

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION

General Counsel

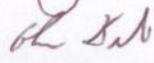


Inter-office Memorandum
Privileged and Confidential

MEMORANDUM

TO: Terry Bellamy
Director

THROUGH: Frank Seales, Jr.
General Counsel 

FROM: Glenn Dubin 
Assistant Attorney General

DATE: November 6, 2012

RE: Review for Legal Sufficiency
Departmental Order: Allowing Oversized Vehicles to transport
emergency relief to Hurricane Victims in New York and New Jersey
through DC.

WORLDOX: 2701

This Departmental Order to allow overweight vehicles (a limit of 15% over the respective weight limit) to transport emergency relief to the New Jersey and New York area to support the Hurricane Sandy relief effort. The Department Order shall be valid from November 6, 2012 through November 30, 2012.

This Office has reviewed the Departmental Order and found it to be legally sufficient, pursuant to sections 3(b) and 6(c) of the Department of Transportation Establishment Act of 2002 (DDOT Establishment Act), effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(b), and § 50-921.05(b) (2009 Repl.).

Note: Please return one (1) fully executed copy of this Departmental Order to the General Counsel's office.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION**



ADMINISTRATIVE ISSUANCE SYSTEM

DEPARTMENTAL ORDER NO. 4-2012 DATE: November 6, 2012

I. PURPOSE

This policy is established to allow certain oversized trucks to move over District streets to deliver assistance to New York and New Jersey as a result of the Federal Disaster caused by Hurricane Sandy.

II. AUTHORITY

This policy is authorized by sections 3(b) and 6(c) of the Department of Transportation Establishment Act of 2002 (DDOT Establishment Act), effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(b), and § 50-921.05(b) (2009 Repl.) (transferring the authority to regulate the length, weight, height, and width of vehicles previously delegated to the Department of Public Works under section IV (A) of Reorganization Plan No. 4 of 1983).

III. POLICY

- A. Vehicles Transporting equipment or supplies directly related to hurricane emergency relief are allowed a 15% tolerance above any weight limited imposed by statute. Said tolerance shall be the only tolerance applicable to the vehicle. Vehicles exceeding this tolerance and carrying a non-divisible load shall obtain a hauling permit as required. No vehicle shall exceed any tire manufacturer's maximum load capacity rating.
- B. The Director of the District Department of Transportation or the Director's designee may temporarily waive or modify hauling permit restrictions and conditions deemed safe and appropriate to facilitate relief efforts.
- C. Carriers and drivers operating under the provisions of this declaration must adhere to all District roadway restrictions regarding roadway and bridge size and weight limitations.
- D. Pursuant to the Code of Federal Regulations, 49 CFR Part 390.23, carriers and drivers of commercial motor vehicles transporting commodities related to storm

relief efforts (e.g. heating oil, propane, gasoline, food, water, generators, storm debris removal equipment, etc.), carriers and drivers of commercial motor vehicles transporting debris or waste related to storm relief efforts, and drivers of utility vehicles shall be relieved from the Hours of Service (HOS) requirements of 49 CFR part 395, as adopted under section 1400 of the District of Columbia Municipal Regulations. This waiver does not relieve any carrier or operator from the requirements of 49 CFR part 392.3, relating to operating a commercial motor vehicle while fatigued.

- E. Nothing in this declaration relieves the carrier or driver of responsibility for the safe operation of the vehicle.
- F. The provisions of this Order are not applicable to any part of the Interstate Highway System. Such relief is strictly under the purview of and must be independently declared by the appropriate federal agency. Any declaration so made and receiving concurrence by the District Department of Transportation shall become a part of this Order.

IV. Applicability

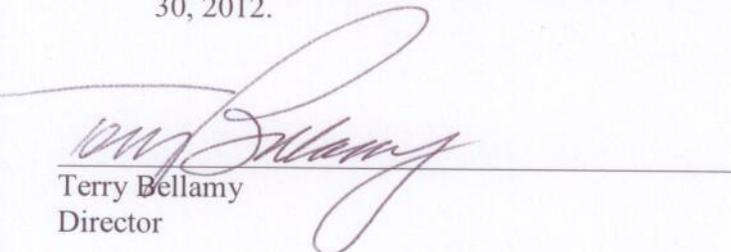
This Order shall apply to all DDOT employees and managers in the Traffic Operations Administration.

V. Rescission

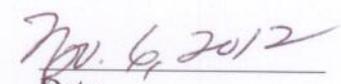
Departmental Order No. 1-2012 and any other Departmental Orders in conflict with the provisions of this Order are, to the extent of such conflict, rescinded.

VI. Effective Date and Expiration Date

This policy shall become effective *immediately*. It shall be in effect until November 30, 2012.



Terry Bellamy
Director



Date