

Delaware Driving Restrictions Begin at 5 AM on Monday

Governor Markell Orders "Level Two" Restrictions as Sandy Approaches State

Wilmington, DE – With Sandy's impending arrival tomorrow bringing sustained 30-40 mph winds in the morning, heavy rains and wind throughout the day and limited visibility for motorists, Governor Jack Markell ordered statewide "Level Two" driving restrictions beginning at 5:00 a.m. on Monday.

According to state law, a 'Level 2 Driving Restriction' provides that no person shall operate a motor vehicle on Delaware roadways other than essential personnel. 'Essential personnel' includes those employees necessary to maintain the core functions of government and maintain health and safety by providing utility services, healthcare services, and food and fuel deliveries. In addition, some private employers have received a waiver from the Delaware Emergency Management Agency for essential employees.

For Monday morning, forecasters now expect 30 to 40 mile per hour sustained winds and heavy driving rain, which will make driving visibility very poor. Traffic managers say traffic signals will be hard to see because of the sustained wind. At 40 mile per hour winds, DelDOT and other responders are not supposed to be out of their vehicles. At 50 miles per hour, which may be reached Monday afternoon, bridges over the Chesapeake and Delaware canal will close.

"People have had several days to be out preparing for the storm's arrival. When Sandy hits on Monday, they should be at home or if necessary a shelter to wait out the worst of the storm," Markell said. "Do not put yourself on the road. Do not put yourself – and those who may need to rescue you – at

risk.”

A violation of Level Two driving restriction has a penalty of a fine of up to \$115 on first offense, and a fine of up to \$200 and up to 30 days in jail for subsequent offenses.

On Saturday, Markell declared a State of Emergency and ordered a mandatory evacuation of flood-prone areas. Earlier this evening, when the evacuation period had ended, Markell implemented a Level One driving warning, encouraging motorists to stay off the roads and businesses to keep employees home.

Executive Department

Dover

THIRD MODIFICATION OF DECLARATION OF STATE OF EMERGENCY FOR THE STATE OF DELAWARE IMPLEMENTING LEVEL 2 DRIVING RESTRICTIONS

WHEREAS, in connection with the imminent danger posed by Hurricane Sandy, I issued an Executive Order at 5:00 p.m. on October 27, 2012 declaring a State of Emergency for New Castle, Kent and Sussex Counties and ordering a mandatory evacuation of specified low-lying and coastal areas; and

WHEREAS, I issued a modification to that Executive Order at 11:30 a.m. on October 28, 2012, requiring that businesses within the evacuation areas close by 6:00 p.m. today; and

WHEREAS, I issued a second modification to the Executive Order at 7:00 p.m. on October 28, 2012, instituting a Level 1 Driving Warning; and

WHEREAS, the National Hurricane Center predicts that rainfall and wind speeds will increase steadily during the overnight hours, with sustained winds reaching approximately 30 mph and wind gusts exceeding 40 mph in all three counties by 5:00 a.m.; and

WHEREAS, rainfall and wind speeds are expected to continue to increase throughout the day on Monday; and

WHEREAS, regardless of the exact rainfall totals and wind speed calculations, it is clear that reasonable statewide driving restrictions are necessary to protect public safety.

NOW THEREFORE, I, JACK A. MARKELL, pursuant to Title 20, Chapter 31 of the Delaware Code, do hereby declare that the previously issued executive orders shall remain in effect until further notice, with the following modifications:

1. A Level 2 Driving Restriction (the "Restriction") is hereby ordered beginning as of **5:00 a.m. tomorrow, Monday, October 29, 2012**. The Restriction shall remain in effect until further notice. As of the time set forth above, no motor vehicles should be operated on any road in the State of Delaware unless operated by essential personnel, which shall mean those employees and/or personnel who are necessary to maintain the core functions of a government body or entity, and to maintain the health and safety of the people in Delaware by providing services provided by public utilities as defined in § 102(2) of Title 26, healthcare services, and food and fuel deliveries, as well as members of the media. Persons with a waiver granted by the Delaware Emergency Management Agency are exempt from this Restriction.

2. Notwithstanding the requirements of Chapter 47 of Title 21 of the Delaware Code, for the duration of the state of emergency, any utility driver engaging in the provision or restoration of utility services and any driver making food and fuel deliveries shall be exempt from the hours of service

requirements of 49 C.F.R. Part 395 in its entirety.

3. Except as set forth above, all provisions of the previously issued Executive Orders shall remain in effect. Those provisions include, but are not limited to, the following:

a. The Delaware Department of Transportation and the Delaware State Police, in consultation with the Delaware Emergency Management Agency and the Secretary of Safety and Homeland Security, may order such bridge and road closures as necessary to protect the health and safety of the public. This authority is in addition to the above Restriction.

b. State and local officials may remove abandoned vehicles from roads in the State of Delaware at the expense of the vehicle owner.

APPROVED this 28th day of October, 2012 at 10:15 p.m.