

Executive Order No. 2017-19

WHEREAS, due to the catastrophic impact of Hurricane Harvey on the State of Texas and the resulting impact, or potential impact, on the supply and distribution of petroleum products in the surrounding and other southeastern states, there exists an emergent need in the State of South Carolina and other neighboring states to ensure the uninterrupted supply, distribution, and delivery of petroleum products and other fuels to preserve the health, safety, and welfare of the public; 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 sections 56-5-4010 *et seq.* of the South Carolina Code of Laws, 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 hours of service for commercial vehicles in connection with an emergency if the Governor declares a state of emergency pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23, and section 56-5-70(A) 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, I hereby declare that an emergency exists to suspend the federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and hours of service requirements as set forth below to ensure the uninterrupted supply, distribution, and delivery of petroleum products and other fuels, as well as the efficient use of gasoline for delivery of any item. Accordingly, I hereby direct the South Carolina Department of Transportation, the South Carolina Department of Public Safety, and the State Transport Police to suspend application and enforcement of the applicable federal rules and regulations as necessary 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 that such vehicles are responding to the emergency as set forth herein.
- (d) Any vehicles that exceed the dimensions and/or weight above must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, interested parties may call (803) 737-6769 during regular 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 South Carolina law 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' hours 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 shall take effect immediately as to those provisions affecting registration, permitting, length, width, weight, and load requirements. Provisions of this Order affecting hours of service

requirements shall take effect immediately upon the expiration of Executive Order No. 2017-18. This Order shall expire in thirty (30) days, unless otherwise amended.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 31st DAY OF AUGUST,
2017.**

**HENRY MCMASTER
Governor**