State of North Carolina

ROY COOPER

GOVERNOR

September 21, 2018

EXECUTIVE ORDER NO. 62

DIRECTING HURRICANE-RELATED DEBRIS REMOVAL FROM PUBLIC RIGHTS-OF-WAY BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORATION

WHEREAS, Hurricane Florence ("the Hurricane") made landfall off the coast of North Carolina on or about 14 September 2018; and

WHEREAS, the Hurricane has placed North Carolina residents and visitors at substantial risk of death or injury; and

WHEREAS, the Hurricane has inflicted significant damage on public and private property, and disrupted the supply of goods, materials, equipment, and essentials necessary for response and recovery operations; and

WHEREAS, impacts from the Hurricane constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

WHEREAS, N.C. Const. art. III § 5(4) vests the Governor with the duty to take care that the laws be faithfully executed; and

WHEREAS, the undersigned issued Executive Order No. 51 on 7 September 2018, which declares a State of Emergency to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, Executive Order No. 51 invokes the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, the President of the United States issued an emergency declaration. FEMA-3401-EM, for the State of North Carolina on 10 September 2018, providing, in part, for Public Assistance -Category B, including direct federal assistance to the State; and

WHEREAS, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4393-DR, for the State of North Carolina on 14 September 2018; and

WHEREAS, the undersigned, in accordance with the Secretary of the North Carolina Department of Transportation has identified deteriorating roadway conditions based on Hurricane-related water damage, including flash flooding, significant rain, and cresting rivers in the vicinity of North Carolina roadways that will require emergency measures to maintain public health and safety, ensure the structural integrity of public infrastructure and to expedite response and recovery; and

WHEREAS, conditions currently exist across North Carolina where Hurricane-related debris on both private property and public rights-of-way is far more widespread than is typical in the aftermath of a

hurricane and is in such volumes that it threatens public health and safety or economic recovery of a community; and

WHEREAS, property owners, by direction or of their own volition, may place Hurricane-related debris currently located on private property along the public rights-of-way during Hurricane recovery; and

WHEREAS, the North Carolina Department of Transportation ("DOT") has the requisite assets and experience to both execute and oversee the contracting for Hurricane-related debris removal from the public rights-of-way; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned is authorized and empowered to make, amend, or rescind the necessary orders, rules, and regulations within the limits of the authority conferred through the Emergency Management Act with due consideration of the policies of the federal government; and

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1.

In counties designated by FEMA for public assistance, DOT is hereby authorized to both conduct and arrange for Hurricane-related debris removal, including, but not limited to, vegetative debris, components of structures, sand, mud, silt, gravel, rocks, boulders, vehicles, and vessels, from public rights-of-way along state-maintained routes, including state-maintained routes within the limits of a local governmental authority when the resources of the local governmental authority are insufficient to conduct debris-removal operations. DOT is further authorized to arrange for the disposal of said Hurricane-related debris.

Section 2.

In counties designated by FEMA for public assistance and where Hurricane-related debris along the public rights-of-way and on private property is so widespread that it threatens public health and safety or economic recovery of a community, it is ordered that state and local authorities, consistent with FEMA rules and regulations, seek expedited review and approval by FEMA to provide Public Assistance funding for debris removal from private property.

Section 3.

This Executive Order is effective immediately and shall remain in effect for the duration of the emergency unless rescinded or superseded by a separate Executive Order.

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 21st day of September in the year of our Lord two thousand and eighteen.

Roy Cooper
Governor

ATTEST:

Haley Haynes
Deputy Secretary of State