The State of Wisconsin

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER #124

Relating to an Ongoing Energy Emergency and Amending Executive Orders #120, 121, and 122

WHEREAS, the health, welfare, and economic well-being of the citizens of Wisconsin depend on propane; and

WHEREAS, the late agricultural harvest and unusually wet agricultural conditions have led to a significant increase in the demand for propane to dry grain throughout the Midwest; and

WHEREAS, Wisconsin's corn harvest is 82 percent complete, which leaves much of the harvest remaining at this point compared to the past five years; and

WHEREAS, colder temperatures are requiring greater amounts of propane for home heating; and

WHEREAS, terminals serving Wisconsin are either on allocation, experiencing long lines or out of propane, namely the Rosemount, MN, Superior, WI, and Junction City, WI, terminals are on allocation and the Pine Bend, MN, and Green Bay, WI, terminals are out of propane; and

WHEREAS, continued propane allocation requires propane transport drivers to drive and wait longer hours to obtain the necessary propane supply; and

WHEREAS, the long waits at propane terminals and trucking of propane over long distances continue to make it difficult for propane transporters to meet demand and comply with Wisconsin and federal hours-of-service requirements; and

WHEREAS, in light of the foregoing, the need for the exemptions of hours-of-service restrictions under state and federal law is anticipated to continue past 11:59 p.m. on November 29, 2013, the time designated by Executive Order #122; and

WHEREAS, the federal Motor Carrier Safety Administration does not object to exempting drivers of commercial motor vehicles transporting propane from Wisconsin and federal hours-of-service restrictions contained in 49 C.F.R. Part 395 and Wis. Admin. Code Ch. Trans 327, 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 and the Laws of this State, and specifically by sections 323.10 and 340.01(15s) of the Wisconsin statutes and sections 49 C.F.R. 390.23 and 390.25 of the Code of Federal Regulations, hereby declare the ongoing shortage of propane continues to be a natural disaster and order that the state of emergency declared in Executive Orders #120, 121, and 122 shall continue through December 15, 2013 at 11:59 p.m., unless sooner terminated or extended in writing by me. Pursuant to that declaration, I hereby order the following:

1. Carriers and drivers of commercial motor vehicles while in the process of obtaining and transporting propane are exempted from Wisconsin and federal hours-of-service restrictions in 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.

2. 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 ten (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 proclamation 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 of the Wisconsin statues. Motor carriers transporting propane 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 section 194.41 or 194.42 of the Wisconsin statutes. Carriers must satisfy all ordinarily operative 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 twenty-seventh day of November, in the year two thousand thirteen.

SCOTT WALKER
Governor

By the Governor:

DOUGLAS LA FOLLETTE
Secretary of State