



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

### STATE OF EMERGENCY FOR PETROLEUM SHORTAGE

- WHEREAS:** A cybersecurity incident occurred against Colonial Pipeline Company on May 7, 2021; and
- WHEREAS:** The cyberattack installed ransomware on Colonial's IT systems resulting in the shutdown of crucial pipelines and halting of all pipeline operations; and
- WHEREAS:** The state of Georgia anticipates that various agencies and departments, along with the United States Department of Homeland Security and the Federal Bureau of Investigation, will need to work cooperatively to mitigate any damage, current, or future, as a result of the cybersecurity incident; and
- WHEREAS:** Due to the on-going effects of a temporary shutdown of a primary fuel pipeline, there exists an intermittent shortage of petroleum fuel in Georgia; and
- WHEREAS:** The uninterrupted supply of transportation fuel is an essential need of the public and any perceived shortage threatens the public welfare; and
- WHEREAS:** The Federal Motor Carrier Safety regulation, 49 CFR 390, et seq., limit the hours of operators of commercial motor vehicles may drive; and
- WHEREAS:** 49 CFR 390.23 allows the Governor of a State to suspend these rules and regulations for up to 30 days if the Governor determines that an emergency condition exists; and
- WHEREAS:** On March 14, 2020, due to the impact of COVID-19 on the State of Georgia, I issued Executive Order No. 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and

- WHEREAS:** The Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution on March 15, 2020; and
- WHEREAS:** On April 8, 2020, I renewed the Public Health State of Emergency until May 13, 2020 by issuing Executive Order 04.08.20.02; and
- WHEREAS:** On April 30, 2020, I renewed the Public Health State of Emergency until June 12, 2020 by issuing Executive Order 04.30.20.01; and
- WHEREAS:** On May 28, 2020, I renewed the Public Health State of Emergency until July 12, 2020 by issuing Executive Order 05.28.20.01; and
- WHEREAS:** On June 29, 2020, I renewed the Public Health State of Emergency until August 11, 2020 by issuing Executive Order 06.29.20.01; and
- WHEREAS:** On July 31, 2020, I renewed the Public Health State of Emergency until September 10, 2020 by issuing Executive Order 07.31.20.01; and
- WHEREAS:** On August 31, 2020, I renewed the Public Health State of Emergency until October 10, 2020 by issuing Executive Order 08.31.20.01; and
- WHEREAS:** On September 30, 2020, I renewed the Public Health State of Emergency until November 9, 2020 by issuing Executive Order 09.30.20.01; and
- WHEREAS:** On October 30, 2020, I renewed the Public Health State of Emergency until December 9, 2020 by issuing Executive Order 10.30.20.01; and
- WHEREAS:** On November 30, 2020, I renewed the Public Health State of Emergency until January 8, 2021 by issuing Executive Order 11.30.20.01; and
- WHEREAS:** On December 30, 2020, I renewed the Public Health State of Emergency until February 7, 2021 by issuing Executive Order 12.30.20.01; and
- WHEREAS:** On January 29, 2021, I renewed the Public Health State of Emergency until March 7, 2021 by issuing Executive Order 01.29.21.01; and

- WHEREAS:** On February 26, 2021, I renewed the Public Health State of Emergency until April 6, 2021 by issuing Executive Order 02.26.21.01; and
- WHEREAS:** On March 31, 2021, I renewed the Public Health State of Emergency until April 30, 2021 by issuing Executive Order 03.31.21.01; and
- WHEREAS:** On April 23, 2021, I renewed the Public Health State of Emergency until May 30, 2021 by issuing Executive Order 04.23.21.01; and
- WHEREAS:** On July 6, 2020, due to the unlawful assemblage and violence taking place in the State of Georgia, I issued Executive Order 07.06.20.01, declaring a State of Emergency for the State of Georgia; and
- WHEREAS:** On July 13, 2020, I renewed the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia until July 27, 2020 by issuing Executive Order 07.13.20.01; and
- WHEREAS:** On July 24, 2020, I renewed the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia until August 10, 2020 by issuing Executive Order 07.24.20.01; and
- WHEREAS:** On August 10, 2020, I renewed the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia until August 24, 2020 by issuing Executive Order 08.10.20.01; and
- WHEREAS:** On August 24, 2020, I renewed the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia until September 21, 2020 by issuing Executive Order 08.24.20.01; and
- WHEREAS:** On September 21, 2020, I renewed the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia until October 19, 2020 by issuing Executive Order 09.21.20.01; and
- WHEREAS:** On October 19, 2020, I renewed the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia until November 16, 2020 by issuing Executive Order 10.19.20.01; and
- WHEREAS:** On November 13, 2020, I renewed the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia until December 14, 2020 by issuing Executive Order 11.13.20.02; and

