

Executive Order No. 2019-03

WHEREAS, the Governor of North Carolina has declared that an emergency exists in the State of North Carolina due to the impact of a severe winter storm, which threatens the health, safety, and welfare of the people of North Carolina and has disrupted essential utility services; and

WHEREAS, the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, water, medicine and medical supplies, livestock and poultry, feed for livestock and poultry, and other agricultural products to residential and commercial establishments is essential before, during, and after the storm, and any interruption in the availability, transportation, or delivery of such commodities and materials does and would threaten the public welfare; and

WHEREAS, the prompt restoration of utility services is essential to the safety and well-being of the people of North Carolina and neighboring states; and

WHEREAS, the Governor of North Carolina has declared that the anticipated winter weather poses an imminent threat of severe economic loss and other dangers to livestock, poultry, or crops ready to be harvested in North Carolina, which may necessitate transportation of the same; and

WHEREAS, federal law limits the hours operators of commercial motor vehicles may drive vehicles transporting materials as stated above pursuant to 49 C.F.R. §§ 390 *et seq.* and establishes certain weight limitations for vehicles on interstate highways pursuant to 23 U.S.C. § 127; and

WHEREAS, the Governor of a State may suspend certain requirements relating to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles responding to an emergency if the Governor declares a state of emergency pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23; and

WHEREAS, by Executive Order dated January 13, 2019, the Governor of North Carolina has done so, declaring that a state of emergency exists and suspending requirements related to registration, permitting, length, width, weight, load, and hours of service for certain commercial vehicles; and

WHEREAS, whenever a state of emergency is declared in North Carolina that triggers relief under 49 C.F.R. § 390.23, an emergency must be declared in this State pursuant to section 56-5-70(B) of the South Carolina Code of Laws.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, due to the existing emergency in the State of North Carolina, I hereby suspend the federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and hours of service requirements as fully set forth below in order to ensure the uninterrupted supply of (1) transportation of essential fuels (to include fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum, and gas), food, water, medical supplies, and feed for livestock and poultry; (2) vehicles transporting livestock and poultry and crops (to include timber and wood chips) ready to be harvested; and (3) vehicles used in the restoration of utility services and debris removal. This suspension is valid for vehicles responding to the North Carolina emergency. Also, because we share borders and have fuel supply stations, distribution centers, etc., in both states, this suspension is also valid for vehicles coming to South Carolina to provide fuel, essential materials (food, water, etc.), and utility services that are traversing from a distributor or fuel supply station in North Carolina requiring the transportation over North Carolina roads to South Carolina. This reciprocity is needed to ensure essential services continue throughout both states despite emergency road conditions.

Accordingly, I direct the South Carolina Department of Transportation, the South Carolina Department of Public Safety, and the State Transport Police, as needed, to suspend application and

enforcement of federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and hours of service requirements, in conjunction with S.C. Code Ann. §§ 56-5-4010 *et seq.*, which establish size, weight, and load requirements for South Carolina highways, as set forth below to comply with this Order.

IT IS FURTHER ORDERED that although the federal rules and regulations that restrict registration, permitting length, width, and load requirements are waived, drivers in South Carolina are subject to the following state requirements to ensure safety on the roads:

(a) Weight, height, length, and width for any such vehicle on roadways maintained by the State of South Carolina shall not exceed for continuous travel on all non-interstates, United States, and South Carolina designated routes maximum dimensions of 12' wide, 13'6" high and weights of 90,000 pounds.

(b) Posted bridges may not be crossed.

(c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall provide appropriate documentation indicating it is responding to this emergency.

(d) Any dimensions and/or weight of vehicles that exceed the above must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after regular business hours.

(e) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversize/overweight loads operating on South Carolina roadways.

FURTHER, this emergency justifies an extension of the suspension of 49 C.F.R. Part 395 (drivers' hour of service). However, nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383 or the financial requirements in 49 C.F.R. § 387.

FURTHER, the Executive Order issued by the Governor of North Carolina on January 13, 2019, provides that it shall be in effect for thirty (30) days, or until the state of emergency ceases, whichever is less. Accordingly, this Order shall take effect immediately and shall expire when the state of emergency in the State of North Carolina is terminated or on February 12, 2019, at 11:59 p.m., whichever is less, in accordance with section 56-5-70 of the South Carolina Code of Laws.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 14th DAY OF JANUARY,
2019.**

**HENRY MCMASTER
Governor**