



EXECUTIVE ORDER 2021-13

WHEREAS, the State of North Dakota has been in a state of drought emergency since April 8, 2021, under Executive Order 2021-08; as predicted by the State Climatologist, drought conditions have intensified due to a critical lack of moisture with 98% of the state experiencing Severe, Extreme and Exceptional drought conditions, resulting in ratings of D2, D3 and D4 from the U.S. Drought Monitor; and,

WHEREAS, North Dakota is experiencing the worst drought on record, that has significantly and adversely impacted the State's agribusiness and livestock production; farmers, ranchers and livestock producers have inadequate amounts of essential hay and water supplies to sustain livestock herds; and,

WHEREAS, North Dakota ranchers and livestock producers have been forced to find supplemental feed and water supplies from out-of-state, or have hauled livestock to areas where water and hay inventories are more plentiful; increasing numbers of producers have sold off herds due to lack of feed and water supplies; and,

WHEREAS, the current extended drought is forecasted to continue, contributing to ongoing water and feed shortages in this State; and,

WHEREAS, drivers of commercial trucks have been required to move hay and water supplies in significantly greater volumes across the state to enable livestock producers to maintain existing herds and meet the needs of our State; and,

WHEREAS, a waiver of 49 CFR Parts 390 through 399 of the U.S. Department of Transportation's Federal Motor Carrier Safety Regulations would ensure that carriers, agribusiness, farmers, ranchers, and other consumers can secure, obtain, and transport livestock, hay and water supplies for livestock; and

WHEREAS, nothing contained in this order shall be construed as an exemption from the controlled substances, alcohol use, and testing requirements under 49 CFR Part 382; the commercial driver's license requirements under 49 CFR Part 383; the financial responsibility requirements under 49 CFR Part 387; the hazardous material regulations under 49 CFR Parts 100 to 180; applicable size and weight requirements; or any other portion of the federal regulations not specifically authorized pursuant to 49 CFR 390.23; and

WHEREAS, it is the responsibility of the State to assist the people of North Dakota in responding to and mitigating the effects of weather emergencies, disasters, and other hardships that may face the state and its citizens.

NOW, THEREFORE. Doug Burgum, Governor of North Dakota, by virtue of the authority vested under Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code § 37-17.1, hereby declares that a state of emergency exists in North Dakota that requires

relief from 49 CFR Parts 390 through 399, otherwise known as the federal motor carrier safety regulations, relief from North Dakota Century Code § 39-32- 02 pertaining to hours of service, and relief from North Dakota Century Code Chapter 39-12 pertaining to width and height restrictions and fees for drivers of commercial motor vehicles transporting livestock, hay and water supplies for livestock on interstate highways and state roadways.

This order is issued on the foregoing bases and under the following conditions:

1. All traffic safety laws necessary for the safe operation of motor vehicles still apply and will be fully enforced.
2. Carriers, while under this order, shall not require or allow fatigued drivers to operate a motor vehicle. A driver who informs a carrier that she/he needs immediate rest shall be given at least ten consecutive hours before the driver is required to return to service.
3. The North Dakota Department of Transportation has authorized a waiver limited to the transportation of livestock, water, and hay supplies for livestock subject to the following restrictions:
 - a. Routes restricted to 75 feet in overall length are temporarily increased to 95 feet in overall length.
 - b. State Routes posted for 80,000 pounds gross vehicle weight are temporarily increased to 105,500 pounds.
 - c. All axle weights must be legal.
 - d. All North Dakota highway traffic rules, regulations, and laws must be complied with.
 - e. Permit fees for interstate highways and state roadways for carriers hauling at least 80,000 pounds, not to exceed 129,000 pounds, are temporarily waived.
 - f. Carriers traveling on the interstate highways must carry this Executive Order and the route clearance information in the vehicle as this Executive Order is the permit for these movements.
4. North Dakota trip and fuel permit requirements and fees are temporarily waived during the duration of this Order.
5. Permits and fees for oversize loads of hay supplies are temporarily waived for commercial motor vehicle configurations up to 12 feet in width and 15 feet in height subject to the following restrictions:
 - a. All loads must be marked with 18"x18" red or bright orange flags;
 - b. 12"x60" oversize load signs, front and rear, are required when the overall load exceeds 8 feet 6 inches in width and 75 feet in length;
 - c. Travel at night is permitted for loads not to exceed 12 feet in width, 15 feet in height, and 95 feet in length provided proper lighting for nighttime travel is being used. Proper lighting means:
 - (1) Clearance lights must be visible from the front, rear, and sides marking the outermost portions of the vehicle and any load which extends beyond 8 feet 6 inches in width, and

- (2) One rotating or two flashing amber lights mounted above the cab are visible at a distance not less than 500 feet. When lights on the cab are not visible to the rear, additional flashing amber lights are required at the rear.
- d. All insurance, safety, and flagging requirements remain in effect.
- e. Routes and clearances are the responsibility of the carrier and can be found at www.dot.nd.gov/divisions/bridge/verticalclearances.htm.
- f. The North Dakota 511 Travel Information System must be accessed for road and weather conditions and road construction reports by dialing "511". When calling from out of state, dial (866) 696-3511.
- g. Travel is not permitted if visibility is less than ½ mile.
6. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this order until the applicable conditions have been met and the out-of-service order has been rescinded.
7. This Executive Order serves as a permit and must be carried in the vehicles operating in direct support of the declared emergency under the stated exemptions.

This order is effective immediately and shall remain in effect for 30 days.

Executed at the State Capitol in Bismarck, North Dakota, this 9th day of August, 2021.



Doug Burgum Governor

ATTEST:



Secretary of State



Deputy