

State of North Carolina

ROY COOPER

GOVERNOR

August 31, 2017

EXECUTIVE ORDER NO. 19

DECLARATION OF STATE OF EMERGENCY IN ORDER TO SUSPEND MOTOR VEHICLE REGULATIONS TO ENSURE ADEQUATE FUEL SUPPLIES IN THE STATE OF NORTH CAROLINA AND TO SUPPORT RELIEF EFFORTS FOR HURRICANE HARVEY

WHEREAS, Hurricane Harvey made landfall on the coast of Texas on August 25, 2017 and the remnants of the storm also impacted Louisiana; and

WHEREAS, the storm continues to cause major catastrophic impacts to areas in both Texas and Louisiana; and

WHEREAS, many states and organizations will be supporting emergency relief efforts to Texas and Louisiana and those vehicles transporting emergency relief supplies and services will be traveling through North Carolina; and

WHEREAS, due to the impact of Hurricane Harvey there has been a temporary shutdown of refineries in Texas and Louisiana, which has caused a disruption in the delivery of petroleum products, including gasoline; and

WHEREAS, vehicles carrying gasoline and other petroleum products need to be moved to communities on the highways of North Carolina; and

WHEREAS, the supply of gasoline and petroleum products to citizens is essential to their safety and well-being; and

WHEREAS, I have found that there is an abnormal market disruption in North Carolina, as a result of the impact of the temporary shutdown of refineries due to Hurricane Harvey, in Executive Order number 18; and

WHEREAS, due to the finding of an abnormal market disruption and the catastrophic damages in Texas and Louisiana, I have determined that it is necessary to declare that a state of emergency as defined in N.C.G.S. §§ 166A-19.3(6), 166A-19.3(19) and 166A-19.20 exists in the State of North Carolina for the purpose of temporarily waiving certain motor vehicle regulations for vehicles that transport gasoline and petroleum products. This emergency declaration is also necessary to provide coverage to vehicles providing emergency relief and services to Texas and Louisiana due to Hurricane Harvey. The emergency area as defined in N.C.G.S. §§ 166A-19.3(7) and N.C.G.S. 166A-19.20(b) is the State of North Carolina; and

WHEREAS, under the provisions of N.C.G.S. § 166A-19.30(b)(3) the Governor, with the concurrence of the Council of State, may regulate and control the flow of vehicular traffic and the operation of transportation services; and

WHEREAS, under the provisions of N.C.G.S. § 166A-19.30(b)(4) the Governor, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a State agency which restricts the immediate relief of human suffering; and

WHEREAS, with the concurrence of the Council of State, I have found that vehicles carrying gasoline and petroleum products and carrying emergency relief supplies or services for Hurricane Harvey must adhere to the registration requirements of N.C.G.S. § 20-86.1 and 20-382, fuel tax requirements of N.C.G.S. § 105-449.47, and the size and weight requirements of N.C.G.S. §§ 20-116, 20-118 and 20-119. I have further found that citizens will likely suffer further widespread damage within the meaning of N.C.G.S § 166A-19.3(3) and N.C.G.S. § 166A-19.21(b); and

WHEREAS, 49 C.F.R. § 390.23 allows the Governor of a state to suspend the rules and regulations under 49 C.F.R. Parts 390-399 for up to thirty (30) days if the Governor determines that an emergency condition exists; and

WHEREAS, under N.C.G.S. § 166A-19.70, the Governor may declare that the health, safety, or economic well-being of persons or property requires that the maximum hours of service for drivers prescribed by N.C.G.S. § 20-381 should be waived for persons transporting essential fuels, food, water, medical supplies, and for vehicles used in the restoration of utility services; and

WHEREAS, on August 25, 2017, the Federal Motor Carrier Safety Administration issued a regional emergency declaration, pursuant to 49 C.F.R 390.23 to provide for regulatory relief for commercial motor vehicle operations under 49 C.F.R Parts 390-399, while providing direct assistance supporting emergency relief efforts transporting supplies, equipment and persons into or from the States of Texas and Louisiana or providing other assistance in the form of emergency services during the emergency resulting from Hurricane Harvey in the States of Texas and Louisiana.

