

EXECUTIVE ORDER 2020-02

WHEREAS, the State of North Dakota has experienced record fall and winter precipitation levels and cold temperatures, significantly delaying the harvest season and impacting farmers and ranchers across the state; and,

WHEREAS, the continuing cold and wet conditions continue to adversely and significantly impact the State's agribusiness including ranchers and livestock producers, resulting in an ongoing shortage of hay supplies to sustain livestock herds; and,

WHEREAS, North Dakota ranchers and livestock producers have been forced to purchase supplemental hay hauled in from other states, forced to move herds to areas where feed supplies are more plentiful or in extreme cases, have been forced to sell off livestock herds due to lack of feed supplies; and,

WHEREAS, the current and forecasted weather conditions will continue to contribute to hay supply shortages for ranchers and livestock producers, threatening the agricultural economy statewide; and,

WHEREAS, drivers of commercial trucks have been required to move hay supplies and livestock in greater volumes and in shorter time periods, to enable ranchers and livestock producers to maintain existing herds and meet the needs of our State; and,

WHEREAS, it is the responsibility of the state to assist the people of North Dakota in addressing emergencies, disasters, and other hardships that may face the state and its citizens.

NOW, THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority vested under Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code § 37 -17.1, hereby declares that a state of emergency exists in North Dakota that requires relief from North Dakota Century Code § 39-32-02 pertaining to hours of service and relief from North Dakota Century Code Chapter 39-12 pertaining to width and height restrictions and fees for drivers of commercial motor vehicles transporting hay only. Hours of service, width and height restrictions and fees for drivers of commercial vehicles are hereby suspended for the transportation of livestock and hay supplies on interstate and state roadways.

This order is issued on the foregoing bases and under the following conditions:

1. All road safety and vehicle compliance regulations still apply and will be fully enforced.
2. Nothing in this order shall be construed to relieve carriers operating under this order from regulations pertaining to the qualifications of drivers operating commercial

motor vehicles, or parts and accessories necessary for the safe operation of motor vehicles.

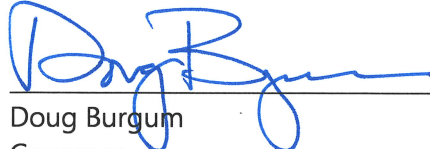
3. Carriers, while under this order, shall not require or allow fatigued drivers to operate a motor vehicle. A driver who informs a carrier that she/he needs immediate rest shall be given at least ten consecutive hours before the driver is required to return to service.
4. The North Dakota Department of Transportation has authorized a waiver limited to the transport of LIVESTOCK and HAY SUPPLIES based upon the following terms:
 - a. Routes restricted to 75 feet in overall length are temporarily increased to 95 feet in overall length;
 - b. State Routes posted for 80,000 pounds GVW are temporarily increased to 105,500 pounds;
 - c. All axle weights must be legal;
 - d. All North Dakota highway traffic rules, regulations, and laws must be complied with;
 - e. The permit fees for interstate highways and state roadways for carriers hauling at least 80,000 pounds, not to exceed 129,000 pounds, are temporarily waived. Carriers traveling on the interstate highways must carry this Executive Order and the route clearance information with them in the truck-tractor as this Executive Order is the permit being issued for these movements on the interstate;
 - f. The ND Trip and fuel permit requirements and fees are temporarily waived.
5. The following additional waiver applies to the transport of HAY SUPPLIES only:
 - a. Permits and fees for oversize loads are temporarily waived for truck-tractor/semi-trailer vehicle configurations up to 12 feet in width, and 15 feet in height;
 - b. All loads must be marked with 18"x18" red or bright orange flags;
 - c. 12"x60" Oversize Load signs, front and rear, are required when the overall load exceeds 8 feet 6 inches in width and 75 feet in length;
 - d. Travel at night is permitted for loads not to exceed 12 feet in width, 15 feet in height and 95 feet in length, provided proper lighting for nighttime travel is in place. Proper lighting means:
 - i. Clearance must be visible from the front, rear, and side, marking the outermost portion of the vehicle and any load which extends beyond 8 feet 6 inches, and
 - ii. One rotating or two flashing amber lights mounted above the cab visible at a distance not less than 500 feet. When lights on the cab are not visible to the rear, additional flashing amber lights are required at the rear.
 - e. All insurance, safety and flagging requirements remain in effect.
 - f. Routes and clearances are the responsibility of the carrier.
<https://www.dot.nd.gov/divisions/bridge/verticalclearances.htm>
 - g. Check 511 traveler road information for construction information.

- h. Travel is not permitted if weather reduces visibility to less than 1/2 mile.

- 6. A copy of this Executive Order must be carried in the vehicle of carriers operating in direct support of the declared emergency under the stated exemptions, acting as the permit allowing movement as stated in this order.

This order is effective immediately and shall remain in effect for 30 days.

Executed at Bismarck, North Dakota, this 17th day of January 2020.



Doug Burgum
Governor

ATTEST:



Secretary of State

Deputy