

Executive Order No. 2018-05

WHEREAS, the Governor of North Carolina has declared that an emergency exists in the State of North Carolina due to a winter storm, which threatens the health, safety, and welfare of the people of North Carolina; and

WHEREAS, the Governor of North Carolina has identified a need to ensure the uninterrupted supply and transportation on North Carolina highways of equipment and supplies for utility restoration and debris removal, livestock and poultry and feed for livestock and poultry, and food, medicine, and essential fuels; 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. §§ 390 *et seq.* and establishes certain weight limitations for vehicles on interstate highways pursuant to 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 declares a state of emergency pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23; and

WHEREAS, by Executive Order dated January 16, 2018, the Governor of North Carolina has done so, declaring that a state of emergency exists and suspending requirements related to registration, permitting, length, width, weight, load, and hours of service for certain commercial vehicles; and

WHEREAS, whenever a state of emergency is declared in North Carolina that triggers relief under 49 C.F.R. § 390.23, an emergency must be declared in this State pursuant to section 56-5-70(B) 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, due to the existing emergency in the State of North Carolina, I hereby suspend the federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and hours of service requirements as fully set forth below in order to ensure the uninterrupted supply of (1) persons transporting essential fuels (fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum, and gas), food, water, medical supplies, and feed for livestock and poultry; (2) persons transporting livestock and poultry; and (3) persons operating vehicles used in the restoration of utility services. Accordingly, I direct the South Carolina Department of Transportation, the South Carolina Department of Public Safety, and the State Transport Police, as needed, to suspend application and enforcement of federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and hours of service requirements, in conjunction with S.C. Code Ann. §§ 56-5-4010 *et seq.*, which establish size, weight, and load requirements for South Carolina highways, as set forth below to comply with this Order.

IT IS FURTHER ORDERED that although the federal rules and regulations that restrict registration, permitting length, width, and load requirements are waived, drivers in South Carolina are subject to the following state requirements to ensure safety on the roads:

(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, United States, and South Carolina designated 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 by 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). However, 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, the Executive Order issued by the Governor of North Carolina on January 16, 2018, provides that it shall be in effect for thirty (30) days, or until the state of emergency ceases. Accordingly, for commercial vehicles responding to the emergency declared in the State of North Carolina, this Order shall take effect immediately and shall expire when the state of emergency in the State of North Carolina is terminated or on February 16, 2018, at 11:59 p.m., whichever is less, in accordance with section 56-5-70 of the South Carolina Code of Laws.

Nothing herein shall affect the waiver authorized by Executive Order 2017-45 on December 29, 2017, that suspended the federal rules and regulations that limit the hours operators of commercial vehicles may drive in order to ensure the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum gas needing to be moved on the highways of North Carolina and South Carolina to ensure the demand is met in both States. Executive Order 2017-45 remains in effect through midnight on January 28, 2018, unless otherwise amended.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 20th DAY OF JANUARY,
2018.**

**HENRY MCMASTER
Governor**