



**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #263**

**Relating to the Declaration of an Energy Emergency  
Due to Intermittent Propane Supplies**

**WHEREAS**, the health, welfare, and economic well-being of 250,000 citizens of Wisconsin depend on propane as an energy supply and as a heat source in cold weather; and

**WHEREAS**, Wisconsin propane transport companies principally draw propane from terminals in MN (including Pine Bend), Janesville, Superior, Owen, Junction City, and Hixton, Wisconsin, as well as Rockford, Illinois and Rapid River, Michigan; and

**WHEREAS**, many of the above listed terminals are on allocation or loading off the pipeline, which is resulting in long wait times and drivers travelling longer distances to obtain product; and

**WHEREAS**, the Janesville terminal (the largest and most heavily trafficked in the state) is experiencing shortages due to the closure of the Rockford terminal (for maintenance), storage facilities are below capacity, and drivers from other states are obtaining propane from Janesville; and

**WHEREAS**, the supply to the Janesville, Wisconsin; Dubuque, Iowa; and Rockford, Illinois terminals is crucial in supplying propane to southern Wisconsin and the state as a whole; and

**WHEREAS**, the Janesville terminal will not restock full inventory for days, and the lack of product in storage has made it difficult for propane transporters to meet demand and comply with the state and federal hours-of-service requirements; and

**WHEREAS**, the Wisconsin Corn Growers Association confirm that most crops in the Northern portion of the state are wetter than normal and still in field, and that Southern Wisconsin crops are wetter than normal and currently being dried, we anticipate a strong demand for drying starting in the next couple of days; and

**WHEREAS**, November and December are months that propane customers may begin to request to have their propane tanks refilled, as typical during the winter months; and

**WHEREAS**, the Dubuque, IA terminal has been experiencing wait times of up to 7 hours and is the main source of propane for co-ops in the southwestern part of the State of Wisconsin, the lack of inventory at the Janesville terminal poses serious risks to the health, welfare, and economic well-being of Wisconsin citizens who depend on propane; and

**WHEREAS**, allowing the transportation of propane within this state, in a safe manner and as described in this order, will alleviate the backup and reduce the risks to Wisconsin consumers of propane; and

**WHEREAS**, the Federal Motor Carrier Safety Administration does not object to exempting drivers of commercial motor vehicles transporting propane from the Wisconsin and federal hours of service restrictions during an emergency 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 of the State of Wisconsin and by sections 323.10

and 340.01(15s) of the Wisconsin Statutes, do hereby declare that the present shutdown of the Rockford terminal and long wait times due to shortages of propane at other terminals in the state and nearby constitutes an energy emergency, and I further declare that a state of emergency shall exist for the entire State of Wisconsin for a period of thirty (30) days, effective beginning Friday, November 3, 2017, at 12:01 a.m. and expiring on Sunday, December 3, 2017, at 11:59 p.m. Pursuant to this state of emergency, and by the authority vested in me by section 323.12 of the Wisconsin Statutes and section 390.23 of Title 49 of the Code of Federal Regulations, I hereby order that:

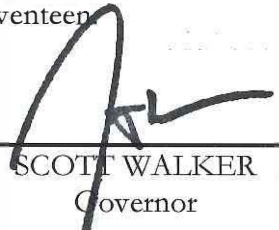
1. Carriers and drivers of commercial motor vehicles while in the process of obtaining and transporting propane are exempted from federal and Wisconsin hours-of-service requirements in Part 395 of Title 49 of the Code of Federal Regulations and in Chapters Trans 325 and Trans 327 of the Wisconsin Administrative Code. 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 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 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 order 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 state of emergency declared by this order, 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, Wis. Stats. Motor carriers transporting propane for hire must have proper authority to operate in this State, as provided by section 194.04, Wis. Stats., and must meet the insurance requirements of section 194.41 or 194.42, Wis. Stats. Carriers must satisfy all ordinarily acceptable federal and Wisconsin requirements concerning vehicle equipment, vehicle operations and driver qualifications and conduct.



By the Governor:

  
DOUGLAS LA FOLLETTE  
Secretary of State

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 third day of November, in the year two thousand seventeen.

  
SCOTT WALKER  
Governor