

SECRETARY'S EMERGENCY ORDER

STATE OF EMERGENCY – COLONIAL PIPELINE SYSTEM

- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, the Governor declared a State of Emergency in Proclamation Number 84 JBE 2021 whereby said provision of law confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, in order 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 people of the State of Louisiana;
- WHEREAS,** when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(8)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;
- WHEREAS,** the Colonial Pipeline system, a primary fuel pipeline for the East Coast of the United States, reported a ransomware cyberattack on May 7, 2021, which has resulted in a temporary shutdown of that line and may cause a disruption in the delivery of refined petroleum products including but not limited to fuel oil, jet fuel, and gasoline;
- WHEREAS,** on May 9, 2021, the Federal Motor Carrier Safety Administration ("FMCSA") issued Regional Emergency Declaration 2021-02 in response to this emergency;
- WHEREAS,** the cyberattack on the Colonial Pipeline system and its consequent disruption and shutdown have necessitated an increased need for supply chain movement of commerce that extends beyond the normal call for demand;
- WHEREAS,** the uninterrupted supply of refined petroleum products, including but not limited to fuel oil, diesel, jet fuel, and gasoline, is essential for the health, safety, and economic well-being of persons or property in Louisiana and throughout the nation, and any interruption in the delivery of those products threatens the public welfare;

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;

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.

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 2: 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 3: Nothing in this Order shall be construed or interpreted as being applicable to travel on interstate highways, 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

Secretary Waiver Order
May 12, 2021

in Proclamation Number 84 JBE 2021 or subsequent proclamations regarding the same.

SECTION 4:

This Order is effective May 12, 2021 at 5:00 P.M. and shall remain in effect until May 26, 2021 unless amended, modified or rescinded sooner.



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