



EXECUTIVE ORDER #128

Relating to a Natural Disaster and Energy Emergency

WHEREAS, the unseasonably cold temperatures are requiring greater demand for propane for home, school, church and other business and institution heating; and

WHEREAS, temperatures in much of Wisconsin are predicted to remain in the teens and 20's through the next ten days with night time temperatures reaching near or below zero, and heavy snowfall is slowing traffic on roads and highways; and

WHEREAS, some terminals, including Rockford, IL, and Pine Bend, MN, have intermittent batch supplies of propane, forcing propane transports to drive further to other terminals; and

WHEREAS, several propane pipeline terminals serving Wisconsin are either on allocation, experiencing long lines, or out of propane, including Owen, WI, Green Bay, WI, Janesville, WI, Junction City, WI, Rapid River, MI, and Dubuque, IA; and

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

WHEREAS, wait lines at terminals have been as long as 30 transport trucks causing wait times of over twelve hours at terminals from Superior, WI, to Conway, KS; 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 the state and federal hours-of-service requirements; 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

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 section 49 C.F.R. 390.23 of the Code of Federal Regulations, hereby declare the unseasonably cold weather to be a natural disaster and further declare the entire state of Wisconsin to be in a state of emergency for a period of thirty (30) days, effective 12:01 a.m. on Tuesday, December 24, 2013, and terminating at 11:59 p.m. on January 22, 2014, unless sooner terminated 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.
2. This exemption applies to all highways in Wisconsin, including the national system of interstate and defense highways.

The State of Wisconsin



OFFICE OF THE GOVERNOR

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 ten (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 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.
5. 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.
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 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 statutes. 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-third day of December, in the year two thousand thirteen.


SCOTT WALKER
Governor

By the Governor:


DOUGLAS LA FOLLETTE
Secretary of State