



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2026-6

Declaration of a State of Energy Emergency

In recent weeks, Northern Michigan has experienced heavy precipitation combined with rapid snowmelt, resulting in widespread flooding, elevated river levels, and saturated ground conditions that have significantly impacted critical infrastructure and essential services throughout the region. These conditions have caused damage to homes, roads, and public facilities, disrupted transportation and emergency response operations, and created heightened risks to public safety. In particular, the increased water flows and sustained high water levels have placed substantial stress on key water-control infrastructure, including the Cheboygan Dam, raising concerns about its continued safe operation and the potential for further downstream impacts. I have already issued EO 2026-5 declaring a state of emergency for Cheboygan County in response to this threat.

The U.S. Energy Cheboygan petroleum terminal is located near the mouth of the Cheboygan River and is downstream of the Lock and Dam Complex and receives fuel shipments by barge from Wisconsin through the Great Lakes. The Cheboygan terminal is a critical facility for delivering gasoline and diesel fuel to the eastern Upper Peninsula and northern Lower Peninsula. Due to the ongoing weather conditions, rising water, and potential for dangerous debris, the terminal owner has voluntarily delayed barge delivery to ensure worker safety and protect the environment. It is expected that fuel transport drivers will need to travel much further distances to secure gasoline and diesel fuel loads, as well as face delays if terminals become overburdened. As a result, many drivers may reach maximum daily or weekly driving and on-duty limits, which are set by federal and state law in 49 CFR Part 395, and adopted in the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11, et seq.

These emergency conditions have created an urgent need for the timely transportation of petroleum fuels, utility restoration materials, emergency equipment, and other essential supplies necessary to support response and recovery operations statewide. Additional measures, including temporary relief from certain motor carrier regulations, are necessary to ensure the efficient movement of these resources, support first responders and utility crews, protect public health and safety, and mitigate the risk of further harm to people and property.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Under Public Act 191 of 1982, “the governor may declare, by executive order . . . a state of emergency . . . upon the governor’s own initiative if the governor finds that an energy emergency exists or is imminent.” MCL 10.83(1). An “energy emergency” means a “condition of danger to the health, safety, or welfare of the citizens of this state due to an impending or present energy shortage.” MCL 10.81(b). Moreover, an “energy shortage” means a “lack of adequate available energy resources in the state, or any part of the state.” MCL 10.81(e). Among other powers, during a declared state of energy emergency, the governor may issue an executive order to “suspend a statute or an order or rule of a state agency or a specific provision of a statute, rule, or order, if strict compliance with the statute, rule, or order or a specific provision of the statute, rule, or order will prevent, hinder, or delay necessary action in coping with the energy emergency.” MCL 10.84(c).

Therefore, acting under the Michigan Constitution of 1963 and Michigan law, including but not limited to 1982 PA 191, MCL 10.81 to 10.87, I order the following:

1. A state of energy emergency is declared across the State of Michigan.
2. Motor carriers and drivers transporting gasoline and diesel fuel or providing direct assistance to the statewide 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 provision of a state statute, order, or rule pertaining to the hours-of-service is suspended. This exemption and suspension apply to all highways in Michigan, including the national system of interstate and defense highways.
3. No motor carrier or driver operating under the terms of this order may 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 must be given at least ten consecutive off-duty hours before the driver is required to return to work.
4. Nothing in this order creates 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); driver qualifications (49 CFR Part 391); driving of commercial motor vehicle requirements (49 CFR Part 392); requirements for equipment, parts, and accessories necessary for the safe operation of vehicles (49 CFR Part 393); applicable size and weight requirements; or any portion of federal and state regulations not specifically identified.
5. Under this declaration, motor carriers and drivers providing direct assistance to the emergency in the affected areas are granted emergency relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles, subject to the restrictions and conditions set forth herein. Regulatory relief under this order applies regardless of the origin of the trip, so long as the carrier or driver is providing direct assistance to the emergency in the affected areas. Direct assistance does not include transportation related to long-term rehabilitation of damaged physical infrastructure after the initial threat to life and property has passed, nor does it

include routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of this declaration.

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. Upon expiration of this order, or when a motor carrier or driver ceases to provide direct assistance to the emergency relief effort, a driver that has had at least 34 consecutive off-duty hours must be permitted to start his or her on-duty hours and 60/70-hour clock at zero.
8. This order applies only to the transportation of gasoline and diesel fuel, utility restoration materials, emergency equipment, and other essential supplies necessary to support response and recovery operations. No other petroleum products are covered by the exemption and suspension under this order.
9. The Commercial Vehicle Enforcement Division of the Michigan Department of State Police must coordinate state compliance with this order.
10. This state of energy emergency for the State of Michigan is terminated at such a time as is no longer necessary to supply gasoline and diesel fuel, utility restoration materials, emergency equipment, and other essential supplies to the affected areas, but in no case later than May 12, 2026, unless extended as provided by MCL 10.83.
11. Consistent with MCL 10.86(1), a knowing violation of this Order is a misdemeanor.
12. All provisions of this Order are effective immediately.

Date: April 14, 2026

Time: 6:21 p.m.



GRETCHEN WHITMER
GOVERNOR

By the Governor

SECRETARY OF STATE