



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER FIVE (2014)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA IN SUPPORT OF WEST VIRGINIA

Importance of the Issue

On January 10, 2014, my predecessor, Governor Robert F. McDonnell, verbally declared a State of Emergency to exist for the Commonwealth of Virginia to support relief efforts to the state of West Virginia. Due to a chemical spill, water supplied to customers of West Virginia American Water Company cannot be used or consumed, and a State of Emergency has been declared in West Virginia. Relief efforts are necessary to facilitate trucks transporting water to these West Virginia Residents. I therefore direct that appropriate assistance be rendered by agencies of state government to respond to the needs of the state of West Virginia and the potential public safety issues in the Commonwealth presented by oversize water transport vehicles on the Commonwealth's highways.

The health and general welfare of the citizens of Virginia and West Virginia require that state action be taken to help alleviate the conditions caused by this situation. Therefore, by virtue of the authority vested in me by § 44-146.17 of the *Code of Virginia*, as Governor and as Director of Emergency Management, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing that verbal order issued on January 10, 2014, whereby a State of Emergency was found to exist and appropriate assistance was directed to be rendered by agencies of state government to alleviate any impediments to the transport of relief supplies.

In order to marshal public resources to meet this threat, and in accordance with my authority contained in § 44-146.17 of the *Code of Virginia*, I hereby order the following measures:

- A. The authorization of the Departments of State Police, Transportation, and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential emergency relief supplies (water) or providing restoration of water utilities in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination.

Such exemptions shall not be valid on posted structures for restricted weight. All over width loads, up to a maximum of 12 feet, and over height loads up to a maximum of 14 feet must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

In addition to described overweight/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes vehicles in route and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

The foregoing overweight/over width transportation privileges, as well as the regulatory exemption provided by § 52-8.4(A) of the *Code of Virginia*, and implemented in § 19 VAC 30-20-40(B) of the "Motor Carrier Safety Regulations," shall remain in effect until February 10, 2014, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

- B. Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service worked by any carrier when transporting critical supplies (water) in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3. In no event shall the relief from hours of service last more than 30 days, unless a new declaration is issued. Motor carriers that have a Federal Out of Service Order in effect cannot take advantage of the relief from regulations that this declaration provides under 49 CFR 390.23.
- C. The discontinuance of provisions authorized in paragraphs A and B above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by the authority I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.

Effective Date of this Executive Order

This Executive Order shall be effective retroactively to January 11, 2014, and shall remain in full force and effect until February 10, 2014, or whenever the emergency no longer exists, which ever time is shorter, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 17th day of January, 2014.



Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth