

D 025 07

EXECUTIVE ORDER

Extending Emergency Declaration and Extending Suspension of Certain Motor Carrier Registration Requirements Due to a Shortage of Commercially Available Transportation to Transport Harvested Agricultural Commodities

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to relevant portions of the Colorado Disaster Emergency Act of 1992, C.R.S. § 24-32-2100 *et seq.*, I, Bill Ritter, Jr., Governor of the State of Colorado, hereby issue this Executive Order extending my previous disaster emergency declaration and extending the suspension of certain motor carrier registration requirements due to a shortage of commercially available transportation to transport harvested agricultural commodities.

1. Background and Need

This season, Colorado farmers are experiencing the largest wheat harvest in nearly ten years. In addition, Colorado farmers are seeing unusually robust corn, sorghum, millet, and sunflower harvests. For example, planted corn acreage in Colorado is 17% above last year with above average yields, sorghum yields are double those of last year, and sunflower acreage is well above 2006 levels. At the same time, Colorado is suffering from a shortage of commercially available transportation to move these agricultural commodities. If this transportation need is not adequately met, Colorado farmers will suffer a substantial crop loss, which, in turn, will adversely impact Colorado's economy.

On August 22, 2007, in response to this confluence of events, I issued Executive Order D 020 07, allowing, on a temporary basis, farm-plated vehicles to be hired as commercial haulers of agricultural products. Executive Order D 020 07 is due to expire on October 6, 2007. The circumstances that led to the issuance of Executive Order D 020 07, however, have not abated and there remains an unusual scarcity of commercially available rail and motor transportation to serve rural Colorado. One means of easing this transportation shortage is to extend Executive Order D 020 07. With corn harvest continuing through the beginning of December, it is necessary to extend Executive Order D 020 07 through the end of 2007.

2. Declaration and Directive

- A. I hereby reaffirm and extend my earlier declaration, as set forth in Executive Order D 020 07, that the shortage of commercially available transportation to transport the harvested wheat, corn, sorghum, sunflower, and millet to elevator storage and the

secondary market constitutes a disaster emergency for purposes of C.R.S. §24-32-2103.

- B. I hereby order that each of my directives stated in Executive Order D 020 07 continue. Specifically, pursuant to C.R.S. § 24-32-2104(7), I hereby extend my suspension of the prohibition, as set forth in C.R.S. § 42-3-306(4)(a), on farm-plated vehicles being hired to transport to market or place of storage raw agricultural products. The extension of this suspension of this portion of C.R.S. § 42-3-306(4)(a) is intended to allow farm-plated vehicles to be hired to transport unprocessed agricultural product from market, railroad loading points, warehouses, or other places of storage, located within the various counties in the State of Colorado, to other markets, railroad loading points, warehouses, or other places of storage. I find the continued temporary suspension of this statute necessary to prevent the imminent threat of widespread and severe damage and loss of property in the State of Colorado.
- C. The extension of the suspension of the registration requirement in C.R.S. § 42-3-306(4)(a) does not extend to include any increased size or weight allowances. These vehicles are required by law to continue to observe all gross vehicle weight and axle weight limits established in C.R.S. § 42-4-501, *et seq.*, for the protection of bridges, and to observe statutory requirements for all vehicles traveling on the state system.
- D. Furthermore, this extension does not exempt any carriers from state or federal safety regulations as adopted by Colorado Department of Public Safety pursuant to C.R.S. § 42-4-235, nor does it exempt any drivers from state or federal commercial driver's license requirements.

3. Duration

This Executive Order shall expire on December 31, 2007, unless extended further by Executive Order.

Given under my hand and
the Executive Seal of the
State of Colorado this 5th
day of October, 2007.

Bill Ritter, Jr.
Governor