



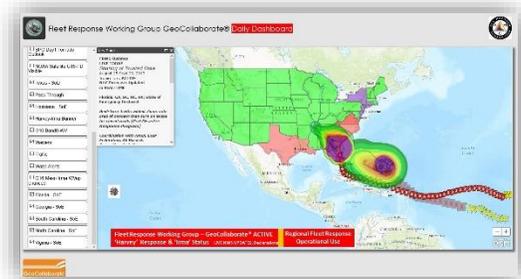
# EXPEDITING REGULATORY WAIVERS FASTER IN SUPPORT OF ELECTRIC, CRITICAL INFRASTRUCTURE AND SUPPLY CHAIN RESTORATION EFFORTS FOLLOWING DISASTERS/DISRUPTIONS

## PROBLEM STATEMENT

When large scale regional storms and disasters strike (e.g. Sandy, Harvey, Irma, Maria, wildfires, earthquakes, etc..), the private sector utilities and supply chain organizations need to move their commercial vehicles and resources around the region/nation quickly, safely and legally for communities to recover faster from disruptions of power, transportation, communications, fuel, food, water, medical supplies, pharmacies, etc.

The lifting of normal day-to-day transportation regulations (i.e. waivers) can dramatically speed up these private sector movements.

Expediting the granting and communication processes associated with such waivers to appropriate and responsible stakeholders regarding federal and state transportation regulations or requirements is a critical first step in the movements of these private sector commercial vehicles and resources. Speed is critical. Lives are lost and local businesses and economies are negatively impacted lost when a community's critical infrastructure is disrupted.



Industry and government decision makers do not always fully understand the processes, timelines, personnel involved, and obstacles faced in trying to expedite these waivers during the compressed timelines that accompany large scale disasters.

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## WAIVER PROCESS BACKGROUND

During large scale regional storms and disasters, the electric sector companies activate their [mutual assistance processes](#). These processes allow electric utilities to share people and resources in support of each other and their overall response efforts. This mutual assistance process is supported by the utility executives, their members and their trade associations. ([Edison Electric Institute \(EEI\)](#), the [National Rural Electric Cooperative Association \(NRECA\)](#) and the [American Public Power Association \(APPA\)](#)).





During Hurricane IRMA, for example, Florida Power and Light (FPL) needed resources from around the U.S. The responding mutual assistance crews and resources needed to leave their home states and begin traveling across the U.S. towards Florida. The transportation routes usually include the use of the nation's interstate highway system (e.g. roads, bridges, and tunnels). In some cases, they use state/local routes.

Regulations that govern the use of interstate highways, bridges and tunnels require utility vehicles to:

1. Acquire travel vehicle travel permits prior to departure that ensure these routes are: 1) approved by all states involved; 2) safe; 3) the routes can handle the vehicle weight/size/height/width.
2. Stop at "open" state weigh stations that enforce "road use taxes" and commercial vehicle safety laws.
3. Stop at "open" state toll stations (when applicable, not all states have toll stations) to pay state tolls
4. Acquire the appropriate emergency related paperwork and permissions to cross the U.S. international border from Canada (frequently) or Mexico (rarely) for mutual assistance or other supply chain related support.

State/federal departments of transportation have their own unique regulations that govern commercial vehicle movements and address a wide variety of topics including driver hours of service, vehicle safety, commercial driver's license requirements, drug/alcohol usage, hazardous materials, etc...

Most electric utility vehicles are licensed to operate within their home states or coverage areas which sometime covering multiple states. This is referred to as "internal to a state" or "intra-state" commercial travel and is governed by state/local commercial transportation regulations.

When utility vehicles (e.g. bucket trucks) leave their home state or coverage areas (e.g. Michigan) to travel across multiple states for mutual assistance assignments (e.g. Florida) they are now participating in interstate commercial travel which is governed by federal interstate commercial travel regulations. In addition, each state along the mutual assistance route(s) has their own regulations which may vary state to state.

If the commercial vehicle is NOT licensed for "interstate" travel, which many are not, the utility companies do not have legal operating authority to travel outside of their home area of coverage. This exposes the companies to potential legal and regulatory issues which may result in fines, tickets, penalties, or lawsuits regardless whether an accident is their fault or not.

In these instances, these mutual assistance vehicles need to have an onboard copy of an invitation letter from FPL (as the requesting utility) along with a state declaration of emergency from Florida (or another impacted state) in order to be compliant with state and federal transportation regulations.

If the vehicle gets pulled over by state/local law-enforcement along the route, these two documents normally provide: 1) proof of their mutual assistance mission; 2) explains why they are operating out of their normal territory; 3) and their destination state. Normally, state/local law-enforcement are supportive and help them get on their way quickly.



