

**STATE OF DELAWARE**  
**DELAWARE DEPARTMENT OF TRANSPORTATION**  
**EMERGENCY ORDER- HAULING PERMIT WAIVER**  
**January 31, 2022**

WHEREAS, Governor John C. Carney has issued a Third Revision to the Declaration of a State of Emergency for the State of Delaware Due to a Public Health Threat on January 31, 2022; and

WHEREAS, COVID-19 has directly impacted the number of commercial motor vehicle drivers able to drive and move poultry and poultry supplies throughout the State; and

WHEREAS, it has been deemed that immediate movement of poultry and poultry supplies throughout Delaware is critical to the success of the poultry industry at large and Delaware's economy; and

WHEREAS, there is an anticipated increase in travel of oversize/overweight commercial vehicles for the purpose of transporting poultry and poultry supplies in direct support of the Governor's State of Emergency Declaration; and

WHEREAS, there is an anticipated need to waive the hours in service regulations for certain commercial motor vehicle operators in direct support of the response to the State of Emergency; and

WHEREAS, such travel is anticipated to occur within and through the State of Delaware; and

WHEREAS, under 49 CFR § 390.23 and 21 *Del. C.* Chapter 45, the Secretary of the Delaware Department of Transportation may issue waivers of state enforcement of laws and regulations in direct support of a declared emergency;

NOW THEREFORE, I, Nicole Majeski, Secretary, Delaware Department of Transportation, do hereby order the following:

1. The State of Delaware, Delaware Department of Transportation hereby grants regulatory relief from the weight requirements in 21 *Del. C.* §4501(f) for Commercial Vehicles being operated within the State of Delaware for the purpose of transporting: poultry supplies in direct support of the Emergency Declaration. This waiver increases the total gross weight including load, of a combination of a truck tractor and semitrailer having a total of 5 or more axles, from 80,000 pounds to 86,000 pounds.
2. The State of Delaware, Delaware Department of Transportation hereby grants regulatory relief from the hours of service requirements found in 49 C.F.R. §395.3 for Commercial Vehicles being operated within the State of Delaware for the purpose of transporting poultry and poultry supplies in direct support of the Emergency Declaration.

3. This Waiver is effective January 31, 2022 at 6:00 p.m. and will be in effect for fourteen (14) calendar days. The Waiver is subject to renewal if necessary.
4. The Waiver is granted only to commercial motor vehicles identified herein operating in direct support of the Emergency Declaration.
5. A copy of this notice along with a valid Oversize and Overweight Permit (Load Code 22) must be maintained in each commercial motor vehicle being used in direct support of the declared emergency and the recovery effort. The Delaware State Police have received notification of this Emergency Order. Please visit [www.deldot.gov/osow/application/login](http://www.deldot.gov/osow/application/login) to obtain the State of Delaware, Emergency Permit for operation on Delaware maintained highways.
6. All applicable Delaware laws, rules and regulations, not waived by this document, governing the movement of oversize/overweight vehicles are still in force and must be followed.
7. Nothing in this document shall be construed or interpreted as superseding restrictions for travel across load posted bridges within the State of Delaware.
8. Nothing in this document shall be construed or interpreted as superseding the Federal Bridge Formula as established by the Federal Government on any interstate highway within Delaware.
9. Nothing in this document shall be construed or interpreted as being applicable to the movement of commercial motor vehicles which are not related to the direct support of the declared emergency and the recovery effort.

Ends  
midnight  
Feb.  
14th,  
2022

APPROVED BY:  
Nicole Majeski  
Secretary  
Delaware Department of Transportation

