



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

EXECUTIVE ORDER
No. 2014 - 1

STATE OF ENERGY EMERGENCY
WAIVER OF REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS
TRANSPORTING PROPANE AND HEATING OIL

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 3 of 1982 PA 191, MCL 10.83, authorizes the Governor to declare a State of Energy Emergency upon notification of an impending energy emergency by the Energy Advisory Committee, or upon the Governor's own initiative, if the Governor finds that an energy emergency exists or is imminent; and

WHEREAS, regional propane inventories are 33 percent below the five-year average, and approximately 40 percent below this time last year, causing product allocations and restricted fill volumes for some customers, and

WHEREAS, a shift in the polar vortex has brought uncharacteristically severe winter weather, including subzero temperatures, heavy snowfall, and reduced visibility resulting in hazardous road conditions and more frequent equipment failures for propane and heating oil transporters, causing drivers to reach maximum weekly driving and on-duty limits more quickly than normal; and

WHEREAS, the inclement weather is causing longer driving times and working hours, and increased effort to deliver individual loads, making it difficult for propane and heating oil transporters in Michigan to meet demand and comply with federal and state hours-of-service regulations and requirements contained within 49 CFR Part 395, and adopted in Public Act 181 of 1963, MCL 480.11 a; and

WHEREAS, it is in the best interests of the state of Michigan to provide for the safe transportation of propane and heating oil within this state, and that appropriate measures be taken in response to this energy emergency to assure that propane and heating oil supplies can be delivered to protect the health, safety, and welfare of Michigan residents and visitors; and

WHEREAS, Federal Motor Carrier Safety Administration regulations found at 49 CFR 390.23, and Michigan Public Act 181 of 1963, MCL 480.11 a, provide the Governor

with the authority to exempt motor carriers and drivers transporting propane and heating oil within Michigan from the hours-of-service regulations and requirements specified in 49 CFR Part 395 and MCI 480.11 a, to address transportation needs arising from the impact of this energy emergency;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and 1982 PA 191, MCI 10.81 to 10.87, order the following:

1. Motor carriers and drivers transporting propane and heating oil to address transportation issues arising from the severe weather, heavy snowfall and difficult driving conditions in Michigan, are exempt from compliance with MCI 480.11 a and any other applicable state statute, order, or rule substantially similar to MCI 480.11 a, and 49 CFR Part 395. Any such provision of a state statute, order, or rule pertaining to the hours-of-service is suspended. This exemption and suspension applies to all highways in Michigan, including the national system of interstate and defense highways.
2. This order applies only to propane and heating oil. No other petroleum products are covered by the exemption and suspension under this Order.
3. No motor carrier or driver operating under the terms of this order shall require or allow an ill or fatigued driver to operate a motor vehicle. Any driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive off-duty hours before the driver is required to return to work.
4. Nothing in this Order shall be construed as an exemption from applicable controlled substances and alcohol use and testing requirements (49 CFR Part 382 and similar state statute, order, or rule), the commercial driver's license requirements (49 CFR Part 383 and any similar state statute, order, or rule), the financial responsibility requirements (49 CFR Part 387 and any similar state statute, order, or rule), driver qualifications (49 CFR Part 391), driving of commercial motor vehicles (49 CFR Part 392), equipment, parts, and accessories necessary for the safe operation of vehicles (49 CFR Part 393), applicable size and weight requirements, or any portion of federal and state regulations not specifically identified.
5. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption and suspension until the out-of-service order expires or the conditions for rescission have been satisfied.
6. The Michigan Department of State Police requires that drivers for motor carriers operating under the Declaration of Energy Emergency must have a copy of the Declaration of Energy Emergency in their possession.
7. Upon expiration of this order, or when a motor carrier or driver ceases to provide direct assistance to the emergency relief effort, a driver that has had at least 34

consecutive off-duty hours must be permitted to start his or her on-duty hours and 60/70-hour clock at zero.

The Commercial Vehicle Enforcement Division of the Michigan Department of State Police shall coordinate state compliance with this Order. This Order is effective upon filing and remains in effect for the duration of the emergency or 11:59:59 p.m. EDT, Friday, January 31, 2014, whichever is less.



Given under my hand and the Great Seal of the State of Michigan this 10th day of January in the Year of Our Lord, Two Thousand and Fourteen

Richard D. Snyder
RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:

Justin Johnson
SECRETARY OF STATE

FILED WITH SECRETARY OF STATE
ON 1/10/2014 AT 2:40 P.M.