



EXECUTIVE ORDER #77

Relating to a Proclamation of an Energy Emergency

WHEREAS, the health, welfare, and economic well-being of the citizens of Wisconsin depend on petroleum products (gasoline and diesel fuel); and

WHEREAS, a leak was detected on the refined products West Shore Pipeline between Milwaukee and Green Bay, Wisconsin; and

WHEREAS, the detected leak has triggered a shutdown of a portion of the pipeline; and

WHEREAS, the pipeline shutdown may trigger widespread terminal outages and shortages of petroleum products in the Green Bay area; and

WHEREAS, the long wait times at Milwaukee and Madison petroleum product terminals and trucking of petroleum products over long distances are making it difficult for petroleum product transporters to meet demand and comply with the state and federal hours-of-service requirements; and

WHEREAS, in light of the foregoing, the shutdown of the pipeline leading to the shortage of petroleum products in the Green Bay area may affect the health, welfare, and economic well-being of these consumers of petroleum products; and

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

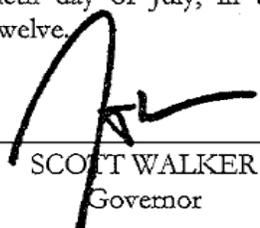
WHEREAS, the Federal Motor Carrier Safety Administration does not object to me exempting drivers of commercial motor vehicles transporting petroleum products from the federal and state weekly (7 consecutive days or 8 consecutive days) hours of service restrictions in 49 C.F.R. Part 395 and Wis. Admin. Code, Ch. Trans 327; specifically the rules requiring 34 hours of rest between every 60 hours of driving (for 7 consecutive days) or 34 hours of rest between every 70 hours of driving (for 8 consecutive days) and does not object to allowing this exemption to apply to the national system of interstate and defense highways; additionally, in order to protect the safety, health and welfare of the petroleum product carriers and the citizens of Wisconsin, the federal and state daily (24 hour period) hours of service restrictions in 49 C.F.R. Part 395 and Wis. Admin. Code, Ch. Trans 327, specifically those requiring 10 hours of rest in a 24 hour period, will remain in place; , a leak was detected on the refined products West Shore Pipeline between Milwaukee and Green Bay, Wisconsin;

NOW THEREFORE, I, SCOTT WALKER, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and the Laws of Wisconsin sections 323.10 and 340.01(15s) of the Wisconsin Statutes, and 49 C.F.R. sections 390.23 and 390.25, hereby declare the present shutdown of the pipeline and potential shortage of petroleum products to be an imminent threat of disaster and hereby order:

1. The entire State of Wisconsin to be in a state of emergency for a period of ten days, effective beginning Saturday, July 21, 2012, and expiring Monday, July 30, 2012.
2. Carriers and drivers of commercial motor vehicles while in the process of obtaining and transporting petroleum products are exempted from federal and Wisconsin weekly hours of service restrictions in 49 C.F.R. Part 395 and Wis. Admin. Code, Ch. Trans 325 and 327. This exemption applies to all highways in Wisconsin, including the national system of interstate and defense highways.
3. 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 10 consecutive hours off-duty before the driver is required to return to service.
4. 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 petroleum products 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 petroleum products 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.



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 twentieth day of July, in the year two thousand twelve.



SCOTT WALKER
Governor

By the Governor:



DOUGLAS LA FOLLETTE
Secretary of State