



## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER #108

#### **Relating to Declaring an Energy Emergency**

**WHEREAS**, the health, welfare, safety, and economic wellbeing of the people of the State of Wisconsin depends on access to fuel for home heating and transportation, including diesel fuel #1 and #2, and propane;

**WHEREAS**, extreme cold temperatures have limited deliveries of petroleum products shipped by truck, barge, and particularly rail;

**WHEREAS**, rail deliveries of petroleum and propane are behind schedule due to the extreme winter weather in February 2021;

**WHEREAS**, multiple petroleum terminals across the state report limited supplies of product on hand;

**WHEREAS**, drivers transporting propane and petroleum are experiencing long wait times at terminals and challenging driving conditions with ice and snow covered roads;

**WHEREAS**, approximately 250,000 Wisconsinites depend on propane for home heating;

**WHEREAS**, demand for home heating fuel is strong due to extreme cold weather conditions and the global pandemic that has resulted in more citizens sheltering in place at home;

**WHEREAS**, long wait times at petroleum product terminals in Milwaukee and Madison, combined with the need to truck petroleum products over long distances, make it difficult for transporters to meet demand and comply with state and federal hours-of-service 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 a shortage of petroleum products throughout the State of Wisconsin, including difficulties collecting and delivering propane for home heating;

**WHEREAS**, allowing the transportation of petroleum products within the State of Wisconsin in a safe manner and as described in this order will benefit 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.

**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 of emergency shall be in effect as long as drivers transporting diesel fuel #1 and #2, and propane are providing assistance for the emergency or for a period of 30 days from the date of this order, whichever is shorter.
2. Order that 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 specified under 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.
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.
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 Wis. Stat. § 341.41. Motor carriers transporting petroleum products for hire must have proper authority to operate in this State, as provided by Wis. Stat. § 194.04, and must meet the insurance requirements of Wis. Stat. § 194.41 or 194.42. 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 eleventh day of February in the year of two thousand twenty-one.

*Tony Evers*

TONY EVERS  
Governor

By the Governor:

*Douglas La Follette*  
DOUGLAS LA FOLLETTE  
Secretary of State