

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, TENNESSEE

STATE OF TENNESSEE, ON RELATION
OF THE COMMISSIONER OF THE
DEPARTMENT OF TRANSPORTATION,
FOR AND ON BEHALF OF SAID
DEPARTMENT,

PETITIONER,

VS.

BY NECESSITY, ANY AND ALL
PERSONS OR ENTITIES, KNOWN OR
UNKNOWN, THAT MAY HAVE AN
INTEREST IN AND TO THE LAND TO BE
CONDEMNED IN THIS CAUSE AND
BEING A STRIP OF LAND LOCATED IN
UNICOI AND WASHINGTON COUNTIES,
BETWEEN INTERSTATE 26 AND
EMBREEVILLE, TENNESSEE, ALONG
AND PARALLEL WITH THE
CENTERLINE OF STATE ROUTE
81/STATE ROUTE 107 FROM
APPROXIMATE LOG MILE 1.5 (IN
UNICOI COUNTY) TO THE
UNICOI/WASHINGTON COUNTY LINE
THEN EXTENDING INTO WASHINGTON
COUNTY TO APPROXIMATE LOG MILE
1.38, JUST NORTH OF EMBREEVILLE
CHURCH ROAD WITH A WIDTH OF 100
FEET EACH SIDE OF CENTERLINE,

RESPONDENTS.

DOCKET NO. 43051

PROJECT NO. R1S081-M2-002

TAX MAP: See Attached Exhibit A-2

JURY DEMAND/12 Persons

Filed 11 day of
Oct. 2024 at
4:05 o'clock P m
Brenda Downes, Clerk

IN REM PETITION FOR CONDEMNATION

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT:

The following Petition arises from and is connected to a major disaster and state of emergency as declared by Governor Bill Lee, including “numerous catastrophic highway and bridge failures that require immediate repair and replacement to ensure the safety and mobility of first responders, residents, and the traveling public.”¹ To address these needs, Governor Lee has granted Petitioner emergency discretion to suspend, modify, or waive multiple time-consuming procedures and deadlines to accomplish immediate repairs and replacements of critically needed state and local transportation facilities.

Given the circumstances, Petitioner respectfully avers:

1. He is the duly acting and qualified Commissioner of the Department of Transportation for the State of Tennessee.

2. Petitioner, in accordance with the Constitution of the State of Tennessee and all Public Acts of the State of Tennessee, as contained in the Tennessee Code Annotated, and all Acts amendatory thereof and supplementary thereto, particularly Sections 29-17-701 *et seq.*, 29-17-901 *et seq.*, 54-5-104 and 66-9-305 of the Tennessee Code Annotated has the right to exercise the power of eminent domain under the laws of the State of Tennessee.

3. Petitioner brings this suit for the purpose of acquiring by the exercise of eminent domain certain real property rights and interests of various Respondents, known and unknown,² upon which Petitioner must take emergency action in order to restore and repair public roadways, bridges, and/or utilities due to damage caused by a severe weather incident that has resulted in

¹ Exec. Order No. 105 (September 27, 2024) and Exec. Order No. 106 (September 30, 2024), copies attached in Collective Exhibit “B”.

² TDOT has been and continues to attempt to determine the owners of impacted properties. TDOT has obtained temporary voluntary rights of entry from all such property owners whom TDOT has been able to successfully identify and contact.

State and Federal State of Emergency and Disaster declarations. The Petitioner has determined that these actions are required for the health, safety, and welfare of the public. Petitioner seeks to acquire real property interests, a general description of which is attached hereto in “Collective Exhibit A”, that are deemed necessary in connection with emergency roadway, bridge, and utility repairs.³

4. Due to the emergency nature of the damage and the urgency of the necessary repairs, Tennessee Governor Bill Lee has waived usual requirements that a detailed set of engineering plans be completed and published prior to commencement of the project (Collective Exhibit “B”). Petitioner is in the process of preparing plans, and when plans are complete, they will be made available for inspection at the Regional Office of the Tennessee Department of Transportation in Knoxville, Tennessee, and also at the Office of the Tennessee Department of Transportation in the James K. Polk Building in Nashville, Tennessee, and a copy of said plans will be offered as an exhibit in any trial of this cause.

