



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

### STATE OF EMERGENCY FOR TORNADO AND SEVERE STORM DAMAGE

- WHEREAS:** A severe storm system moved across the State of Georgia on April 5, 2022, producing severe tornadoes, straight line winds, and excessive rainfall; and
- WHEREAS:** Debris, fallen trees, and powerful winds have caused damage to property and structures as well as physical injuries to persons; and
- WHEREAS:** Heavy rainfall causing localized flooding has damaged property, roadways, and other structures; and
- WHEREAS:** Due to extensive damage, Georgia's network of roads and bridges may be impassable, isolating residences and persons from access to essential public services; and
- WHEREAS:** Assistance from the State is necessary to provide for the public's safety, protect private property, and restore the social and economic welfare of the affected counties; and
- WHEREAS:** The Federal Motor Carrier Safety regulations, 49 C.F.R. 390, et seq., limit the hours of operators of commercial motor vehicles may drive; and
- WHEREAS:** 49 C.F.R. 390.23 allows the Governor of a State to suspend these rules and regulations for up to 30 days if the Governor determines that an emergency condition exists; and
- WHEREAS:** On June 30, 2021, I declared a State of Emergency for Continued COVID-19 Economic Recovery by issuing Executive Order 06.30.21.01; and

- WHEREAS:** On July 22, 2021, I renewed the State of Emergency for Continued COVID-19 Economic Recovery until August 29, 2021, by issuing Executive Order 07.22.21.01; and
- WHEREAS:** On August 19, 2021, I renewed the State of Emergency for Continued COVID-19 Economic Recovery until September 28, 2021, by issuing Executive Order 08.19.21.01; and
- WHEREAS:** On September 20, 2021, I renewed the State of Emergency for Continued COVID-19 Economic Recovery until October 28, 2021, by issuing Executive Order 09.20.21.01; and
- WHEREAS:** On October 21, 2021, I renewed the State of Emergency for Continued COVID-19 Economic Recovery until November 27, 2021, by issuing Executive Order 10.21.21.01; and
- WHEREAS:** On November 19, 2021, I renewed the State of Emergency for Continued COVID-19 Economic Recovery until December 27, 2021, by issuing Executive Order 11.19.21.01; and
- WHEREAS:** On December 17, 2021, I renewed the State of Emergency for Continued COVID-19 Economic Recovery until January 26, 2022, by issuing Executive Order 12.17.21.01; and
- WHEREAS:** On January 18, 2022, I renewed the State of Emergency for Continued COVID-19 Economic Recovery until February 25, 2022, by issuing Executive Order 01.18.22.01; and
- WHEREAS:** On February 18, 2022, I renewed the State of Emergency for Continued COVID-19 Economic Recovery until March 27, 2022, by issuing Executive Order 02.18.22.01; and
- WHEREAS:** On March 21, 2022, I renewed the State of Emergency for Continued COVID-19 Economic Recovery until April 15, 2022, by issuing Executive Order 03.21.22.01; and
- WHEREAS:** This Order shall create a coexisting state of emergency in the State of Georgia with the State of Emergency for Continued COVID-19 Economic Recovery taking place in the State of Georgia described in the immediately preceding paragraphs; and
- WHEREAS:** The responses by the State to this State of Emergency for Tornado and Severe Storm Damage and the State of Emergency for Continued COVID-19 Economic Recovery should proceed simultaneously, without one impeding the other; and

**WHEREAS:** Code Section 38-3-51 vests the Governor with the authority to bring emergency situations under control by issuing orders, rules, and regulations to protect the safety and welfare of the public.

**NOW, THEREFORE, PURSUANT TO CODE SECTION 38-3-51, AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY**

**ORDERED:** That a State of Emergency exists in the State of Georgia due to the damage that was created by the severe storm system and tornadoes that moved through the State on April 5, 2022.

**IT IS FURTHER**

**ORDERED:** That the State of Emergency declared by this Order shall coexist with the State of Emergency for Continued COVID-19 Economic Recovery declared by Executive Order 06.30.21.01 and renewed by Executive Orders 07.22.21.01, 08.19.21.01, 09.20.21.01, 10.21.21.01, 11.19.21.01, 12.17.21.01, 01.18.22.01, 02.18.22.01, and 03.21.22.01. The existence or termination of one shall not impinge the other.

**IT IS FURTHER**

**ORDERED:** That any orders derivative of or appurtenant to this Order addressing this State of Emergency for Tornado and Severe Storm Damage shall not infringe, overturn, or in any way amend any orders that have been issued for the purpose of responding to the State of Emergency for Continued COVID-19 Economic Recovery declared by Executive Order 06.30.21.01 and renewed by Executive Orders 07.22.21.01, 08.19.21.01, 09.20.21.01, 10.21.21.01, 11.19.21.01, 12.17.21.01, 01.18.22.01, 02.18.22.01, and 03.21.22.01.

