JAY INSLEE
Governor

STATE OF WASHINGTON
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PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING
PROCLAMATIONS 20-05 AND 20-22, et seq.

20-22.7
Truck Driver Hours

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, 20-69 through 20-71, and 20-74 through 20-77, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 13, 2020, in response to a Presidential Emergency Declaration issued to address the nationwide COVID-19 pandemic and pursuant to 49 CFR 390.23(a)(1)(i), the Federal Motor Carrier Safety Administration issued Emergency Declaration 2020-002, granting relief to motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks from 49 CFR Parts 390 through 399 until April 12, 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, on March 18, 2020, the Federal Motor Carrier Safety Administration expanded Emergency Declaration 2020-002, providing hours-of-service regulatory relief to commercial vehicle drivers transporting emergency relief in response to the nationwide

outbreak, by adding fuel and raw materials needed to manufacture essential supplies to the list of direct assistance in support of relief efforts related to the COVID-19 outbreaks; and

WHEREAS, on April 8, 2020, the Federal Motor Carrier Safety Administration extended the exemptions granted in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through May 15, 2020, and expanded its application to include liquefied gases to be used in refrigeration or cooling systems, while also placing specific restrictions and limitations on its application; and

WHEREAS, on May 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through June 14, 2020, including its expanded applications and limitations; and

WHEREAS, on June 8, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through July 14, 2020, while reducing the categories of transportation covered by the exemptions to livestock feed, medical and pharmaceutical supplies related to COVID-19, and community and personal protective equipment materials related to COVID-19; and

WHEREAS, on July 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 (as modified) from 49 CFR Parts 390 through 399 through August 14, 2020; and

WHEREAS, on August 11, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through September 14, 2020, and because of current conditions, reinstated emergency relief for emergency restocking of food, paper products and other groceries at distribution centers or stores; and

WHEREAS, on September 11, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 (as modified) from 49 CFR Parts 390 through 399 through the earlier of December 31, 2020 or the revocation of the federally-declared COVID-19 national emergency; and

WHEREAS, on December 2, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through the earlier of February 28, 2021, or the revocation of the federally-declared COVID-19 national emergency, and expanded its application to include transportation of vaccines, constituent products, and medical supplies and equipment including ancillary supplies/kits for the administration of vaccines related to the prevention of COVID-19, while continuing to impose specific restrictions and limitations on its application; and

WHEREAS, I have issued Proclamations 20-22, et seq., providing and modifying exemptions from Washington state regulations and rules as necessary to maintain consistency between federal and state regulations affecting commercial vehicle drivers transporting emergency relief in response to the nationwide coronavirus (COVID-19); and

WHEREAS, maintaining a steady supply of livestock feed, vaccines and other medical and pharmaceutical supplies related to COVID-19, community and personal protective equipment materials, and food, paper products and other groceries continues to be essential to COVID-19 emergency relief efforts and public health and safety throughout the State; and

WHEREAS, the transportation industry continues to experience driver shortages, related in varying degrees to the closure of schools, continued virus exposures and infections, and the unavailability of childcare, and the significant increase in the demand for and shortages of many essential services and supplies throughout Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting State agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across State government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay 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 continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-22, et seq., 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 December 2, 2020, order of the Federal Motor Carrier Safety Administration, are extended until the earlier of 11:59 p.m. on February 28, 2021, or the end of the COVID-19 pandemic emergency.

FURTHERMORE, to restate and clarify application of the Federal Motor Carrier Safety Administration Emergency Declaration 2020-002, issued initially on March 13, 2020, and most recently amended on December 2, 2020, motor carriers and drivers of commercial motor vehicles in Washington State collecting or delivering the following goods are providing emergency relief during an emergency under 49 CFR § 390.23 and are providing direct assistance under the December 2, 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 February 28, 2021:

(1) Livestock and livestock feed;
(2) Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19;
(3) Vaccines, constituent products, and medical supplies and equipment including ancillary supplies/kits for the administration of vaccines, related to the prevention of COVID-19;
(4) Supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; and
(5) Food, paper products and other groceries for emergency restocking of distribution centers or stores.

The exemptions contained in this proclamation do not apply to routine commercial deliveries or to mixed loads with a nominal quantity of qualifying emergency relief added for the purpose of qualifying for such exemptions.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Drivers operating under these exemptions and limitations should carry a copy of this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 4th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State