

Executive Order No. 2018-49

WHEREAS, federal law limits the hours operators of commercial motor vehicles may drive vehicles transporting materials pursuant to 49 C.F.R. §§ 390 *et seq.* and establishes certain weight limitations for vehicles on interstate highways pursuant to 23 U.S.C. § 127, and both the Federal Motor Carrier Safety Administration and the Governor of a State may suspend certain requirements in an emergency related to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles responding to an emergency pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23; and

WHEREAS, the Federal Motor Carrier Safety Administration, the Governor of South Carolina, the Governor of North Carolina and the Governor of Georgia have all suspended certain requirements related to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles due to recent emergencies; and

WHEREAS, the multiple, separate suspensions can be confusing, the undersigned issues this Executive Order to clarify existing waivers in place, and then provide a summary of current suspension of regulations and expiration dates:

1. On September 24, 2018, the undersigned issued Executive Order 2018-42 and declared a State of Emergency exists in South Carolina for fifteen (15) days due to additional flooding expected to occur from water flowing downstream as a result of the heavy rains in North Carolina from Hurricane Florence through the Waccamaw River, the Little Pee Dee River, the Great Pee Dee River, and the Lynches River, converging and emptying into Winyah Bay; and

2. On October 8, 2018, the undersigned issued Executive Order 2018-47 suspending requirements related to registration, permitting, length, width, weight and load to allow assistance in responding to Hurricane Florence and the devastation it left, to include 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 agricultural products ready to be harvested in the threatened areas; and

3. On October 9, 2018, the undersigned declared a new State of Emergency exists in South Carolina for fifteen (15) days due to current conditions that remained from Hurricane Florence (flood waters have not yet receded, bridges and roads are still closed, a shelter is still open, and the ground is heavily saturated with water), coupled with the threat of Hurricane Michael's heavy rains and strong winds and the predicted impact to already devastated areas; and

4. On October 9, 2018, the Federal Motor Carrier Safety Administration issued a Regional Emergency Declaration Under 49 CFR §390.23, attached, waiving compliance with Parts 390 through 399 of Title 49 Code of Federal Regulations for commercial transportation operations providing direct assistance and supporting emergency relief efforts to areas impacted by Hurricane Michael, such as transporting supplies, equipment, persons, fuel, and other necessary relief into and from Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee ("Affected States"), which is in place for the duration of the emergency or until 11:59 P.M. November 9, 2018, whichever is less; and

5. When a state of emergency is declared in North Carolina or Georgia that triggers relief under 49 C.F.R. § 390.23, an emergency shall be declared in South Carolina and similar relief provided pursuant to section 56-5-70(B) of the South Carolina Code of Laws; and

6. On October 10, 2018 the Governor of North Carolina issued Executive Order No. 74 on October 10, 2018, attached, declaring that a state of emergency exists due to the lasting impact from Hurricane Florence and expected impact of Hurricane Michael, and Executive Order No. 75 suspending requirements related to registration, permitting, length, width, weight, load, and hours of service for certain commercial

vehicles to ensure North Carolina highways have an uninterrupted supply and transportation of equipment and supplies for persons transporting essential fuels, food, water, medical supplies, and feed for livestock and poultry; (2) persons transporting livestock and poultry, and crops ready to be harvested; and (3) vehicles used in the restoration of utility services, effective for thirty (30) days or the duration of the emergency, whichever is less; and

7. On October 9, 2018, the Governor of Georgia issued an Executive Order declaring that a state of emergency exists due to Hurricane Michael and its effects in named counties, amending counties in a new Executive Order on October 10, 2018, both of which are attached, and then suspended requirements related to registration, permitting, length, width, weight, load, and hours of service for certain commercial vehicles to ensure the uninterrupted supply and transportation of petroleum products, emergency or disaster related materials, supplies and other goods and services (to include any agricultural harvests or other food products), for one week, ending on October 16, 2018 at 11:59 PM.

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, to ensure consistency in all the above orders for ease of transportation throughout the states assisting those areas affected by Hurricane Florence or Hurricane Michael, and considering the Federal Motor Carrier Safety Administration's issuance of a Regional Emergency Declaration Under 49 CFR §390.23 and the similar relief provided through Executive Orders issued in North Carolina and Georgia, I hereby suspend the federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and hours of service requirements as fully set forth below, for commercial vehicles responding to the existing emergency in the Affected States from both Hurricane Florence and Hurricane Michael. 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, to ensure the uninterrupted supply of equipment, goods, services, agriculture needs, and other items needing to be moved on the highways in the Affected States, to include, but not limited to:

- (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, wood chips, 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.

The undersign hereby revokes Executive Order 2018-47 issued on October 8, 2018, and Executive Order 2018-49 shall stand in its place.

IT IS FURTHER ORDERED that although the federal rules and regulations that restrict registration, permitting length, width, and load requirements are waived, drivers in South Carolina are 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 it is responding to this emergency.

(d) Any dimensions and/or weight 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.

FURTHER, this emergency justifies an extension of the suspension of 49 C.F.R. Part 395 (drivers' hour of service). However, 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.

FURTHER, with respect to drivers' hours of service, the suspension shall be in place for the duration of the emergency or until 11:59 P.M. November 9, 2018, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws. This date is consistent with the Federal Motor Carrier Safety Administration's Regional Emergency Declaration and North Carolina's Executive Order, and provides a longer time-period than Georgia's Executive Order. However, with respect to requirements relating to registration, permitting, length, width, weight, and load, these are suspended for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty (120) days, so long as in response to emergency needs as set forth above, 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 11th DAY OF
OCTOBER, 2018.**

HENRY MCMASTER
Governor