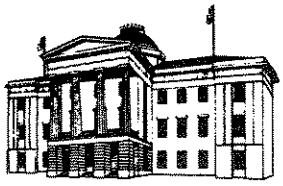
State of North Carolina



MICHAEL F. EASLEY
GOVERNOR

EXECUTIVE ORDER NO.123
EMERGENCY RELIEF FOR DAMAGE CAUSED BY DROUGHT

WHEREAS, the North Carolina Emergency Management Act (Chapter 166A of the North Carolina General Statutes) authorizes and empowers the Governor to make, amend, or rescind the necessary orders, rules, and regulations within the limits of the authority conferred upon him, with due consideration of the policies of the federal government; and

WHEREAS, the North Carolina Emergency Management Act authorizes and empowers the Governor to deliver materials or perform services for disaster purposes on such terms and conditions as may be prescribed by any existing law; and

WHEREAS, the North Carolina Emergency Management Act authorizes the Governor to take such action and give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary; and

WHEREAS, under the provisions of N.C.G.S. §§ 166A-4 and 166A-6(c)(3) the Governor, with the concurrence of the Council of State, may regulate and control the flow of vehicular traffic and the operation of transportation services; and

WHEREAS, with the concurrence of the Council of State, I have found that vehicles bearing **HAY or WATER** to relieve our grief stricken counties must adhere to the registration requirements of N.C.G.S. § 20-86.1 and N.C.G.S. § 20-382, fuel tax requirements of N.C.G.S. § 105-449.47, and the size and weight requirements of N.C.G.S. § 20-116 and N.C.G.S. § 20-18; I have further found that citizens in those counties will likely suffer losses and, therefore, invoke an imminent threat of widespread damage within the meaning of N.C.G.S. § 166-A-4(3), and

WHEREAS, I have requested the United States Department of Agriculture declare eighty-five (85) North Carolina counties as agricultural disaster areas due to drought conditions justifying an exemption from 49 CFR Part 395 (Federal Motor Carrier Safety Regulations); and

WHEREAS, there is a severe shortage of hay for feeding livestock;

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, and with the concurrence of the Council of State, **IT IS ORDERED;**

Section 1. The North Carolina Department of Crime Control & Public Safety in conjunction with the N.C. Department of Transportation shall waive certain size and weight restrictions and penalties therefore arising under N.C.G.S. § 20-116 and N.C.G.S. § 20-118 and certain registration requirements and penalties therefore arising under N.C.G.S. §§ 20-86.1, 20-382, 105-449.47, 105-449.49 for the vehicles transporting **HAY or WATER** along North Carolina roadways to our grief stricken counties.

Section 2. Notwithstanding the waivers set forth above, size and weight restrictions and penalties **have not been waived** under the following conditions:

(A) When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer (GVWR) or 90,000 pounds gross weight, whichever is less.

(B) When the tandem axle weight exceeds 42,000 pounds and the single axle weight exceeds 22,000 pounds.

(C) When a vehicle/vehicle combination exceeds 12 feet in width and a total overall vehicle combination length 75 feet from bumper to bumper.

Section 3. Vehicles referenced under Section 1 shall be exempt from the following registration requirements:

(A) The $50.00 fee listed in N.C.G.S. § 105-449.49 for a temporary trip permit is waived for the vehicles described above. No quarterly fuel tax is required because the exception in N.C.G.S. § 105-449.45(a)(1) applies.

(B) The registration requirements under N.C.G.S. § 20-382 concerning intrastate and interstate for-hire authority is waived; however, vehicles shall maintain the required limits of insurance as required.

(C) Non-participants in North Carolina's International Registration Plan will be permitted into North Carolina in accordance with the exemptions identified by this Executive Order.

Section 4. The size and weight exemption for vehicles will be allowed on all routes designated by the North Carolina Department of Transportation, except those routes designated as light traffic roads under N.C.G.S. § 20-118. This order shall not be in effect on bridges posted pursuant to N.C.G.S. § 136-72.

