

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 12-2021**

**EXECUTIVE ORDER DECLARING A STATEWIDE WILDLAND FIRE EMERGENCY
TO EXIST IN MONTANA**

WHEREAS, extremely hazardous wildland fire conditions currently exist throughout the entire State of Montana, including near record to record high temperatures on a daily, weekly, monthly, and seasonal time frame, excessive fuel loads, continual windy conditions, and low relative humidity; and

WHEREAS, moderate to extreme drought conditions exist throughout 84 percent of the State; and

WHEREAS, 1,398 wildland fires have burned approximately 141,000 acres in Montana as of July 14, 2021, and others continue to ignite; and

WHEREAS, many of these fires are threatening or have threatened residences, outbuildings, and other property and have required evacuations of residents and subsequent sheltering of the evacuees; and

WHEREAS, many of these fires pose an extreme threat to our critical infrastructure and millions of acres of crops, rangeland, and forestland across Montana; and

WHEREAS, nationwide firefighting and aviation resources are experiencing critical shortage levels; and

WHEREAS, as of July 11, 2021, Montana, and other States in the Northern Rockies Geographic Area, are at Preparedness Level 5, which is the highest level of wildland fire activity; and

WHEREAS, firefighters and first responders in Montana communities are dealing with numerous new human and lightning caused fires that place undue stress on volunteer and local capacity; and

WHEREAS, continued deployment of firefighting resources is needed to considerably reduce the number of large wildland fires, which in turn significantly reduces the damage to both public and private property; and

WHEREAS, coordinated aggressive initial attacks on all future wildland fire starts are needed to protect lives and property in the State; and

WHEREAS, the Montana National Guard has substantial capabilities to assist existing local, state, and federal responders in wildfire fighting efforts.

NOW, THEREFORE, I, GREG GIANFORTE, 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 statewide wildland fire emergency exists in the State of Montana, and order as follows:

1. In accordance with § 10-3-303, MCA, the Governor may mobilize State resources and the Montana National Guard to protect life, health, and property.
2. In accordance with § 10-3-1001, MCA, the Governor may request resource support from other states under the Emergency Management Assistance Compact for mutual aid assistance in response to the emergency.
3. 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.
4. 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 in Title 49 C.F.R. 397 and C.F.R. Parts: 107, 171-173, 177, 178 and 180.
5. Suspension of temporary registration and temporary fuel permits normally required under A.R.M. 18.8.422 for commercial vehicles while providing support.
6. Vehicles operating in excess of legal size and weight shall require oversize/overweight permits. In accordance with § 61-10-111, MCA, 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.
7. Vehicles operating in excess of legal size and weight shall require oversize/overweight permits. In accordance with § 61-10-111, MCA, 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.

8. 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.

9. 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.

10. In accordance with § 61-10-111, MCA, and other applicable statutes, applicable vehicles in Montana are exempt from the 10 percent limits of § 61-10-144(2), MCA, and the operation of vehicles on non-interstate highways is authorized without incurring excess weight penalties under § 61-10-145, MCA, if the total gross weight of the combination, each axle, or axle group does not exceed allowable weight limitations by more than 20 percent.

This Order is effective July 14, 2021.



GIVEN under my hand and the GREAT SEAL of the State of Montana this 14th day of July, 2021.

A handwritten signature in blue ink, reading "Greg Gianforte", written over a horizontal line.

GREG GIANFORTE, Governor

ATTEST:

A handwritten signature in blue ink, reading "Christi Jacobsen", written over a horizontal line.

CHRISTI JACOBSEN, Secretary of State