



EXECUTIVE ORDER #197

Relating to the Declaration of an Energy Emergency

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

WHEREAS, an anomaly was detected on the refined products West Shore Pipeline between Milwaukee and Green Bay, triggering a shutdown of a portion of the pipeline; and

WHEREAS, the pipeline shutdown may trigger widespread terminal outages and shortages of petroleum products in the Green Bay area; and

WHEREAS, the extended wait times at Milwaukee and Madison petroleum product terminals and trucking of petroleum products over long distances are making it difficult for petroleum product transporters to meet demand and comply with the state and federal hours-of-service requirements; and

WHEREAS, in light of the foregoing, the shutdown of the pipeline leading to the shortage of petroleum products in the Green Bay area poses serious risks to the health, welfare, and economic well-being of the citizens of this state; 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, pursuant to section 390.23 of Title 49 of the Code of Federal Regulations, 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 during an emergency 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 laws of this State, including sections 323.10 and 340.01(15s) of the Wisconsin Statutes, do hereby declare the present shutdown of the pipeline and potential shortage of petroleum products to be an energy emergency, and I further declare that a state of emergency shall exist for the entire State of Wisconsin, effective immediately today, May 6, 2016, for as long as drivers transporting petroleum products are providing assistance for the emergency, or for a duration of thirty days, whichever is shorter. Pursuant to this state of emergency, and by the authority vested in me by section 323.12(4)(d) of the Wisconsin Statutes and section 390.23 of Title 49 of the Code of Federal Regulations, I hereby order that:

1. 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 in Part 395 of Title 49 of the Code of Federal Regulations and Chapters Trans 325 and 327 of the Wisconsin Administrative Code, specifically the rules requiring certain periods of rest within periods of driving 7 or 8 consecutive days. This exemption applies to all highways in Wisconsin, including the national system of interstate and defense highways.

2. In order to protect the safety, health and welfare of the petroleum product carriers and the citizens of Wisconsin, the federal and state daily (24-hour period) hours-of-service restrictions in Part 395 of Title 49 of the Code of Federal Regulations and Chapters Trans 325 and 327 of the Wisconsin Administrative Code, specifically those requiring certain hours of rest in a 24-hour period, will remain in place.
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 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.

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 sixth day of May in the year two thousand sixteen.



SCOTT WALKER
Governor

By the Governor:

DOUGLAS LA FOLLETTE
Secretary of State