



STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

Number 65

**AN EMERGENCY ORDER SUSPENDING PROVISIONS OF CERTAIN LAWS
AND RULES IN ORDER TO PROVIDE NECESSARY RELIEF TO VICTIMS OF
RECENT STORMS AND FLOODING**

WHEREAS, from April 30, 2010 through May 2, 2010, tornadoes, severe storms, torrential rains, strong straight-line winds, flash floods and other flooding swept through West and Middle Tennessee, resulting in catastrophic conditions throughout much of the region; and

WHEREAS, many Tennesseans have lost their lives in this devastating weather event and many more Tennesseans have suffered significant personal injuries and property damage, with many residents rendered homeless or unable to return to their homes; and

WHEREAS, in order to minimize further suffering, those directly impacted by this devastating weather event must have access to goods and services in the most effective and efficient manner without interruption; and

WHEREAS, in response to these emergency conditions, the Tennessee Emergency Management Plan was activated on May 1, 2010, thereby declaring a state of emergency in Tennessee; and

WHEREAS, pursuant to federal law, the Federal Motor Carrier Safety Administration recognizes the exemption from certain regulations provided pursuant to 49 CFR 390.23. This exemption includes all of 49 CFR Parts 390-399 and applies only to carrier's or driver's direct assistance in providing emergency relief; and

WHEREAS, Tennessee Code Annotated § 58-2-107(e)(1) similarly 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, pursuant to this authority and the general emergency management powers of the Governor under Tennessee Code Annotated Title 58, Chapter 2, I have determined that the temporary suspension of several state laws and rules is necessary in order to cope with the current emergency situation.

NOW THEREFORE, I, Phil Bredesen, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and law, do hereby order and direct that the following state laws and rules be suspended until 12:00 a.m., Central Daylight Time, on June 1, 2010:

FWB

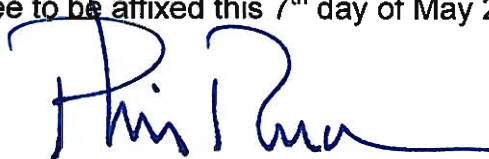
1. The provisions of Tenn. Code Ann. § 55-7-201 et seq. and Tenn. Comp. R and Regs, Chapter 1680-7-1 are hereby suspended to authorize and permit vehicles carrying appropriate identification and transporting emergency equipment, services or supplies for or on behalf of the Federal Emergency Management Agency or the Emergency Management Agencies of any State to carry loads in excess of otherwise lawful maximum weight, height, length and width limits, subject to the following conditions:
 - i. A maximum gross vehicle weight for vehicles equipped with five (5) weight-bearing axles with outer bridge spans of not less than fifty-one (51) feet shall not exceed ninety five thousand (95,000) pounds, a height of thirteen and one-half (13.5) feet, a width of fourteen (14) feet and a length of one hundred (100) feet long, except on a bridge with a posted weight limit.
 - ii. Travel is limited to daylight hours beginning thirty (30) minutes after sunrise and ending thirty (30) minutes before sunset.
 - iii. Transporters are responsible for ensuring they have proper permits, oversize signs, markings, flags and escorts as defined by the State of Tennessee Department of Transportation's rules and regulations for Overweight and Over-dimensional Movements on Tennessee Highways.

Any request by such vehicles 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 Office of Overweight and Over-dimensional Permits. The Commissioner of Transportation shall have the authority to waive any otherwise applicable permit fees related to such a request.

2. The provisions of Tenn. Code Ann. § 55-4-121 and Tennessee Code Annotated § 67-3-1202 are hereby suspended to the extent necessary to exempt motor carriers that are supporting relief efforts from the requirement of obtaining fuel or trip permits for travel in the State of Tennessee. Notwithstanding this paragraph (2) all such vehicles must be properly registered through their base jurisdiction. A copy of this Executive Order should be retained for audit purposes.
3. Notwithstanding this Executive Order, all motor carriers must abide by all other state and federal motor carrier safety rules and regulations not specifically made inapplicable by this Executive Order. None of the exemptions provided by this Executive Order apply to carriers not directly involved in emergency relief operations, and carriers that have an out-of-service order may not take advantage of the exemptions provided by this Executive Order.



IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 7th day of May 2010.

A handwritten signature in blue ink, appearing to read "Phil Bredemeyer", written over a horizontal line.

GOVERNOR

ATTEST:

SECRETARY OF STATE