



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER SEVENTY FOUR (2017)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA IN SUPPORT OF INCREASED HEATING FUEL DEMANDS

Importance of the Issue

On December 29, 2017, I declared a state of emergency to exist for the Commonwealth of Virginia in support of the increased demand for heating oil due to severe cold weather and to prevent resource shortages in other States and Territories. I therefore directed that appropriate assistance be rendered by agencies of state government to respond to the needs of affected states and the potential public safety issues in the Commonwealth presented by this issue. This executive order memorializes that order and shall also provide expedited movement of power company personnel in transit to the Port of Virginia to support hurricane recovery efforts in Puerto Rico.

The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of this incident constitute a disaster wherein human life and public and private property are imperiled, as described 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 by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the *Code of Virginia*, 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 December 29, 2017, whereby I am proclaiming that a state of emergency exists, and I am directing that appropriate assistance be rendered by agencies of both state and local governments to alleviate any impediments to the transport of relief supplies or utility restoration support.

In order to marshal all 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 protective and restoration measures:

- A. The authorization of the Departments of State Police, Transportation, and Motor Vehicles to grant temporary registration, or license exemptions to all carriers transporting essential emergency relief supplies, including food, water, livestock or poultry, feed or other critical supplies for livestock or poultry, heating oil, motor fuels, or propane, or providing restoration of utilities (including but not limited to electricity, gas, phone, water, wastewater, and cable) to, through, or from any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination.

In addition, carriers are also exempt from vehicle registration with the Department of Motor Vehicles. This includes vehicles en 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.

- B. This Emergency Declaration implements limited relief from the provisions of 49 CFR 390-399. Accordingly, the State Coordinator of Emergency Management recognizes the exemption for hours of service by any carrier when transporting essential relief supplies, passengers, property, livestock, poultry, equipment, food, feed for livestock or poultry, fuel, construction materials, and other critical supplies to, through, or from any portion of the Commonwealth for purpose of providing direct relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3.
- C. 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 for 15 days from the onset of the disaster, 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.
- D. The implementation and discontinuance of the provisions authorized in paragraphs A through C above shall be disseminated by the 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 Secretaries, the authority to implement and disseminate this order as set forth in § 2.2-104 of the *Code of Virginia*.

Effective Date of this Executive Order

This Executive Order was effective December 29, 2017, and shall remain in full force and effect until January 13, 2018, 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 3rd day of January, 2018.

Terence R. McAuliffe, Governor

Attest:

Kelly Thomasson, Secretary of the Commonwealth