

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER #120

Relating to the Proclamation of an Energy Emergency

WHEREAS, the health, welfare, and economic well-being of the citizens of Wisconsin depend on propane; and

WHEREAS, the late agricultural harvest and unusually wet agricultural conditions throughout the Midwest have led to a significant increase in the demand for propane to dry grain throughout the Midwest; and

WHEREAS, the corn harvest in Wisconsin is approximately thirty percent complete and crops are coming in at very high moisture levels requiring large amounts of propane for drying; and

WHEREAS, the effects of the shortage are being further compounded by the demand now beginning for home heating fuel; and

WHEREAS, adequate supplies of propane are necessary to continue normal agricultural harvesting and to provide residential heating to our citizens, particularly those in rural portions of the state; and

WHEREAS, Wisconsin propane transport companies principally draw propane from terminals in Pine Bend, Inver Grove Heights, and Rosemount, MN; Janesville, Superior, Owen, and Junction City, WI; Rapid River, MI; and Rockford, IL; and

WHEREAS, many of the above-listed terminals are either on allocation, loading off the pipeline, or completely out of propane; and

WHEREAS, commercial motor vehicles transporting propane in our state are experiencing long wait lines at terminals and/or having to drive long distances (North Carolina, Kansas, Nebraska, and Missouri) to receive supply and deliver it back to Wisconsin; and

WHEREAS, long lines at terminals throughout the area coupled with extensive driving distances have caused drivers to deplete available duty hours in accordance with federal motor carrier safety regulations; and

WHEREAS, the limited suspension of certain hours of service regulations for drivers of commercial motor vehicles transporting propane in our state will increase the amount of propane transported throughout the state of Wisconsin, thereby reducing the damaging effects of this shortage; and

WHEREAS, in light of the foregoing, propane transportation logistics may affect the health, welfare, and economic well-being of other consumers of propane, including businesses and residences with propane heating systems; and

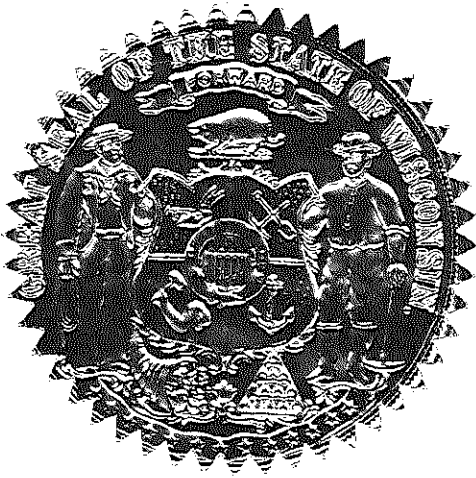
WHEREAS, allowing the transportation of propane within this state, in a safe manner and as described in this order, will benefit the citizens of Wisconsin; and

WHEREAS, the Federal Motor Carrier Safety Administration does not object to me exempting drivers of commercial motor vehicles transporting propane from the Wisconsin

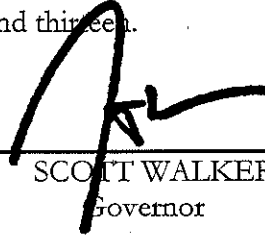
and federal hours of service restrictions in 49 C.F.R. Part 395 and Wis. Admin. Code Ch. Trans 327, and does not object to allowing this exemption to apply to the national system of interstate and defense highways;

NOW, THEREFORE, I, SCOTT WALKER, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the Laws of this State, and specifically by sections 323.10 and 340.01(15s) of the Wisconsin statutes and sections 49 C.F.R. 390.23 and 390.25 of the Code of Federal Regulations, hereby declare the present shortage of propane to be a natural disaster and hereby proclaim the entire state of Wisconsin to be in a state of emergency for a period of thirteen (13) days, effective immediately and expiring at 11:59 p.m. on Thursday, November 7, 2013, unless sooner terminated or extended in writing by me. Pursuant to that declaration, I do hereby order the following:

1. Carriers and drivers of commercial motor vehicles while in the process of obtaining and transporting propane are exempted from Wisconsin and federal hours of service restrictions in 49 C.F.R. Part 395 and Wis. Admin. Code Chs. Trans 325 and 327. This exemption applies to all highways in Wisconsin, including the national system of interstate and defense highways.
2. No motor carrier operating under the terms of this emergency declaration 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.
3. Upon request of a driver, a commercial motor carrier operating under this proclamation must give a driver at least thirty-four (34) consecutive hours off when the driver has been on duty for more than seventy (70) hours during any eight consecutive days.
4. Upon the expiration of the effective date of this proclamation, or when a driver has been relieved of all duty and responsibility to provide direct assistance to the emergency effort, a driver that has had at least thirty-four (34) consecutive hours off duty shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.
5. This order does not suspend the operation of any state or federal laws within the state of Wisconsin except as specifically described in the order. All other laws remain in full force and will be enforced. This order does not authorize any person transporting propane to exceed any statutory vehicle weight, width, length, or height limit. This order does not authorize the use of unregistered or improperly registered vehicles. Vehicles registered in other jurisdictions and not entitled to reciprocity, or not registered for use in Wisconsin through the International Registration Plan, must obtain a permit as provided in section 341.41 of the Wisconsin statutes. Motor carriers transporting propane for hire must have proper authority to operate in this state, as provided by section 194.04 of the Wisconsin statutes, and must meet the insurance requirements of section 194.41 or 194.42 of the Wisconsin statutes. Carriers must satisfy all ordinarily operative federal and Wisconsin requirements concerning vehicle equipment, vehicle operations, and driver qualifications and conduct.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this twenty-fifth day of October, in the year two thousand thirteen.



SCOTT WALKER
Governor

By the Governor:



DOUGLAS LA FOLLETTE
Secretary of State