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

Section 1.

The North Carolina Department of Public Safety in conjunction with the North Carolina Department of Transportation shall waive the maximum hours of service for drivers prescribed by the Department of Public Safety pursuant to N.C.G.S. § 20-381.

Section 2.

The North Carolina Department of Public Safety in conjunction with the North Carolina Department of Transportation shall waive certain size and weight restrictions and penalties arising under N.C.G.S. §§ 20-116, 20-118 and 20-119, and certain registration requirements and penalties arising under N.C.G.S. §§ 20-86.1, 20-382, 105-449.47, and 105-449.49 for the vehicles transporting gasoline and other petroleum products to areas within North Carolina and for vehicles transporting emergency relief or services for Hurricane Harvey to Texas and Louisiana.

Section 3.

Notwithstanding the waivers set forth above, size and weight restrictions and penalties have not been waived under the following conditions:

- a. When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer (GVWR) or 90,000 pounds gross weight, whichever is less.
- b. When the tandem axle weight exceeds 42,000 pounds and the single axle weight exceeds 22,000 pounds.

c. When a vehicle and vehicle combination exceeds 12 feet in width and a total overall vehicle combination length of 75 feet from bumper to bumper.

d. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having a yellow banner on the front and rear measuring a total length of 7 feet by 18 inches bearing the legend "Oversized Load" in 10 inch black letters 1.5 inches wide and red flags measuring 18 inches square to be displayed on all sides at the widest point of the load. In addition, when operating between sunset and sunrise, a certified escort shall be required for loads exceeding 8 feet 6 inches in width.

Section 4.

Vehicles referenced under Sections 2 and 3 shall be exempt from the following registration requirements:

a. The \$50.00 fee listed in N.C.G.S. § 105-449.49 for a temporary trip permit is waived for the vehicles described above. No quarterly fuel tax is required because the exception in N.C.G.S. § 105-449.45(a)(1) applies.

b. The registration requirements under N.C.G.S. § 20-382.1 concerning intrastate and interstate for-hire authority is waived; however, vehicles shall maintain the required limits of insurance as required.

c. Non-participants in North Carolina's International Registration Plan will be permitted into North Carolina in accordance with the exemptions identified by this Executive Order.

Section 5.

The size and weight exemption for vehicles will be allowed on all routes designated by the North Carolina Department of Transportation, except those routes designated as light traffic roads under N.C.G.S. § 20-118. This order shall not be in effect on bridges posted pursuant to N.C.G.S. § 136-72.

Section 6.

The waiver of regulations under Title 49 of the Code of Federal Regulations (Federal Motor Carrier Safety Regulations) does not apply to the Commercial Driver's License and Insurance Requirements. This waiver shall be in effect for thirty (30) days or the duration of the emergency, whichever is less.

Section 7.

The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 1 through 6 of this Executive Order in a manner, which will implement these provisions without endangering motorists in North Carolina.

Section 8.

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish their loads are being used for relief efforts associated with transporting gasoline, other petroleum products or for emergency relief efforts associated with Hurricane Harvey.

Section 9.

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale or purchase of alcoholic beverages as provided in N.C.G.S. § 166A-19.30(c).

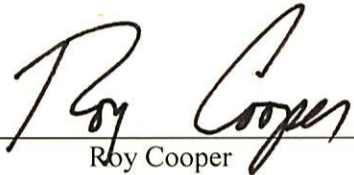
Section 10.

The gasoline truck tank and vapor system requirements of 15A N.C.A.C. 02D.0932(c) shall be waived during this time if Method 27 is followed.

Section 11.

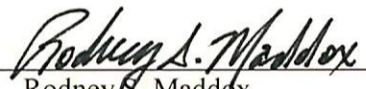
This Executive Order is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less.

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 31st day of August in the year of our Lord two thousand-seventeen.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State