**IT IS FURTHER**

**ORDERED:** That the federal rules and regulations limiting hours that operators of commercial vehicles may drive are suspended to ensure the uninterrupted supply of petroleum products; emergency or disaster-related materials; supplies; goods and services, including removal of debris; agricultural products; or other food products. This declared emergency justifies a suspension of Part 395 (driver's hours of service) of Title 49 of the Code of Federal Regulations. The suspension will remain in effect for thirty (30) days or until the emergency condition ceases to exist, whichever is less. Nothing herein will be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. 383 and the financial requirements in 49 C.F.R. 387.

**IT IS FURTHER**

**ORDERED:** That no motor carrier operating under the terms of this State of Emergency for Tornado and Severe Storm Damage will require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor vehicle carrier that he or she needs immediate rest will be given at least ten (10) consecutive hours off-duty before being required to return to service.

**IT IS FURTHER**

**ORDERED:** That weight, height, and length for any such vehicle traveling through the State of Georgia for the purposes of providing disaster relief related to this State of Emergency for Tornado and Severe Storm Damage, which traverses roadways maintained by the State of Georgia shall not exceed the following:

- A. A maximum gross vehicle weight for vehicles equipped with five (5) weight-bearing axles, with an outer bridge span of not less than fifty-one (51) feet, shall not exceed a gross vehicle weight of ninety five (95) thousand pounds, a maximum width of ten (10) feet, and an overall length of one hundred (100) feet. Continuous travel is authorized with the proper escorts.
- B. If the width of said vehicle exceeds eight (8) feet six (6) inches and is traveling after daylight, defined as thirty (30) minutes before sunset to thirty (30) minutes after sunrise, the transporter is required to have a vehicle front and a rear escort/amber light when traveling on a two-lane roadway and a vehicle rear escort when traveling on a four-lane highway. Transporters are responsible for ensuring that they have proper oversize signs, markings, flags, and escorts as defined in the Georgia Department of Transportation Rules and Regulations.

**IT IS FURTHER**

**ORDERED:** That commercial vehicles operating outside the normal weight, height, and length restrictions under the authority of this State of Emergency for Tornado and Severe Storm Damage shall be issued permits by the Georgia Department of Public Safety. Said vehicles shall be subject to any special conditions the Georgia Department of Public Safety may list on applicable permits. Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, nor shall anything in this Executive Order be construed to relieve compliance with restrictions other than those specified in this Order or from any

statute, rule, order, or other legal requirement not specifically waived herein.

Oversize permits may be issued by the Georgia Department of Public Safety, Motor Carrier Compliance Division, during normal business hours, Monday through Friday by calling 404-624-7700 or through the Georgia Permitting and Routing Optimization System online portal at <https://gapros.dot.ga.gov/>.

**IT IS FURTHER**

**ORDERED:** That this Executive Order does not suspend operation of any state or federal law or regulation, except as specifically described herein, nor do the waiver of rules and regulations in this Order affect or amend similar rule and regulation waivers for motor carriers or commercial vehicles.

**IT IS FURTHER**

**ORDERED:** That all resources of the State of Georgia be made available to assist in preparation, response, and recovery activities throughout the affected areas, and the Georgia Emergency Management and Homeland Security Agency shall activate the Georgia Emergency Operations Plan.

**IT IS FURTHER**

**ORDERED:** That all state agencies shall coordinate response efforts and any and all public and emergency information, activities, and releases related to this emergency with the Georgia Emergency Management and Homeland Security Agency.

**IT IS FURTHER**

**ORDERED:** That the Georgia Department of Transportation and Georgia Department of Public Safety shall take all necessary action to ensure the expeditious movement of necessary vehicles, equipment, and personnel traveling through the state in response to this State of Emergency.

**IT IS FURTHER**

**ORDERED:** That all state agencies shall provide sufficient personnel required for the staffing of the Georgia State Operations Center or other command, control, and coordination points as may be designated by the Director of the Georgia Emergency Management and Homeland Security Agency and shall provide such personnel, vehicles,

equipment, and other resources needed to provide the necessary response to this State of Emergency.

**IT IS FURTHER**

**ORDERED:** That all state and local authorities, as well as public and private entities, shall fully comply with all orders by the Governor as authorized by Georgia law, in furtherance of this Order.

**IT IS FURTHER**

**ORDERED:** Pursuant to Code Section 10-1-393.4, price gouging related to goods and services necessary to prepare for and respond to this State of Emergency, including motor fuel and diesel fuel, would be detrimental to the social and economic welfare of the citizens of this State and is therefore prohibited.

**IT IS FURTHER**

**ORDERED:** That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

**IT IS FURTHER**

**ORDERED:** The Office of the Governor may continue to issue guidance on the scope of this Order as needed through communication media, including social media, without need for further Executive Orders.

**IT IS FURTHER**

**ORDERED:** All provisions of the Order shall become effective upon signature and shall be valid for a period of nine (9) days, expiring Friday, April 15, 2022, at 11:59 P.M. unless this State of Emergency is renewed by the Governor.

This 6<sup>th</sup> day of April 2022 at 1:15 P.M.

  
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GOVERNOR