

From: Taylor, Richele
To: Wessinger, Barbara M <WessingeBM@scdot.org>
Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
McDonald, Linda C - Legal <McDonaldLC@scdot.org>
CC: Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
Date: 11/1/2016 3:29:57 PM
Subject: RE: HOS waiver

Thank you Barbara. I was just reading the Federal Regulations trying to figure out if you could extend 30 to 30 back to back, and saw the exception was only for residential heating fuel. Your response is very timely! A few follow up questions for you or Linda since you both have a lot of insight in this area.

First, the Executive Order also waived the weight requirement for 120 days, until February 1st. My understanding in reviewing the law is that weight guidelines are separate from the FMCSA emergency section; Waiver of weight falls under Federal Highway Administration. Is this accurate? Meaning that the 30 day restriction is not applicable to the weight waiver.

Second, knowing there is a potential pipeline issue after the Colonial explosion, if emergency conditions came into effect because of the pipeline problems down the road, it seems to be that would be a separate state of emergency and allow a separate 30 day waiver even if they were back to back. Thoughts?

Richele

Richele K. Taylor
Chief Legal Counsel
Office of the Governor
O: 803-734-8465
C: 803-231-9763

It's a great day in South Carolina

Safe Place SC – www.safeplaceSC.sc.gov

From: Wessinger, Barbara M [mailto:WessingeBM@scdot.org]
Sent: Tuesday, November 01, 2016 2:59 PM
To: Schimsa, Rebecca; McDonald, Linda C - Legal
Cc: Taylor, Richele; Price, John D.
Subject: RE: HOS waiver

Rebecca,

The Governor will need to request an extension under 49 CFR 390-399 per 56-5-70(A)(1)(b). Attached is a request from October 2015. I believe DPS (Captain Price) initiated the request to FMCSA in October.

Barbara

§ 56-5-70. Certain vehicle requirements suspended during state of emergency; declarations of emergency triggering federal relief under 49 C.F.R. 390.23. (Effective: May 7, 2015)

(A)(1) Notwithstanding any provision of this chapter or any other provision of law, during a state

of emergency declared by the Governor and in the course of responding to the state of emergency:

(a) requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles traveling on noninterstate routes for up to one hundred twenty days, provided the vehicles do not exceed a gross weight of ninety thousand pounds and do not exceed a width of twelve feet;

(b) requirements relating to time of service suspensions for commercial and utility vehicles traveling on interstate and noninterstate routes are suspended for up to thirty days, unless extended for additional periods in accordance with 49 C.F.R. 390-399.

From: Schimsa, Rebecca [<mailto:RebeccaSchimsa@gov.sc.gov>]
Sent: Tuesday, November 01, 2016 2:29 PM
To: McDonald, Linda C - Legal; Wessinger, Barbara M
Cc: Taylor, Richele
Subject: HOS waiver

Linda and Barbara,

On Thursday at midnight, the HOS waiver expires. The Governor is interested in issuing a HOS waiver for another 30 days. Please let us know if you see any issues with this. If not, we plan to issue the new waiver tomorrow.

Thank you,

Rebecca

Rebecca S. Schimsa
Deputy Legal Counsel
Office of Governor Nikki R. Haley
O: 803-734-6068 | C: 803-429-4561