5. Petitioner further shows to the Court that due to the emergency nature of the project it has been impossible to form a reliable estimate of just compensation for the property interests to be acquired. However, when the specific property interests necessary for this project and the amounts due owners are determined, the Petitioner will deposit those amounts into the Court’s registry in accordance with Tenn. Code Ann. Sections 29-17-902 and 29-17-105.

6. Petitioner presents this action *in rem* pursuant to Tenn. Code Ann. 29-17-701(a) on the following grounds:

³ A more detailed description of the property to be acquired shall be provided when available, and this Petition shall be amended to incorporate the specific description(s) herein.

a. The extraordinary circumstances make it “desirable to have a judicial ascertainment” of the propriety and timing of granting emergency highway work easements,

b. that, “there are or may be persons unknown or nonresidents who have or may have some claim or demand [to the subject property], or some actual or contingent interest or estate therein.”

Petitioner will provide notice to any and all persons or entities who have, or claim to have, an interest in and to the subject property to be condemned in this cause via publication or by personal service if possible.

7. The property rights and interests to be condemned in this proceeding, and the restrictions and/or prohibitions on the described property’s use are described generally in Collective Exhibit “A” (A-1) attached hereto.

PREMISES CONSIDERED, PETITIONER PRAYS THAT:

1. A copy of this Petition and Notice thereof issue and be served upon all property owners who are or may be affected in this eminent domain action either personally or by publication and that they be required to answer the same as provided by law.

2. That the court enter an order granting the State the right to immediately enter the described property to initiate and complete emergency repair and replacement of failed state and local transportation facilities located on or immediately adjacent to the property described in Exhibit A under the court’s equitable authority as provided by Tenn. Code Ann. Section 16-10-111, under its authority to administer right and justice as provided by Tenn. Code Ann. Section 16-10-101, and under its power to control its processes and orders in accordance with Tenn. Code Ann. Section 16-1-102.

3. The Court grant all necessary orders for the condemnation and appropriation of the property rights and interests described herein and issue a writ of possession, if required.

4. All proper proceedings be had hereunder which are necessary for the condemnation and appropriation of the property rights and interests described herein.

5. That when Petitioner files deposits, as mentioned above, the clerk may disburse same in accordance with law; and that in accordance with Tenn. Code Ann. Section 26-5-108, the clerk be directed to ascertain and report any taxes due and unpaid which constitute a lien on the condemned property and to satisfy said lien out of the money deposited herewith prior to withdrawal of the funds of the owners.

6. Said condemned property rights and interests of the Respondents be vested in the State of Tennessee, for the use and benefit of the Department of Transportation.

7. Any and all damages compensable under the laws of eminent domain, both actual and incidental, which occur as a result of the taking of the above-described property, property rights, and the construction of the aforementioned project be determined and compensated for.

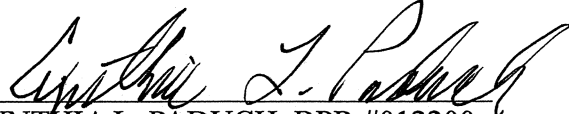
8. Petitioner have all such other, further, and general relief as appears just under the facts and laws of this case.

9. Petitioner asks this Honorable Court for any extraordinary relief that may be granted, in light of the public emergency, to allow Petitioner to enter the property described in order to proceed with the highway project for the health, safety, and welfare of the public in order to restore public roadways, bridges, and/or utilities.

