

Office of the Governor

STATE OF WYOMING EXECUTIVE DEPARTMENT EXECUTIVE ORDER

Order 2013-7

EMERGENCY EXEMPTION FROM PERMISSIBLE OPERATING TIME REGULATIONS

WHEREAS, the people of the State of Wyoming are faced with low supplies of propane with which to heat their homes and businesses and carry out commerce due to abnormal exceptionally cold late fall temperatures statewide; and

WHEREAS, it is necessary for propane customers throughout the State of Wyoming to receive deliveries quickly in the face of unusual high levels of use created by the exceptionally cold conditions; and

WHEREAS, regulatory impediments to the expeditious delivery of propane to customers throughout Wyoming threaten to endanger the health and welfare of the people; and

WHEREAS, drivers of propane delivery vehicles are required to deliver supplies of this product in order to meet this abnormal demand for the product; and

WHEREAS, the State of Wyoming has the ability, through an executive order, to make emergency changes in regulations so that the prompt delivery of propane to customers throughout the state is not impeded by restrictions to the hours that can be worked by qualified drivers; and

WHEREAS, in the interest of public safety, the Wyoming Legislature, in Wyo. Stat. Ann. § 31-18-303(a), has mandated that the Wyoming Department of Transportation adopt rules and regulations prescribing the permissible operating time and other requirements of motor carrier drivers, and the Department has complied with this mandate by adopting its own rules of motor carriers, chapter 1, § 15, that further adopts by reference various federal regulations, including 49 CFR 390 and 49 CFR 395 of the United States Department of Transportation Motor Carrier Safety Regulations; and

WHEREAS, 49 CFR 390.23(a)(2) permits a state official authorized to declare an emergency, such as the Governor of the State of Wyoming, in the event of such declaration, to exempt motor carrier drivers from certain regulations, including operating time requirements.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and by the laws of the State of Wyoming, I, Matthew H. Mead, do hereby order and direct:

1. A state of emergency exists in Wyoming, and I hereby declare such an emergency. The emergency requires that the transportation and delivery of propane into and within the State of Wyoming shall be exempt from 49 CFR Part 395.3
2. Under 49 CFR 390.23(a)(2)(ii), the exemption stated in paragraph 1 above may last no longer than the duration of the driver's direct assistance in providing these deliveries, but in no event longer than five days after the date of this Order, specifically midnight on December 11, 2013.
3. Nothing contained in this Order shall be construed as an exemption from the controlled substances, 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 387), applicable size and weight requirements, or any other portion of the regulations not specifically identified in this Order.
4. Propane transportation or delivery companies, while under this Order, shall not require or allow any fatigued driver to operate a propane delivery vehicle.

This Executive Order is effective December 6, 2013.

Given under my hand and the Executive Seal of the State of Wyoming this 6 day of December, 2013.



Matthew H. Mead
Governor