EXECUTIVE ORDER NO.   2025-22

WHEREAS, on June 14, 2025, a fuel tanker collided with and significantly damaged the S-105, Old Vaucluse Road bridge, which serves as an Interstate 20 ("I-20") overpass ("I-20 Overpass Bridge") in Aiken County, South Carolina; and

WHEREAS, due to the aforementioned incident and resulting fire, the I-20 Overpass Bridge sustained substantial damage, which rendered it unserviceable to the motoring public and required its demolition to reopen I-20 and has caused the diversion of approximately 1,500 vehicles per day to an alternate, detour route; and

WHEREAS, the South Carolina Department of Transportation ("DOT") has determined that a complete replacement of the I-20 Overpass Bridge is required, which is beyond the scope of heavy or extraordinary maintenance for purposes of 23 C.F.R. § 668.101; and

WHEREAS, in accordance with 23 U.S.C. § 125, the United States Department of Transportation, through the Federal Highway Administration ("FHWA"), administers an emergency relief ("ER") program to assist States with the repair or reconstruction of federal-aid highways that have suffered serious damage due to certain extraordinary conditions, such as natural disasters or catastrophic failures from an external cause; and

WHEREAS, pursuant to 23 U.S.C. § 125 and 23 C.F.R. Part 668, a State's application for ER funding must be made to and approved by the FHWA Division Administrator and, absent a presidential major-disaster declaration, shall include documentation reflecting that the Governor of the affected State has determined and declared, with the concurrence of the Secretary of Transportation, that the circumstances constitute an emergency; and

WHEREAS, I-20 is a critical part of the Strategic Highway Corridor Network ("STRAHNET") for military surface deployment and distribution command transportation purposes, and the I-20 Overpass Bridge was originally constructed in 1968 to provide vital connectivity to both sides of this strategic corridor; and

WHEREAS, in addition to the foregoing, Old Vaucluse Road currently provides critical access to the Sage Mill Industrial Park, which consists of several major industrial and manufacturing facilities, and connectivity between the same and the surrounding areas; and

WHEREAS, for the aforementioned and other reasons, and due to the significant impacts of the destruction of the I-20 Overpass Bridge on individuals, employers, and businesses, upon consultation with DOT, the undersigned has determined that the expedited replacement of the I-20 Overpass Bridge is necessary to reopen this critical corridor to vehicular traffic, provide for and protect public safety, and maintain the State's roadways.

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 order and direct as follows:

Section 1.   Emergency Measures to Replace the I-20 Overpass Bridge

A.   I hereby declare that the existing and anticipated circumstances and conditions referenced and described herein associated with a fuel tanker's collision with the I-20 Overpass Bridge and resulting fire, which significantly damaged and destroyed the I-20 Overpass Bridge in Aiken County, South Carolina, constitute an emergency for purposes of 23 U.S.C. § 125 and 23 C.F.R. Part 668, and I have determined that this matter represents an ongoing concern to maintaining vehicular traffic on the roadway.

B.   I hereby authorize and direct DOT to initiate and undertake any and all actions or activities DOT deems necessary to provide for the immediate replacement of the I-20 Overpass Bridge and to ensure the safety and well-being of the traveling public.

C.   I further authorize and direct DOT to apply for or otherwise seek the requisite federal approval from the FHWA Division Administrator to make ER funds or other FHWA assistance available to the State of South Carolina in connection with the emergency declared herein.

Section 2.   General Provisions

A.   This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B.   If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other

sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C.   This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D.   I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

E.   This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 17th DAY OF JUNE, 2025.

_____
HENRY DARGAN MCMASTER
Governor

ATTEST:

_____
MARK HAMMOND
Secretary of State