10. Petitioner hereby demands a jury to try the issues when joined as provided by law.

RESPECTFULLY SUBMITTED,

JONATHAN SKRMETTI
Attorney General & Reporter



CYNTHIA L. PADUCH, BPR #012200
Senior Assistant Attorney General
First Floor, Historic Post Office Building
561 W. Main Street
Knoxville, Tennessee 37902
(865) 594-6222
Fax: (865) 594-6565
Email: cindy.paduch@ag.tn.gov

**COLLECTIVE
EXHIBIT A**

A-1

EMERGENCY CONSTRUCTION EASEMENT

Being a strip of land located in Unicoi and Washington Counties, between Interstate 26 and Embreeville, Tennessee, along and parallel with the centerline of State Route 81/State Route 107 from approximate Log Mile 1.5 (in Unicoi County) to the Unicoi/Washington County line then extending into Washington County to approximate Log Mile 1.38, just north of Embreeville Church Road with a width of 100 feet each side of centerline.

The above-described property may be further identified by reference to the following Exhibit A-2 presented in the form of a list of the Tax Map/Parcel numbers of record on the rolls of the local tax assessor(s) and the names that are currently associated with those parcels on the said rolls.

The above-described property is conveyed as an easement for the repair and restoration of state and local transportation facilities damaged as a result of severe weather connected with Hurricane Helene, including but not limited to the reconstruction of roadways, repairing drainage ditches and culverts, and buttressing and anchoring of walls or slopes.

The title to the above-described land remains vested in the Respondents and is to be used by the State of Tennessee, its contractors or assigns for a period of 2 years, from and after the commencement of construction.

COLLECTIVE
EXHIBIT A

A-2

| Owners | Tax Map / Parcel |
|---|---|
| Cherokee National Forest | 098 / 005.00 |
| Thomas William Surig | 104 / 001.00 |
| Harry E Hayes Jr. | 104 / 001.05 & 001.06 |
| Burnis Wilson | 098 / 004.00 |
| Lee H. Brown and Denise H. Brown | 103 / 013.00 |
| Mallard Family Trust | 103 / 012.00 |
| Brenda White and Jerry White | 104 / 001.02 |
| Jerry Wayne White and Jennifer White | 104 / 001.01 |
| Sam Kite | 103 / 011.00 |
| Benny B. Whitson, Jacquelin K. and Jeffrey D. Hawkins | 103 / 010.00, 009.00, 008.00, & 007.00 |
| Jack M. Bailey | 097 / 091.00 |
| E. Gail Raione | 097 / 043.00, 043.06, 043.05, 043.04, 043.03, 043.02, 043.01 |
| Michael W. Hollifield & Jennifer M. Hollifield | 097 / 089.00 & 088.00 |
| Emily Danielle Simmons | 097 / 087.05, 087.04 |
| Janice Jones & Bryan Coffie Steven | 097 / 087.00 |
| James Christopher Tipton | 097 / 087.01 |
| Sue Ellen Banner Tipton | 097 / 087.02 |
| John L Young Jr. & Robin M. Young | 097 / 043.07 |
| Benjamin M. Thomas | 097L C / 001.00 |
| Karen M. Berry | 097L C / 003.00 |
| James Haynes | 097L C / 004.00, 005.00 |
| David & Judith L Bacon, Brandi Nichole Parsons ETAL | 097 / 044.00 |
| Kenneth and Linda Harris | 097 / 085.00 |
| Jennifer Nicole and Christopher Dean Wilson | 097 / 85.02 |
| Kenny and Linda Harris | 097 / 085.01 |
| Billy Yates and Tammy Johnson | 097 / 045.00 |
| Earl J Beals Jr. and June Gail | 097 / 084.04 |
| Connie M. Roberson and Joseph Richard | 097 / 084.00 |

| | |
|--|-------------------------------------|
| Anthony Davis and Anna Palmer | 097 / 046.00 |
| Bobby E. Tittle | 097 / 048.00 |
| Scott Jackson Phillips | 097 / 083.00 |
| Charles B. and Veronica A. Shaw | 097 / 084.08, 083.01, 083.02 |
| Lydia Marie Tittle and Joshua J. and Jessica M. Berry | 097 / 049.00 |
| Conrad F. and Jean A. Smith | 097 / 050.01 |
| David Yates | 097L B / 001.00 |
| David and Queenie Yates | 097L B / 002.00 |
| Robert H. Tester and Whitney L. Tester | 097 / 050.00 |
| Embreville Church of Christ | 097L B / 003.00 |

