



RECEIVED
2016 OCT 19 AM 10:03
SECRETARY OF STATE
PUBLICATIONS

STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 58

AN EMERGENCY ORDER SUSPENDING PROVISIONS OF CERTAIN VEHICLE RESTRICTIONS TO PROVIDE RELIEF TO VICTIMS OF HURRICANE MATTHEW

WHEREAS, Hurricane Matthew has caused catastrophic damage in the South Atlantic coastal region of the United States, including in Florida, Georgia, North Carolina, and South Carolina; and

WHEREAS, many residents of these devastated areas have been rendered homeless or are unable to return to their homes or are without power and essential supplies; and

WHEREAS, the Federal Emergency Management Agency ("FEMA") seeks to move emergency supplies, equipment, and mobile housing units to Florida, Georgia, North Carolina, and South Carolina by using vehicles to transport them through Tennessee and other states; and

WHEREAS, FEMA requests that Tennessee assist in the transport of these emergency supplies, equipment, and mobile housing units through Tennessee to the devastated areas of Florida, Georgia, North Carolina, and South Carolina by suspending certain transportation restrictions; and

WHEREAS, Tennessee Code Annotated, Section 58-2-101(5), provides that a "disaster" means "any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state emergency by a county, the governor, or the president of the United States" and that a "major disaster" means "a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance"; and

WHEREAS, on October 3, 4, 5, 6, and 11, 2016, the Governors of Florida, Georgia, North Carolina, and South Carolina declared or extended states of emergency as a result of Hurricane Matthew; and

WHEREAS, on October 8, 10, and 11, 2016, the President of the United States issued declarations stating that a major disaster exists in Florida, Georgia, North Carolina, and South

Carolina as a result of Hurricane Matthew (DR-4283, DR-4284, DR-4285, and DR-4286, respectively); and

WHEREAS, the state has a statutory duty to cooperate with federal emergency management agencies and other states in matters pertaining to emergency management in the state and the nation; and

WHEREAS, Tennessee Code Annotated, Section 58-2-107(e)(1), provides that during a state of emergency, the Governor is authorized to “[s]uspend the provisions of any law, order, rule or regulation prescribing the procedures for the conduct of state business or the orders or rules or regulations of any state agency, if strict compliance with the provisions of any such law, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

WHEREAS, a state of emergency exists as a result of the major disaster that occurred in Florida, Georgia, North Carolina, and South Carolina.

NOW THEREFORE, I, Bill Haslam, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and law, including but not limited to Tennessee Code Annotated, Section 58-2-107, do hereby declare the following, in recognition of the states of emergency and major disaster declared in Florida, Georgia, North Carolina, and South Carolina:

1. This Executive Order is being issued for the limited purpose of, and in accordance with Tennessee Code Annotated, Section 58-2-107(e)(1), providing a temporary suspension of the provisions of Tennessee Code Annotated, Section 55-4-401, through Tennessee Code Annotated, Section 55-4-413, Tennessee Code Annotated, Section 55-7-201, through Tennessee Code Annotated, Section 55-7-209, and Tenn. Comp. R. & Regs. 1680-07-01-.01 through Tenn. Comp. R. & Regs. 1680-07-01-.24 that set forth maximum height, length, and width limitations in the case of vehicles that are assisting FEMA in disaster relief efforts, subject to the following conditions:
 - a. A vehicle must be transporting emergency supplies, equipment, or mobile housing units to the impacted areas of Florida, Georgia, North Carolina, or South Carolina for and on behalf of FEMA. The vehicle shall display a FEMA banner or other appropriate markings issued by FEMA and the transporter shall keep appropriate FEMA authorization documents in the vehicle at all times.
 - b. A vehicle shall be permitted only to travel on (1) Interstate Highways; (2) highways on the National Highway System; and (3) other state-maintained roads as may be required to obtain access to needed services off of the aforementioned highways, without any restrictions on their time of movement except as may otherwise be provided in this Order.
 - c. A vehicle may transport a divisible or non-divisible load up to a maximum gross vehicle weight of 95,000 pounds and a maximum axle weight of 20,000 pounds, except on any bridge or overpass with a lower posted weight limit.

- d. The outer bridge span of any five-axle truck tractor/semi-trailer combination shall be no less than fifty-one feet (51’).
- e. The overall dimensions of a vehicle and load shall not exceed:
 - i. One hundred feet (100’) in length;
 - ii. Fourteen feet, four inches (14’ 4”) in height on the Interstate Highway System, except on Interstate 55, and thirteen feet, six inches (13’ 6”) in height on Interstate 55 and any other highway on the National Highway System; or
 - iii. Fourteen feet, six inches (14’ 6”) in width.
- f. Vehicles that do not exceed ten feet (10’) in width, may travel seven (7) days per week during daylight or nighttime hours without any time restrictions.
- g. Vehicles transporting FEMA mobile housing units exceeding ten feet (10’) in width, but not exceeding fourteen feet, six inches (14’ 6”) in width, may travel seven (7) days per week during daylight or nighttime hours without any time restrictions except as follows:
 - i. To promote public safety by avoiding “rush hour” traffic, vehicles shall not transport any load authorized herein between the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. (local time) Monday through Friday in Knox, Hamilton, Davidson, Williamson, and Shelby Counties.
 - ii. To promote public safety in anticipation of the heavy traffic conditions accompanying The University of Tennessee – Knoxville’s home football games on November 5, November 12, and November 19, 2016, vehicles shall make all reasonable efforts to avoid transporting any load authorized herein in Knox County four (4) hours before the to-be-determined start time of such games and four (4) hours after the conclusion of such games.
- h. Vehicles are responsible for ensuring that they have proper oversize load signs, markings, flags, and escorts as required by the Tennessee Department of Transportation’s rules and regulations for overdimensional movements on Tennessee’s roads, except that a contracted FEMA carrier may use a single escort to escort up to three (3) overdimensional loads.
- i. This Executive Order shall serve as a special permit for transporting any load authorized herein. Transporters shall keep appropriate identification as designated by FEMA in their vehicle while transporting any load permitted by this Order and shall reference this Order as permitting such transports.

- j. Any person, firm, company, corporation, or other entity that undertakes the movement of any overweight and/or overdimensional article and/or commodity on the highways of Tennessee shall hold Tennessee and its officers and employees harmless from any claims for damages resulting from the exercise of any of the privileges granted under this Order and, to this end, shall carry liability insurance with an insurer, acceptable to the Tennessee Department of Transportation's Office of Overweight and Overdimensional Permits, in the amount of not less than three hundred thousand dollars (\$300,000) for each claimant and one million dollars (\$1,000,000) per occurrence. The transporter shall carry the certificate of insurance in the vehicle at all times.
2. Any request by vehicles carrying appropriate identification designated by FEMA that are transporting FEMA emergency supplies, equipment, or mobile housing units to Florida, Georgia, North Carolina, or South Carolina for special permit to transport loads in excess of the foregoing weight, height, length, and width limits or other restrictions shall be given expedited consideration and may be approved within the discretion of the Tennessee Department of Transportation's Office of Overweight and Overdimensional Permits. The Commissioner of Transportation shall have the authority to waive any otherwise applicable permit fees related to such a request.
3. The provisions of Tennessee Code Annotated, Section 47-18-5101 *et seq.*, are not applicable to this Executive Order suspending the maximum height, length, and width limitations for the activities described herein.
4. This Order shall remain in effect through December 1, 2016.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 19th day of October, 2016.



GOVERNOR

ATTEST:


SECRETARY OF STATE