

**REPORT OF THE VIRGINIA  
DEPARTMENT OF EMERGENCY MANAGEMENT**

**Protocol for Drafting and  
Submitting an Executive Order  
for a Declaration of a State of  
Emergency Due to Resource  
Shortages (Chapters 16 and 338,  
2015 Acts of Assembly)**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 3**

**COMMONWEALTH OF VIRGINIA  
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2016**





**COMMONWEALTH of VIRGINIA**  
*Department of Emergency Management*

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January 13, 2016

**MEMORANDUM**

**TO:** The Honorable Terence R. McAuliffe, Governor  
Members of the General Assembly

**VIA:** The Honorable Brian J. Moran, Secretary of Public Safety and Homeland Security

**FROM:** Dr. Jeffrey D. Stern, State Coordinator 

**SUBJECT:** Protocol for Drafting and Submitting an Executive Order for a Declaration of a State of Emergency Due to Resource Shortages

In accordance with Chapters 16 and 338 of the 2015 Acts of Assembly, I am pleased to submit the protocol detailing the process for drafting and submitting an executive order for a declaration of a state of emergency due to resource shortages.

This protocol was requested by stakeholders to enumerate the process by which transportation waivers may be obtained in the event a resource shortage is affecting the Commonwealth. The protocol clarifies for all interested stakeholders the current standard operating procedures and is the product of a working group comprised of representatives from the Department of Emergency Management, Department of Transportation, Department of Mines, Minerals and Energy, Department of Motor Vehicles, Department of Agriculture and Consumer Services, the Virginia State Police, the Virginia Petroleum, Convenience and Grocery Association, the Virginia Trucking Association, and the Federal Motor Carrier Safety Administration.

Please contact me if you have questions or need additional information concerning this report.

JDS/mmp

Enclosures

***“Working to Protect People, Property and Our Communities”***



# **PROTOCOL FOR DRAFTING AND SUBMITTING AN EXECUTIVE ORDER FOR A DECLARATION OF A STATE OF EMERGENCY DUE TO RESOURCE SHORTAGES**

## **AUTHORITY**

Chapters 16 and 338 of the 2015 Acts of Assembly provide:

1. The Department of Transportation, Department of Mines, Minerals and Energy, Department of Emergency Management, Department of Motor Vehicles, Department of State Police, and other interested stakeholders shall work to establish a protocol for submission of a declaration of resources shortages, as defined in § 44-146.16 of the Code of Virginia, that adversely affect the delivery of motor fuels, gasoline, diesel, kerosene, number one and two heating oils or liquid propane gas within or outside of the Commonwealth.
2. The Department of Emergency Management shall submit a report detailing the established protocol to the Governor and the General Assembly by January 13, 2016.

## **PURPOSE**

The purpose of this protocol is to outline the appropriate steps to be taken to request an executive order for a state of emergency due to resource shortages so that the needed transportation waivers can be issued.

## **SCOPE**

This protocol extends to any resource shortage that necessitates granting temporary overweight, over width, registration, licensure, or hours of service exemptions in order to help alleviate the disaster.

## **DEFINITIONS**

**Resource Shortage** (as defined in § 44-146.16 of the *Code of Virginia*):

A type of disaster, for the purposes of § 44-146.17(7), that results from the absence, unavailability or reduced supply of any raw or processed natural resource, or any commodities, goods or services of any kind that bear a substantial relationship to the health, safety, welfare, and economic well-being of the citizens of the Commonwealth.

### **Internal Review Group**

The first group to review the draft executive order, consisting of senior Virginia Department of Emergency (VDEM) personnel and the Senior Assistant Attorney General (the legal representative for VDEM). The Internal Review Group is responsible for

conducting the initial review of drafted executive orders and providing recommended revisions.

### **External Review Group**

The External Review Group is responsible for reviewing the second draft of the executive order and making recommendations for a final draft. The External Review Group consists of representatives from the following agencies:

- Counsel and Deputy Counsel to the Governor
- Office of the Secretary of Public Safety and Homeland Security
- Virginia Department of Planning and Budget
- Virginia Department of Military Affairs/Virginia Army National Guard
- Virginia Department of Health
- Virginia Department of Motor Vehicles
- Virginia Department of Transportation
- Virginia Department of Social Services
- Virginia Department of Agriculture and Consumer Services
- Virginia Information Technologies Agency
- Virginia State Corporation Commission
- Virginia State Police
- U.S. Department of Transportation Federal Motor Carrier Safety Administration

### **Final Review Group**

The last group to review the draft executive order before it is finalized. The Final Review Group shall consist of the VDEM State Coordinator, VDEM Deputy State Coordinators, VEST Coordinators, and VDEM External Affairs Director.

