

**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #96**

**Relating to a Proclamation Declaring a State of Emergency in Response to an Energy Emergency**

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

**WHEREAS**, an allocation is a propane rationing system based on the number of loads a retailer has drawn at a specific terminal over the warmer months and the current availability of propane at that terminal; and

**WHEREAS**, the Junction City, Owen and Green Bay terminals are not able to meet the demands of northern Wisconsin propane customers because they are on allocation of propane until further notice; and

**WHEREAS**, the Rosemont terminal in Minnesota is on allocation and the Rapid River Terminal in Wisconsin is shutting down until Saturday due to a problem with its pipeline; and

**WHEREAS**, those with no accrued allocation will not be allowed to load at that terminal and must drive to other terminals; and

**WHEREAS**, those with allocation will be limited in the number of loads they are allowed to draw and must drive further to draw the additional loads necessary to meet their customers' needs; and

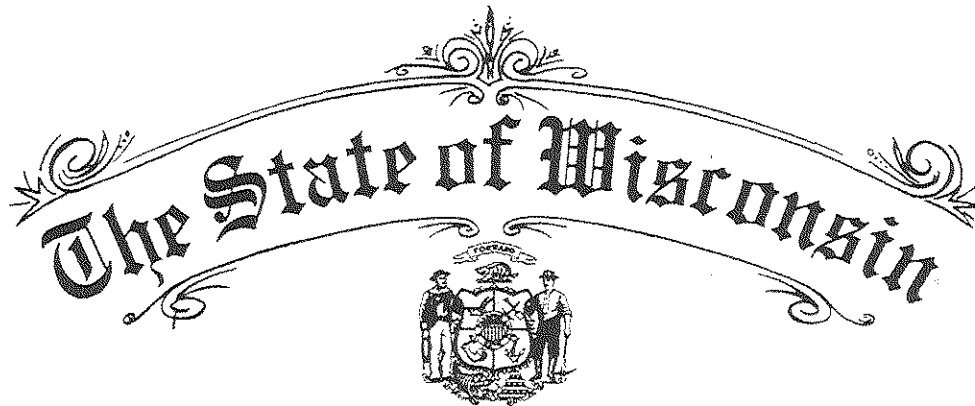
**WHEREAS**, the allocations at the Junction City, Owen and Green Bay terminals are forcing propane retailers in the Rhinelander and Minocqua areas to travel to the Janesville terminal for propane; and

**WHEREAS**, because the Rosemont terminal and the Rapid River terminal serve propane retailers in western Wisconsin, these retailers are now diverted to the Superior terminal; and

**WHEREAS**, wait times at the Janesville terminal are now in excess of 4 hours, reaching 5 hours on Tuesday, January 22, 2013; and

**WHEREAS**, because the Janesville terminal has depleted its local inventory, it is now drawing directly off the pipeline at a slower rate which leads to longer truck fill-times; and

**WHEREAS**, in order to shorten fill-times at the Janesville terminal, some trucks are being diverted to the Rockford, Illinois terminal, which adds another hour of drive time each way, causing hours-of-service problems for drivers traveling from Northern Wisconsin; and



## OFFICE OF THE GOVERNOR

**WHEREAS**, the increased propane demand and driving distances necessitate drivers working more hours per day, causing drivers to reach maximum weekly driving and on-duty limits more quickly than normal; and

**WHEREAS**, even with warmer temperatures predicted in the 10-day forecast, propane terminals expect that supply will not meet demand for 1 week, requiring drivers to haul loads on the weekend to replenish local supply before the temperature drops again in late January; and

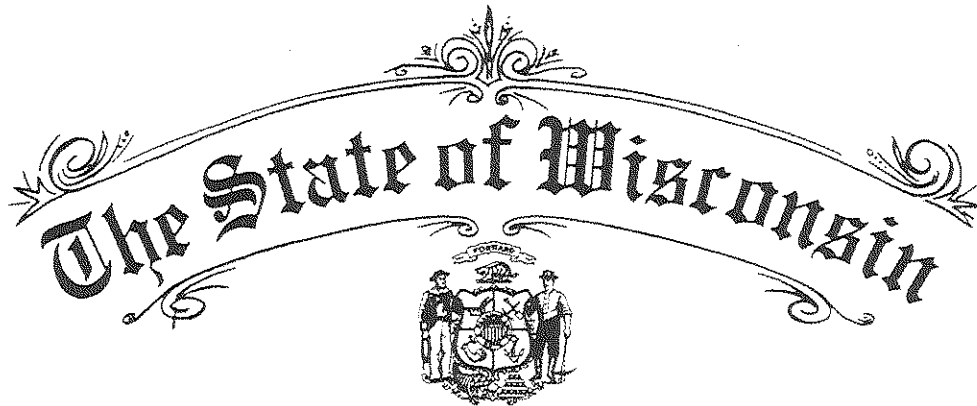
**WHEREAS**, in light of the foregoing, propane transportation logistics may affect the health, welfare, and economic well-being of consumers of propane, including businesses and residences with propane heating systems; and

**WHEREAS**, allowing the transportation of propane within this State in a safe manner and as described in this Order will benefit the citizens of Wisconsin; 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 in 49 C.F.R. pt. 395 and Wis. Admin. Code Trans § 327, and does not object to allowing this exemption to apply to the national system of interstate and defense highways.

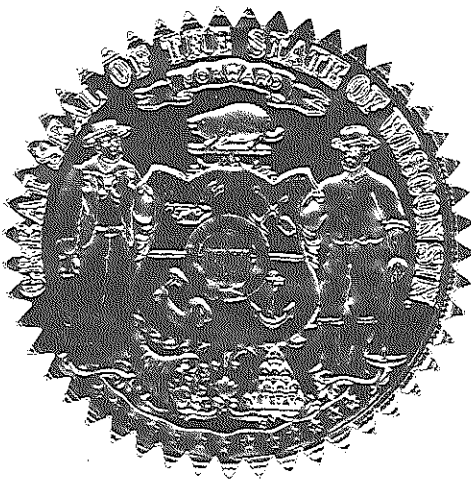
**NOW, THEREFORE I, SCOTT WALKER**, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and the laws of this State, specifically Wisconsin Statutes §§ 323.10, 340.01(15s) and 49 C.F.R. §§ 390.23, .25, hereby declare the present shortage of propane to be a disaster and hereby order:

1. The entire State of Wisconsin to be in a state of emergency for a period of 10 days, effective beginning January 24, 2013, and expiring February 3, 2013.
2. Carriers and drivers of commercial motor vehicles in the process of obtaining and transporting propane are exempted from Wisconsin and federal hours of service restrictions in 49 C.F.R. pt. 395 and Wis. Admin. Code Trans §§ 325, 327. This exemption applies to all highways in Wisconsin, including the national system of interstate and defense highways.
3. 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 time 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 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 in Wisconsin through the International Registration Plan, must obtain a permit as provided in Wis. Stat. § 341.41. Motor carriers transporting propane for hire must have proper authority to operate in

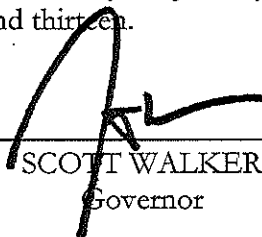


**OFFICE OF THE GOVERNOR**

this State, as provided by Wis. Stat. §194.04., and must meet the insurance requirements of Wis. Stat. § 194.41, .42. 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 twenty-third day of January, in the year two thousand thirteen.

  
SCOTT WALKER  
Governor

By the Governor:

  
DOUGLAS LA FOLLETTE  
Secretary of State