



OFFICE OF THE GOVERNOR

EXECUTIVE ORDER #148

**Relating to the Declaration of an Energy Emergency
Due to Intermittent Propane Pipeline 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, the Mid-America East Blue Pipeline serving four states, including the Janesville, Wisconsin; Dubuque, Iowa; and Rockford, Illinois, terminals and storage facilities has been below capacity with intermittent service interruptions; 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, on January 8, 2015, deliveries resumed to most Mid-America East Blue Pipeline propane terminals, but operations in Janesville remain intermittent; and

WHEREAS, the Janesville terminal will not resume full inventory for days, and the inventory backup has made it difficult for propane transporters to meet demand and comply with the state and federal hours-of-service requirements; and

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

WHEREAS, in anticipation of these requests for heating fuel and in light of extremely cold temperatures throughout the State of Wisconsin, the inventory backup 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 pipeline and potential shortage of propane is an energy emergency, and I further declare that a state of emergency shall exist for the entire State of Wisconsin for period of eighteen (18) days, effective beginning Friday, January 9, 2015, at 12:01 a.m. and expiring on Monday, January 26, 2015, 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 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 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.



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 ninth day of January in the year two thousand fifteen.


SCOTT WALKER
Governor

By the Governor:



DOUGLAS LA FOLLETTE
Secretary of State