## **A. NOTIFICATION OF THE NEED FOR A DECLARATION**

1. When an industry is experiencing or anticipating experiencing a resource shortage, the industry representatives may request that an emergency declaration be issued to provide relief.
2. To do so, the industry representatives shall contact the state agency that is the subject matter expert for the industry (see Attachment A) with their request and provide documentation of the resource shortage or pending shortage.
3. The agency, in their capacity as the subject matter expert, shall then verify the resource shortage or pending shortage.
4. Upon verification, the agency, using internal protocol, shall contact the Virginia Emergency Operations Center (VEOC) Watch Center ([veoc@vdem.virginia.gov](mailto:veoc@vdem.virginia.gov)) and request a declaration of a state of emergency due to resource shortages be issued. The agency shall, at this time, provide the VEOC with documentation supporting the need for a declaration. The agency shall update the VEOC if additional documentation in support of a declaration becomes available.

5. The VEOC shall notify the Virginia Department of Emergency Management (VDEM) Executive Order Preparation Team and the State Coordinator of Emergency Management that an executive order declaring a state of emergency due to resource shortages has been requested. The VEOC shall provide the aforementioned with the supporting documentation provided by the agency.
6. The VDEM Executive Order Preparation Team will notify the Virginia Department of Transportation (VDOT) and the Department of Motor Vehicles (DMV) of the request. VDOT with the assistance of DMV will develop a draft waiver and exemptions document in anticipation of the executive order.
7. The State Coordinator, or his designee, will brief the Secretary of Public Safety and Homeland Security and the Governor on the need for a declaration of a state of emergency due to resource shortages. This may be done as soon as information is received supporting the need for a declaration.

## **B. INITIAL DRAFT**

1. The VDEM Executive Order Preparation Team shall manage the process and oversee the development of a draft executive order using the executive order template specifically for resource shortages.
2. A member of the VDEM Executive Order Preparation Team (“the drafter”) will be assigned the responsibility of formulating the initial draft executive order and shall draft the order, incorporating the relevant documentation.
3. Once the initial draft executive order (v.1) is complete the review and refinement process shall begin.

## **C. REVIEW AND REFINEMENT**

1. VDEM shall submit the initial draft executive order (v.1) to the Internal Review Group (see Attachment B) and request review and comment.
2. Upon submission to the Internal Review Group, the drafter shall notify the External Review Group (see Attachment C) that a draft executive order declaring a state of emergency due to resource shortages will soon be submitted to them for review.
3. Incorporating the comments and suggestions from the Internal Review Group, the drafter shall prepare the second draft (v.2).
4. The drafter shall review v.2 and send it to the External Review Group, and shall copy the Internal Review Group.

5. The drafter shall prepare the third draft (v.3) by incorporating the comments and suggestions from the External Review Group.
6. V.3 shall be submitted to the Final Review Group (see Attachment D) for final review and comment.
7. The drafter shall prepare a fourth draft (v.4) by incorporating any comments and suggestions from the Final Review Group.
8. Once v.4 is complete, the drafter shall submit the final draft of the executive order along with all documentation supporting a declaration to the State Coordinator, or his designee, and copy the Final Review Group, State Coordinator Administrative Assistant, OAG Agency Counsel, and Infoplan.

#### **D. ISSUANCE OF A DECLARATION**

1. In accordance with § 44-146.17, whenever in the opinion of the Governor, the safety and welfare of the people of the Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, he may declare a state of emergency to exist.
2. Upon completion of the final draft, the VDEM State Coordinator will submit the final draft to the Secretary of Public Safety and the Governor, for issuance at the Governor's discretion.

#### **E. AFTER A DECLARATION HAS BEEN ISSUED**

1. Once the Governor has declared a state of emergency, VDEM will notify the requesting agency of the issuance of the executive order. VDOT and DMV will distribute the waivers and exemptions document to the industry distribution list (to be maintained by VDOT or DMV).



## ATTACHMENT A

The below chart is a non-exclusive list of industries that might experience a resource shortage and the respective state agency who is the subject matter expert for the industry. If no point of contact is provided, please contact the Virginia Emergency Operations Center at 800-468-8892 or [veoc@vdem.virginia.gov](mailto:veoc@vdem.virginia.gov).

