DOTD Sec. Wilson issues secretary waiver order in response to COVID-19

Wednesday, March 18, 2020 at 1:50:58 PM

SECRETARY WAIVER ORDER

COVID-19 PUBLIC HEALTH EMERGENCY

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, et seq., the Governor declared a Public Health emergency in Proclamation No. 25 JBE 2020 in order to protect the health and safety of the public from the threat of COVID-19; and

WHEREAS, in the days since the declaration of public health emergency, the COVID-19 outbreak in Louisiana has expanded significantly;

WHEREAS, additional measures are necessary to protect the health and safety of the public;

WHEREAS, the safety and welfare of the inhabitants of the affected areas of Louisiana and surrounding states require that the movements of operators of commercial motor carriers traveling on the public highways of the state of Louisiana for the purpose of emergency preparedness and disaster relief efforts be expedited; and

WHEREAS, Louisiana Revised Statute 29:724 confers upon the Governor the authority to suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, Louisiana Revised Statute 32:387 confers that the Governor may delegate the authority to the Secretary of the Department of Transportation and Development to waive the requirements relative to the rules of permits for the purpose of disaster, emergency or emergency preparedness; and

WHEREAS, to deal with emergencies or disasters and to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the state of Louisiana, including the authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, COVID-19 is impacting the use and demand for goods on hand by consumers, medical providers, suppliers and distributors by causing a shortage of goods that are available or can be delivered within the State of Louisiana.

NOW THEREFORE, I, SHAWN DAVID WILSON, Secretary of Department of Transportation and Development, State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: With respect to commercial motor carriers traveling on public highways of the State of Louisiana for the purpose of emergency preparedness and disaster relief efforts, the provisions of Louisiana Revised Statute 32:386 (A) is hereby suspended and the following size and weight restrictions for such vehicles shall be as follows:

> **A.** The total gross weight of any vehicle or combination of vehicles shall not exceed eighty-eight thousand pounds.

SECTION 3: Nothing in this Order shall be construed to allow any vehicle transporting commodities or fuel for disaster preparedness and relief to exceed weight limits posted for bridges and like structures, or relieve any vehicle or carrier, owner or driver of any vehicle from compliance with any restrictions other than those specified, or from any statute, rule, order, or other legal requirement not Specifically waived herein.

SECTION 4: Nothing in this Order shall be construed or interpreted as being applicable to travel on non-state maintained highways, or as being applicable to the transport of commodities that are not in support of rescue, recovery and repair efforts associated with the emergency which prompted the emergency declaration in Proclamation No. 25

JBE 2020.

SECTION 5: This Order is effective as of March 18, 2020 and shall remain in effect until April 18, 2020, unless amended, modified or rescinded.

Secretary Shawn D. Wilson, Ph.D.
Department of Transportation and Development