



**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #142**

**Relating to the Declaration of an Energy Emergency**

**WHEREAS**, the health, welfare, and economic well-being of the citizens of Wisconsin depend on finished petroleum products, including gasoline and diesel fuel; and

**WHEREAS**, the Badger Pipeline supplies finished petroleum products to the terminal in McFarland, Wisconsin; and

**WHEREAS**, the Badger Pipeline at the McFarland terminal has been temporarily shut down due to a third-party construction incident in Illinois; and

**WHEREAS**, the inventories of petroleum products at the McFarland terminal are not being replenished due to this shutdown; and

**WHEREAS**, the pipeline shutdown may trigger widespread terminal outages and shortage of petroleum products in south-central Wisconsin, and, therefore, petroleum products transporters will have to travel to more distant points to furnish south-central Wisconsin with gasoline and diesel fuel; and

**WHEREAS**, trucking of petroleum products over longer distances makes it very difficult for petroleum products transporters to meet demand and comply with state and federal hours-of-service requirements; and

**WHEREAS**, in light of the foregoing, the shutdown of the pipeline at the McFarland terminal may seriously affect the health, welfare, and economic well-being of consumers of petroleum products; and

**WHEREAS**, allowing the transportation of petroleum products 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 petroleum products from the Wisconsin and federal hours of service restrictions in 49 C.F.R. Part 395 and Wis. Admin. Code, Chapters Trans 325 and 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 sections 323.10 and 340.01(15s) of the Wisconsin Statutes, and by 49 C.F.R. section 390.23, hereby declare the present shutdown of the pipeline and potential shortage of petroleum products to be an energy emergency, and, pursuant to the energy emergency, I hereby order that:

- (1) The entire state of Wisconsin is in a state of emergency, effective immediately and expiring at 11:59 p.m. on Monday, November 9, 2014.
- (2) Carriers and drivers of commercial motor vehicles while in the process of obtaining and transporting petroleum products are exempted from federal and Wisconsin hours of service restrictions in 49 C.F.R. Part 395 and Wis. Admin. Code, Chapters Trans 325 and 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 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) Upon request of a driver, a commercial motor carrier operating under this Executive 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.
- (5) Upon the expiration of the emergency under this Executive Order, or when a driver has been relieved of all duty and responsibility to provide direct assistance to the emergency effort, a driver who 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.
- (6) 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 section 341.41, Wis. Stats. Motor carriers transporting petroleum products 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 sections 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 thirty-first day of October in the year two thousand fourteen.

  
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SCOTT WALKER  
Governor

By the Governor:

  
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DOUGLAS LA FOLLETTE  
Secretary of State