- WHEREAS:** On December 14, 2020, I renewed the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia until January 11, 2021 by issuing Executive Order 12.14.20.01; and
- WHEREAS:** On January 11, 2021, I renewed the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia until February 8, 2021 by issuing Executive Order 01.11.21.01; and
- WHEREAS:** On February 8, 2021, I renewed the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia until March 8, 2021 by issuing Executive Order 02.08.21.01; and
- WHEREAS:** On March 4, 2021, I renewed the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia until April 5, 2021 by issuing Executive Order 03.04.21.01; and
- WHEREAS:** On April 1, 2021, I renewed the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia until May 3, 2021 by issuing Executive Order 04.01.21.60; and
- WHEREAS:** On May 3, 2021, I renewed the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia until May 31, 2021 by issuing Executive Order 05.03.21.02; and
- WHEREAS:** On March 26, 2021, I declared a State of Emergency for Severe Storm and Tornado Damage in the State of Georgia until April 25, 2021 by issuing Executive Order 03.26.21.01; and
- WHEREAS:** On April 22, 2021, I renewed the State of Emergency for Severe Storm and Tornado Damage in the State of Georgia until May 25, 2021 by issuing Executive Order 04.22.21.01; and
- WHEREAS:** This Order shall create a coexisting state of emergency in the State of Georgia with the Public Health State of Emergency, the State of Emergency due to unlawful assemblage and violence, and the State of Emergency for Severe Storm and Tornado Damage taking place in the State of Georgia described in the immediately preceding paragraphs; and
- WHEREAS:** The responses by the State to this State of Emergency for Petroleum Shortage, the State of Emergency for Tornado and Severe Storm Damage, the Public Health State of Emergency, and the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia should all proceed simultaneously, without one

impeding the other; and

**WHEREAS:** Code Section 38-3-51 vests the Governor with the authority to bring emergency situations under control by issuing orders, rules, and regulations to protect the safety and welfare of the public.

**NOW, THEREFORE, PURSUANT TO CODE SECTION 38-3-51, AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY**

**ORDERED:** That a State of Emergency exists in the State of Georgia due to the petroleum shortage caused by the cyber-attack on Colonial Pipeline Company on May 7, 2021.

**IT IS FURTHER**

**ORDERED:** That the State of Emergency declared by this Order shall coexist with the Public Health State of Emergency declared by Executive Order 03.14.20.01 and renewed by Executive Orders 04.08.20.02, 04.30.20.01, 05.28.20.01, 06.29.20.01, 07.31.20.01, 08.31.20.01, 09.30.20.01, 10.20.30.01, 11.30.20.01, 12.30.20.01, 01.29.21.01, 02.26.21.01, 03.31.21.01, and 04.23.21.01; the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia declared by Executive Order 07.06.20.01 and renewed by Executive Orders 07.13.20.01, 07.24.20.01, 08.10.20.01, 08.24.20.01, 09.21.20.01, 10.19.20.01, 11.13.20.02, 12.14.20.01, 01.11.21.01, 02.08.21.01, 03.04.21.01, 04.01.21.60, 05.03.21.02; and the State of Emergency for Severe Storm and Tornado Damage in the State of Georgia declared by Executive Order 03.26.21.01 and renewed by Executive Order 04.22.21.01. The existence or termination of one shall not impinge the others.

**IT IS FURTHER**

**ORDERED:** That any orders derivative of or appurtenant to this Order addressing this State of Emergency for petroleum shortage shall not infringe, overturn, or in any way amend any orders that have been issued for the purpose of responding to the Public Health State of Emergency declared by Executive Order 03.14.20.01 and renewed by Executive Orders 04.08.20.02, 04.30.20.01, 05.28.20.01, 06.29.20.01, 07.31.20.01, 08.31.20.01, 09.30.20.01, 10.20.30.01, 11.30.20.01, 12.30.20.01, 01.29.21.01, 02.26.21.01, 03.31.21.01, and 04.23.21.01; the State of Emergency due to unlawful assemblage and violence taking place in the State of Georgia declared by Executive Order

07.06.20.01 and renewed by Executive Orders 07.13.20.01, 07.24.20.01, 08.10.20.01, 08.24.20.01, 09.21.20.01, 10.19.20.01, 11.13.20.02, 12.14.20.01, 01.11.21.01, 02.08.21.01, 03.04.21.01, 04.01.21.60, 05.03.21.02; and the State of Emergency for Severe Storm and Tornado Damage in the State of Georgia declared by Executive Order 03.26.21.01 and renewed by Executive Order 04.22.21.01.

