

EXECUTIVE ORDER NO.

2019-25

WHEREAS, the National Hurricane Center forecasts that Hurricane Dorian is anticipated to make landfall along the coast of the State of Florida at some point during the first week of September, 2019; and

WHEREAS, according to the latest forecasts, Hurricane Dorian has the potential to produce catastrophic impacts to the State of Florida and other areas in the southeastern region of the United States; and

WHEREAS, in preparing for and responding to Hurricane Dorian, many government agencies, non-profit organizations, and businesses and will be supporting emergency management and relief efforts in the State of Florida and other areas in the southeastern region of the United States, and such efforts will require motor carriers, commercial vehicles, and drivers to travel in and through the State of South Carolina while transporting essential supplies, equipment, and persons to or from the impacted areas; and

WHEREAS, in particular, preparing for and responding to Hurricane will require the transportation of vehicles bearing equipment and supplies for utility restoration and debris removal and essentials such as food, water, medicine and medical supplies, petroleum products, livestock and poultry, feed for livestock and poultry, and other agricultural products; and

WHEREAS, the uninterrupted supply of electricity, essential fuels and petroleum products, food, medicine and medical supplies, livestock and poultry, feed for livestock and poultry, and other agricultural products, to residential and commercial establishments is critical before, during, and after the impact of Hurricane Dorian, and any actual, potential, or perceived shortage or interruption in the availability, transportation, or delivery of such commodities and materials threatens the public welfare; and

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

WHEREAS, Hurricane Dorian poses an imminent threat of significant economic loss and other dangers to livestock, poultry, crops, and other agricultural products ready to be harvested in South Carolina and in neighboring states, which may necessitate prompt transportation of the same; and

WHEREAS, in light of the foregoing and due to the threat of widespread damage in connection with Hurricane Dorian, it is prudent to proactively assist in facilitating and supporting the operation of critical transportation services and preventing interruptions and delays in transporting essential supplies, equipment, and persons to or from the impacted areas; and

WHEREAS, the Federal Motor Carrier Safety Regulations limit the hours of service for operators of commercial motor vehicles, 49 C.F.R. § 390 *et seq.*, and federal law establishes certain weight limitations for vehicles on interstate highways, 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 determines that an emergency condition exists pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23; and

WHEREAS, in accordance with section 56-5-70 of the South Carolina Code of Laws, as amended, during a declared emergency and in the course of responding to the emergency, requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty (120) days, provided that such vehicles do not exceed a gross weight of ninety thousand (90,000) pounds and do not exceed a width of twelve (12) feet; and

WHEREAS, in addition to the foregoing, whenever an emergency is declared in the State of Georgia, the State of North Carolina, or both, which triggers relief under 49 C.F.R. § 390.23, the undersigned must declare an emergency in this State pursuant to section 56-5-70(B) of the South Carolina Code of Laws; and

WHEREAS, on August 29, 2019, the Governor of Georgia declared that a state of emergency exists in twelve (12) counties in the State of Georgia and temporarily suspended certain motor vehicle and transportation regulations in connection with Hurricane Dorian; and

WHEREAS, on August 29, 2019, the Federal Motor Carrier Safety Administration (“FMCSA”) issued a regional emergency declaration, FMCSA No. 2019-005, pursuant to 49 C.F.R. § 390.23, which provided certain regulatory relief for commercial motor vehicle operations under 49 C.F.R. Parts 390–399, if such operations are providing direct assistance in connection with Hurricane Dorian and the declared regional emergency.

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 of these United States and the powers conferred upon me therein, I hereby declare that an emergency exists in the State of South Carolina, pursuant to section 56-5-70 of the South Carolina Code of Laws, for the limited purpose of suspending the federal rules and regulations that establish certain registration, permitting, length, width, weight, load, and hours of service requirements, as fully

set forth below, for motor carriers, commercial vehicles, and drivers responding to the declared emergencies in connection with Hurricane Dorian. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. The South Carolina Department of Transportation, the South Carolina Department of Public Safety, and the State Transport Police, as needed, shall suspend application and enforcement of such federal rules and regulations, in conjunction with sections 56-5-4010 *et seq.* of the South Carolina Code of Laws, as amended, which establish size, weight, and load requirements for South Carolina highways, for the following commercial vehicles responding to the declared emergencies in connection with Hurricane Dorian:

- (1) Persons and vehicles transporting essential fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), food, water, medicine, and medical supplies; and
- (2) Persons and vehicles transporting livestock, poultry, feed for livestock and poultry, and crops, timber, and other agricultural products ready to be harvested in the threatened areas; and
- (3) Persons and vehicles used in or transporting materials necessary for the restoration of utility services and debris removal.

This Order shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location.” Likewise, this Order shall not 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 and shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

Section 2. Notwithstanding the waiver or suspension of certain federal rules and regulations that restrict registration, permitting, length, width, and load requirements, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

- (a) Weight, height, length, and width for any such vehicle on highways or 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 twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.
- (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 be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

- (d) Any vehicles that exceed the above dimensions, weights, or both, 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 normal 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.

This Order is effective immediately and shall remain in effect for thirty (30) days, unless otherwise terminated or extended, in accordance with 49 C.F.R. § 390.23 and 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 30th DAY
OF AUGUST, 2019.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State