



EXECUTIVE ORDER #12

Relating to Declaring an Energy Emergency

WHEREAS, the health, welfare, safety, and economic wellbeing of the people of the State of Wisconsin depend on access to fuel for heating and transportation, including gasoline, diesel fuel, and propane;

WHEREAS, petroleum products are shipped from Milwaukee to Green Bay by truck, barge, and rail;

WHEREAS, rail deliveries of petroleum and propane are up to three weeks behind schedule due to the extreme winter weather in January 2019;

WHEREAS, the Green Bay petroleum terminals 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;

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

WHEREAS, demand for home heating fuel is strong due to weather conditions;

WHEREAS, the long wait times at petroleum product terminals in Milwaukee and Madison, combined with the need to truck petroleum products over long distances, making it difficult for transporters to meet demand and comply with state and federal house-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 in the Green Bay area and 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 divisible load limitations in Section 348.25(4) of the Wisconsin Statutes for commercial motor vehicles transporting petroleum products.

NOW, THEREFORE, I, TONY EVERS, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the Laws of the State, including Sections 323.10 and 340.01(15s) of the Wisconsin Statutes, hereby:

1. Declare and certify that an energy emergency exists throughout the 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 petroleum products are providing assistance for the emergency or for 30 days from the date of this order, whichever is shorter.
2. Order that, pursuant to Section 348.17(3) of the Wisconsin Statutes, carriers and drivers of commercial motor vehicles having a registered gross weight of 50,000 pounds or more, while in the process of obtaining and transporting petroleum products, are exempt from the divisible load limitations under Section 348.25(4) of the Wisconsin Statutes. This exemption only authorizes weights not more than 10 percent greater than the gross axle weight and axle combination weight limitations, and not more than 15 percent greater than the gross vehicle weight limitations under Sections 348.15 and 348.16 of the Wisconsin Statutes. Further, this exemption does not apply to commercial motor vehicles operating on highways designated as parts of the national system of interstate and defense highways, except for the Interstate 39 and Interstate 41 corridors.
3. Order that carriers and drivers of commercial motor vehicles, while in the process of obtaining and transporting propane or petroleum products are exempt from federal and Wisconsin hours of service restrictions specified under 34 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.
4. Order that no motor carrier operating under the terms of this Executive Order may 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 may be required to return to service.
5. Declare that this Executive Order does not suspend the operation of any state or federal laws except as specifically described above. All other laws shall remain in full force and be enforced. This Executive 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 under Section 341.41 of the Wisconsin Statutes. Motor carriers transporting petroleum products for hire must have proper authority to operating in the State of Wisconsin, as provided under Section 194.04 of the Wisconsin Statutes, and must meet the insurance requirements under Section 194.41 or 194.42 of the Wisconsin Statutes. Motor 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-first Day of February in the year of two thousand nineteen.



TONY EVERS
Governor

By the Governor:



DOUGLAS LA FOLLETTE
Secretary of State