



State of North Carolina

JOSH STEIN
GOVERNOR

January 2, 2025

EXECUTIVE ORDER NO. 2

TIMELY REPAIRING PRIVATE ROADS AND BRIDGES

WHEREAS, Hurricane Helene (“Helene”) entered the State of North Carolina on September 26, 2024 as a tropical storm; and

WHEREAS, Helene has inflicted significant damage on public and private property; and

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

WHEREAS, on September 25, 2024, the Governor issued Executive Order No. 315, which declares a State of Emergency and provides for the health, safety, and welfare of residents and visitors located in North Carolina (“Declaration of a State of Emergency”); and

WHEREAS, N.C. Sess. Law 2024-51 extended the State of Emergency until March 1, 2025; and

WHEREAS, on September 26, 2024, the President of the United States issued an emergency declaration, FEMA-3617-EM, for the State of North Carolina, providing, in part, for Public Assistance-Category B, including direct federal assistance to the State; and

WHEREAS, on September 28, 2024, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4827-DR, for the State of North Carolina; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12(a)(1), the Governor supervises the official conduct of all executive officers; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the Governor may, with the concurrence of the Council of State, waive a provision of any regulation or ordinance of a State agency or a political subdivision which restricts the immediate relief of human suffering; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5), the Governor may, with the concurrence of the Council of State, perform and exercise such functions and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(3), the Governor may delegate any authority vested in him under the Emergency Management Act and provide for the subdelegation of that authority; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.41(a), the Governor may establish emergency assistance programs and funds to administer the distribution of State funds for emergency assistance; and

WHEREAS, the execution of the Governor's emergency powers under N.C. Gen. Stat. § 166A-19.30 is appropriate to ensure the public safety of residents and visitors located in North Carolina during the State of Emergency; and

WHEREAS, Helene caused significant damage to more than 8,000 private roads and bridges; and

WHEREAS, these private roads and bridges serve as the only access route for ambulances, fire trucks, mail and parcel delivery vehicles, school buses, and personal automobiles to private residences; and

WHEREAS, if left unrepaired, these private roads and bridges pose a substantial risk to public safety and welfare, including preventing repairs to private residences; and

WHEREAS, repairing these private roads and bridges will immediately relieve human suffering.

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

Section 1. State Assistance for Repair of Private Roads and Bridges

The Governor hereby delegates his authority to establish emergency assistance funds to the Director of the Division of Emergency Management ("Division") to administer state assistance for the repair of private roads and bridges. The Division Director is further directed to exercise the Division's authority to contract for services from vendors to repair private residential structures, private roads and bridges.

The Division is further directed to enter a memorandum of understanding with the Office of State Budget and Management Disaster Recovery ("OSBM-DR") or other state agency the Governor designates to secure assistance with administering state assistance for the repair of private roads and bridges.

Section 2. Limited Waiver of Regulations to Procure Additional Vendors to Repair Private Roads and Bridges

The Division Director shall procure services necessary to complete the repairs contemplated by this Executive Order, to the extent possible, using vendors with which the Division, the North Carolina Department of Transportation, or other state agencies have existing statewide contracts.

Solely to the extent the Division Director must procure additional vendors to complete the repairs contemplated by this Executive Order, the Secretary of the North Carolina Department of Administration ("DOA") is authorized to waive the following:

- a. Requirements for the Division to engage in formal or informal bidding procedures, including those contained in 01 N.C. Admin. Code 05B .0301 - .0313.
- b. Requirements for the Division to use certain solicitation documents, including those contained in 01 N.C. Admin. Code 05B .0314 and .0317.
- c. Requirement for the Division to make certain advertisements, including those contained in 01 N.C. Admin. Code 05B .0316.
- d. Any other requirement contained in Title 01, Chapter 5, Subchapter B of the North Carolina Administrative Code that unreasonably delays the Division's efforts to timely repair private roads and bridges.

Notwithstanding the above, the Secretary of DOA shall not waive regulations 01 N.C. Admin. Code 05B .1509 and .1511. The Secretary of DOA shall notify the Office of the Governor of any regulations that have been waived and the duration of any such waiver.

In procuring vendors to complete the repairs, the Division shall comply with all applicable FEMA and federal regulations and make all reasonable efforts to obtain the highest quality services at the best price to the State.

Section 3. Limited Waiver of Regulations to Expedite Inspection and Permitting of Repairs.

The Governor hereby delegates to the Secretary of the North Carolina Department of Environmental Quality (“DEQ”) his authority under N.C. Gen. Stat. § 166A-19.30(b)(4) to, at the request of the Division and in his discretion, waive any regulation contained in Title 15A of the North Carolina Administrative Code that unreasonably delays the Division’s efforts to timely repair private roads and bridges.

The Secretary of DEQ shall notify the Office of the Governor of any regulations that have been waived and the duration of any such waiver.

Section 4. Implementation

In implementing programs for the repair of private roads and bridges, the Division is directed—to the maximum extent permitted by state and federal law—to develop standards that allow owners to prove ownership through indicia of ownership such as a recent property tax bill, mortgage documents, homeowners’ insurance documents, will or affidavit of ownership, home purchase contracts, and receipts for major repairs or maintenance.

The Division shall ensure that the receipt of assistance under this Executive Order does not adversely affect any person’s or entity’s eligibility for any federal disaster assistance program including but not limited to those under the Stafford Act, the Community Development Block Grant Program for Disaster Recovery (“CDBG-DR”), or other programs.

Section 5. No Private Right of Action

This Executive 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 part against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

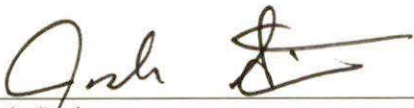
Section 6. Savings Clause

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 7. Effect and Duration

This Executive Order is effective immediately. Section 2 shall remain in effect through February 28, 2025. Section 3 shall remain in effect through the duration of the State of Emergency unless repealed, replaced, or rescinded by another applicable Executive Order. The remainder of this Executive Order shall remain in effect until repealed, replaced, or rescinded by another applicable 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 2nd day of January in the year of our Lord two thousand and twenty-five.



Josh Stein
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

