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Secretary of State
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STATE OF TENNESSEE

# EXECUTIVE ORDER

BY THE GOVERNOR

No. 9

## AN ORDER SUSPENDING CERTAIN VEHICLE RESTRICTIONS AND ALLOWING MEDICAL AND OTHER HEALTH-RELATED SERVICES TO PROVIDE RELIEF TO VICTIMS OF HURRICANE DORIAN

**WHEREAS**, Hurricane Dorian is currently expected to make landfall in Florida around September 2, 2019, and is expected to impact other eastern states; and

**WHEREAS**, as a result of Hurricane Dorian, many residents of those areas may be unable to return to their homes or may be without power and essential supplies; and

**WHEREAS**, multiple local, state, and federal agencies and other organizations are engaged in relief efforts throughout the affected region; and

**WHEREAS**, equipment, supplies, utility crews, and other personnel are presently being or soon will be transported through Tennessee from various states to assist in the anticipated recovery from Hurricane Dorian, and such activity is expected to continue for an extended period of time; and

**WHEREAS**, as a result of Hurricane Dorian's expected landfall, many residents of, and visitors to, the affected areas have evacuated their homes or places of lodging and may seek temporary refuge in Tennessee; and

**WHEREAS**, to facilitate the evacuation and relief effort in response to Hurricane Dorian, the governors of Florida and Georgia have declared states of emergency, and the Federal Motor Carrier Safety Administration has issued a Regional Emergency Declaration (No. 2019-005) granting emergency relief from 49 C.F.R., Parts 390 through 399, to motor carriers and drivers providing direct assistance in the emergency relief efforts relating to Hurricane Dorian in the affected states; and

**WHEREAS**, in response to Hurricane Dorian, the President of the United States has declared that an emergency exists in the territories of Puerto Rico and the Virgin Islands (EM-3417 and EM-3418, respectively), and there may be additional emergency declarations concerning the state of Florida or other parts of the continental United States; and

**WHEREAS**, the state has a statutory duty to cooperate with federal emergency management agencies and other states in matters pertaining to emergency management in the state and the nation; and

**WHEREAS**, Tennessee Code Annotated, Section 58-2-107(e)(1), provides that during a state of emergency, the Governor is authorized to "[s]uspend 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 any such law, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency"; and

**WHEREAS**, pursuant to this authority and the general emergency management powers of the Governor under law, the temporary suspension of selected state laws and rules is necessary to cope with the current emergency situation resulting from Hurricane Dorian.

**NOW THEREFORE**, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and law, including but not limited to Tennessee Code Annotated, Section 58-2-107, do hereby declare *nunc pro tunc* to 12:01 a.m., Central Daylight Time, on August 30, 2019, that a state of emergency exists and order the following, in recognition of the state of emergency declared in Florida and Georgia and regionally by the Federal Motor Carrier Safety Administration and given the potential for additional federal emergency declarations:

1. This Executive Order is being issued for the limited purpose of, and in accordance with Tennessee Code Annotated, Section 58-2-107(e)(1), providing a temporary suspension of the provisions of Tennessee Code Annotated, Section 55-4-401, through Tennessee Code Annotated, Section 55-4-413, Tennessee Code Annotated, Section 55-7-201, through Tennessee Code Annotated, Section 55-7-209, and Tenn. Comp. R. & Regs. 1680-07-01-.01 through Tenn. Comp. R. & Regs. 1680-07-01-.25 that set forth maximum height, length, and width limitations in the case of vehicles providing disaster relief efforts in response to Hurricane Dorian, subject to the following conditions:

    a. A vehicle must be transporting emergency supplies, equipment, or mobile housing units to the impacted areas.

    b. A vehicle shall be permitted only to travel on (1) Interstate Highways; (2) highways on the National Highway System; and (3) other state-maintained roads as may be required to obtain access to needed services off of the aforementioned highways, without any restrictions on their time of movement except as may otherwise be provided in this Order.

    c. A vehicle may transport a divisible or non-divisible load up to a maximum gross vehicle weight of 95,000 pounds and a maximum axle weight of 20,000 pounds, except on any bridge or overpass with a lower posted weight limit.

    d. The outer bridge span of any five-axle truck tractor/semi-trailer combination shall be no less than fifty-one feet (51').

    e. The overall dimensions of a vehicle and load shall not exceed:

i. One hundred feet (100') in length;

ii. Fourteen feet, four inches (14' 4") in height on the Interstate Highway System, except on Interstate 55, and thirteen feet, six inches (13' 6") in height on Interstate 55 and any other highway on the National Highway System; or

iii. Fourteen feet, six inches (14' 6") in width.

f. Vehicles that do not exceed ten feet (10') in width may travel seven (7) days per week during daylight or nighttime hours without any time restrictions.

g. Vehicles transporting FEMA or other mobile housing units exceeding ten feet (10') in width, but not exceeding fourteen feet, six inches (14' 6") in width, may travel seven (7) days per week during daylight or nighttime hours without any time restrictions except as follows:

i. To promote public safety by avoiding "rush hour" traffic, vehicles shall not transport any load authorized herein between the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. (local time) Monday through Friday in Knox, Hamilton, Davidson, Williamson, and Shelby Counties.