**Unicoi/Washington County SR 81 Pin:135866.26, Row number:
R1S081-M2-002**

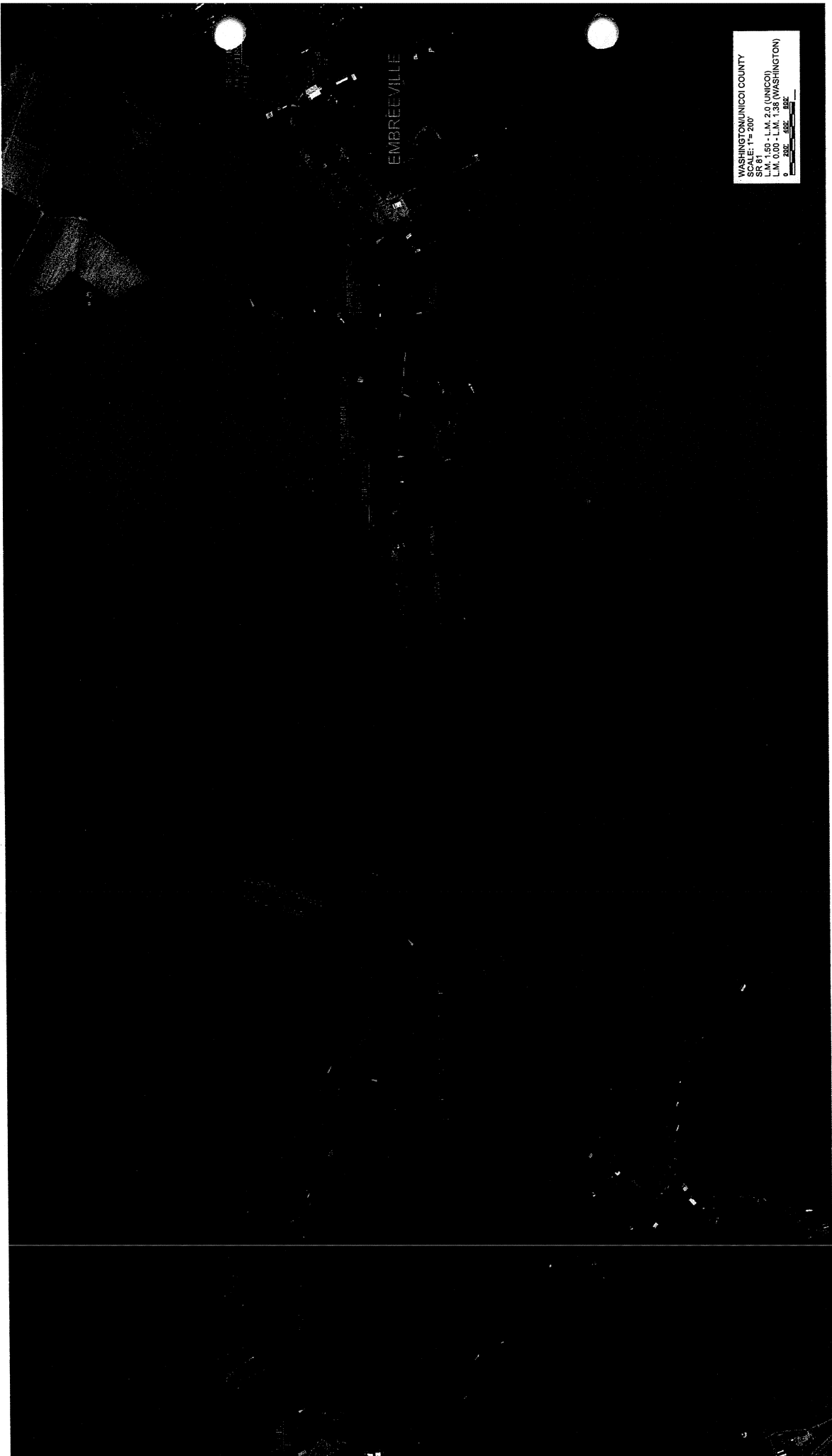
Owner Name

Map/Parcel

| | |
|---|--|
| Charles Danny Duncan Jr & Leslie Shane Hawkins | 23/25 |
| April Marie Hawkins (not listed on the ROE approval memo) | 23/25.08 |
| Charles Danny Duncan Jr. | 23/25.07 |
| Scharfstein Investments | 23/54.03,54.04,54.01,54.05,54.06, 54.07, 54.08, 54.09 |
| Bobby Pate and Ruth Ann | 23/54.02 |
| Unicoi County | 23/54.12 |
| United States of America | 37/1 |

**COLLECTIVE
EXHIBIT A**

A-3



WASHINGTON/UNICOI COUNTY
SCALE: 1"= 200'
S/N 81 - L.M. 2.0 (UNICOI)
L.M. 0.00 - L.M. 1.38 (WASHINGTON)
0 200' 400' 800'

Collective Exhibit "B"

RECEIVED

SEP 27 2024

Secretary of State
Tre Hargett



STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 105

**AN ORDER TO PROVIDE RELIEF TO VICTIMS OF SEVERE WEATHER AND
FLOODING IN TENNESSEE**

WHEREAS, on September 26 and 27, 2024, severe weather, including severe rainfall and flash flooding, affected significant portions of the State and caused substantial damage and destruction, and threatened public safety, and these severe weather conditions continue to affect the lives and property of Tennesseans; and

WHEREAS, many people have suffered significant property damage; and

WHEREAS, many residents of the affected areas have evacuated their homes or places of lodging and are seeking temporary refuge in other locations within the State; and

WHEREAS, local, state, and federal agencies and other organizations are engaged in relief efforts throughout the affected regions; and

WHEREAS, in response to the severe weather and flooding, Tennessee has requested an Emergency Declaration from the President of the United States; and

WHEREAS, the severe weather impacts, as well as the relief efforts in response thereto, are expected to persist for several weeks.

NOW THEREFORE, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and applicable law including Tennessee Code Annotated § 58-2-107, do hereby declare a major disaster and state of emergency exist and direct and order the following, *nunc pro tunc* to 12:01 a.m., Central Time, on September 27, 2024:

1. The relevant provisions of Tennessee Code Annotated, Titles 63 and 68, and related rules are hereby suspended to give the Commissioner of Health the discretion to allow a health care professional who is licensed in another state, and who would otherwise be subject to licensing requirements under Title 63 or Title 68, to engage in the practice of such individual's profession, if such individual is a health care professional who is assisting victims of the severe weather in Tennessee.