<b>Industry/Resource</b>	<b>State Agency</b>	<b>Agency Contact</b>
Fuel (Petroleum, Heating Fuels, Diesel)	Department of Mines, Minerals and Energy (DMME)	Eileen Carson <a href="mailto:Eileen.carson@dmme.virginia.gov">Eileen.carson@dmme.virginia.gov</a>
Agriculture (Hay, Feed, Livestock, Poultry)	Virginia Department of Agriculture and Consumer Services (VDACS)	Charles Green <a href="mailto:Charles.green@vdacs.virginia.gov">Charles.green@vdacs.virginia.gov</a>
Health (Water)	Virginia Department of Health (VDH)	John Aulbach <a href="mailto:john.aulbach@vdh.virginia.gov">john.aulbach@vdh.virginia.gov</a> 804-864-7522
Electricity	State Corporation Commission (SCC)	Armando de Leon <a href="mailto:Armando.deleon@scc.virginia.gov">Armando.deleon@scc.virginia.gov</a> 804-393-9396.

## ATTACHMENT B

### INTERNAL REVIEW GROUP:

<b>Position</b>	<b>Name</b>	<b>Email</b>
Attorney General's Office	Cathie Hutchins	<a href="mailto:chutchins@oag.state.va.us">chutchins@oag.state.va.us</a>
State Coordinator	Jeff Stern	<a href="mailto:jeff.stern@vdem.virginia.gov">jeff.stern@vdem.virginia.gov</a>
Chief Deputy State Coordinator	Curtis Brown	<a href="mailto:curtis.brown@vdem.virginia.gov">curtis.brown@vdem.virginia.gov</a>
Deputy State Coordinator: Disaster Services Bureau/	Brett Burdick	<a href="mailto:Brett.burdick@vdem.virginia.gov">Brett.burdick@vdem.virginia.gov</a>
Deputy State Coordinator: Mission Support Bureau	TBD	
VDEM Budget Manager	Kevin Hill	<a href="mailto:Kevin.hill@vdem.virginia.gov">Kevin.hill@vdem.virginia.gov</a>
VEST Coordinator	Michael Nelson	<a href="mailto:Michael.nelson@vdem.virginia.gov">Michael.nelson@vdem.virginia.gov</a>
VEST Coordinator	Patrick Cox	<a href="mailto:Patrick.cox@vdem.virginia.gov">Patrick.cox@vdem.virginia.gov</a>
VEST Coordinator	Wade Collins	<a href="mailto:Wade.Collins@vdem.virginia.gov">Wade.Collins@vdem.virginia.gov</a>
External Affairs Director	Dawn Eischen	<a href="mailto:Dawn.eischen@vdem.virginia.gov">Dawn.eischen@vdem.virginia.gov</a>
Recovery Coordinator	TBD	
VEST Plans Chief	Matthew Wall	<a href="mailto:Matthew.Wall@vdem.virginia.gov">Matthew.Wall@vdem.virginia.gov</a>
VEST Plans Chief	Donna Pletch	<a href="mailto:Donna.pletch@vdem.virginia.gov">Donna.pletch@vdem.virginia.gov</a>
VEST Plans Chief	Ted Costin	<a href="mailto:Ted.costin@vdem.virginia.gov">Ted.costin@vdem.virginia.gov</a>

