

Executive Order No. 2018-47

WHEREAS, as a result of both the initial impact of Hurricane Florence and the continuing effects thereof, which include severe flooding and other hazardous conditions, the President of the United States of America has issued a Major Disaster Declaration for the State of South Carolina and the undersigned has declared a State of Emergency and placed into effect the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

WHEREAS, the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, medicine and medical supplies, livestock and poultry, feed for livestock and poultry, and other agricultural products, to residential and commercial establishments is essential during and after the existing emergency, and any interruption in the availability, transportation, or delivery of such commodities and materials does and would threaten the public welfare; and

WHEREAS, due to the then-anticipated impact of Hurricane Florence, on September 8, 2018, the undersigned issued Executive Order 2018-27, waiving or suspending certain federal rules and regulations that establish registration, permitting, length, width, weight, load, and hours of service requirements for commercial vehicles responding to the declared emergencies in the State of South Carolina and the State of North Carolina to assist in facilitating and supporting the operation of critical transportation services in advance of Hurricane Florence; and

WHEREAS, on October 4, 2018, the Secretary of the United States Department of Agriculture declared certain counties in South Carolina as primary and contiguous natural disaster areas due to production losses caused by Hurricane Florence and the corresponding flooding; and

WHEREAS, the ongoing effects of Hurricane Florence continue to pose an imminent threat of agricultural production loss and other dangers to livestock and poultry and to crops and timber ready to be harvested in South Carolina and in neighboring states, all of which may necessitate transportation of the same; and

WHEREAS, in light of the foregoing circumstances, the continued effects of Hurricane Florence, and the ongoing response and recovery efforts related to the same, the undersigned has been advised that additional regulatory relief is required to allow the transportation of vehicles bearing equipment and supplies for utility restoration and debris removal; vehicles transporting essentials such as food, water, fuel oils, and medicine and medical supplies; and vehicles transporting livestock and poultry, feed for livestock and poultry, and crops, timber, and other agricultural products ready to be harvested in the threatened areas; and

WHEREAS, in accordance with section 56-5-70 of the South Carolina Code of Laws, as amended, during a state of emergency declared by the Governor and in the course of responding to the state of emergency, requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty days, provided that such vehicles do not exceed a gross weight of ninety thousand pounds and do not exceed a width of twelve feet; and

WHEREAS, the Governor of a State may suspend certain requirements relating to registration, permitting, length, width, weight, and load for commercial vehicles responding to an emergency if the Governor declares a state of emergency pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein,

in accordance with the aforementioned authorities, I hereby suspend the federal rules and regulations that establish certain registration, permitting, length, width, weight, and load requirements, as fully set forth below, for commercial vehicles responding to the existing emergencies in the in the State of South Carolina and the State of North Carolina. Accordingly, I direct the South Carolina Department of Transportation, the South Carolina Department of Public Safety, and the State Transport Police, as needed, to suspend application and enforcement of such federal rules and regulations, in conjunction with S.C. Code Ann. §§ 56-5-4010 *et seq.*, which establish size, weight, and load requirements for South Carolina highways, for the following commercial vehicles responding to the declared emergencies:

- (1) Persons and vehicles transporting essential fuels (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), food, water, medicine and medical supplies; and
- (2) Persons and vehicles transporting livestock, poultry, feed for livestock and poultry, and crops, timber, and other agricultural products ready to be harvested in the threatened areas; and
- (3) Persons and vehicles used in or transporting materials necessary for the restoration of utility services and debris removal.

IT IS FURTHER ORDERED that notwithstanding the waiver of the federal rules and regulations that restrict registration, permitting length, width, and load requirements, drivers in South Carolina are still subject to the following state requirements to ensure safety on the roads:

(a) Weight, height, length, and width for any such vehicle on roadways maintained by the State of South Carolina shall not exceed for continuous travel on all non-interstates, United States, and South Carolina designated routes maximum dimensions of 12' wide, 13'6" high and weights of 90,000 pounds.

(b) Posted bridges may not be crossed.

(c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall provide appropriate documentation indicating they are responding to this emergency.

(d) Any dimensions and/or weights of vehicles that exceed the above must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after regular business hours.

(e) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversize/overweight loads operating on South Carolina roadways.

Nothing herein shall be construed as an exemption from the commercial driver's license requirements in 49 C.F.R. § 383 or the financial requirements in 49 C.F.R. § 387 or as an extension of the provisions of Executive Order 2018-27 with respect to the drivers' hours of service requirements in 49 C.F.R. Part 395.

This Order is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty (120) days pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 8th DAY OF OCTOBER,
2018.**

HENRY MCMASTER
Governor