

State of North Carolina

ROY COOPER
GOVERNOR

September 23, 2019

EXECUTIVE ORDER NO. 108

DIRECTING HURRICANE-RELATED DEBRIS REMOVAL FROM PUBLIC RIGHT-OF-WAYS BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, Hurricane Dorian (“Hurricane”) made landfall over Cape Hatteras, North Carolina on September 6, 2019; and

WHEREAS, the Hurricane has inflicted significant damage on public and private property and disrupted the supply of goods, materials, equipment, and essentials necessary for recovery and response operations; and

WHEREAS, impacts from the Hurricane constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

WHEREAS, N.C. Const. art. III, § 5(4) vests the undersigned with the duty to take care that the laws be faithfully executed; and

WHEREAS, the undersigned issued Executive Order No. 101 on August 31, 2019, declaring a State of Emergency; and

WHEREAS, Executive Order No. 101 further invokes the North Carolina Emergency Management Act (“Emergency Management Act”), which authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, the President of the United States issued an emergency declaration for the State of North Carolina, FEMA-3423-EM, on September 3, 2019, providing, in part, for Public Assistance-Category B, including direct Federal Assistance to the State; and

WHEREAS, the undersigned requested a Major Disaster Declaration for the State of North Carolina on September 13, 2019; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned is authorized and empowered to make, amend, or rescind the necessary orders, rules, and regulations within the limits of the authority conferred through the Emergency Management Act, with due consideration of federal government policies; and

WHEREAS, the undersigned, in consultation with the Secretary of the North Carolina Department of Transportation, has identified conditions on North Carolina roadways that will require emergency measures to maintain public health and safety, ensure the structural integrity of public infrastructure, and expedite response and recovery; and

WHEREAS, conditions currently exist in some areas of North Carolina where Hurricane-related debris on both private property and public right-of-ways is present in such volumes that it has

the potential to threaten public health and safety or inhibit the economic recovery of these communities; and

WHEREAS, property owners, by direction or of their own volition, may place Hurricane-related debris currently located on private property along the public right-of-ways during Hurricane recovery operations; and

WHEREAS, the North Carolina Department of Transportation (“DOT”) has the requisite assets and experience to both execute and oversee contracting for Hurricane-related debris removal from public right-of-ways.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1.

In counties designated by the Federal Emergency Management Agency (“FEMA”) for public assistance, DOT is hereby authorized to both conduct and arrange for Hurricane-related debris removal, including, but not limited to, vegetative debris, structural components, sand, mud, silt, gravel, rocks, boulders, vehicles, and vessels, from public right-of-ways, including state-maintained routes within the limits of a local governmental authority when the resources of the local governmental authority are insufficient to conduct debris-removal operations.

DOT is further authorized to arrange for the disposal of said Hurricane-related debris and enter into agreements with units of local government to undertake debris removal on behalf of DOT along state-maintained routes.


Section 2.

In counties designated by FEMA for public assistance and where Hurricane-related debris along the public right-of-ways and on private property is so widespread that it threatens public health and safety or the economic recovery of a community, it is ordered that state and local authorities, consistent with FEMA rules and regulations, seek expedited review and approval by FEMA to provide Public Assistance funding for debris removal from private property.

Section 3.

This Executive Order is effective immediately and shall remain in effect for the duration of the emergency unless rescinded or superseded by a separate Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 23rd day of September in the year of our Lord two thousand and nineteen.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