2. The provisions of Tennessee Code Annotated, Section 63-10-207(a) and (c), are hereby suspended to allow a pharmacist to dispense a 30-day supply of a prescription drug without proper authorization to victims of the severe weather in Tennessee, subject to all other provisions of Tennessee Code Annotated, Sections 63-10-207 and 63-1-164.
3. Any provision of the Tennessee Code Annotated and related rules that require Tennessee residency as a condition of eligibility to participate in programs administered by the Department of Health are hereby suspended to allow otherwise eligible evacuees from the severe weather to participate in such programs. These programs include but are not limited to the Special Supplemental Nutrition Program for Women, Infants and Children (Tenn. Comp. R. & Regs. Chapter 1200-15-2-.03), Renal Disease Program (Tenn. Comp. R. & Regs. Chapter 1200-11-1-.03), Hemophilia Program (Tenn. Comp. R. & Regs. Chapter 1200-11-2-.03), Children's Special Services (Tenn. Comp. R. & Regs. Chapter 1200-11-3-.03), and the Child Safety Fund (Tenn. Comp. R. & Regs. Chapter 1200-11-4-.04).
4. The relevant provisions of Tennessee Code Annotated, Title 56, and related rules are hereby suspended to give the Commissioner of Commerce and Insurance the discretion to direct Tennessee-licensed insurance companies to make reasonable efforts to assist policyholders who have experienced losses as a result of the severe weather in Tennessee. Specifically, where a delay in premium payment appears to be the result of a disruption to the mail delivery system or the policyholder's displacement due to the severe weather in Tennessee, the Department of Commerce and Insurance requests that insurers work with policyholders and take those circumstances into account before cancelling a policy and that insurers suspend cancellations or non-renewals of policies for non-payment of premiums for a period of at least sixty (60) days from the effective date of this Order for those policyholders who have suffered property damage, injuries, or loss of life as a result of these catastrophic events. The Commissioner of Commerce and Insurance has the discretion to allow an insurance professional who is licensed in another state and who would otherwise be subject to licensing requirements under Title 56 to engage in the practice of such individual's profession, if the individual is assisting victims of the severe weather in Tennessee.
5. The provisions of Tennessee Code Annotated, Section 55-50-323, and related rules are hereby suspended to the extent necessary to give the Commissioner of Safety and Homeland Security the discretion to waive fees for duplicate driver licenses or

photo identification licenses issued to persons affected by the severe weather in Tennessee.

6. The relevant provisions of Tennessee Code Annotated, Title 62, Chapter 6, Part 1, and related rules are hereby suspended to allow the Board for Licensing Contractors to temporarily license a person otherwise qualified to be licensed as a contractor without examination if the person provides sufficient proof, in the discretion of the Board or the Board's designee, that the issuance of the license is to assist victims of the severe weather in Tennessee and that the person to be licensed has sufficient experience and knowledge in the field of contracting in which the license will be issued to provide for the protection of the health, safety, and welfare of the public. Any applicable fees shall be prorated. Any such license shall not be eligible for renewal and shall expire six (6) months from the date of issuance.
7. The provisions of Tennessee Code Annotated, Sections 55-6-101(a)(4) and 55-6-104(a)(4), are hereby suspended to waive the fees due to the State and county clerk for the issuance of a duplicate title to replace a motor vehicle title that is lost or mutilated, pursuant to Tennessee Code Annotated, Section 55-3-115, for persons affected by the severe weather in Tennessee.
8. In accordance with Tennessee Code Annotated, Section 47-18-5103, it is hereby declared that the severe weather in Tennessee has resulted in an abnormal economic disruption, and therefore, persons are prohibited from charging any other person a price for the goods or services listed in Tennessee Code Annotated, Section 47-18-5103(a)(1), that is grossly in excess of the price generally charged for the same or similar goods or services in the usual course of business. Paragraph 9 of this Order shall remain in effect until 11:59 p.m., Central Time, on October 11, 2024.
9. The provisions of Tennessee Code Annotated, Section 55-4-401, through Tennessee Code Annotated, Section 55-4-413, Tennessee Code Annotated, Section 55-7-201, through Tennessee Code Annotated, Section 55-7-209, and Tenn. Comp. R. & Regs. 1680-07-01-.01 through Tenn. Comp. R. & Regs. 1680-07-01-.25 that set forth maximum weight, height, length, and width limitations are hereby suspended in the case of vehicles providing relief efforts in response to the severe weather in Tennessee, subject to the following conditions:
 - a. A vehicle must be transporting emergency supplies, equipment, or mobile housing units to the impacted areas.
 - b. A vehicle shall be permitted only to travel on (1) Interstate Highways; (2) highways on the National Highway System; and (3) other state-maintained highways and roads as may be required to respond to the severe weather emergency, without any restrictions on their time of movement except as may otherwise be provided in this Order.

- c. A vehicle may transport a divisible or non-divisible load up to a maximum gross vehicle weight of 95,000 pounds and a maximum axle weight of 20,000 pounds, except on any bridge or overpass with a lower posted weight limit.
- d. The outer bridge span of any five-axle truck tractor/semi-trailer combination shall be no less than fifty-one feet (51').
- e. The overall dimensions of a vehicle and load shall not exceed:
 - i. One hundred feet (100') in length;
 - ii. Fourteen feet, four inches (14' 4") in height on the Interstate Highway System, except on Interstate 55, and thirteen feet, six inches (13' 6") in height on Interstate 55 and any other highway on the National Highway System; or
 - iii. Fourteen feet, six inches (14' 6") in width.
- f. Vehicles that do not exceed ten feet (10') in width may travel seven (7) days per week during daylight or nighttime hours without any time restrictions.
- g. Vehicles transporting FEMA or other mobile housing units exceeding ten feet (10') in width, but not exceeding fourteen feet, six inches (14' 6") in width, may travel seven (7) days per week during daylight or nighttime hours without any time restrictions except as follows:
 - i. To promote public safety by avoiding "rush hour" traffic, vehicles shall not transport any load authorized herein between the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. (local time) Monday through Friday in Knox, Hamilton, Davidson, Williamson, and Shelby Counties.
- h. Vehicles are responsible for ensuring that they have proper oversize load signs, markings, flags, and escorts as required by the Tennessee Department of Transportation's rules and regulations for overdimensional movements on Tennessee's roads, except that a contracted FEMA carrier may use a single escort to escort up to three (3) overdimensional loads.
- i. This Executive Order shall serve as a special permit for transporting any load authorized herein. Transporters shall keep appropriate identification as designated by FEMA or their state of origin in their vehicle while transporting any load permitted by this Order and shall reference this Order as permitting such transports.

- j. Any person, firm, company, corporation, or other entity that undertakes the movement of any overweight and/or overdimensional article and/or commodity on the highways of Tennessee shall hold Tennessee and its officers and employees harmless from any claims for damages resulting from the exercise of any of the privileges granted under this Order and, to this end, shall carry liability insurance with an insurer, acceptable to the Tennessee Department of Transportation's Oversize and Overweight Permit Office, in the amount of not less than three hundred thousand dollars (\$300,000) for each claimant and one million dollars (\$1,000,000) per occurrence. The transporter shall carry the certificate of insurance in the vehicle at all times.
10. Any request by vehicles carrying appropriate identification designated by FEMA or their state of origin that are transporting emergency supplies, equipment, or mobile housing units in response to the severe weather in Tennessee for a special permit to transport loads in excess of the foregoing weight, height, length, and width limits or other restrictions shall be given expedited consideration and may be approved within the discretion of the Tennessee Department of Transportation's Oversize and Overweight Permit Office. The Commissioner of Transportation shall have the authority to waive any otherwise applicable permit fees related to such a request.
11. In accordance with 49 C.F.R. § 390.23 as adopted by Tenn. Comp. R. & Regs. 1340-06-01-.08, there is hereby provided a temporary exception from the federal rules and regulations in 49 C.F.R. Part 395 limiting the hours of service for the operator of a commercial motor vehicle providing supplies, equipment, personnel, and other provisions to assist persons affected by the severe weather in Tennessee, subject to the following conditions:
 - a. Nothing in this Order shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383, the financial requirements in 49 C.F.R. § 387, or applicable federal size and weight limitations.
 - b. No motor carrier operating under the terms of this Order shall require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor carrier that he or she needs immediate rest shall be given at least ten (10) consecutive hours off-duty before the driver is required to return to service.
12. The provisions of Tennessee Code Annotated, Section 62-35-115, and related rules are hereby suspended to the extent that they would otherwise apply to non-resident security guards or security officers properly registered or licensed in another jurisdiction providing support to the areas affected by the severe weather in Tennessee; provided, that the following conditions are met:

