



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

PROCLAMATION BY THE GOVERNOR

24-04

2024 Wildfires – Fuel Delivery Waiver

WHEREAS, since June 2024, Washington State has been experiencing abnormally dry weather conditions with periods of exceptionally high temperatures throughout the state creating high-risk fuel conditions in many areas; and

WHEREAS, the multiple new and ongoing wildfires throughout Washington, resulting from a prolonged hot and dry climate combined with wind and fire fuel conditions, has created an active burning environment challenging the availability of limited firefighting resources throughout the region; and

WHEREAS, the large number of fires in the Pacific Northwest has created a large scale fuel supply shortage for firefighting activities in the Western United States, requiring fuel to be resupplied over greater distances and from throughout the region; and

WHEREAS, adequate fuel supplies are essential to effective firefighting efforts and can become quickly depleted without consistent and reliable deliveries, which are critical in supporting state and local efforts to save lives and protect public health and safety; and

WHEREAS, the time limits prescribed by the commercial motor vehicle driver hours of service rules impede the delivery of fuel supplies essential to statewide firefighting efforts in a timely manner 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 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 all areas of 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.

FURTHERMORE, under the provisions of RCW 43.06.220(1)(i), to preserve and maintain life, health, property or the public peace, I also find, based on the above situation, that motor carriers and drivers of commercial motor vehicles delivering fuel products in support of firefighting efforts are providing direct assistance 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 August 16, 2024.

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.

I ask the motor carriers for the fuel industry to use their best judgment in operating under this exemption in a manner that ensures public health and safety. Drivers operating under this exemption should carry a copy of this Proclamation.

ADDITIONALLY, as a result of this incident, I also hereby 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 perform such duties as directed by competent authority of the Washington Military Department in addressing this situation.

