal justification for the issuance of a Proclamation of a 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 the Iowa Constitution Art. IV, §§ 1, 8 and IOWA CODE § 29C.6(1), and all other applicable legal authorities, do hereby proclaim a **STATE OF DISASTER EMERGENCY** for Lyon, Plymouth, Sioux, and Woodbury Counties, and do hereby **ORDER** and **DIRECT** the following:

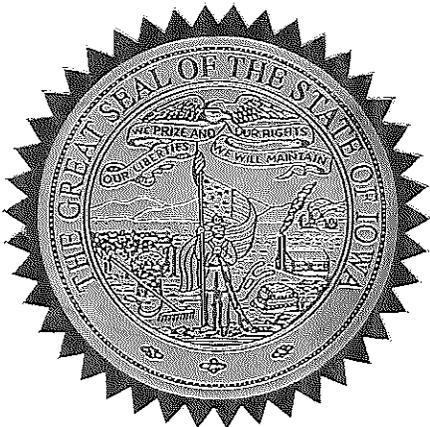
**SECTION ONE.** I temporarily suspend the regulatory provisions of IOWA CODE § 321.449 pertaining to hours of service for disaster repair crews and drivers delivering goods and services while responding to this train derailment site in Lyon County during the duration of this disaster, subject to these 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.

IOWA CODE § 29C.6 (6).

**SECTION TWO.** This state of disaster emergency shall be effective on June 23, 2018, shall continue for thirty (30) days, and shall expire on July 23, 2018, unless sooner terminated or extended in writing by me. IOWA CODE § 29C.6 (1).



**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 twenty-third day of June in the year of our Lord Two Thousand Eighteen.

*Kimberly K. Reynolds*  
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 KIMBERLY K. REYNOLDS  
 GOVERNOR

ATTEST:

*Paul D. Pate*  
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 PAUL D. PATE  
 SECRETARY OF STATE