ii. To promote public safety in anticipation of the heavy traffic conditions accompanying The University of Tennessee-Knoxville's home football games on August 31, September 7, and September 14, 2019, vehicles shall make all reasonable efforts to avoid transporting any load authorized herein in Knox County three (3) hours before the to-be-determined start time of such games and three (3) hours after the conclusion of such games.

h. Vehicles are responsible for ensuring that they have proper oversize load signs, markings, flags, and escorts as required by the Tennessee Department of Transportation's rules and regulations for overdimensional movements on Tennessee's roads, except that a contracted FEMA carrier may use a single escort to escort up to three (3) overdimensional loads.

i. This Executive Order shall serve as a special permit for transporting any load authorized herein. Transporters shall keep appropriate identification as designated by FEMA or their state of origin in their vehicle while transporting any load permitted by this Order and shall reference this Order as permitting such transports.

j. Any person, firm, company, corporation, or other entity that undertakes the movement of any overweight and/or overdimensional article and/or commodity on the highways of Tennessee shall hold Tennessee and its officers and employees harmless from any claims for damages resulting from the exercise of any of the privileges granted under this Order and, to this end, shall carry liability insurance with an insurer, acceptable to the Tennessee Department of Transportation's

Oversize and Overweight Permit Office, in the amount of not less than three hundred thousand dollars ($300,000) for each claimant and one million dollars ($1,000,000) per occurrence. The transporter shall carry the certificate of insurance in the vehicle at all times.

k. Paragraph 1 of this Order shall take effect only upon the issuance of a declaration by the President of the United States that a state of emergency exists in the state of Florida or another part of the continental United States that may be impacted by Hurricane Dorian.

2. Any request by vehicles carrying appropriate identification designated by FEMA or their state of origin that are transporting emergency supplies, equipment, or mobile housing units to Florida or Georgia for a special permit to transport loads in excess of the foregoing weight, height, length, and width limits or other restrictions shall be given expedited consideration and may be approved within the discretion of the Tennessee Department of Transportation's Oversize and Overweight Permit Office. The Commissioner of Transportation shall have the authority to waive any otherwise applicable permit fees related to such a request.

3. In accordance with 49 C.F.R. § 390.23, as adopted by Tenn. Comp. R. & Regs. 1340-06-01-.08, and the Federal Motor Carrier Safety Administration's Regional Emergency Declaration (No. 2019-005), a temporary exemption is granted from the federal rules and regulations in 49 C.F.R., Part 395 limiting the hours of service for the operator of a commercial motor vehicle providing equipment, supplies, utility crews, and other personnel to assist in the anticipated recovery from Hurricane Dorian, subject to the following conditions:

   a. Nothing in this Order shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383, the financial requirements in 49 C.F.R. § 387, or applicable federal size and weight limitations.

   b. No motor carrier operating under the terms of this Order shall require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor carrier that he or she needs immediate rest shall be given at least ten (10) consecutive hours off-duty before the driver is required to return to service.

4. The relevant provisions of Tennessee Code Annotated, Titles 63 and 68, and related rules are hereby suspended to give the Commissioner of Health the discretion to allow a health care professional who is licensed in another state, and who would otherwise be subject to licensing requirements under Title 63 or Title 68, to engage in the practice of such individual's profession, if such individual is an evacuee from Hurricane Dorian, or if the individual is a health care professional who is assisting such evacuees.

5. Tennessee Code Annotated, Section 63-10-207(d), is in effect, which allows a pharmacist in this state to dispense, in good faith, up to a twenty (20) day supply of a prescription drug, without proper authorization or a valid prescription, to an evacuee from Hurricane Dorian, as necessary to allow the patient to secure proper authorization or a valid prescription from

the patient's prescriber. This authority is subject to the provisions under Tennessee Code Annotated, Section 63-1-164.

6. Any provision of the Tennessee Code Annotated and related rules that require Tennessee residency as a condition of eligibility to participate in programs administered by the Department of Health are hereby suspended to allow otherwise eligible evacuees from Hurricane Dorian to participate in such programs. These programs include but are not limited to the Special Supplemental Nutrition Program for Women, Infants and Children (Tenn. Comp. R. & Regs. Chapter 1200-15-2-.03), Renal Disease Program (Tenn. Comp. R. & Regs. Chapter 1200-11-1-.03), Hemophilia Program (Tenn. Comp. R. & Regs. Chapter 1200-11-2-.03), Children's Special Services (Tenn. Comp. R. & Regs. Chapter 1200-11-3-.03), and the Child Safety Fund (Tenn. Comp. R. & Regs. Chapter 1200-11-4-.04).

7. This Order shall remain in effect through 11:59 p.m., Central Daylight Time, on September 30, 2019, at which time the suspension of any state laws and rules shall cease and be of no further force or effect.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 30th day of August, 2019.

GOVERNOR

ATTEST:

SECRETARY OF STATE