Section 5. The waiver of regulations under 49 CFR Part 395 (Federal Motor Carrier Safety Regulations) **does not apply** to the CDL and Insurance Requirements. This waiver shall be in effect for 30 days or the duration of the emergency, whichever is less.

Section 6. The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 1, 2, and 3 in a manner, which would best accomplish the implementation of this rule without endangering motorists in North Carolina.

Section 7. Upon request, exempted vehicles will be required to produce identification sufficient to establish that its load will be used for emergency relief efforts associated with the **DROUGHT**.

This Executive Order is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency whichever is less.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this twenty-eighth day of August in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred and thirty-second.

Michael F. Easley
Governor

ATTEST:

Elaine F. Marshall
Secretary of State

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

August 24, 2007

The Honorable Michael Johanns, Secretary
United States Department of Agriculture
1400 Independence Avenue, Southwest
Washington, D.C. 20250-0003

Dear Secretary Johanns:

Due to the extreme agricultural impacts of the ongoing drought in North Carolina, I am writing to request that you designate as disaster areas the following 85 counties stretching from the mountains to the coastal plains:

Alamance	Chowan	Greene	McDowell	Sampson
Alexander	Clay	Guilford	Mecklenburg	Scotland
Alleghany	Cleveland	Halifax	Mitchell	Stanly
Anson	Columbus	Harnett	Montgomery	Stokes
Ashe	Craven	Haywood	Moore	Surry
Avery	Cumberland	Henderson	Nash	Swain
Bertie	Davidson	Hertford	Northampton	Transylvania
Bladen	Davie	Hoke	Orange	Union
Brunswick	Duplin	Iredell	Perquimans	Vance
Buncombe	Durham	Jackson	Person	Wake
Burke	Edgecombe	Johnston	Polk	Warren
Cabarrus	Forsyth	Jones	Randolph	Watauga
Caldwell	Franklin	Lee	Richmond	Wayne
Caswell	Gaston	Lenoir	Robeson	Wilkes
Catawba	Gates	Lincoln	Rockingham	Wilson
Chatham	Graham	Macon	Rowan	Yadkin
Cherokee	Granville	Madison	Rutherford	Yancey

According to USDA Loss Assessment Reports, these counties have reported excessive agricultural losses due to drought for at least one significant crop, and major losses have been reported on corn, cotton, tobacco, soybeans, pastures, hay, and peanuts. A county is considered to have excessive losses if at least one major crop has suffered a 30 percent or greater reduction in normal yield; many counties are reporting losses as high as 50 to 70 percent of some crops.

August is on track to be the hottest month ever recorded in North Carolina, and rainfall in some communities is 50 to 75 percent below normal for this time of year. A majority of the state's counties are now experiencing severe to exceptional drought, with stream flows and groundwater levels approaching the record lows set by the 2002 drought in some areas. Estimates indicate the state would need more than 15 inches of rainfall during the next six months to return to adequate levels. However, weather forecasters say there is no significant rainfall expected in the near future.

A disaster designation is the first step toward making the federal Emergency Credit Loan program available to North Carolina's farmers who are suffering due to the drought. To expedite your consideration of this request, I have requested the State Emergency Board of the North Carolina Food and Agricultural Council to obtain USDA Potential Natural Disaster Damage Assessment Reports from the affected counties. I would appreciate any additional steps your office can take to issue this designation swiftly and make assistance available to our farmers.

If there is anything further my office can do to help expedite this process, I encourage your staff to call Jennifer Bumgarner at 919-715-0961.

With kindest regards, I remain

Very truly yours,

Mike Easley

Michael F. Easley

MFE: mrl

c: North Carolina Congressional Delegation
Commissioner Steve Troxler, NC Department of Agriculture and Consumer Services
Mr. Keith H. Weatherly, North Carolina State Farm Service Agency Office