

Executive Order No. 2017-21

WHEREAS, a State of Emergency exists in South Carolina due to Hurricane Irma and the threat of heavy rainfall and flooding, which is forecast to occur throughout the state, making it necessary to expedite the movement of vehicles and loads that are transporting and distributing emergency equipment, materials, services, supplies, food, fuel, petroleum products, timber, wood chips, debris, and other items needed to assist in an emergency and remain operational; and

WHEREAS, by Executive Order Number 2017-20 a State of Emergency has been declared; and

WHEREAS, federal law limits the hours operators of commercial motor vehicles may drive vehicles transporting materials as stated above pursuant to 49 C.F.R. § 390 *et seq.*, limit and establishes certain weight limitations for vehicles on interstate highways pursuant to 23 U.S.C. § 127 in conjunction with S.C. Code § 56-5-4010 *et seq.*, which establishes size, weight, and load requirements for South Carolina highways; and

WHEREAS, the Governor of a State may suspend certain requirements relating to registration, permitting, length, width, weight, load, and time of service 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, and S.C. Code § 56-5-70(A).

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, I hereby suspend the federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and hours of service requirements as set forth below, further directing the South Carolina Department of Transportation and the South Carolina Department of Public Safety, and the State Transport Police as needed, to comply with this Order.

IT IS FURTHER ORDERED that:

(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 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 in 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). 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, unless the State of Emergency ends and this Executive Order, Number 2017-21, is rescinded with advanced notice, these waivers shall stay in effect as follows: (1) provisions of this Order affecting hours of service requirements shall take effect immediately and be in effect for 30 days, expiring midnight on October 6, 2017; (2) provisions of this Order affecting registration, permitting, length, width, weight, and load requirements shall be in effect for 120 days, expiring midnight of January 4, 2018.

This Order takes effect on September 6, 2017, at 8:00 PM. Provisions authorized under prior Executive Orders 2017-18 and 2017-19 regarding the transportation of fuel related to Hurricane Harvey and issued due to the emergency declared in the State of Georgia shall stay in place and are not affected by Executive Order 2017-21.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 6th DAY OF
SEPTEMBER, 2017.**

**HENRY MCMASTER
Governor**