

# State of North Carolina

**ROY COOPER**  
GOVERNOR

November 25, 2024

## EXECUTIVE ORDER NO. 328

### EXTENDING TRANSPORTATION WAIVERS FOR DESIGNATED COUNTIES

**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 undersigned 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**, Executive Order No. 315 invokes the Emergency Management Act, and authorizes the Governor 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**, N.C. Sess. Law 2024-51 extended the State of Emergency until March 1, 2025; and

**WHEREAS**, Executive Order No. 324 extended certain transportation waivers in Executive Order No. 315 for those counties impacted by Helene; and

**WHEREAS**, although Section 1 of Executive Order No. 324 is set to expire on November 25, 2024, the undersigned has determined, due to ongoing need, that these transportation waivers should be reissued for those counties impacted by Helene; 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**, N.C. Const. art. I § 5(4) vests the Governor with the duty to take care that the laws be faithfully executed; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.70(g), based on the damage to the road infrastructure in several communities of western North Carolina, the North Carolina Commissioner of Agriculture has determined there is still the existence of an imminent threat of severe economic loss of crops ready to be harvested, and recommends to the Governor that he

continue to direct the North Carolina Department of Public Safety (“DPS”) to temporarily suspend weighing vehicles used to crops ready to be harvested; and

**WHEREAS**, this suspension does not permit the gross weight of any vehicle or combination to exceed the safe load-carrying capacity established by the North Carolina Department of Transportation (“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; and

**WHEREAS**, on November 22, 2024, the United States Department of Transportation (“USDOT”), Federal Motor Carrier Safety Administration (“FMCSA”) determined that an emergency exists and warrants an extension of the relief that was granted in the Regional Declarations of Emergency and Extension of Emergency Declarations Nos. 2024-008 and 2024-010 from certain regulatory requirements in Parts 390-399 of the Federal Motor Carrier Safety Regulations (“FMCSRs”) for North Carolina and other states affected by Helene and Hurricane Milton; and

**WHEREAS**, in order to provide for the rapid and orderly rehabilitation of persons and restoration of property, the undersigned has made the determination that it is in the public interest to keep in place the limited suspension of weighing crops ready to be harvested to minimize the risk of severe economic loss or damage in the Designated Counties (as defined herein).

**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.**

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 crops ready to be harvested for those North Carolina counties identified in the FEMA Major Disaster Declaration, FEMA-4827-DR (“Designated Counties”).

**Section 2.**

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 vehicle weight exceeds a single-axle weight of 22,000 pounds, a tandem-axle weight of 42,000 pounds, or a gross weight of 90,000 pounds.
- c. When the vehicle consists of a five (5) or more axle combination vehicle that exceeds a single-axle weight of 26,000 pounds, a tandem-axle weight of 42,000 pounds and a gross weight 90,000 pounds, with a length of at least forty-eight (48) feet between the center of axle one and the center of the last axle of the vehicle and a minimum of eleven (11) feet between the center of axle one and the center of axle two of the vehicle.
- d. When the vehicle consists of a two-axle vehicle that exceeds a gross weight of 37,000 pounds and a single-axle weight of no more than 27,000 pounds, with a length of at least fourteen (14) feet between the center of axle one and the center of axle two of the vehicle.
- e. When a vehicle and vehicle combination exceed twelve (12) feet in width and the total overall vehicle combination’s length exceeds seventy-five (75) feet from bumper to bumper.
- f. 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) a yellow banner on the front and rear that is seven (7) feet long and eighteen (18) inches wide and bears the legend “Oversized Load” in ten (10) inch black letters, 1.5 inches wide and (B) red flags measuring eighteen (18) inches square 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 eight (8) feet six (6) inches in width.

- g. Commercial vehicles operating outside the normal weight, height, and length restrictions under the authority of this State of Emergency shall be issued permits by DOT. Said vehicles shall be subject to any special conditions DOT and DPS may list on applicable permits. Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, nor shall anything in this Executive Order be construed to relieve compliance with restrictions other than those specified in this Executive Order or from any statute, rule, order, or other legal requirement not specifically waived herein.
- h. Oversize permits may be issued by the DOT, Oversize/Overweight Unit, during normal business hours, Monday through Friday by calling 1-888-221-8166 or contacting them through the online portal at <https://connect.ncdot.gov/business/trucking/Pages/overpermits.aspx>

**Section 3.**

This suspension does not permit the gross weight of any vehicle or combination to exceed the safe load-carrying capacity established by 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 4.**

The North Carolina State Highway Patrol shall enforce the conditions outlined in Sections 1-3 of this Executive Order in a manner that does not endanger North Carolina motorists.

**Section 5.**

This Executive Order is effective immediately and shall remain in effect for thirty (30) days unless otherwise rescinded or extended by 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 25<sup>th</sup> day of November in the year of our Lord two thousand and twenty-four.

  
\_\_\_\_\_  
Roy Cooper  
Governor

**ATTEST:**

  
\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State

