



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

### STATE OF EMERGENCY FOR TROPICAL STORM ELSA

- WHEREAS:** In preparation for the impact of Tropical Storm Elsa on the Gulf Coast of the United States, the State of Georgia must make every effort to be prepared and protect the essential needs of the public; and
- WHEREAS:** The National Hurricane Center forecasts Tropical Storm Elsa will produce excessive rainfall and damaging winds, causing extensive flooding, fallen trees, and power outages in Georgia; and
- WHEREAS:** This storm system has the potential to produce destructive impacts to citizens throughout the central, southern, and coastal regions of the State of Georgia; and
- WHEREAS:** Due to the possibility of downed trees, power lines, and debris, Georgia's network of roads may be rendered impassable in the affected counties, isolating residences and persons from access to essential public services; and
- WHEREAS:** Assistance from the State of Georgia is necessary to provide for the public's safety, protect private property, and maintain the social and economic welfare of the state; and
- WHEREAS:** The threat exists that the State of Georgia could suffer a shortage of petroleum products, emergency or disaster related materials, supplies, and other goods and services; and
- WHEREAS:** The uninterrupted supply of petroleum products, emergency or disaster related materials, supplies, and goods and services is an essential need of the public, and any perceived or actual shortage threatens public welfare; and

**WHEREAS:** The Federal Motor Carrier Safety regulation, 49 C.F.R. §§ 390, *et seq.*, prescribes limits on the hours of service for operators of commercial motor vehicles, and federal law, 23 U.S.C. § 127, sets forth certain weight limitations for vehicles on interstate highways; and

**WHEREAS:** 49 C.F.R. § 390.23 allows the Governor of a State to suspend these rules and regulations for commercial vehicles responding to an emergency for up to thirty (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:** 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 described in the immediately preceding paragraph; and

**WHEREAS:** The responses by the State to this State of Emergency for Tropical Storm Elsa 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 following Georgia counties due to the potential effects caused by Tropical Storm Elsa:

Appling, Atkinson, Bacon, Baker, Baldwin, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Calhoun, Camden, Candler, Charlton, Chatham, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Columbia, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Effingham, Emanuel, Evans, Glascock, Glynn, Grady, Hancock, Houston, Irwin, Jeff Davis, Jefferson, Jenkins, Johnson, Jones, Lanier, Laurens, Lee, Liberty, Long, Lowndes, Macon, Marion, McDuffie, McIntosh, Miller, Mitchell, Montgomery, Muscogee, Peach, Pierce, Pulaski, Quitman, Randolph, Richmond, Schley, Screven, Seminole, Stewart, Sumter, Tattall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Treutlen,

Turner, Twiggs, Ware, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkinson, and Worth.

**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. 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 Tropical Storm Elsa 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.

**IT IS FURTHER**

**ORDERED:** That during preparation, response, and recovery activities for Tropical Storm Elsa, price gouging of goods and services necessary to support these efforts would be detrimental to the social and economic welfare of the citizens of this state; and thus O.C.G.A. § 10-1-393.4, prohibiting price gouging, is in effect.

**IT IS FURTHER**

**ORDERED:** That in accordance with 49 C.F.R. § 390.23(a)(1)(i)(A), the federal rules and regulations limiting hours operators of commercial vehicles may drive are suspended to ensure that carrier crews are available as needed to provide emergency relief. 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 eight (8) days from the date of this Order or until the emergency condition ceases to exist, whichever is less.

**IT IS FURTHER**

**ORDERED:** That no motor carrier operating under the terms of this emergency declaration 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 and/or preparation related to this State of Emergency for Tropical Storm Elsa, 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 Executive Order declaring a State of Emergency for Tropical Storm Elsa 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 nothing in this Order shall be construed to suspend or limit the sale, dispensing, or transportation of firearms or ammunition, or any component thereof.

**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:** That no provision of this Order shall limit, infringe, suspend, or supplant any judicial order, judgment, or decree issued pursuant to the laws or constitution of this State or the laws or constitution of the United States, nor shall any person use any provision this Order as a defense to an action in violation of a judicial order, judgment, or decree by any court created pursuant to the laws or constitution of this State or the laws or constitution of the United States.

**IT IS FURTHER**

**ORDERED:** This Order does not attempt, nor shall it be construed, to imply that the Governor, in any instance, has the unilateral authority to overturn any judicial order, judgment, or decree.

**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 eight (8) days, expiring Wednesday, July 14, 2021, at 11:59 P.M. unless this State of Emergency is renewed by the Governor.

This 6<sup>th</sup> day of July 2021 at 7:26 P.M.

  
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GOVERNOR