



**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #268**

**Relating to the Declaration of an Energy Emergency  
Due to Intermittent Propane Supplies**

**WHEREAS**, the health, welfare, and economic well-being of 250,000 citizens of Wisconsin depend on propane as an energy supply and as a heat source in cold weather; and

**WHEREAS**, Wisconsin propane transport companies principally draw propane from terminals in Minnesota (including Pine Bend), Janesville, Superior, Owen, Junction City, and Hixton, Wisconsin, as well as Rockford, Illinois and Rapid River, Michigan; and

**WHEREAS**, many of the above listed terminals are on allocation or loading off the pipeline, which is resulting in long wait times and drivers travelling longer distances to obtain product; and

**WHEREAS**, the Janesville terminal (the largest and most heavily trafficked in the state) has reported that storage facilities are below capacity, and drivers will soon have to fill trucks directly from the pipeline; and

**WHEREAS**, the propane industry has experienced a lack of qualified drivers, over the last few years, this situation is more problematic with the recent below-normal weather that is resulted in a rapid increase in customer demand; and

**WHEREAS**, the Janesville terminal will not restock full inventory for days, and the lack of product in storage has made it difficult for propane transporters to meet demand and comply with the state and federal hours-of-service requirements; and

**WHEREAS**, the below-normal temperatures experienced across the Midwest have increased demand for home heating fuel and propane companies have reported a precipitous jump in "will call" customer requests for fills; and

**WHEREAS**, January is typically one of the coldest months, and one in which propane customers may request to have their propane tanks refilled, as is typical during the winter months; and

**WHEREAS**, rail terminals across the state have been experiencing long wait times which cause drivers to go elsewhere for supply, thereby increasing traffic at other terminals and potentially poses serious risks to the health, welfare, and economic well-being of Wisconsin citizens who depend on propane; and

**WHEREAS**, allowing the transportation of propane within this state, in a safe manner and as described in this order, will alleviate the backup and reduce the risks to Wisconsin consumers of propane; and

**NOW THEREFORE, I, SCOTT WALKER**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution of the State of Wisconsin and by sections 323.10 and 340.01(15s) of the Wisconsin Statutes, do hereby declare that the present shortages of drivers, below-normal cold weather, and long wait times due to shortages of propane at other terminals in the state and nearby constitutes an energy emergency, and I further declare that a state of emergency shall exist for the entire State of Wisconsin for a period of thirty (30) days, effective beginning Friday, December 29, 2017, at 12:01 a.m. and expiring on Sunday, January 28, 2018, at 11:59 p.m. Pursuant to this state of emergency, and by the

authority vested in me by section 323.12 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 propane are exempted from federal and Wisconsin hours-of-service requirements in Part 395 of Title 49 of the Code of Federal Regulations and in Chapters Trans 325 and Trans 327 of the Wisconsin Administrative Code. This exemption applies to all highways in Wisconsin, including the national system of interstate and defense highways.
2. 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 ten consecutive hours off-duty before the driver is required to return to service.
3. Upon request of a driver, a commercial motor carrier operating under this 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.
4. 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.
5. 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, Wis. Stats. Motor carriers transporting propane 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 section 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 twenty-eighth day of December, in the year two thousand seven, teen.



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SCOTT WALKER  
Governor

By the Governor:

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DOUGLAS LA FOLLETTE  
Secretary of State