



State of North Carolina

ROY COOPER
GOVERNOR

December 19, 2023

EXECUTIVE ORDER NO. 296

DECLARATION OF STATE OF EMERGENCY FOR THE PURPOSE OF A TEMPORARY SUSPENSION OF ENFORCEMENT OF TRANSPORTATION REGULATIONS FOR AGRICULTURE VEHICLES IN DUPLIN AND SAMPSON COUNTIES

WHEREAS, the State was impacted by a Nor'easter on December 17, 2023, resulting in widespread flooding which impacted the agricultural sector and critical infrastructure in portions of this state; and

WHEREAS, certain measures are necessary to ensure the protection and safety of North Carolina residents and to coordinate the emergency response among state and local entities and officials; and

WHEREAS, N.C. Gen. Stat. § 166A-19.1(3) provides that it is the responsibility of the undersigned, state agencies, and local governments to "provide for the rapid and orderly rehabilitation of persons and restoration of property"; and

WHEREAS, N.C. Gen. Stat. § 166A-19.1(4) provides that it is the responsibility of the undersigned, state agencies, and local governments to "provide for cooperation and coordination of activities relating to emergency mitigation preparedness, response, and recovery among agencies and officials of this state and with similar agencies and officials of other states and with other private and quasi-official organizations"; and

WHEREAS, N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20 authorize the undersigned to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

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

WHEREAS, the impacts from the Nor'easter constitute a state of emergency as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(20); and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70(b), 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. Gen. Stat. § 20-381 should be waived for (1) persons transporting essentials, such as feed for livestock and poultry, (2) persons transporting livestock, poultry, and those driving vehicles for crops ready to be harvested; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70(g), upon the recommendation of the North Carolina Commissioner of Agriculture and the existence of an imminent threat of severe economic loss of livestock, poultry or severe damage to crops ready to be harvested, the undersigned shall direct

the North Carolina Department of Public Safety ("DPS") to temporarily suspend weighing vehicles used to transport livestock, poultry, livestock or poultry feed, or crops ready to be harvested; and

WHEREAS, the Commissioner of Agriculture has recommended the suspension of weighing vehicles used to transport livestock, poultry, or crops from Duplin and Sampson counties; and

WHEREAS, pursuant to the authority under N.C. Gen. Stat. § 166A-19.70(g), the undersigned has determined there is an imminent threat of severe economic loss of livestock, poultry or widespread or severe damage to crops ready to be harvested.

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.

I hereby declare that a state of emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6), exists due to the impacts of the Nor'easter in certain portions of the state.

For purposes of this Executive Order, the emergency area is the following counties: Duplin and Sampson ("the Emergency Area").

Section 2.

I hereby direct, DPS, in conjunction with the North Carolina Department of Transportation ("DOT"), to waive enforcement of the maximum hours of service for drivers prescribed by DPS pursuant to N.C. Gen. Stat. § 20-381 for transporters of livestock, poultry, livestock or poultry feed, or crops within, to, or from the Emergency Area.

In addition, DPS shall, pursuant to N.C. Gen. Stat. § 166A-19.70(g), temporarily suspend weighing pursuant to N.C. Gen. Stat. § 20-118.1 vehicles used to transport livestock, poultry, livestock or poultry feed, or crops ready to be harvested within, to, or from the Emergency Area.

Section 3.

I order all state and local government entities and agencies to cooperate in the implementation of the provisions of this declaration and the provisions of the North Carolina Emergency Operations Plan ("the Plan").

I delegate to Eddie M. Buffaloe, Jr., the Secretary of DPS, or his designee, all power and authority granted to and required of me by Article 1A of Chapter 166A of the North Carolina General Statutes for the purpose of implementing the Plan and deploying the State Emergency Response Team to take the appropriate actions necessary to promote and secure the safety and protection of the populace in North Carolina.

Secretary Buffaloe, as Chief Coordinating Officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. § 143B-602.

Section 4.

I further direct Secretary Buffaloe, or his designee, to seek assistance from any and all agencies of the United States Government as may be needed to meet the emergency and to seek reimbursement for costs incurred by the state in responding to this emergency.

Section 5.

This suspension does not permit the gross weight of any vehicle or combination to exceed the safe load carrying capacity established by the DOT on any bridge pursuant to N.C. Gen. Stat. § 136-72, or to permit the operation of a vehicle when a law enforcement officer has probable cause to believe the vehicle is creating an imminent hazard to public safety.

Section 6.

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are only providing direct assistance by transporting livestock, poultry, or poultry feed or crops ready to be harvested within, to, or from the Emergency Area.

The waivers of enforcement for transporters of livestock, poultry, livestock or poultry feed, or crops ready to be harvested in this Executive Order terminates when a driver or commercial motor vehicle in the Emergency Area that is used to transport livestock, poultry, livestock or poultry feed, or crops ready to be harvested are not used to support emergency relief efforts within, to, or from the Emergency Area or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin non-relief operations.

Section 7.

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

Section 8.

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.

Section 9.

This Executive Order is effective immediately and shall remain in effect for thirty (30) days, unless earlier terminated or extended.

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 19th day of December in the year of our Lord two thousand and twenty-three.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

