EXECUTIVE ORDER NO. 121

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard posed by Coronavirus disease 2019 (COVID-19); and

WHEREAS, on April 7, 2020, through Executive Order No. 119 (2020), the facts and circumstances of which are adopted by reference herein, I declared that the Public Health Emergency that was declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, on March 13, 2020, the Federal Motor Safety Carrier Administration issued Emergency Declaration 2020-02, pursuant to 49 C.F.R. 390.23, waiving Parts 90 to 99 of Title 49 of the C.F.R. to allow motor carriers to more efficiently and swiftly deliver emergency relief, as that term is defined in 49 C.F.R. 390.05T, needed to prevent or treat COVID-19 or to address shortages caused by the COVID-19 pandemic, but not varying highway weight requirements for federal motor carriers; and

WHEREAS, on March 25, 2020, the President of the United States determined that the COVID-19 pandemic was of sufficient severity and magnitude to warrant a major disaster declaration under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act"), 42 U.S.C. 5121-5207, which remains in effect today; and

WHEREAS, 23 U.S.C. 127 provides that a State may issue special permits during an emergency to overweight vehicles and loads that can easily be dismantled or divided if the President has declared the emergency to be a major disaster under the Stafford Act, the permits are issued in accordance with state law, and the permits are issued exclusively to vehicles and loads that are delivering relief supplies; and

WHEREAS, the Commissioner of the New Jersey Department of Transportation ("NJDOT") has authority to regulate traffic on State highways and transportation systems; and

WHEREAS, the New Jersey Turnpike Authority and South Jersey Transportation Authority have authority to regulate traffic on roadways within their respective jurisdictions; and

WHEREAS, the Commissioner of NJDOT has recognized that a specific transportation emergency exists throughout the State in that some deliveries of relief supplies may be delayed or deterred due to the existing regulations concerning Gross Vehicle Weights ("GVW") on Interstate Highways, which delay or deterrence would negatively impact the public health, safety, and welfare; and

WHEREAS, motor vehicles with a GVW of 80,000 pounds are the current maximum limit within Interstate Highway System, and given the urgent need to transport relief supplies and essential materials quickly and efficiently, there may be circumstances when that maximum weight needs to be temporarily exceeded; and

WHEREAS, the continued and uninterrupted delivery of relief supplies throughout the State during this State of Emergency and Public Health Emergency is vital to the preservation of the health, safety, and welfare of the residents of New Jersey; and

WHEREAS, the Commissioner of NJDOT, the New Jersey Turnpike Authority, and South Jersey Transportation Authority have determined that the operation of overweight vehicles pursuant to the terms of this Order is consistent with roadway safety; and

WHEREAS, issuing special permits to what would otherwise be overweight vehicles for the delivery of relief supplies will facilitate recovery efforts while not compromising roadway safety; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Motor vehicles transporting relief supplies necessary for the response to the COVID-19 State of Emergency and Public Health Emergency shall be eligible to receive a special permit issued by NJDOT allowing up to a 15% tolerance, for a maximum of 92,000 pounds, on a vehicle with a minimum of five axles, above any weight limit imposed by statute or regulations at N.J.A.C. 13:18-1 et seq., on the Highways or portions thereof set forth in paragraph 4. This increased tolerance shall be the only increased tolerance applicable to the vehicle and includes gross weight and axle weight.

2. For purposes of this Order, relief supplies relating to the COVID-19 State of Emergency and Public Health Emergency include but are not limited to, medicine, medical equipment, food supplies including feed for livestock, water, and materials for construction of temporary housing and healthcare facilities.

3. Motor vehicles exceeding 80,000 pounds and carrying a divisible load of relief supplies shall obtain a permit through a web-based portal maintained at https://www.state.nj.us/transportation/freight/trucking/oversize.shtm

4. The additional 15% increased weight tolerance only applies to the following roadways:

a. the Interstates within the State;

b. the New Jersey Turnpike;

c. the Garden State Parkway from Exit 105 Southbound; and

d. the Atlantic City Expressway.

5. Notwithstanding the provisions of this Order, the additional 15% increased weight tolerance permitted by this Order shall not apply to the following, and instead the current weight restrictions as determined by the Commissioner of NJDOT, New Jersey Turnpike Authority, and South Jersey Transportation Authority shall apply:

a. I-78 Eastbound and Westbound bridges at Milepost 8.71 over Norfolk Southern Railroad in Hunterdon County;

b. I-80 Ramp D (Landing Rd SB to I-80 EB) at Milepost 28.91 over Landing Road Northbound in Morris County, upon which the Commissioner determines the weight restrictions shall remain; and

c. North of Exit 105 on the Garden State Parkway.

6. Notwithstanding the provisions of this Order, motor vehicles shall not exceed any tire manufacturer's maximum load capacity rating.

7. Other than for reasonable access to terminals, as set forth in N.J.A.C. 16:32-1.5, existing weight restrictions remain on all other State, county and local roads.

8. Nothing in this Executive Order relieves the motor carrier or driver of the responsibility for safe operation of the vehicle.

9. This Order is not intended to modify or supersede the existing authorities of the New Jersey Attorney General or State Director of Emergency Management, who is the Superintendent of the State Police, regarding roadways within the State.

10. In accordance with N.J.S.A. App. A:9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or

resolution which will or might in any way conflict with any of the provisions of this Executive Order, or which will in any way interfere with or impede its achievement.

11. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Executive Order, and to cooperate fully with Administrative Orders issued pursuant to this Executive Order.

12. This Order shall take effect at 9:00 p.m. on April 8, 2020, and shall remain in effect for 120 days following March 25, 2020, which is the date of the President's major disaster declaration under the Stafford Act, unless otherwise rescinded, superseded or revised by me.

GIVEN, under my hand and seal this 8th day of April, Two Thousand and Twenty, and of the Independence of the United States, the Two Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor