JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JOHN D. CHERRY, JR.
LT. GOVERNOR

EXECUTIVE ORDER
No. 2005 – 17

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;

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;

WHEREAS, based on the effects of Hurricane Katrina, Executive Order 2005-16 declared a State of Energy Emergency in this state beginning on August 31, 2005;

WHEREAS, the United States Department of Transportation Federal Motor Carrier Safety Administration has declared that a regional transportation emergency exists in the Midwest Region (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin) in the highway transportation of certain petroleum products;

WHEREAS, as a result of the declared regional transportation emergency, the Federal Motor Carrier Safety Administration, acting pursuant to 49 CFR 390.23, has exempted motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel from 49 CFR Parts 390-399 to address transportation needs arising from the impact of Hurricane Katrina. The exemption is effective from 1:00 p.m. EDT, August 31, 2005 until 1:00 p.m. EDT, September 14, 2005;

Printed by members of:

WHEREAS, in addition, appropriate measures must be taken at the state level in response to the energy emergency to ensure that petroleum supplies will remain sufficient and to assure the health, safety, and welfare of Michigan residents and visitors;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, 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. Motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel in Michigan to address transportation needs arising from the impact of Hurricane Katrina are exempt from compliance with any applicable state statute, order, or rule substantially similar to 49 CFR Parts 390-399. Any such provision of a state statute, order, or rule is suspended. The exemption and suspension exemption is effective from the time of the issuance of this Order until 1:00 p.m. EDT, September 14, 2005.

2. 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.

3. 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 regulations not specifically identified.

4. 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.

5. The Federal Motor Carrier Safety Administration has required that drivers for motor carriers operating under the Declaration of Emergency issued under federal regulations must have a copy of the federal Declaration of Emergency in their possession. A copy of that Declaration of Emergency is attached to this Order.

6. The Motor Carrier Division of the Department of State Police shall coordinate state compliance with this Order.

This Order is effective until the earliest of any of the following:

a. A finding by the Governor that the State of Energy Emergency declared under Executive Order 2005-16 no longer exists.

b. Rescission of this Order.

c. 1:00 p.m. EDT, Wednesday, September 14, 2005.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 31st day of August in the year of our Lord, two thousand and five.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

FILED WITH SECRETARY OF STATE
ON 8.31.05 **AT** 3:52 p.m.

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
MIDWESTERN SERVICE CENTER
19900 Governors Drive Suite 210
Olympia Fields, IL 60461
(708) 283-3577

DECLARATION OF REGIONAL EMERGENCY
49 CFR 390.23

Hurricane Katrina has temporarily halted off-shore oil and gas production in the Gulf of Mexico; shut down most of the refineries and pipelines along the Gulf Coast; and damaged storage facilities and transportation infrastructure throughout the region. The disaster has nationwide effects.

In order to prevent significant disruptions to the nation's transportation system, existing stocks of gasoline, diesel fuel, and jet fuel will need to be re-distributed by commercial motor vehicle in order to meet demand normally supplied by Gulf Coast operations.

I am therefore declaring that a regional emergency exists in the Midwest Region (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin) in the highway transportation of certain petroleum products. Motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel to address transportation needs arising from the hurricane disaster (such as fuel supply shortages) are exempt from 49 CFR Parts 390-399 from 1:00 p.m. EDT, August 31, 2005 until 1:00 p.m. EDT, September 14, 2005. No other petroleum products are covered by the exemption.

Nothing contained in this declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility requirements (49 CFR Part 387), applicable size and weight requirements, or any other portion of the regulations not specifically identified.

Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption until the order expires or they have met the conditions for its rescission.

Drivers for motor carriers that operate under this declaration of emergency must have a copy of it in their possession.

Signed

Doug Sawin
Field Administrator
Midwest Service Center