Since these large, multi-state, regional disasters do not occur frequently, the process for the Federal Motor Carrier Safety Administration (FMCSA) regional waivers is not well understood by the utilities and other sectors, their trade associations, and even new state executives who may not understand the mutual assistance process or state/federal commercial vehicle transportation regulations. Any of these factors are some examples of challenges that have the potential to impede restoration efforts.

It is a very complex network that involves the private sector, trade associations, multiple state agencies (e.g. emergency management, transportation, law enforcement, governor's office, etc...), and the FMCSA, FEMA, US Department of Commerce, US Department of Energy, US Department of Transportation, the Federal Aviation Administration, US Department of Homeland Security and others.

During very large-scale events, White House and Members or staffs of Congress, who may not fully understand the importance and all the nuances of the waiver processes, can delay power and critical infrastructure restoration efforts by simply not coordinating/acting soon enough.

The Federal motor carrier safety administration support a website that outlines some examples of waiver processes: <https://www.fmcsa.dot.gov/emergency-declarations>

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## THE NEED

There is a need to expedite private sector commercial vehicle and resource movement (e.g. people, bucket trucks, equipment trucks/trailers, vans, support vehicles) across state lines during large scale regional disasters or emergencies (e.g. Sandy, Harvey, Irma, Maria, wildfires, earthquakes, etc.)

Expediting these response and restoration efforts get businesses and communities back to normal faster after any type of disruption. In many cases these actions can save lives and property; restore public confidence in government/industry and normalize the local economy & tax bases of affected communities.

The creation of “triggers” for those directly involved in the issuance of federal/state transportation waivers is a critical first step toward increasing overall understanding of the processes.

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## END SOLUTION

Based on the feedback from the states of the All Hazards Consortium (AHC) and its private sector stakeholders of the Multi-State Fleet Response Working Group (FRWG), several issues and opportunities emerged from the historic 2017 hurricane season:

1. Awareness of Delayed Waiver Impacts:
  - a. Although there may be many groups familiar with the transportation waiver process, it is not well understood by people who are new to government or the private sector who rely on expedited private sector power and supply chain movement during disasters.



2. Overall Understanding of the Government Waiver Process:
  - a. There is a need for everyone involved in the electric power and supply chain restoration efforts to fully understand the state/federal waiver issuance process.
  - b. A better understanding of the waiver process will help utility and supply chain related companies, states, and federal agencies to coordinate actions to respond to and restore critical infrastructure faster during disasters and disruptions.
3. Education & Planning
  - a. Public/private educational and planning efforts will allow all stakeholders to work together to explore opportunities to expedite the state/federal waiver processes for all sectors in advance of a “notice event” (e.g. storms, hurricanes, etc..) and in “no notice events” (e.g. earthquake, terrorism, cyber-attack, etc.....).

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#### WHO IS ALL HAZARDS CONSORTIUM?

The All Hazards Consortium (AHC) is a state sanctioned, 501c3 non-profit organization focused on public/private sensitive information sharing issues in disaster management, business continuity, cyber security, research transition, homeland security and supply chain resilience. The focus of the AHC is to improve public/private planning and operational information sharing in order to get business and communities back to business faster following disruptions and/or disasters.



#### WHO IS MULTI-STATE FLEET RESPONSE WORKING GROUP?

The Multi-State Fleet Response Working Group (FRWG) is a private sector guided, public/private working group of the AHC focused on supporting any efforts and organizations that can help expedite the movement of private sector critical infrastructure repair and supply chain fleets and resources across multiple state borders in response to disasters.



#### WHO IS EDISON ELECTRIC INSTITUTE (EEI)?

The Edison Electric Institute (EEI) is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for about 220 million Americans, and operate in all 50 states and the District of Columbia. As a whole, the electric power industry supports more than 7 million jobs in communities across the United States.



#### WHO IS AMERICAN PUBLIC POWER ASSOCIATION?

The American Public Power Association is the voice of not-for-profit, community-owned utilities that power 2,000 towns and cities nationwide. We represent public power before the federal government to protect the interests of the more than 49 million people that public power utilities serve, and the 93,000 people they employ. The Association advocates and advises on electricity policy, technology, trends, training, and operations. Our members strengthen their communities by providing superior service, engaging citizens, and instilling pride in community-owned power.



#### WHO IS NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION?

The National Rural Electric Cooperative Association is the organization that represents the interests of over 900 electric cooperatives in the United States, to various legislatures.

Independent electric utilities are not-for-profit and are owned by their members. The Association, which was founded in 1942, unites the country's generation, transmission and distribution cooperatives which are found in 47 states and serve over 40 million people. Electric cooperatives serve 12 percent of the nation's population, yet own 42 percent of America's distribution lines, which covers three-quarters of the country.

