

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 4-2022**

**EXECUTIVE ORDER DECLARING A DISASTER TO
EXIST IN THE STATE OF MONTANA**

WHEREAS, the National Weather Service issued a Flood Watch beginning on the evening of June 10, 2022, for potential rises on small streams originating in the mountains with possible urban flooding as a result of slow-moving weather; and

WHEREAS, recent and continued rainfall of 1-4" across Western and South-Central Montana is causing rivers, streams, and tributaries to rise out of their banks, as well as rapid snowmelt at mid-level and high elevations; and

WHEREAS, Carbon, Park, and Stillwater County have enacted emergency or disaster declarations, and activated applicable portions of jurisdictional emergency plans and programs; and

WHEREAS, several counties, cities, and towns have reported emergency costs and extensive damage to critical infrastructure to include roads, bridges, utility systems, and culverts; and

WHEREAS, the State Emergency Coordination Center continues to receive declarations of emergencies from local jurisdictions throughout the state; and

WHEREAS, the State Emergency Coordination Center is at a level three activation, and is coordinating with state and federal agencies; and

WHEREAS, the availability and utilization of all necessary state government services, equipment, and suppliers under this declaration will further the state's efforts to protect health and safety and preserve the lives, property, and resources of the people of the State of Montana; and

WHEREAS, a proclamation of disaster authorizes the Governor under § 10-3-311, MCA, to expend funds from the general fund to meet contingencies and needs arising from these conditions.

NOW, THEREFORE, I, KRISTEN JURAS, Acting Governor of the State of Montana, pursuant to the authority vested in me under the Constitution, and the laws of the State of Montana, Title 10, Chapter 3, MCA, and other applicable statutes, do hereby declare under § 10-3-103 and § 10-3-303, MCA, that a flooding disaster exists in the State of Montana, and order as follows:

1. In accordance with A.R.M. 18.8.1502 and Federal Motor Carrier Safety Administration ("FMCSA") Title 49 C.F.R. § 390.23(a)(1)(i), Title 49 C.F.R §§ 390-399 are hereby suspended for motor carriers and persons operating commercial vehicles while providing emergency relief for 30 days from the date of the declaration. After which, an extension may only be obtained and approved by the FMCSA field administrator.
2. All other applicable state and federal regulations shall continue to apply, including but not limited to: Title 49 C.F.R. Part 382, Controlled Substances and Alcohol Use and Testing; Title 49 C.F.R. Part 383 Commercial Driver's License Standards; the federal Minimum Levels of Financial Responsibility (insurance requirements) Title 49 C.F.R. Part 387; and adherence to the regulations governing the Transportation of Hazardous Materials as provided Title 49 C.F.R. 397 and C.F.R. Parts: 107, 171-173, 177, 178 and 180.
3. A temporary suspension of temporary registration and temporary fuel permits normally required under A.R.M. 18.8.422 for commercial vehicles while providing support.
4. Vehicles operating in excess of legal size and weight shall require oversize/overweight permits. In accordance with M.C.A. 61-10-111 a temporary suspension of A.R.M. 18.8.509 to allow weekend, nighttime, and holiday travel statewide for over-dimensional and overweight vehicles while providing support; during nighttime hours on non-interstate highways, loads exceeding 10 feet wide will need a front pilot vehicle.
5. Motor carriers shall not require or allow fatigued drivers to operate a commercial motor vehicle. A driver who informs a carrier that he/she needs immediate rest shall be given at least 10 consecutive hours before the driver is required to return to service.
6. Motor carriers shall not operate a vehicle in a condition likely to cause an accident or breakdown of the vehicle or operate a vehicle declared and marked out-of-service on an inspection report until all repairs required by the out-of-service notice have been satisfactorily completed.
7. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this declaration until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA in writing.

This Order is effective June 10, 2022.



GIVEN under my hand and the GREAT SEAL
of the State of Montana this 14th day
of June, 2022.

Kristen Juras
KRISTEN JURAS, Acting Governor

ATTEST:

Christi Jacobsen
CHRISTI JACOBSEN, Secretary of State