State of New Mexico

Michelle Lujan Grisham
Governor

EXECUTIVE ORDER 2020-017

DIRECTING THE NEW MEXICO DEPARTMENT OF TRANSPORTATION TO CREATE EMERGENCY EXPEDITED SPECIAL PERMITS

On March 11, 2020, Executive Order 2020-004 declared a statewide public health emergency pursuant to the Public Health Emergency Response Act and invoked gubernatorial powers under the All Hazard Emergency Management Act. See Order Declaring A State of Public Health Emergency and Invoking the Powers Provided by the All Hazard Emergency Management Act and the Emergency Licensing Act, Executive Order 2020-004. That Order is incorporated by reference herein.

The COVID-19 pandemic has already caused disruption to the world's economy and has affected supply chains and reduced the availability of some household goods and food items in New Mexico. It is necessary to take all reasonable measures to increase New Mexicans' access to food, medicine, clothing, and shelter during the COVID-19 pandemic by allowing larger shipments of goods into our State while preserving adequate road safety measures.

The All Hazards Emergency Management Act authorizes me to "provide those resources and services necessary to minimize economic or physical harm until a situation becomes stabilized . . . including the provision, on a temporary, emergency basis, of . . . shipping necessary to protect lives" and to take any "action necessary to protect the public health, safety and welfare." NMSA 1978, § 12-10-4(B)(3). That Act also authorizes me to issue necessary

orders and to direct agencies to perform their lawful duties to assist during an emergency response. NMSA 1978, § 12-10-4(B)(2); NMSA 1978, § 12-10-10(A).

NMSA 1978, Section 66-7-413(A) gives discretion to State authorities to grant special permits "in cases of emergency, for the transportation of loads on a certain unit or combination of equipment for a specified period of time not to exceed one year," so long as the permit contains "the route to be traversed, the type of load to be transported and any other restrictions or conditions deemed necessary." The New Mexico Department of Transportation is the State agency that currently bears this responsibility and discretion.

Now, for the reasons set forth above, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and laws of the State of New Mexico, and consistent with the federal provision allowing special permits to be granted in times of national emergency, 23 U.S.C. § 127(i), hereby order and direct as follows:

1. I direct the New Mexico Department of Transportation ("NMDOT") to create a streamlined process for Emergency Expedited Special Permits ("EESP") that would allow overweight vehicles and loads that can be easily dismantled or divided to travel in New Mexico with a total gross weight with load up to eighty-eight thousand (88,000) pounds between the date of this Order and July 1, 2020. To obtain an EESP, an applicant would need to provide NMDOT with information regarding weight, manifest, destination, and route. To be eligible for an EESP, the applicant's vehicle and load must be primarily delivering relief supplies.

2. For purposes of this Order, the term "relief supplies" includes all food, beverages, medicine, medical supplies, clothing, building materials for temporary structures or shelters, and any other materials that NMDOT determines is primarily intended for disaster relief through

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informal consultation with the New Mexico Department of Homeland Security and Emergency Management and the New Mexico Department of Health.

3. NMDOT shall not collect any fees from the EESP process.

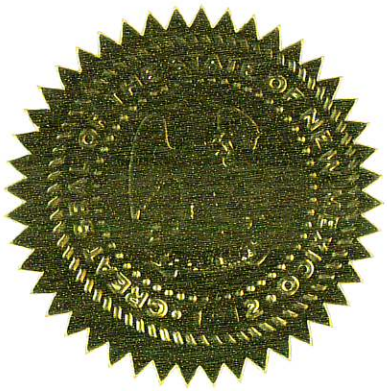
4. NMDOT shall set up a permitting process and system in accordance with this Order as soon as is practicable.

This Order supersedes any previous orders, proclamations, or directives in conflict. This Executive Order shall take effect immediately and shall remain in effect until the Governor rescinds it.

ATTEST:

Maggie Toulouse Oliver

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE



DONE AT THE EXECUTIVE OFFICE
THIS 31ST DAY OF MARCH 2020

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

Michelle Lujan Grisham

MICHELLE LUJAN GRISHAM
GOVERNOR