



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

**EXECUTIVE ORDER
No. 2012 - 12**

**STATE OF ENERGY EMERGENCY
WAIVER OF REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS
TRANSPORTING GASOLINE, DIESEL FUEL, AND JET FUEL**

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, a leak triggered a shutdown of a portion of the refined products West Shore Pipeline between Milwaukee and Green Bay, Wisconsin, which supplies gasoline and diesel fuel to service stations throughout the western and central sections of Michigan's Upper Peninsula; and

WHEREAS, this shutdown has affected the availability of gasoline and diesel fuel in some sections of the Upper Peninsula, creating temporary shortages that may potentially affect the health, safety, and economic well-being of the citizens of Michigan who depend on these petroleum products; and

WHEREAS, the current situation has affected the transportation of petroleum products within Michigan and the ability to supply those products in accordance with federal motor carrier regulations and requirements; and

WHEREAS, it is in the best interests of the state of Michigan that appropriate measures be taken in response to an imminent energy emergency to ensure that petroleum supplies will remain sufficient and to assure the health, safety, and welfare of Michigan residents and visitors; and

WHEREAS, these conditions have forced petroleum product transporters to bypass product terminals in Green Bay, Wisconsin and instead travel to Milwaukee and Madison, Wisconsin, to obtain petroleum supplies for delivery to service stations in Michigan's Upper Peninsula, resulting in considerably longer driving distances and wait times for these transporters; and

WHEREAS, the longer driving distances and wait times are making it difficult for petroleum product 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 petroleum products within this state, and to assure that petroleum product supplies will remain sufficient to protect the health, safety, and economic well-being 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, diesel fuel, and jet fuel 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, diesel fuel, and jet fuel within Michigan to address petroleum product supply needs arising from the West Shore Pipeline shutdown are exempt from compliance with MCL 480.11 and any other applicable state statute, order, or rule substantially similar to MCL 480.11, and 49 CFR Part 395. Any such provision of a state statute, order, or rule is suspended. This exemption and suspension exemption applies to all highways in Michigan, including the national system of interstate and defense highways.
3. This order applies only to gasoline, diesel fuel, and jet fuel. 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.

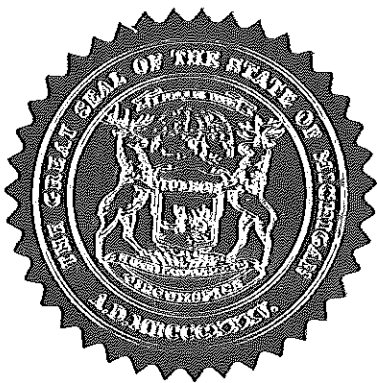
5. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption and suspension until the out-of-service order expires or the conditions for rescission have been satisfied.


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, Tuesday, August 7, 2012, whichever first occurs.

Given under my hand and the Great Seal of the State of Michigan this Twenty-Fourth day of July in the Year of Our Lord, Two Thousand and Twelve.





RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:



SECRETARY OF STATE

FILED WITH SECRETARY OF STATE
ON 7/24/12 AT 4:50 P.M.