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Bill Haslam (2011-2019)

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### **No.08 An Emergency Order Suspending Provisions Of Certain Laws And Rules In Order To Provide Relief To Victims Of Drought Conditions In The Southeast U.S.**

Bill Haslam

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STATE OF TENNESSEE  
**EXECUTIVE ORDER**  
BY THE GOVERNOR

RECEIVED  
2011 OCT 11 PM 2:20  
SECRETARY OF STATE  
PIPELICATIONS

No. 8

**AN EMERGENCY ORDER SUSPENDING PROVISIONS OF CERTAIN LAWS  
AND RULES IN ORDER TO PROVIDE RELIEF TO VICTIMS OF DROUGHT  
CONDITIONS IN THE SOUTHEAST U.S.**

**WHEREAS**, portions of Tennessee and other southern states, especially Texas, have experienced significant drought and other 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 the drought conditions and the urgent need for uninterrupted shipments of hay, the suspension of certain restrictions on transporting shipments of hay for a determinate amount of time is in order; 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 the temporary suspension of selected state laws and rules is necessary in order to cope with the current emergency situation.

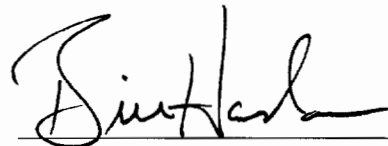
**NOW THEREFORE**, I, Bill Haslam, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and other applicable law, do hereby order and

direct that the following state laws and rules be suspended until 12:00 a.m., Central Standard Time, on December 5, 2011, 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 drought emergency, 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 of 95,000 pounds on a five-axle truck trailer/semi-trailer, and a maximum load weight of 20,000 pounds per axle, for hauling emergency equipment, services and supplies shall be permitted for travel on all interstate highways and state-maintained highways on the National Highway System, except on a bridge with a posted weight limit. The posted weight limit will govern in that instance.
  - ii. 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").
  - iii. 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.
  - iv. Transporters are responsible to ensure 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.
  - v. 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 in excess of the foregoing weight, height, length and width limits. 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 6<sup>th</sup> day of October, 2011.



GOVERNOR

ATTEST:

  
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SECRETARY OF STATE