



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER FIFTY NINE (2016)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA AS A MEASURE FOR UNINTERRUPTED GASOLINE DISTRIBUTION

Importance of the Issue

On September 9, 2016, Colonial Pipeline shut down its main lines in Shelby County, Alabama to investigate a potential system integrity issue. The investigation uncovered a pipeline breach resulting in a spill of 252,000 gallons of gasoline in a remote area of the county. This pipeline will remain shut down until repairs can be made, the system tested, and cleanup complete. The shutdown of this pipeline may result in gasoline supply disruptions to various retailers throughout the Commonwealth, since the pipeline is the only source of gasoline into Virginia for many of these retailers. While current gasoline reserves in the Commonwealth are sufficient to address any immediate supply concerns, it is necessary, in accordance with § 44-146.17, that the Commonwealth take appropriate measures to prevent any resource shortage occasioned by this disaster.

The health and general welfare of the citizens of Virginia require that state action be taken to help prevent any potential resource shortages or fuel supply disruptions caused by this situation. The effects of this incident constitute a disaster, as defined in § 44-146.16 of the *Code of Virginia*.

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 my verbal orders issued on this day, September 16, 2016, whereby I proclaimed that a state of emergency exists, and I directed that appropriate assistance be rendered by agencies of state government to alleviate any impediments to the transport of gasoline.

In order to marshal public resources and appropriate preparedness, response, and recovery measures to meet this threat and recover from its effects, 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 gasoline in any area of the Commonwealth in order to support delivery of this commodity, regardless of its 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.

Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service worked by any carrier when transporting gasoline in any area of the Commonwealth in order to support delivery of this commodity, regardless of its 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 fifteen (15) 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.

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 November 1, 2016, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety and Homeland Security in consultation with the Secretary of Transportation, whichever is earlier.

The authorization of the Department of Agriculture and Consumer Services to grant a temporary waiver of the maximum vapor pressure prescribed in emergency regulation 2 VAC 5-425 *et seq.*, and to prescribe a vapor pressure limit it deems reasonable. The temporary waiver shall remain in effect until November 1, 2016, or until emergency relief is no longer necessary, as determined by the Commissioner of Agriculture and Consumer Services.

- B. The discontinuance of provisions authorized in paragraph A above may be implemented and disseminated by publication of administrative notice to all affected and interested parties. I hereby delegate to the Secretary of Public Safety and Homeland Security, after consultation with other affected Cabinet-level Secretaries, the authority to implement this order as set forth in § 2.2-104 of the *Code of Virginia*.

C. The activation of the statutory provisions in § 59.1-525 *et seq.* of the *Code of Virginia* related to price gouging. Price gouging at any time is unacceptable. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of gasoline. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to this resource shortage.

Effective Date of this Executive Order

This Executive Order shall be effective September 16, 2016 and shall remain in full force and effect until November 1, 2016 or whenever the emergency no longer exists, whichever time is shorter, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 16th day of September, 2016.

Terence R. McAuliffe, Governor

Attest:

Kelly Thomasson, Secretary of the Commonwealth