



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

EXECUTIVE ORDER
No. 2016 - 10

STATE OF ENERGY EMERGENCY
WAIVER OF REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS
TRANSPORTING PETROLEUM PRODUCTS

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, and Executive Order No. 2015-10 (Section VIII) authorizes the Governor to declare a State of Energy Emergency upon notification of an impending energy emergency by the Executive Director of the Michigan Agency for Energy, or upon the Governor's own initiative, if the Governor finds that an energy emergency exists or is imminent; and

WHEREAS, the West Shore pipeline – a common carrier petroleum pipeline – from Milwaukee to Green Bay, Wisconsin has been shut down since March 10, 2016 for emergency repairs. This pipeline transports petroleum products to six Green Bay terminals where it is then loaded on tanker trucks and transported to fueling stations in the Upper Peninsula of Michigan. The shutdown of the pipeline has resulted in longer driving distances, wait times, and working hours for gasoline and other motor fuels transporters, causing drivers to reach maximum weekly driving and on-duty limits more quickly than normal; and

WHEREAS, this pipeline shutdown is affecting the availability of gasoline and other motor fuel supplies in most 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 these products, and the ability of transporters to supply the products in accordance with federal motor carrier regulations and requirements; and

WHEREAS, additional infrastructure outages such as the temporary Marathon Refinery shutdown and the Alberta wildfires are aligning to cause tightening in the petroleum supply markets resulting in longer driving distances, crowded petroleum terminals, and extended wait times for motor fuels transporters in the Lower Peninsula; and

WHEREAS, it is in the best interests of the state of Michigan to provide for the safe transportation of gasoline and other motor fuels within this state, and that appropriate measures be taken in response to an imminent energy emergency to

assure that gasoline and other motor fuels 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 gasoline and other motor fuels 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 gasoline and other motor fuels to address the transportation and supply needs arising from the current emergency, 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 gasoline and other transportation fuels. No other petroleum products are covered by the exemption and suspension under this Order.
4. 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.
5. 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.

6. 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.
7. 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.
8. 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, June 6, 2016, whichever first occurs.

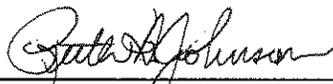
Given under my hand and the Great Seal of the state of Michigan this 24th day of May, in the Year of our Lord Two Thousand Sixteen.



RICHARD D. SNYDER
GOVERNOR



BY THE GOVERNOR:



SECRETARY OF STATE

FILED WITH SECRETARY OF STATE

ON 5/24/2016 AT 1:25pm