STATE OF MISSISSIPPI

Office of the Governor

EXECUTIVE ORDER NO. 1464

WHEREAS, on March 14, 2020, pursuant to the Constitution of the State of Mississippi and Miss. Code Ann. § 33-15-11(b)(17), I issued a Proclamation declaring that a State of Emergency exists in the State of Mississippi as a result of the outbreak of COVID-19; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 beginning on January 27, 2020; on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and on March 13, 2020, the President of the United States declared a nationwide state of emergency due to the coronavirus COVID-19 pandemic; and

WHEREAS, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Mississippi significantly impact the life and health of our people, as well as the economy of Mississippi; and

WHEREAS, the risk of spread of COVID-19 within Mississippi constitutes a public emergency that may result in substantial injury or harm to life, health, and property within Mississippi; and

WHEREAS, on March 11, 2020, the Mississippi State Department of Health confirmed the first presumptive case of COVID-19 in Mississippi and as of March 20, 2020, there are 80 presumptive and confirmed cases in Mississippi that have tested positive for COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) guidance for responding to COVID-19 recommends avoiding crowds as much as possible, especially for older adults and individuals with serious chronic medical conditions, and the Mississippi State Department of Health has recommended avoiding social gatherings where 10 people or more may come into close contact; and

WHEREAS, the uninterrupted supply of medical goods and other emergency-related materials, supplies, goods, and services during the COVID-19 emergency is an essential need of the public and any perceived or actual shortage threatens public welfare; and

WHEREAS, the Federal Motor Carrier Safety Regulations (FMCSR), 47 C.F.R. § 390, *et seq.*, prescribe limits on the hours of service for operators of commercial vehicles, and 23 U.S.C. § 127 sets forth certain weight limitations for vehicles on interstate highways; and

WHEREAS, waiver of part or all of the Federal Motor Carrier Safety Regulations will facilitate emergency relief in response to the COVID-19 emergency; 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 an emergency condition exists; and

WHEREAS, the Mississippi Department of Transportation issued guidance on March 17, 2020, regarding temporary weight increases for motor vehicles carrying certain commodities in response to the COVID-19 emergency, that guidance being incorporated herein; and

WHEREAS, on March 18, 2020, the U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) issued an expanded national emergency declaration to provide hours-of-service regulatory relief to commercial vehicle drivers "providing direct assistance in support of relief efforts" related to the coronavirus (COVID-19) outbreak as well as certain other relief from Parts 390 through 399 of the FMCSR; and

WHEREAS, the national and statewide emergency conditions create a need for immediate transportation of essential supplies, equipment and persons, and partial relief from the FMCSR

for motor carriers and drivers engaged in the transport of emergency supplies, equipment and persons is necessary for the duration of the statewide State of Emergency; and

WHEREAS, the facilitated movement of emergency supplies, equipment and persons in response to the COVID-19 emergency is in the best interests of the citizens of the State of Mississippi:

NOW, THEREFORE, I, Tate Reeves, Governor of the State of Mississippi, by the authority vested in me by the Constitution and laws of the State of Mississippi, do hereby order and direct as follows:

1. A transportation emergency exists within the State of Mississippi.

2. In accordance with 49 C.F.R. § 390.23(a)(1)(i)(A) and the FMCSA's Expanded Emergency Declaration issued March 18, 2020, the federal rules and regulations limiting hours operators of commercial vehicles may drive are hereby suspended to ensure that carrier crews are available as needed to provide emergency relief in response to this COVID-19 emergency. 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 from the date of this Executive Order or until the emergency condition ceases to exist, whichever is less.

3. No motor carrier operating under the terms of this Executive Order or any guidance or regulations of the Mississippi Department of Transportation will require or allow an ill or fatigued driver to operate a motor vehicle. Nothing in this order relieves the motor carrier or driver of the responsibility for safe operation of the vehicle.

