

State of North Carolina

ROY COOPER
GOVERNOR

September 20, 2018

EXECUTIVE ORDER NO. 59

AMENDING EXECUTIVE ORDER NO. 55, PARTIALLY RESCINDING EXECUTIVE ORDER NO. 52, AND PROVIDING FOR TEMPORARY SUSPENSION OF MOTOR VEHICLE REGULATIONS TO ENSURE RESTORATION OF UTILITY SERVICES AND TRANSPORTING ESSENTIALS

WHEREAS, the impacts from Hurricane Florence (“Hurricane”), which made landfall on or about 14 September 2018, will require transportation of vehicles bearing essential equipment and supplies for response and recovery efforts through North Carolina highways; and

WHEREAS, Executive Order No. 51, *Declaration of a State of Emergency* (07 September 2018), declared a State of Emergency as defined in N.C. Gen. Stat. § 166A-19.3(19) for the entire State of North Carolina (the “Emergency Area”); and

WHEREAS, the undersigned issued Executive Order No. 55, *Amending Executive Order No. 55 and Providing for Temporary Suspension of Motor Vehicle Regulations to Ensure Restoration of Utility Services and Transporting Essentials* on 14 September 2018, allowing for the expedited movement of vehicles transporting equipment and supplies in the Emergency Area while waiving certain size and weight restrictions; and

WHEREAS, the North Carolina Department of Transportation (“DOT”) has identified deteriorating roadway conditions based on Hurricane-related water damage, including flash flooding, significant rain, and cresting rivers in the vicinity of North Carolina roadways; and

WHEREAS, these events require DOT to undertake mitigating measures to alleviate the strain on roadways caused by vehicles with size and weights permitted to operate on North Carolina highways consistent with Executive Order No. 55, and any other applicable, state statutory or regulatory requirements that have not otherwise been suspended by Executive Order; and

WHEREAS, without amending the maximum allowable size and weight limits set out in Executive Order No. 52 for certain vehicles transporting equipment and supplies, undue delay in Emergency Area relief efforts is likely to occur; and

WHEREAS, the Federal Emergency Management Agency (“FEMA”) and other federal agencies are expediting the movement of relief supplies on interstate highways, including, but not limited to, the transportation of temporary homes to the areas impacted by the Hurricane as part of the disaster relief effort; and

WHEREAS, the Pets Evacuation and Transportation Standards Act, 42 U.S.C. § 5196 (2018) (the “PETS Act”), directs the FEMA Administrator to develop emergency preparedness plans for individuals with pets and service animals prior to, during, and following a major disaster or emergency; and

WHEREAS, in compliance with the PETS Act, the North Carolina Emergency Operations Plan provides for the care, protection, and recovery of animals during a disaster or emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70, the undersigned may declare that the health, safety, or economic well-being of persons or property requires that the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381 should be waived for persons transporting (1) equipment, essentials, and supplies, (2) companion and service animals, and (3) vehicles used in the restoration of utility services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned is authorized and empowered to make, amend, or rescind the necessary orders, rules, and regulations within the limits of the authority conferred through the North Carolina Emergency Management Act, with due consideration of the policies of the federal government; and

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1.

Executive Order No. 52, as amended by Executive Order No. 55, is amended to rescind Section 1A of Executive Order No. 55.

Vehicle combinations transporting a commodity that cannot be broken down or divided to meet the requirements outlined in this section are not exempt from obtaining an oversize/overweight permit:

- a. When the gross weight does not exceed 112,000 pounds, and
- b. When the steer axle weight does not exceed 20,000 pounds, the single axle weight does not exceed 25,000 pounds, the tandem axle weight does not exceed 50,000 pounds, the tridem axle weight does not exceed 60,000 pounds, and the four (4) or more axle group weight does not exceed 68,000 pounds, and
- c. When the overall width does not exceed twelve (12) feet, and
- d. When the overall length does not exceed 105 feet from bumper to bumper, and
- e. When the vehicle combination has five (5) or more axles, and
- f. When the vehicle combination has a minimum extreme axle spacing of fifty-one (51) feet from the center of the first axle to the center of the rear most axle, and
- g. When the vehicle combination is traveling on North Carolina interstate highways only.

Section 2.

All other provisions of Executive Orders No. 52 and 55 remain in effect and include the following waivers and conditions:

Section 2(a)

Notwithstanding any other provision herein, vehicles transporting mobile homes for emergency housing relief as outlined in this order shall be exempt from the requirements specified below:

- i. The requirement of a permit and certain travel restrictions shall be waived for transporters moving mobile homes that do not exceed 14' wide and/or 14' high and are being transported under contract with FEMA as part of the disaster relief effort. Transporters operating under this exemption shall be allowed travel on the interstate routes twenty-four (24) hours a day, seven days a week with up to three (3) homes in a convoy. However, these transporters are required to have an escort vehicle per convoy as would be required under normal conditions. Transporters moving mobile homes under this section are exempted from the requirement to enter weigh stations as required under N.C. Gen. Stat. § 20-118.1. However, these same transporters shall have in the transport vehicle a copy of the Transport Authorization letter from FEMA and the manufacturer's bill of lading for the mobile home being transported. This does not exempt transporters from the requirement of the regulations for escorts, flags, signs and other safety requirements as provided in 19A N.C. Admin. Code 02D.0601. This exemption will be allowed on all North Carolina interstate highways only.
- ii. For those transporters that do not qualify for the waiver of a permit outlined in subsection (a.) of this section, the fees listed in N.C. Gen. Stat. § 20-119 for an annual permit and a single trip permit shall be waived for mobile homes being transported under contract with FEMA as part of the disaster relief effort. Transporters moving mobile homes under this subsection are exempted from the requirement to enter weigh stations as required under N.C. Gen. Stat. § 20-118.1. However, these same transporters shall have in the transport vehicle a copy of the Transport Authorization

letter from FEMA, the annual permit or single trip permit from DOT, and the manufacturer's bill of lading for the mobile home being transported. This does not exempt transporters from the requirement of the regulations for escorts, flags, signs and other safety requirements as provided in 19A N.C. Admin. Code 2D.0600. The movement of mobile homes that are required to obtain a permit is hereby authorized from sunrise to sunset seven (7) days a week.

Section 2(b).

North Carolina Department of Public Safety ("DPS"), in conjunction with DOT, shall waive the maximum hours of service for drivers prescribed by DPS pursuant to N.C. Gen. Stat. § 20-381.

Section 2(c).

DPS, in conjunction with DOT, shall waive certain size and weight restrictions and penalties arising under N.C. Gen. Stat. §§ 20-116, -118, and -119, certain registration requirements and penalties arising under N.C. Gen. Stat. §§ 20-86.1 and -382, and certain registration and filing requirements and penalties arising under N.C. Gen. Stat. §§ 105-449.45, -449.47, and -449.49 for vehicles transporting equipment and supplies for the restoration of utility services, emergency relief supplies and equipment, transportation facilities, and vehicles carrying essentials and equipment for any debris removal.

Pursuant to N.C. Gen. Stat. § 20-118.1, DPS shall temporarily suspend weighing vehicles used to transport livestock, poultry, or crops ready to be harvested including timber and feed to livestock and poultry in the Emergency Area.

Section 2(d).

Notwithstanding the waivers set forth above, size and weight restrictions and penalties have not been waived under the following conditions:

- i. When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer (GVWR) or 90,000 pounds gross weight, whichever is less.
- ii. When the tandem axle weight exceeds 42,000 pounds and the single axle weight exceeds 22,000 pounds.
- iii. When a vehicle and vehicle combination exceed twelve (12) feet in width and the total, overall vehicle combination's length exceeds seventy-five (75) feet from bumper to bumper.
- iv. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having (a) a yellow banner on the front and rear that is seven (7) feet long and eighteen (18) inches wide and bears the legend "Oversized Load" in ten (10) inch black letters 1.5 inches wide and (b) red flags measuring eighteen (18) inches square on all sides at the widest point of the load. In addition, when operating between sunset and sunrise, a certified escort shall be required for loads exceeding eight (8) feet, six (6) inches in width.

Section 2(e).

Vehicles referenced in Section(s) 2(a)-(d) of this Executive Order shall be exempt from the following registration requirements:

- i. The requirement to obtain a temporary trip permit and pay the associated \$50.00 fee listed in N.C. Gen. Stat. § 105-449.49. No filing of a quarterly fuel tax return is required as the exemption in N.C. Gen. Stat. § 105-449.45(b)(1) applies.
- ii. The registration requirements under N.C. Gen. Stat. § 20-382.1 concerning intrastate for-hire authority and N.C. Gen. Stat. § 20-382 concerning interstate for-hire authority, however, vehicles shall maintain the required limits of insurance as required.

Additionally, non-participants in North Carolina's International Registration Plan and International Fuel Tax Agreement will be permitted to enter North Carolina in accordance with the exemptions identified by this Executive Order.

Section 2(f).

The size and weight exemption for vehicles will be allowed on all DOT designated routes, except those routes designated as light traffic roads under N.C. Gen. Stat. § 20-118. This order shall not be in effect on bridges posted pursuant to N.C. Gen. Stat. § 136-72.

Section 2(g).

The waiver of regulations under Title 49 of the Code of Federal Regulations (“Federal Motor Carrier Safety Regulations”) does not apply to the Commercial Drivers’ License and Insurance Requirements. This waiver shall be in effect for thirty (30) days or the duration of the emergency, whichever is less.

Section 3.

The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 2(b)-(g) of this Executive Order in a manner that does not endanger North Carolina motorists.

Section 4.

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are bearing equipment and supplies for utility restoration, being used for debris removal, carrying essentials in commerce, carrying feed for livestock and poultry, or transporting livestock, poultry or crops ready to be harvested in the State of North Carolina.

Section 5.

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale or purchase of alcoholic beverages as provided in N.C. Gen. Stat. § 166A-19.30(c).

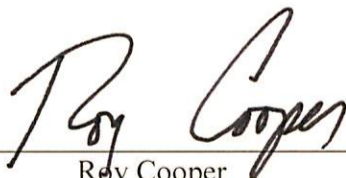
Section 6.

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

Section 7.

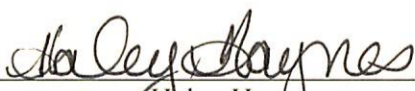
This Executive Order is effective immediately and shall remain in effect for the duration of the emergency unless rescinded or superseded by a separate Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 20th day of September in the year of our Lord two thousand and eighteen.



Roy Cooper
Governor

ATTEST:



Haley Haynes
Deputy Secretary of State