- a. Such non-resident registered or licensed security guards or security officers are employed only within the areas affected by the severe weather in Tennessee; and
 - b. The employers of the non-resident licensed security guards or security officers provide to the Commissioner of Commerce and Insurance a list of the names, addresses, and social security numbers of all non-resident licensed security guards or security officers utilized under the terms of this Order.
13. The relevant provisions of Tennessee Code Annotated, Sections 62-6-102(4)(A)(i), 62-6-103(a)(1), and 62-6-502, and related rules are hereby suspended in the case of persons engaging solely in storm damage cleanup resulting from the severe weather in Tennessee, provided that the person has sufficient experience and knowledge in the field to provide for the protection of the health, safety, and welfare of the public.
14. The provisions of Tennessee Code Annotated, Sections 62-13-104(b)(1)(C), 62-13-103(a), and 62-13-301, are hereby suspended only to the extent necessary to permit vacation lodging services licensed pursuant to Tennessee Code Annotated, Section 62-13-104(b), to engage in the business of providing the services of management, marketing, booking and rental of residential units owned by others as sleeping accommodations furnished for pay to persons providing relief services to persons affected by the severe weather or who are victims of the severe weather periods longer than fourteen (14) days without the requirement that such vacation lodging services hold any other license with the Tennessee Real Estate Commission, be under the supervision of a licensed real estate broker, or hold a real estate firm license; provided, that sufficient proof of the status of each person providing relief services or who is a victim is maintained by the vacation lodging service and made available to the Tennessee Real Estate Commission upon request. All other provisions applicable to vacation lodging services, real estate firms, and real estate brokers remain in effect.
15. All state agencies are encouraged to work with persons adversely affected by a disruption to the mail delivery system or displacement due to the severe weather in Tennessee and to take those circumstances into account with respect to giving notice and providing state services.

Any law, order, rule, or regulation that would otherwise limit the enforceability of this Order is hereby suspended, pursuant to Tennessee Code Annotated, Section 58-2-107.

This Order shall remain in effect until 11:59 p.m., Central Time, on November 10, 2024, at which time the suspension of any state laws and rules shall cease and be of no further force and effect.

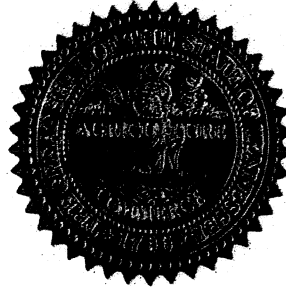
IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 27th day of September, 2024.

Brian Lee

GOVERNOR

ATTEST:
Jeri Wengert

SECRETARY OF STATE



RECEIVED

SEP 30 2024

Secretary of State
Tre Hargett



STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 106

**AN ORDER AMENDING EXECUTIVE ORDER NO. 105 TO PROVIDE FOR
EMERGENCY TRANSPORTATION REPAIRS**

WHEREAS, on September 27, 2024, I issued Executive Order No. 105 declaring a major disaster and state of emergency with respect to the severe weather in Tennessee on September 26 and 27, 2024; and

WHEREAS, in the days since, additional impacts from the severe weather have become apparent, including numerous catastrophic highway and bridge failures requiring immediate repair and replacement to ensure the safety and mobility of first responders, residents, and the traveling public; and

WHEREAS, this Order enhances the contracting authority of the Department of Transportation to allow maximum flexibility and speed in completing the necessary repair and replacement work.

NOW, THEREFORE, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and other applicable law, do hereby order and direct that:

Effective immediately, Executive Order No. 105, dated September 27, 2024, is hereby amended by adding the following paragraph:

16. The relevant provisions of Tennessee Code Annotated, Titles 12 and 54, and related rules are hereby suspended to the extent necessary to give the Commissioner of Transportation the discretion to procure and award highway construction and engineering contracts on an emergency basis to repair and replace state and local transportation facilities damaged as a result of the severe weather in Tennessee, including emergency award of design-build, construction manager/general contractor, progressive design build, engineering services, and design-related services contracts, and to give the Commissioner of Transportation the discretion

to modify or waive any deadlines or procedures for utility relocation necessitated by such emergency highway construction work.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 30th day of September, 2024.

Bill Lee

GOVERNOR

ATTEST:

Lee Hargrett

SECRETARY OF STATE

