

**STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, NEW YORK 12232**

At the Office of the Department of
Transportation in the City of Albany
on April 7, 2020

PRESENT:

Clifford A. Thomas, Director
Office of Modal Safety and Security

CASE 27647 - In the matter of motor carrier compliance with regulations contained in Title 17 of the New York Codes, Rules and Regulations, (NYCRR) Parts 154-1 (Non-divisible Load Permits), Part 154-2 (Divisible Load Overweight Permits), and Part 820.1-820.13 except 820.2 (Commercial Driver Licensing and Drug/Alcohol Testing).

**STATE OF NEW YORK EXECUTIVE CHAMBER EXECUTIVE ORDER
- EMERGENCY DECLARATION**

On March 6, 2020, via Executive Order 202, the Governor of the State of New York found that a disaster is impending in New York State, for which the affected local governments are unable to respond adequately, and therein declared that a state of emergency exists for the entire State of New York. This is response to the COVID-19 public health crisis as declared by the World Health Organization on January 30, 2020.

It has been determined that action is necessary to address an emergency situation which could result in a threat to public health and safety and that certain rules should be temporarily waived in order to ensure adequate delivery of relief supplies including but not limited to medical supplies, medical waste, medical samples, and equipment transported to and within New York State. Therefore, it is

ORDERED:

The following regulations are modified with respect to the intrastate transportation of COVID-19 relief supplies performed by motor carriers effective at the beginning of March 7, 2020 and terminating at the end of April 29, 2020 unless otherwise ordered:

- (1) 17 NYCRR Parts 154-1 (Non-divisible Load Permits) and 154-2 (Divisible Load Overweight Permits) are waived, except that:
 - a) No motor carrier operating under the terms of this order shall operate a commercial motor vehicle of dimensions and weight which exceed thirteen feet six inches high, thirteen feet wide, one-hundred feet long, or more than one hundred twenty-five percent of legal weight.

- b) No motor carrier operating under the terms of this order shall operate a commercial motor vehicle which combined with its load, exceed posted bridge, tunnel, overpass or underpass height and weights limits.
 - c) No motor carrier operating under the terms of this order shall operate a commercial motor vehicle which combined with its load, exceed posted bridge, tunnel, overpass or underpass width limits, without proper escort vehicle(s).
- (2) Parts 390-399 of the Federal Motor Carrier Safety Regulations as adopted in 17 NYCRR Part 820 are waived.
- a) That no motor carrier operating under the terms of this order shall require or allow a fatigued or ill driver to operate a commercial motor vehicle. A driver who informs a motor carrier that he or she is not fit to drive shall be given a minimum of 10 consecutive off-duty hours before the driver may return to service.
 - b) That all regulations pertaining to Commercial Driver License requirements, Controlled Substances and Alcohol Use and Testing requirements and Financial Responsibility requirements remain in force and effect for all motor carriers and drivers.
 - c) That motor carriers that have an Out-of-Service Order in effect, or a suspension or revocation of a New York State Certificate as a motor carrier, are not eligible to take advantage of the relief from the regulation that this order provides.

That motor carrier vehicles shall not travel on any Parkways in New York where commercial vehicles are prohibited.

That it is recommended that motor carriers performing relief activities under the terms of this order waiving certain height and weight restrictions, should check the Department's Oversize/Overweight Pre-Screening Tool located on the Permits website at www.nypermits.org and 511ny.org to verify that no travel restrictions or road closures are in place for the intended route of travel.

This declaration is effective immediately and shall remain in effect until the termination of the emergency as defined in EEO 202, or until September 7, 2020, whichever occurs sooner.

By the Office of Modal Safety and Security

Clifford A. Thomas, Director