



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

**EXECUTIVE ORDER
No. 2013 - 3**

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

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, pipeline repairs at the propane terminal in Rapid River, Michigan, supply shortages in Wisconsin, and increased demand for propane due to excessively cold weather in Wisconsin and the Upper Peninsula of Michigan, have resulted in longer driving distances, wait times, and working hours for propane transporters, causing drivers to reach maximum weekly driving and on-duty limits more quickly than normal; and

WHEREAS, this situation has affected the availability of propane supplies in some areas of the Upper Peninsula, creating temporary shortages and shipment delays that may potentially impact the health, safety, and economic well-being of the citizens of Michigan who depend on this product, and the ability of transporters to supply the product in accordance with federal motor carrier regulations and requirements; and

WHEREAS, the longer driving distances, wait times, and working hours are making it difficult for propane transporters 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 480.11a; and

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

WHEREAS, under Section 4 of 1982 PA 191, MCL 10.84, during a declared State of Energy Emergency, the Governor may, by executive order, suspend a statute, order, rule of a state agency, or specific provision of a statute, rule, or order if strict compliance with the statute, order, rule, or a specific provision of the statute, rule, or order will prevent, hinder, or delay necessary action in coping with the energy emergency; and

WHEREAS, Federal Motor Carrier Safety Administration regulations found at 49 CFR 390.23, and Michigan Public Act 181 of 1963, MCL 480.11a, provide the Governor with the authority to exempt motor carriers and drivers transporting propane within Michigan from the hours-of-service regulations and requirements specified in 49 CFR Part 395 and MCL 480.11a, 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, MCL 10.81 to 10.87, order the following:

1. A State of Energy Emergency is declared in the state of Michigan.
2. Motor carriers and drivers transporting propane within Michigan to address propane supply needs arising from the terminal shutdowns in Rapid River, Wisconsin, and Rapid River, Michigan, are exempt from compliance with MCL 480.11a and any other applicable state statute, order, or rule substantially similar to MCL 480.11a, and 49 CFR Part 395. Any such provision of a state statute, order, or rule is suspended. This exemption and suspension applies to all highways in Michigan, including the national system of interstate and defense highways.
3. This order applies only to propane. No other petroleum products are covered by the exemption and suspension under this Order.
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 any 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), 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 Federal Motor Carrier Safety Administration and Michigan Department of State Police require 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. 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 until it is rescinded or 11:59:59 p.m. EDT, Sunday, February 3, 2013, whichever first occurs.

Given under my hand and the Great Seal of the State of Michigan this Twenty-Fifth day of January in the Year of Our Lord, Two Thousand and Thirteen.



RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

FILED WITH SECRETARY OF STATE

ON 1/25/13 AT 4:16pm