



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

Stephen C. Brich, P.E.
COMMISSIONER

May 12, 2021

TO: Affected Agencies and Shippers/Carriers

SUBJECT: Amendment 1 - Waiver for Carriers Transporting Gasoline and Petroleum Products

Based on the Colonial Pipeline shutdown and the potential result in fuel supply disruptions to the Commonwealth the Governor declared a State of Emergency on May 11, 2021 as a measure for uninterrupted gasoline distribution thereby seeking relief for all carriers transporting fuel and other oil-derivatives in and through areas of the Commonwealth in order to prevent any resource shortage occasioned by this disaster.

As a result, the Virginia Department of Motor Vehicles authorizes a temporary waiver of registration and licensing requirements for carrier, and the Commissioner of Highways authorizes a temporary waiver of normal weight and width restrictions on roads controlled by the Virginia Department of Transportation, for the express purpose of preventing any potential resource shortages or fuel supply disruptions caused by this situation. In addition, the White House and U.S. Department of Transportation have determined that previous declarations of “major disaster” issued by the President within the past 120 days allow States covered by those declarations to use Interstate highways in their State to transport overweight loads of gasoline and other fuels. Consistent with 23 U.S.C. 127(i), and applicable State laws, Virginia is operating under a Federal Major Disaster Declaration of February 2021, and the Commissioner of Highways authorizes a temporary waiver of normal weight and width restrictions on Interstate and Defense Highways that are delivering relief supplies, including gasoline, diesel, jet fuel and other refined petroleum products. This document shall provide a carrier with special permitting authority when traveling on the interstate while responding to this major disaster. This waiver is effective beginning 5PM May 11, 2021 until 11:59PM June 8, 2021 and includes an exemption, in coordination with the Virginia Department of Emergency Management, which activates the FMSCA Section 390.23 Relief of Regulations associated with hours of service. This waiver only pertains to statewide shippers and carriers directly associated with transporting gasoline and petroleum based products.

<u>TRUCK TYPE</u>	<u>MAX G.V.W.</u>	<u>SINGLE AXLE</u>	<u>TANDEM AXLE</u>	<u>3 AXLE GROUP</u>	<u>4 AXLE GROUP</u>
3 AXLES	60,000	24K	44K	54.5K	64.5K
4 AXLES	70,000	24K	44K	54.5K	64.5K
5+ AXLES	90,000	24K	44K	54.5K	64.5K
6+ AXLES	100,000	24K	44K	54.5K	64.5K

Loads are restricted to a maximum of 12 feet wide provided they follow the hauling permit regulations and safety guidelines as published in the Virginia Hauling Permit Manual.

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This information is for immediate dissemination to preclude inadvertent ticketing or detention. Multi-agency support and cooperation is appreciated. If there any questions, please contact Mr. Earl Sharp at (804) 786-4692.

Sincerely,



Stephen C. Brich, P.E.
Commissioner of Highways

Attachments



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER SEVENTY-EIGHT (2021)

DECLARATION OF A STATE OF EMERGENCY DUE TO THE SHUTDOWN OF THE COLONIAL PIPELINE

Importance of the Issue

On this date, May 11, 2021, I declare that a state of emergency exists in the Commonwealth of Virginia to prepare and coordinate our response to the voluntary shutdown of the Colonial Pipeline due to a cyber-attack on its business systems' informational technology infrastructure on May 7, 2021. If prolonged, the pipeline closure will result in gasoline supply disruptions to various retailers throughout the Commonwealth, since the pipeline is the primary source of gasoline to many Virginia retailers. While current gasoline reserves in the Commonwealth are sufficient to address immediate supply concerns, a long-term disruption in the pipelines will require transportation of fuel and other oil-derivatives via interstate and state roadways. The anticipated effects of this situation constitute a disaster as described in § 44-146.16 of the *Code of Virginia (Code)*. Therefore, by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia, by §§ 44-146.17 and 44-75.1 of the *Code*, as Governor and Director of Emergency Management, I proclaim a state of emergency. Accordingly, I direct state and local governments to render appropriate assistance to alleviate any conditions resulting from the situation and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as possible. Emergency services shall be conducted in accordance with § 44-146.13 *et seq.* of the *Code*.

In order to marshal all public resources and appropriate preparedness, response, and recovery measures, I order the following actions:

- A. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan, as amended, along with other appropriate state plans.
- B. Activation of the Virginia Emergency Operations Center and the Virginia Emergency Support Team, as directed by the State Coordinator of Emergency Management, to coordinate the provision of assistance to state, local, and tribal governments and to facilitate emergency services assignments to other agencies.

C. Authorization for the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation, and enter into contracts without regard to normal procedures or formalities, and without regard to application or permit fees or royalties. All waivers issued by agencies shall be posted on their websites.

D. Activation of § 59.1-525 *et seq.* of the Code related to price gouging.

Effective Date of this Executive Order

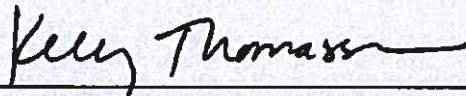
This Executive Order shall be effective May 11, 2021, and shall remain in full force and in effect until June 10, 2021, unless sooner amended, terminated, or rescinded by further executive order. Termination of this Executive Order is not intended to terminate any federal type benefits granted or to 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 11th day of May, 2021.




Ralph S. Northam, Governor

Attest:


Kelly Thomasson, Secretary of the Commonwealth

USDOT Announces Additional Measures to Help States in Areas Affected by the Colonial Pipeline Incident

Tuesday, May 11, 2021

The U.S. DOT today announced additional help for States in areas affected by the cyberattack on the Colonial Pipeline. The White House and DOT have determined that previous declarations of “major disaster” issued by the President within the past 120 days allow States covered by those declarations to use Interstate highways in their State to transport overweight loads of gasoline and other fuels. Each State must continue to follow its own procedures for issuance of special permits authorizing the loads, but the added flexibility announced today lawfully permits these trucks to run on the Interstate Highway System and other Federal highways. This flexibility is in addition to preexisting authority for States to issue special permits allowing the trucks to run on State highways.

The previous Presidential declarations created this authority for up to 120 days. Given the declarations’ varied dates of issuance, that period will expire at different points for the affected States between now and early September. The first State whose 120-day period will expire is Maryland, on June 4. The last State is Virginia, on September 7.

The ten States covered are Alabama, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Tennessee and Virginia. All these States are already covered under the separate Emergency Declaration that the Federal Motor Carrier Safety Administration issued on May 9, which grants truck drivers making emergency fuel deliveries in areas affected by the pipeline disruption relief from the Federal hours of service limits and certain other safety regulations.

Consistent with 23 U.S.C. 127(i) and applicable State laws, States that are

currently operating under Federal Major Disaster Declarations may issue special permits to overweight vehicles carrying divisible loads on Interstate and Defense Highways that are delivering relief supplies, including gasoline, diesel, jet fuel, and other refined petroleum products. States may exercise this authority for 120 days from the date of the declaration of the major disaster.