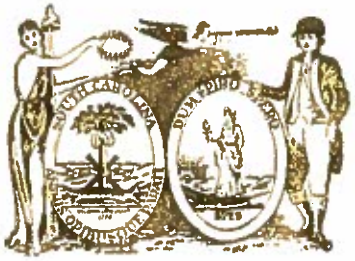
State of South Carolina

Executive Department



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OCT 04 2016

Mark Hammond
SECRETARY OF STATE

Office of the Governor

EXECUTIVE ORDER NO. 2016-28

WHEREAS, by Executive Order Number 2016-26 a State of Emergency has been declared; 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. Part 395 and establishes certain weight limitations for vehicles on interstate highways pursuant to 23 U.S.C. § 127 in conjunction with S.C. Code § 56-5-4010 et seq., which establishes size, weight, and load requirements for South Carolina highways; and

WHEREAS, the Governor of a State may suspend certain requirements relating to registration, permitting, length, width, weight, load, and time 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 S.C. Code § 56-5-70(A).

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, and I am suspending the federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and hours of service requirements as set forth below, further directing 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 non-interstates 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 an extension of the 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.

FURTHER, provisions of this Order supersede Executive Order 2016-25 which suspended transportation regulations due to a pipeline incident, and the time shall begin anew. Under S.C. Code § 56-5-70 the following timelines shall apply unless a new Executive Order is issued rescinding the state of emergency and specifically ending these waivers.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 4th DAY OF OCTOBER, 2016.

NIKKI R. HALEY
Governor

ATTEST:

MARK HAMMOND
Secretary of State