## ATTACHMENT C

### EXTERNAL REVIEW GROUP:

<b>Agency</b>	<b>Name</b>	<b>Email</b>
Counsel to the Governor	Carlos Hopkins	<a href="mailto:carlos.hopkins@governor.virginia.gov">carlos.hopkins@governor.virginia.gov</a>
Deputy Counsel to the Governor	Noah Sullivan	<a href="mailto:noah.sullivan@governor.virginia.gov">noah.sullivan@governor.virginia.gov</a>
Office of the Secretary of Public Safety and Homeland Security	Adam Thiel	<a href="mailto:Adam.thiel@governor.virginia.gov">Adam.thiel@governor.virginia.gov</a>
Planning and Budget	Banci Tewolde	<a href="mailto:banci.tewolde@dpb.virginia.gov">banci.tewolde@dpb.virginia.gov</a>
Planning and Budget	Nicole Storm	<a href="mailto:Nicole.storm@dpb.virginia.gov">Nicole.storm@dpb.virginia.gov</a>
Military Affairs	Joint Operations Center	<a href="mailto:ng.va.vaarng.mbx.ngva-joc@mail.mil">ng.va.vaarng.mbx.ngva-joc@mail.mil</a>
Military Affairs, TAG	Major General Williams	<a href="mailto:timothy.p.williams.mil@mail.mil">timothy.p.williams.mil@mail.mil</a>
Military Affairs, TAG XO	Major Sheldon	<a href="mailto:james.g.sheldon.mil@mail.mil">james.g.sheldon.mil@mail.mil</a>
Military Affairs, Director JS	General Griffin	<a href="mailto:paul.f.griffin.mil@mail.mil">paul.f.griffin.mil@mail.mil</a>
Military Affairs, J3	Colonel Morgan	<a href="mailto:Thomas.L.morgan4.mil@mail.mil">Thomas.L.morgan4.mil@mail.mil</a>
Agriculture/Consumer Services	Charles Green	<a href="mailto:Charles.green@vdacs.virginia.gov">Charles.green@vdacs.virginia.gov</a>
Motor Vehicles	Kenneth Updike	<a href="mailto:kenneth.updike@dmv.virginia.gov">kenneth.updike@dmv.virginia.gov</a>
Motor Vehicles	Michael Baxter	<a href="mailto:michael.baxter@dmv.virginia.gov">michael.baxter@dmv.virginia.gov</a>
Health Department	Bob Mauskapf	<a href="mailto:bob.mauskapf@vdh.virginia.gov">bob.mauskapf@vdh.virginia.gov</a>
Health Department	Marissa Levine	<a href="mailto:marissa.levine@vdh.virginia.gov">marissa.levine@vdh.virginia.gov</a>
Transportation	John Scrivani	<a href="mailto:john.scrivani@vdot.virginia.gov">john.scrivani@vdot.virginia.gov</a>
Transportation	Earl Sharp	<a href="mailto:earl.sharp@vdot.virginia.gov">earl.sharp@vdot.virginia.gov</a>
Social Services	Patricia Snead	<a href="mailto:patricia.snead@dss.virginia.gov">patricia.snead@dss.virginia.gov</a>
Social Services	Frank Williamson	<a href="mailto:frank.williamson@dss.virginia.gov">frank.williamson@dss.virginia.gov</a>
State Corporation Commission	Tim Faherty	<a href="mailto:tim.faherty@scc.virginia.gov">tim.faherty@scc.virginia.gov</a>
State Police HQ	VSP Duty Sergeant	<a href="mailto:dutysgtHQ@vsp.virginia.gov">dutysgtHQ@vsp.virginia.gov</a>
State Police, Supt.	Colonel Flaherty	<a href="mailto:supt@vsp.virginia.gov">supt@vsp.virginia.gov</a>
State Police, Dep. Supt.	Lt. Colonel Northern	<a href="mailto:robert.northern@vsp.virginia.gov">robert.northern@vsp.virginia.gov</a>
State Police, BFO Commander	Lt. Colonel Daniels	<a href="mailto:george.daniels@vsp.virginia.gov">george.daniels@vsp.virginia.gov</a>
USDOT FMCSA	Craig Feister	<a href="mailto:craig.feister@dot.gov">craig.feister@dot.gov</a>
VITA	Michael Watson	<a href="mailto:Michael.watson@vita.virginia.gov">Michael.watson@vita.virginia.gov</a>
VITA	Renea Dickerson	<a href="mailto:renea@dickerson@vita.virginia.gov">renea@dickerson@vita.virginia.gov</a>

## ATTACHMENT D

### FINAL REVIEW GROUP:

<b>Position</b>	<b>Name</b>	<b>Email</b>
State Coordinator	Jeff Stern	<a href="mailto:jeff.stern@vdem.virginia.gov">jeff.stern@vdem.virginia.gov</a>
Chief Deputy State Coordinator	Curtis Brown	<a href="mailto:curtis.brown@vdem.virginia.gov">curtis.brown@vdem.virginia.gov</a>
Deputy State Coordinator: Disaster Services Bureau/	Brett Burdick	<a href="mailto:Brett.burdick@vdem.virginia.gov">Brett.burdick@vdem.virginia.gov</a>
Deputy State Coordinator: Mission Support Bureau	TBD	
VEST Coordinator	Michael Nelson	<a href="mailto:Michael.nelson@vdem.virginia.gov">Michael.nelson@vdem.virginia.gov</a>
VEST Coordinator	Patrick Cox	<a href="mailto:Patrick.cox@vdem.virginia.gov">Patrick.cox@vdem.virginia.gov</a>
VEST Coordinator	Wade Collins	<a href="mailto:Wade.Collins@vdem.virginia.gov">Wade.Collins@vdem.virginia.gov</a>
External Affairs Director	Dawn Eischen	<a href="mailto:Dawn.eischen@vdem.virginia.gov">Dawn.eischen@vdem.virginia.gov</a>



