

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2018 024

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to Severe Drought in Portions of Colorado and Authorizing the Colorado Department of Transportation to Suspend Certain Regulations Regarding Transport of Baled Hay or Baled Livestock Feed

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due to severe drought in portions of Colorado.

Further, pursuant to C.R.S. § 24-33.5-704(7)(a), I hereby authorize suspension of state regulation 2 C.C.R. 601-4 Rule 103.1, to the extent that it prevents the issuance of single-trip, extra-legal permits for divisible loads of baled hay and baled livestock feed ranging from 14 feet, 6 inches (14' 6") to 15 feet (15') in height.

I. Background and Purpose

The Governor is responsible for meeting the dangers to the state and people presented by disasters. C.R.S. § 24-33.5-704(1). The Colorado Disaster Emergency Act defines a disaster as "the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin." C.R.S. § 24-33.5-703(3).

Large areas of Colorado have experienced devastating damage from severe drought conditions. On May 2, 2018, I activated the Colorado Drought Mitigation and Response Plan for thirty-four (34) counties in southern Colorado due to severe, extreme, or exceptional drought as classified by the United States Drought Monitor and the resulting likelihood of severe impacts to their environments and to the various sectors of their economy, especially agriculture.

On September 10, 2018, I expanded the Colorado Drought Mitigation and Response Plan to include six (6) additional counties that are experiencing severe, extreme drought.

The drought conditions have severely impacted the ability of Colorado livestock producers to acquire the requisite amount of feed for their animals. Livestock producers require immediate assistance to meet their feed requirements.

State regulation 2 C.C.R. 601-4 Rule 103.1 prevents the state from issuing single-trip, extra-legal permits for divisible loads of baled hay and baled livestock feed ranging from 14 feet, 6 inches (14' 6") to 15 feet (15') in height. As winter approaches, this restriction could endanger Colorado livestock because it would limit livestock producers' ability to ship the necessary quantity of feed required for their animals.

II. Declarations and Directives

- A. The severe drought affecting forty (40) counties in Colorado and associated impacts constitute a disaster emergency under C.R.S. § 24-33.5-701, *et seq.*
- B. Under the provisions of C.R.S. § 24-33.5-704(7)(a) and in the interest of public safety, I hereby authorize the Colorado Department of Transportation to suspend state regulation 2 C.C.R. 601-4 Rule 103.1, to the extent that it prevents the issuance of single-trip, extra-legal permits for divisible loads of baled hay and baled livestock feed ranging from 14 feet, 6 inches (14' 6") to 15 feet (15') in height.
- C. The suspension of state regulation 2 C.C.R. 601-4 Rule 103.1 is subject to the following conditions:
 - i. Any baled hay or baled livestock transporter exceeding 14 feet, 6 inches (14' 6") in height must adhere to all other state statutory or regulatory weight and length restrictions.
 - ii. Any baled hay or baled livestock transporter exceeding 14 feet, 6 inches (14' 6") in height may transport baled hay and baled livestock feed on all highways in the state except those that are part of the federal interstate system.
 - iii. Any baled hay or baled livestock transporter exceeding 14 feet, 6 inches (14' 6") in height must be single-trip permitted with the Colorado Department of Transportation.
 - iv. Any baled hay or baled livestock transporter exceeding 14 feet, 6 inches (14' 6") in height and permitted as required by statute and in this Executive Order shall abide by all applicable Colorado Department of Transportation permitting rules and regulations, follow all routing

designations as prescribed by the Colorado Department of Transportation and enforced by the Colorado State Patrol, and remit all applicable fees as set out in statute or regulation.

III. Duration

This Executive Order shall expire thirty days from September 10, 2018, unless extended by further Executive Order of the Governor.



GIVEN under my hand and
Executive Seal of the State of
Colorado this tenth day of
September, 2018.

A handwritten signature in black ink, which appears to read "John W. Hickenlooper".

John W. Hickenlooper
Governor