**IT IS FURTHER**

**ORDERED:**

That the federal rules and regulations limiting hours that operators of commercial vehicles may drive are suspended to ensure the uninterrupted supply of petroleum products; supplies; goods and services. This declared emergency justifies a suspension of Part 395 (driver's hours of service) of Title 49 of the Code of Federal Regulations. The suspension will remain in effect for thirty (30) days or until the emergency condition ceases to exist, whichever is less. Nothing herein will be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. 383 and the financial requirements in 49 C.F.R. 387.

**IT IS FURTHER**

**ORDERED:**

That no motor carrier operating under the terms of this State of Emergency for Tornado and Severe Storm Damage will require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor vehicle carrier that he or she needs immediate rest will be given at least ten (10) consecutive hours off-duty before being required to return to service.

**IT IS FURTHER**

**ORDERED:**

That weight, height, and length for any such vehicle traveling through the State of Georgia for the purposes of providing relief related to this State of Emergency for Petroleum Shortage, which traverses roadways maintained by the State of Georgia shall not exceed the following:

- A. A maximum gross vehicle weight for vehicles equipped with five (5) weight-bearing axles, with an outer bridge span of not less than fifty-one (51) feet, shall not exceed a gross vehicle weight of ninety five (95) thousand pounds, a maximum width of ten (10) feet, and an overall length of one hundred (100) feet. Continuous travel is authorized with the proper escorts.

- B. If the width of said vehicle exceeds eight (8) feet six (6) inches and is traveling after daylight, defined as thirty (30) minutes before sunset to thirty (30) minutes after sunrise, the transporter is required to have a vehicle front and a rear escort/amber light when traveling on a two-lane roadway and a vehicle rear escort when traveling on a four-lane highway. Transporters are responsible for ensuring that they have proper oversize signs, markings, flags, and escorts as defined in the Georgia Department of Transportation Rules and Regulations.

**IT IS FURTHER**

**ORDERED:**

That commercial vehicles operating outside the normal weight, height, and length restrictions under the authority of this State of Emergency for Petroleum Shortage shall be issued permits by the Georgia Department of Public Safety. Said vehicles shall be subject to any special conditions the Georgia Department of Public Safety may list on applicable permits. Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, nor shall anything in this Executive Order be construed to relieve compliance with restrictions other than those specified in this Order or from any statute, rule, order, or other legal requirement not specifically waived herein.

Oversize permits may be issued by the Georgia Department of Public Safety, Motor Carrier Compliance Division, during normal business hours, Monday through Friday by calling 404-624-7700 or through the Georgia Permitting and Routing Optimization System online portal at <https://gapros.dot.ga.gov/>.

**IT IS FURTHER**

**ORDERED:**

To expedite the transportation of fuel into and throughout the state, all fuel haulers and petroleum tankers may bypass Department of Public Safety Motor Carrier Division weigh stations and monitoring inspection stations.

**IT IS FURTHER**

**ORDERED:**

That pursuant to Code Section 45-12-22, the collection motor fuel and diesel fuel taxes required by Code Section 48-9-3 are hereby

suspended during the effective dates of the State of Emergency for Petroleum Shortage declared by this Order.

**IT IS FURTHER**

**ORDERED:** That no distributor of motor fuel or diesel fuel shall be found in violation of Code Section 48-9-17 for complying with the terms of this Order.

**IT IS FURTHER**

**ORDERED:** Pursuant to Code Section 10-1-393.4, price gouging related to goods and services, including motor fuel and diesel fuel, would be detrimental to the social and economic welfare of the citizens of this State and is therefore prohibited.

**IT IS FURTHER**

**ORDERED:** That this Executive Order does not suspend operation of any state or federal law or regulation, except as specifically described herein, nor do the waiver of rules and regulations in this Order affect or amend similar rule and regulation waivers for motor carriers or commercial vehicles.

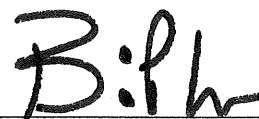
**IT IS FURTHER**

**ORDERED:** That all resources of the State of Georgia be made available to assist in preparation, response, and recovery activities throughout the affected areas, and the Georgia Emergency Management and Homeland Security Agency shall activate the Georgia Emergency Operations Plan.

**IT IS FURTHER**

**ORDERED:** All provisions of the Order shall become effective upon signature and shall be valid until Saturday, May 15, 2021, at 11:59 P.M. unless this State of Emergency is renewed by the Governor.

This 10<sup>th</sup> day of May, 2021 at 9:54 P.M.

A handwritten signature in black ink, appearing to read "B. Hathaway", is written over a horizontal line.

GOVERNOR