

State of North Carolina

ROY COOPER
GOVERNOR

September 14, 2018

EXECUTIVE ORDER NO. 55

**AMENDING EXECUTIVE ORDER NO. 52 AND PROVIDING FOR TEMPORARY
SUSPENSION OF MOTOR VEHICLE REGULATIONS TO ENSURE RESTORATION OF
UTILITY SERVICES AND TRANSPORTING ESSENTIALS**

WHEREAS, the impacts from Hurricane Florence, which made landfall on 14 September 2018, will require transportation of vehicles bearing essential equipment and supplies for response and recovery efforts through North Carolina highways; and

WHEREAS, Executive Order No. 51, *Declaration of a State of Emergency*, declared a State of Emergency as defined in N.C. Gen. Stat. § 166A-19.3(19) for the entire State of North Carolina (the “Emergency Area”); and

WHEREAS, the undersigned issued Executive Order No. 52, *Temporary Suspension of Motor Vehicle Regulations to Ensure Restoration of Utility Services and Transporting Essentials*, on 07 September 2018, allowing for the expedited movement of vehicles transporting equipment and supplies in the Emergency Area; and

WHEREAS, the waiver on size and weight restrictions in effect pursuant to Executive Order No. 52 is not sufficient for certain vehicles transporting necessary equipment, essentials, and supplies to the Emergency Area; and

WHEREAS, without amending the maximum allowable size and weight limits set out in Executive Order No. 52 for certain vehicles transporting equipment and supplies, undue delay in Emergency Area relief efforts is likely to occur; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and other federal agencies are expediting the movement of relief supplies on interstate highways, including but not limited to the transportation of temporary homes to the areas impacted by Hurricane Florence as part of the disaster relief effort; and

WHEREAS, the Pets Evacuation and Transportation Standards Act, 42 U.S.C.A § 5196 (2018) (the “PETS Act”), directs the FEMA Administrator to develop emergency preparedness plans for individuals with pets and service animals prior to, during, and following a major disaster or emergency; and

WHEREAS, in compliance with the PETS Act, the North Carolina Emergency Operations Plan provides for the care, protection, and recovery of animals during a disaster or emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70, the undersigned 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. Gen. Stat. § 20-381 should be waived for persons transporting (1) equipment, essentials, and supplies, (2) companion and service animals, and (3) vehicles used in the restoration of utility services; 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 the policies of the federal government; and

WHEREAS, the PETS Act is deemed a federal government policy.

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.

Executive Order No. 52 is amended to add the following provisions:

Section 1A.

Notwithstanding any other provision herein, vehicle combinations transporting a commodity that cannot be broken down or divided to meet the requirements outlined in this section are exempt from obtaining an oversize/overweight permit:

- a. When the gross weight does not exceed 112,000 pounds, and
- b. When the steer axle weight does not exceed 20,000 pounds, the single axle weight does not exceed 25,000 pounds, the tandem axle weight does not exceed 50,000 pounds, the tridem axle weight does not exceed 60,000 pounds and the four (4) or more axle group weight does not exceed 68,000 pounds, and
- c. When the overall width does not exceed twelve (12) feet, and
- d. When the overall length does not exceed 105 feet from bumper to bumper, and
- e. When the vehicle combination has five (5) or more axles, and
- f. When the vehicle combination has a minimum extreme axle spacing of 51 feet from the center of the first axle to the center of the rear most axle, and
- g. When the vehicle combination is traveling on North Carolina interstate highways only.

Section 1B.

Notwithstanding any other provision herein, vehicles transporting mobile homes for emergency housing relief as outlined in this order shall be exempt from the requirements specified below:

- a. The requirement of a permit and travel restrictions shall be waived for transporters moving mobile homes that do not exceed 14' wide and/or 14' high being transported under contract with the Federal Emergency Management Agency (FEMA) as part of the disaster relief effort. Transporters operating under this exemption shall be allowed travel on the interstate routes 24 hours a day, seven days a week with up to three homes in a convoy. However, these transporters are required to have an escort vehicle per convoy as would be required under normal conditions. Transporters moving mobile homes under this section are exempted from the requirement to enter weigh stations as required under N.C. Gen. Stat. § 20-118.1. However, these same transporters shall have in the transport vehicle a copy of the Transport Authorization letter from FEMA and the manufacturer's bill of lading for the mobile home being transported. This does not exempt transporters from the requirement of the regulations for escorts, flags, signs and other safety requirements as provided in 19A N.C. Admin. Code 02D.0601. This exemption will be allowed on all North Carolina interstate highways only.
- b. For those transporters that do not qualify for the waiver of a permit outlined in subsection (a.) of this section, the fees listed in N.C. Gen. Stat. § 20-119 for an annual permit and a single trip permit shall be waived for mobile homes being transported under contract with FEMA as part of the disaster relief effort. Transporters moving mobile homes under this subsection are exempted from the requirement to enter weigh stations as required under N.C. Gen. Stat. § 20-118.1. However, these same transporters shall have in the transport vehicle a copy of the Transport Authorization letter from FEMA, the annual permit or single trip permit from the North Carolina Department of Transportation, and the manufacturer's bill of lading for the mobile home being transported. This does not exempt transporters from the requirement of the regulations for escorts, flags, signs and other safety requirements as provided in 19A N.C. Admin. Code 02D.0600. Movement

of mobile homes required to obtain a permit is hereby authorized from sunrise to sunset seven (7) days a week.

Section 2.

The North Carolina State Highway Patrol shall enforce the conditions set forth in Section 1 of this Executive Order in a manner that does not endanger North Carolina motorists.

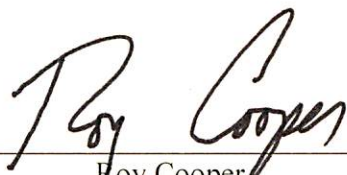
Section 3.

All other provisions of Executive Order No. 52 remain in effect.

Section 4.

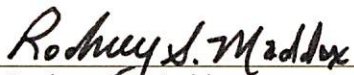
This Executive Order is effective immediately and shall remain in effect for the duration of the emergency.

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 14th day of September in the year of our Lord two thousand and eighteen.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State

