



## EXECUTIVE ORDER 2021-15

**WHEREAS**, the State of North Dakota has been in a state of drought emergency since April 8, 2021, under Executive Order 2021-08; drought conditions intensified throughout the spring and summer months; presently, 92% of the state is 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; the State's agribusiness has been adversely and significantly impacted; 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, 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 has caused 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 owners, farmers, ranchers and other consumers can 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; 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 weight, hauling 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:

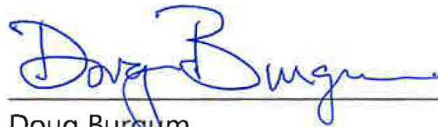
1. All road safety and vehicle compliance regulations still apply and will be fully enforced.
2. Nothing in this order shall be construed to relieve carriers operating under this order from regulations pertaining to the qualifications of drivers operating commercial motor vehicles, or parts and accessories necessary for the safe operation of motor vehicles.
3. 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.
4. The North Dakota Department of Transportation has authorized a waiver limited to the transport of LIVESTOCK and HAY SUPPLIES based upon the following terms:
  - 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 GVW 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. The fees for interstate highways and state roadways for carriers hauling at least 80,000 pounds, not to exceed 105,500 pounds, are temporarily waived.
  - f. Carriers traveling on the interstate highways must carry this Executive Order and the route clearance information with them in the truck-tractor as this Executive Order is the permit being issued for these movements on the interstate.
  - g. The ND Trip and fuel permit requirements and fees are temporarily waived.
5. The following additional waiver applies to the transport of HAY SUPPLIES only:
  - a. Permits and fees for oversize loads are temporarily waived for truck-tractor/semi-trailer vehicle configurations up to 12 feet in width, and 15 feet in height.
  - b. All loads must be marked with 18"x18" red or bright orange flags.
  - c. A 12"x60" Oversize Load sign is required when the overall load exceeds 8 feet 6 inches in width and 75 feet in length.
  - d. 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 in place. Proper lighting means:
    - i. Clearance must be visible from the front, rear, and side, marking the outermost portion of the vehicle and any load which extends beyond 8 feet 6 inches, and
    - ii. One rotating or two flashing amber lights mounted above the cab 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.

- e. All insurance, safety and flagging requirements remain in effect.
  - f. Routes and clearances are the responsibility of the carrier.  
<https://www.dot.nd.gov/divisions/bridge/verticalclearances.htm>
  - g. Check 511 traveler road information for construction information.
  - h. Travel is not permitted if weather reduces visibility to less than 1/2 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, acting as the permit allowing movement as stated in this order.

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

Executed this 22<sup>nd</sup> day of September, 2021 at the State Capitol in Bismarck, North Dakota.



Doug Burgum  
Governor

ATTEST:



Secretary of State