



STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR

WHEREAS the Alabama Emergency Management Act of 1955, as amended, confers upon the Governor the power to proclaim a State of Emergency when there exist conditions of disaster or of extreme peril to the safety of persons and property within the State caused by natural and man-made disasters, Ala. Code § 31-9-3 and 31-9-8 (1975);

WHEREAS the following counties have been, or are likely to be, impacted by severe weather, including flooding, tornadoes, and high winds: Blount, Cherokee, Colbert, Cullman, DeKalb, Etowah, Fayette, Franklin, Jackson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Walker, and Winston;

WHEREAS damages from this storm system have occurred, or are likely to occur, on public and private property;

WHEREAS this storm system poses a significant risk of loss of life, injuries, and major property damage;

WHEREAS disruption of essential utility systems has occurred and may continue to occur, causing extreme peril to citizens in the State;

WHEREAS these storm conditions could adversely affect the health, safety, and economy of the people of the State of Alabama; and

WHEREAS this storm system therefore poses conditions of disaster and of extreme peril to the safety of persons and property within the state, and it is anticipated that these conditions, by reason of their magnitude, are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city, and will require combined forces to combat;

NOW THEREFORE, I, Kay Ivey, Governor of the State of Alabama, pursuant to section 8 of the Alabama Emergency Management Act of 1955, as amended, Ala. Code 31-9-8 (1975), do hereby proclaim that a State of Emergency exists in the State of Alabama, effective at 9:00 p.m. CST on February 23, 2019, for the following counties: Blount, Cherokee, Colbert, Cullman, DeKalb, Etowah, Fayette, Franklin, Jackson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Walker, and Winston. I direct the activation of the Alabama Emergency Operations Plan (EOP) and all appropriate annexes. The Alabama Emergency Management Agency State Emergency Operations Center shall be activated, as well as all impacted or potentially impacted Alabama Emergency Management Divisions.

FURTHER, I hereby proclaim and direct the following:

(I)

The appropriate state agencies shall exercise their statutory and regulatory authority to assist the communities and entities affected, and the Adjutant General shall activate the Alabama National Guard as needed.

(II)

Pursuant to 49 CFR 390.23, this declaration of a State of Emergency facilitates the waiver of certain regulations of the U.S. Department of Transportation-Federal Motor Carrier Safety Administration (FMCSA), including, but not limited to, 49 CFR Part 395 (Hours of Service for Drivers) as it relates to providing emergency or disaster related materials, supplies, goods and services, which shall end after the duration of the motor carrier's or driver's direct assistance in providing emergency relief, or 30 days from the initial declaration of emergency, unless sooner terminated, or as otherwise specified in the FMCSA's regulations, whichever is earlier. Motor carriers that have an Out-of-Service Order in effect may not take advantage of the relief from regulation that this declaration provides under 49 CFR 390.23.

(III)

I instruct the appropriate agencies to take the necessary steps and issue the appropriate documents to expedite the movement of vehicles or vehicles and loads that are transporting emergency equipment, services and supplies, storm related debris, building and construction materials, or temporary emergency buildings and their components, subject to the following rules:

- a. The documents shall be subject to approval and clearance by the Alabama Department of Transportation and the Alabama Law Enforcement Agency and shall cover specific designed State routes.
- b. Transporters are responsible to ensure that they have proper oversize signs, markings, flags, and escorts as defined in the State of Alabama's rules and regulations.
- c. Insurance requirements shall not be waived.
- d. Nothing in this Proclamation shall be construed to allow any vehicle to exceed the weight limits posted for bridges and like structures, nor shall anything in this Proclamation be construed to relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Proclamation, or from any statute, rule, order or other legal requirement not specifically waived herein.

(IV)

Section 9-17-109(d) of the Code of Alabama and rule 530-X-2.16(c) of the Alabama Administrative Code are hereby suspended during this State of Emergency to allow any propane gas dealer servicing the State of Alabama to fill any container belonging to another propane gas dealer which cannot or will not supply a customer.

(V)

The local educational authorities may close any school or office based on local conditions, and any affected school system that is closed as a result and loses student days or employee days, or both, may appeal to the State Superintendent of Education for relief in fulfilling the local school calendar with respect to student days or employee days, or both, with no loss of income to employees.

(VI)

In accordance with sections 8-31-1 through 8-31-6 of the Code of Alabama, all persons are hereby placed on notice that it is unlawful for any person within the State of Alabama to impose unconscionable prices (i.e., to engage in "price gouging") for the sale or rental of any commodity or rental facility during the period of a declared State of Emergency.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused the Great Seal to be affixed by the Secretary of State at the State Capitol in the City of Montgomery on this 23rd day of February, 2019.



Kay Ivey

Kay Ivey
Governor

ATTEST:

J. H. Merrill

John H. Merrill
Secretary of State