



STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR

WHEREAS the Alabama Emergency Management Act of 1955, as amended, confers upon the Governor the power to proclaim a state of emergency when a natural disaster of major proportions has occurred or is reasonably anticipated in the immediate future, *see* Ala. Code § 31-9-8 (1975);

WHEREAS beginning on February 1, 2020, the National Weather Service began forecasting that many areas of the State would experience flooding over a sustained period of time as a result of significant rainfall the State has received;

WHEREAS the National Weather Service's forecast has proven accurate and many areas of the State now in fact are experiencing significant flooding and expect to continue experiencing significant flooding for the foreseeable future;

WHEREAS this flooding event has caused, or is expected to cause, significant damage to public and private property and may seriously disrupt essential utility services and systems;

WHEREAS this flooding event poses a danger to the health and safety of the people of Alabama and a high risk of physical injury or death; and

WHEREAS this flooding event therefore poses conditions of disaster and of extreme peril to the safety of persons and property within the State, and it is anticipated that these conditions, by reason of their magnitude, are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city, and will require combined forces to combat, *see* Ala. Code § 31-9-3;

NOW THEREFORE, I, Kay Ivey, Governor of the State of Alabama, pursuant to section 8 of the Alabama Emergency Management Act of 1955, as amended, Ala. Code § 31-9-8, do hereby proclaim that a state of emergency exists in the State of Alabama, effective at 12:00 p.m. CST on Tuesday, February 18, 2020. I direct the activation of the Alabama Emergency Operations Plan (EOP) and all appropriate annexes. The Alabama Emergency Management Agency State Emergency Operations Center shall be activated, as well as all impacted or potentially impacted Alabama Emergency Management Divisions.

FURTHER, I hereby proclaim and direct all of the following:

(I)

I hereby direct the Alabama National Guard to prepare to be activated on order of the Governor, and I direct the appropriate state agencies to exercise their statutory and regulatory authority to assist the affected communities and entities. I also direct the Alabama Emergency Management Agency to make the appropriate assessment of damages and seek the necessary state and federal assistance for the affected areas.

(II)

In accordance with sections 8-31-1 through 8-31-6 of the Code of Alabama, all persons are hereby placed on notice that it is unlawful for any person within the State of Alabama to impose unconscionable prices (i.e., to engage in "price gouging") for the sale or rental of any commodity or rental facility during the period of a declared state of emergency.

(III)

Pursuant to 49 CFR § 390.23, this declaration of a state of emergency facilitates a waiver of certain regulations of the U.S. Department of Transportation-Federal Motor Carrier Safety Administration (FMCSA), including 49 C.F.R. Part 395 (Hours of Service for Drivers), as it relates to the provision of emergency-or disaster-related materials, supplies, goods, and services. This waiver shall terminate at the earliest of (1) the conclusion of the motor carrier's or driver's direct assistance in providing emergency relief; (2) 30 days from the initial declaration of emergency; (3) the issuance of a proclamation terminating this state of emergency; or (4) any other time dictated by the FMCSA's regulations. Motor carriers that have an out-of-service order in effect may not take advantage of the relief from regulation that this declaration provides under 49 C.F.R. § 390.23.

(IV)

I instruct the appropriate agencies to take necessary steps and issue the appropriate documents to expedite the movement of vehicles, or vehicles and loads, that are transporting emergency equipment, services and supplies, storm-related debris, building and construction materials, or temporary emergency buildings and their components, subject to the following rules:

- a. The documents shall be subject to approval and clearance by the Alabama Department of Transportation and the Alabama Law Enforcement Agency and shall cover specific designated state routes.
- b. Transporters are responsible to ensure that they have proper oversize signs, markings, flags, and escorts as defined in the State of Alabama's rules and regulations.
- c. Insurance requirements shall not be waived.
- d. Nothing in this proclamation shall be construed to allow any vehicle to exceed the weight limits posted for bridges and like structures, nor shall anything in this proclamation be construed to relieve any vehicle, or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this proclamation, or from any statute, rule, order, or other legal requirement not specifically waived herein.

(V)

Local educational authorities may close any school or office based on local conditions, and any affected school system that is closed as a result and loses student days or employment days, or both, may appeal to the State Superintendent of Education for relief in fulfilling the local school calendar with respect to student days or employee days, or both, with no loss of income to employees.

(VI)

State government offices may be closed at the direction of the Governor. State agency heads will receive instructions from the Governor's Office or the State Personnel Director if closures are authorized.

FURTHER, I proclaim that it is fair, reasonable, and appropriate that those State of Alabama employees who are required to perform disaster recovery and response services away from their home base of operations be reimbursed for the actual expenses they incur while performing these services on behalf of the State of Alabama. Therefore, I authorize the reimbursement of actual and necessary expenses, as prescribed by the Fiscal Policies and Procedures Manual, for state employees who have been, are being, or may be called away from their home base in response to this state of emergency. All such claims for expense reimbursement must be reasonable and must be certified as such by the employee's agency head or appointing authority. To the extent that this order conflicts with any provision of state law, such law is hereby suspended for the duration of this state of emergency, and this order shall control.

FURTHER, I declare that this proclamation, and all subsequent orders, laws, rules, or regulations issued pursuant hereto, shall remain in full force and effect for the duration of this state of emergency, except as otherwise expressly specified.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused the Great Seal to be affixed by the Secretary of State at the State Capitol in the City of Montgomery on this the 18th day of February, 2020.





Kay Ivey
Governor

ATTEST:



John H. Merrill
Secretary of State