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SECRETARY OF STATE

STATE OF TENNESSEE PUBLICATIONS

# EXECUTIVE ORDER

BY THE GOVERNOR

No. 44

## AN EMERGENCY ORDER SUSPENDING PROVISIONS OF CERTAIN LAWS AND RULES IN ORDER TO PROVIDE RELIEF TO VICTIMS OF THE EXTREME WINTER WEATHER CONDITIONS IN TENNESSEE

**WHEREAS**, portions of Tennessee and other southern states have experienced significant extreme weather conditions that have adversely affected hay production and pasture conditions for livestock producers across the region; and

**WHEREAS**, Tennessee is the fifth leading state in the production of hay and is a consistent supplier of hay to other states; and

**WHEREAS**, making efficient use of agricultural resources to support livestock production, and enhancing access to markets and making forages more available are important to the financial viability of farmers; and

**WHEREAS**, Tennessee's geographical location, its infrastructure and its transportation corridor all enhance interstate commerce and facilitate the movement of agricultural commodities; and

**WHEREAS**, Tenn. Code Ann. §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**, because of adverse weather conditions and the urgent need for uninterrupted shipments of hay, I issued Executive Order No. 42, that recently expired on February 7, 2015, and Executive Order No. 17, which expired September 28, 2012, as well as Executive Order No. 14, which expired September 8, 2012, and Executive Order No. 9, which expired May 13, 2012; and


**WHEREAS**, pursuant to this authority and the general emergency management powers of the Governor under Tenn. Code Ann. §58-2-101, *et seq.*, I have determined that continuing the temporary suspension of selected state laws and rules is necessary in order to cope with the current emergency situation.

**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 other applicable law, do hereby order and direct that the following state laws and rules be suspended until 12:00 a.m., Central Daylight Time, on March 20, 2015, after which time the suspension shall cease and be of no further force or effect:

1. The provisions of Tenn. Code Ann. §55-7-201, *et seq.* and the Tenn. Comp. Rules and Regulations, Chapter 1680-07-01 are hereby suspended to authorize and permit vehicles, which are otherwise properly licensed and which are transporting hay during this winter weather emergency, to carry loads in excess of otherwise lawful maximum height, length and width limits, subject to the following conditions:
  - i. The outer bridge span of the five-axle truck tractor/semi-trailer shall not be less than fifty-one feet (51'). The vehicle's overall length shall not exceed one hundred feet (100') and its height shall not exceed thirteen feet, six inches (13' 6").
  - ii. Vehicles greater than eight feet, six inches (8' 6") in width, but not exceeding fourteen feet (14') in width, may travel only during daylight hours, beginning thirty (30) minutes after sunrise and ending thirty (30) minutes before sunset.
  - iii. Transporters are responsible for ensuring that they have proper oversize signs, markings, flags and escorts as defined by the Tennessee Department of Transportation's rules and regulations for overweight and overdimensional movements on Tennessee highways.
  - iv. This Executive Order shall serve as a special permit for transporting any load authorized by this Executive Order. Transporters shall keep a copy of this Executive Order in the cab of the truck while transporting any load permitted by this Executive Order.
  - v. This Order does not waive or suspend the maximum weights established in Tenn. Code Ann. §55-7-203.
  - vi. This Order does not waive or suspend the requirements for a commercial driver's license and proper and current logs.

The Tennessee Department of Transportation's Office of Overweight and Overdimensional Permits has the discretion to approve or deny any request for a special permit to transport loads of hay in excess of the foregoing height, length and width limits (but not weight limits) in accordance with the same rules that would apply to a non-divisible load. The Department shall expedite its consideration of such requests. The Commissioner of Transportation shall have the authority to waive any applicable permit fees related to such a request.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 18<sup>th</sup> day of February, 2015.

  
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GOVERNOR



ATTEST:

  
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SECRETARY OF STATE