



# Oregon

Kate Brown, Governor

Department of Transportation

Office of Director

355 Capitol St NE

Salem, OR 97301

**August 30, 2022**

**ATTN: Motor Carriers**

**RE: Emergency Order Granting Suspension of Certain Motor Carrier Regulations in Response to Oregon Wildfire Activity**

To avoid interruption of essential equipment, supplies and services needed to combat wildfires in Oregon, it is necessary to expedite the movement of such items to protect the health and safety of Oregonians. Under the authority granted the Department in ORS 823.012, I hereby declare a suspension of the following motor carrier laws related to vehicles providing essential equipment, supplies and services to fight Oregon wildfires and to support relief/recovery efforts until the termination of the state of emergency as defined in ORS 401.204.

- (1) ORS 825.100, certificate or permit requirement for commercial transportation of persons or property.
- (2) ORS 825.104, permit requirement for for-hire or private carrier engaged in interstate operations.
- (3) ORS 825.450, weight identifier and vehicle enrollment in Oregon's weight-mile tax program.
- (4) ORS 825.470, temporary pass for single trip or short-time operation of vehicle.
- (5) ORS 826.031, registration of certain vehicles not already registered with the state.

Under ORS 818.200, I authorize the following relief for vehicles needing size and weight permits. This relief is granted above in concert with the Governor's declaration of emergency on August 28, 2022, as noted in Executive Order No. 22-17. This relief is granted for 120 days from the date noted in Executive Order No. 22-17. **This document serves as the permit for loads operating on legal axle weights up to 105,500 that do not already have an annual permit to operate on the interstate and state highways in Oregon. Please carry a copy of this declaration in your vehicle.**

Additionally, pursuant to 49 CFR Part 390.23(a), motor carriers and drivers providing direct assistance for emergency relief efforts related to this emergency are exempted from Parts 390 to 399 of the Federal Motor Carrier Safety Regulations until September 29, 2022.

Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption until the order expires or they have met the conditions for its rescission.

Nothing contained in this declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility (insurance) requirements (49 CFR Part 387), operating authority (49 CFR Part 365), applicable size and weight requirements or any other portion of the regulations not specifically identified.

**Note the following:**

The 390.23 exemption shall not exceed the duration of direct assistance in providing emergency relief.

You must comply with legal axle weights of 20,000 lbs. for single axle, and 34,000 lbs. for tandem axles, and other group axle weights as stated on Weight Table 1 and Weight Table 2. Vehicles responding to emergencies are required to enter open scale facilities when a sign posted before the scale reads "All Trucks Over 20,000#

GVWR Next Right”, or with a GVWR of 10,000# or greater without this posted sign, unless they are operating with red warning lights and/or siren.

You must abide by all weight postings on bridges. If you exceed those weight postings, you cannot cross those bridges. The responsibility will be placed solely on the driver. In addition to the obvious safety concerns, the driver will be subject to enforcement action, and civil penalties against the motor carrier will be explored.

If stopped, be sure to let enforcement personnel know that you are responding to an emergency. The vehicle may be allowed to proceed and obtain required permits and/or credentials as soon as possible afterwards.

Thank you,

*Kristopher W. Strickler*

Kristopher W. Strickler (Aug 30, 2022 14:11 PDT)

Kristopher Strickler  
Director, Oregon Department of Transportation





## EXECUTIVE ORDER NO. 22-17

### PROCLAMATION OF STATE OF EMERGENCY DUE TO IMMINENT THREAT OF WILDFIRE

Pursuant to ORS 401.165 *et seq.*, I find that the State of Oregon is in a critical fire danger situation. Much of the state continues to experience high temperatures, wind, storms with dry lightning, and persistent drought. We have experienced wildfires this season that resulted in evacuations, threatened critical infrastructure, homes and other structures. Our neighboring states of Washington, California, Nevada, and Idaho, continue to experience similar fires and weather. The extended climate forecast in Oregon calls for continued warm and dry conditions, resulting in imminent threat of fire over a broad area of the State.

The Oregon Department of Forestry is heavily engaged in initial and extended wildfire attack and Incident Management Teams are currently deployed in Oregon. New and existing fire threats elevate the need to prepare for access to state resources including firefighting aircraft. This threat is not likely to recede in the near future. It is critically important that state resources like the National Guard be prepared to expedite requested resources and respond effectively to these dangerous and dynamic conditions, if requested.

Therefore, I hereby declare a statewide state of emergency due to the imminent and ongoing threat of wildfire.

### **NOW, THEREFORE, IT IS DIRECTED AND ORDERED:**

1. All agencies of the state government will utilize and employ state personnel, equipment, and facilities for any and all activities as requested by the Oregon Department of Forestry and the Oregon Office of the State Fire Marshal and coordinated by the Oregon Department of Emergency Management to respond to or mitigate the effects of the wildfire emergency, as described in the state's Emergency Operations Plan. The Oregon National Guard will deploy and redeploy firefighting resources as needed and in accordance with Operations Agreement Smokey 2022 throughout the remainder of the fire season based upon threat and resource shortfalls. All individuals are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. This determination of a wildfire emergency is statewide. It is not to be construed as a comprehensive declaration or proclamation of emergency for other purposes. It is limited to the use of state resources and personnel for fire





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management required by the emergency, to request assistance through the Emergency Management Assistance Compact if needed, and to allow state agencies to suspend provisions of any order or rule of the agency if strict compliance with the provisions of the order or rule would in any way prevent, hinder, or delay mitigating the effects of the wildfire emergency. Any local government requests for state resources must be submitted through county governing bodies to the Department of Emergency Management pursuant to ORS Chapter 401.

3. This order was made by verbal proclamation at 8:30 p.m. on August 27, 2022.
4. This order shall remain in effect until the earlier of November 1, 2022, or the date when the threat is significantly relieved or the fire season ends, as determined by the Governor.

Done at Salem, Oregon, this 28th day of August, 2022.

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Kate Brown  
GOVERNOR

ATTEST:

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Shemia Fagan  
SECRETARY OF STATE