



EXECUTIVE ORDER #181

Relating to Declaring an Energy Emergency

WHEREAS, the health, welfare, safety, and economic wellbeing of the people of the State of Wisconsin depends on electric power and access to liquid fuels, including natural gas, for home heating;

WHEREAS, demand for home heating is increased due to extreme cold weather conditions, and extreme cold temperatures can limit deliveries of liquid fuels shipped by truck, barge, and particularly rail;

WHEREAS, drivers transporting liquid fuels are experiencing long wait times at terminals and challenging driving conditions with ice and snow-covered roads;

WHEREAS, long wait times at terminals, combined with the need to truck liquid fuels over long distances, make it difficult for transporters to meet demand and comply with state and federal hours-of-service requirements;

WHEREAS, Wisconsin has experienced a large number of power outages due to downed trees and ice on power lines, combined with the potential need to bring in line workers from out of state, makes it difficult for line workers to complete their work and comply with hours-of-service requirements and International Fuel Tax Agreement (IFTA) and International Registration Plan (IRP) requirements;

WHEREAS, this situation poses a serious risk to the health, welfare, safety, and economic wellbeing of the people of the State of Wisconsin because it is causing difficulties collecting and delivering liquid fuels for home heating and restoring electric power;

WHEREAS, allowing the transportation of liquid fuels and other supplies related to energy emergency response within the State of Wisconsin in a safe manner and as described in this order will enable mutual aid and benefit to the people of the State of Wisconsin; and

WHEREAS, having consulted with the Department of Transportation, Department of Administration, and the Public Service Commission's Office of Energy Innovation, I conclude that the above conditions warrant waiver of the federal drivers Hours of Service limitations applicable to motor carriers established under Title 49 of the Code of Federal Regulations, and a period of nonenforcement of IFTA and IRP.

NOW, THEREFORE, I, TONY EVERS, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and the Laws of Wisconsin, including Sections 323.10 and 340.01(15s) of the Wisconsin Statutes, and Title 49 of the Code of Federal Regulations Part 390.23 and Chapters Trans 325 and 327 of the Wisconsin Administrative Code, hereby:

1. Declare and certify that an energy emergency exists throughout the entire State of Wisconsin, as defined by Section 340.01(15s) of the Wisconsin Statutes. This declaration is restricted to motor carriers and drivers providing direct assistance supporting energy emergency relief efforts, who are transporting liquid fuel products and supplies, or providing other emergency response directly related to the energy emergency. This Executive order is effective from the date of this order and shall remain in effect until the end of the emergency or until 11:59 P.M., January 1, 2023, whichever is earlier.
2. Suspend the requirements of IFTA and IRP on carriers and drivers obtaining and transporting liquid fuel products and supplies for relief efforts or providing other energy emergency response during the period of this emergency and for any subsequent reporting of operations covered by this declaration.
3. Order that 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.

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 liquid fuel products and supplies or supplies for relief efforts to exceed any statutory vehicle weight, width, length, or height limit. This order does not authorize the use of unregistered vehicles. Motor carriers transporting liquid fuel products and supplies 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 Sections 194.41 and 194.42 of the Wisconsin Statutes. Carriers must satisfy all ordinarily acceptable federal and state 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-second day of December in the year of two thousand twenty-two.



TONY EVERS
Governor

By the Governor:

DOUGLAS LA FOLLETTE
Secretary of State