



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

EXECUTIVE DIRECTIVE
No. 2017-3

DATE: September 8, 2017
TO: All Executive Branch Departments and Agencies
FROM: Lieutenant Governor Brian Calley, Acting Governor
RE: Michigan Assistance in Responding to Hurricanes

A handwritten signature in blue ink that reads 'Brian Calley'.

Since 2002, Michigan has been a signatory of the Emergency Management Assistance Compact (EMAC). The EMAC is an all hazards/all disciplines mutual aid compact between all the states and U.S. territories to provide consistent and coordinated response to emergencies and disasters across the nation. The Emergency Management and Homeland Security Division of the Department of State Police is the single point of contact on behalf of the Governor for any EMAC requests. Support required for states and territories affected by Hurricane Harvey, Hurricane Irma, and potentially Hurricane Jose, is expected to result in an unprecedented number of requests for resources and assistance from personnel possessing a variety of capabilities.

Additionally, due to the approach and potential combined impacts of Hurricane Harvey, Hurricane Irma, and Hurricane Jose, vehicles bearing emergency supplies and assistance, including but not limited to equipment and supplies for utility restoration and debris removal, will need to be moved on the highways of Michigan with a minimum of delay. The state of Michigan has received requests to ensure coordination with federal and state actions to ameliorate the effects of the hurricanes on the national economy, and thus protect the health and welfare of Michiganders.

Federal Motor Carrier Safety Administration regulations found at 49 CFR 390.23, provide that when, as is the case now, emergency declarations have been issued by federal or state authorities, motor carriers and their drivers providing emergency relief to the affected areas are exempt from parts 390 through 399, including but not limited to, the hours-of-service regulations specified in 49 CFR Part 395. Emergency declarations allow motor carriers and their drivers unimpeded travel through all states while delivering supplies and services to the affected areas. Coordination between state and local law enforcement is necessary to ensure those exemptions have the desired effect of efficient delivery of vital services and supplies.

Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power in the Governor. Section 8 of Article V of the Michigan Constitution places each principal department under the supervision of the Governor. Pursuant to these provisions of the Michigan Constitution, I direct the following:

All executive branch departments and agencies, except for the Department of State or the Department of Attorney General, are directed to provide support, as they are able, to address resource requests received through the EMAC when notified by the Emergency Management and Homeland Security Division of the Department of State Police.

The Department of State Police is further directed to exempt motor carriers and their drivers providing emergency relief to the affected areas from crossing an open weigh station, as provided:

1. Motor carriers and drivers transporting emergency supplies or assistance to affected areas under a federal or state declaration, a list of which may be found on <https://www.fmcsa.dot.gov/emergency>, are exempt from compliance with MCL 257.724(5) and any other applicable state statute, order, or rule substantially similar to MCL 257.724(5), and 49 CFR Parts 390 through 399. Any such provision of a state statute, order, or rule is suspended for such time as the federal declaration is in place. This exemption and suspension applies to all highways in Michigan, including the national system of interstate and defense highways.
2. No motor carrier or driver operating under the terms of this Directive shall require or allow an ill or fatigued driver to operate a motor vehicle. Any driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive off-duty hours before the driver is required to return to work. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption and suspension until the out-of-service order expires or the conditions for rescission have been satisfied.
3. Nothing contained in this declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility (insurance) requirements (49 CFR Part 387), or any other portion of the regulations not specifically authorized pursuant 49 CFR §390.23.