4. Emergency relief and supplies under this Executive Order are those goods and services identified in the U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) emergency declaration of March 18, 2020, and as thereafter may be amended. The Mississippi Department of Transportation is empowered and authorized to amend the list of these emergency relief supplies consistent with any future amended declaration or guidance from FMCSA.

5. That due to essential efforts in response to the COVID-19 emergency, certain provisions as established in Miss. Code Ann. § 63-5-13, *et seq.*, would create an undue burden on motor carriers and drivers responding to the COVID-19 emergency. Accordingly, pursuant to Miss. Code Ann. §33-15-11(c)(1), all such provisions and/or limitations, unless otherwise addressed in this Executive Order, are hereby suspended in the case of vehicles participating in the response to or preparation for COVID-19, subject to the following conditions:

    a. Any such vehicle must be providing "direct assistance" in supporting emergency relief efforts, defined by the FMCSA as transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as medical care) or essential supplies (such as food or fuel) related to COVID-19 outbreaks during the emergency.

    b. Any such vehicle shall be permitted only to travel on (1) Interstate Highways; (2) highways on the National Highway System; and (3) other state-maintained roads as may be required to obtain access to needed services off of the aforementioned highways, without any restrictions on their time of movement except as may otherwise be provided in this Executive Order.

    c. Motor vehicles transporting emergency supplies, goods, equipment, mobile structure, or other items outlined in FMCSA's Expanded Emergency Declaration which are needed to protect the public health, welfare, and/or safety in response to the aforesaid emergency are allowed an increased maximum weight limit up to 90,000 pounds on a 5-axle commercial vehicle with a minimum 51-foot outer bridge measurement.

    d. The maximum tandem limit is 40,000 pounds.

e. All other dimensions and limitations must follow current statutory and regulatory law and are not waived. Vehicles exceeding 13'6" in height or 8'6" in width are required to contact the Mississippi Department of Transportation (MDOT) for permitting and routing information.

f. Commercial vehicles shall not cross bridges with a posted weight limit below the gross weight of the commercial vehicle.

g. No vehicle shall exceed any tire manufacturer's maximum load capacity rating.

6. The temporary waiver of certain, taxes and fees would assist with necessary measures in response to the COVID-19 emergency. Accordingly, pursuant to Miss. Code Ann. § 27-19-81(7), the Mississippi Department of Transportation is hereby empowered and authorized to waive the taxes and fees set forth in Miss. Code Ann. § 27-19-81 for those vehicles providing direct assistance in support of emergency relief efforts related to the COVID-19 outbreaks. Such vehicles may operate with a copy of this Executive Order or subsequent Mississippi Department of Transportation (MDOT) amendments as permitted by this Executive Order.

7. That pursuant to Miss. Code Ann. § 33-15-31, MDOT is authorized and empowered to make, amend, and rescind all other such orders, rules, and regulations that it deems necessary to carry out and implement essential efforts in response to the COVID-19 emergency.

8. That in accordance with the Order issued by the Commissioner of Revenue pursuant to Miss. Code Ann. §§ 27-19-79(7) and 27-61-8 on March 24, 2020, the requirements associated with the International Registration Plan (IRP) and International Fuel Tax Agreement (IFTA) are hereby suspended as long as this Executive Order is in effect for any motor vehicle engaged in interstate emergency relief efforts which will be traveling through the State of Mississippi as part of the emergency relief as described herein; and that the expiration date of an apportioned registration issued under the IRP which expires March 31, 2020, shall be extended to April 30, 2020.

9. That all departments, commissions, agencies, institutions, and boards of the State of Mississippi, political subdivisions thereof, counties, municipalities and school districts are authorized and directed to cooperate in actions and measures taken in response to COVID-19 during the State of Emergency.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE in the City of Jackson, on the 30th day of March, in the year of our Lord, two thousand and twenty, and of the Independence of the United States of America, the two hundred and forty-fourth.

TATE REEVES
GOVERNOR

BY THE GOVERNOR

MICHAEL WATSON
SECRETARY OF STATE