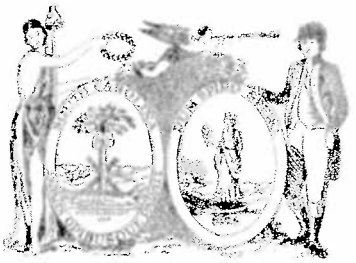
State of South Carolina
Executive Department

FILED

FEB 11 2014

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO. 2014-13

WHEREAS, there exists a state of emergency in South Carolina due to the effects of severe winter weather, which will occur throughout the state between February 11, 2014 and February 13, 2014, making it necessary to expedite the movement of vehicles and loads that are transporting emergency equipment, materials, services, supplies, food, and other items; and

WHEREAS, 49 C.F.R. Part 395 limits the hours operators of commercial motor vehicles may drive vehicles transporting materials as stated above; and

WHEREAS, 23 U.S.C. § 127 establishes certain weight limitations for vehicles on interstate highways in conjunction with S.C. Code § 56-5-4010 et. seq., which establishes size, weight, and load requirements for South Carolina highways; and

WHEREAS, 49 C.F.R. § 390.23 and S.C. Code § 56-5-70(A) allow the Governor of a State to suspend hours of service requirements for commercial vehicles responding to an emergency if the Governor declares a State of Emergency; and

WHEREAS, 23 C.F.R. § 658.5 authorizes a State to treat as a non-divisible load emergency response vehicles, including those loaded with salt, sand, chemicals, and combinations thereof to be used for the purpose of spreading materials on highways that may become slick or icy, and 23 C.F.R. § 658.17(h) and S.C. Code § 57-3-130(B) authorize the State Department of Transportation to issue oversize/overweight permits for non-divisible loads on interstate highways exceeding 80,000 pounds.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby suspend the federal rules and regulations that restrict certain size and weight and time of service limits in order to ensure the delivery of equipment, materials, services, supplies, food, and other items in response to winter storm operations throughout South Carolina and direct the South Carolina Department of Transportation and the South Carolina Department of Public Safety, and the State Transport Police as needed, to comply with this order.

IT IS FURTHER ORDERED that:

(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 highway 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 in the South Carolina Code of Laws relating to oversize/overweight loads operating on South Carolina roadways.

FURTHER, this emergency justifies a suspension of 49 C.F.R. Part 395 (drivers' hour of service). 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.

This order supersedes Executive Order 2014-12 and takes effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 11th DAY OF FEBRUARY, 2014.

NIKKI R. HALEY
Governor

ATTEST:

MARK HAMMOND
Secretary of State