

# Executive Document

This document was published in the February 15, 2013, issue (Vol. 2013, No. 4) of the Utah State Bulletin.

## **Governor, Administration: Governor's Executive Order EO/001/2013: Declaring A Liquid Petroleum Emergency**

Issued: 01/24/2013

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### EXECUTIVE ORDER

#### Declaring A Liquid Petroleum Emergency

WHEREAS, freezing temperatures and winter conditions have been experienced throughout Utah and surrounding states during the month of January;

WHEREAS, these freezing temperatures pose a threat to residents and commerce;

WHEREAS, a sudden spike in demand has depleted propane supplies throughout the Region;

WHEREAS, private sector efforts to respond to the propane shortage have been limited by hours or service regulations that limit the number of hours truckers supplying the propane can work;

WHEREAS, The Federal Motor Carrier Safety Regulations, 49 CFR 390, et seq., limit the hours that operators of commercial motor vehicles may drive;

WHEREAS, 49 CFR 390.23 provides that such rules and regulations are suspended for a limited period of time upon the declaration of an emergency where a motor carrier or driver is providing emergency relief;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do hereby declare an emergency for the limited purpose of facilitating the suspension, pursuant to 49 CFR 390.23, of the rules and regulations that limit the hours operators of commercial vehicles may drive. This emergency justifies a suspension of Part 395 (drivers' hours of service) of Title 49 of the Code of Federal Regulations for any motor carrier or driver operating a commercial motor vehicle that supplies propane in response to this emergency. The suspension shall remain in effect for 14 days from the date of this Order. Nothing herein shall be construed as an exemption from the Commercial Driver's License Requirements in 49 CFR 383, the financial requirements in 49 CFR 387, or applicable federal size and weight limitations.

IT IS FURTHER ORDERED that no motor carrier operating under the terms of this emergency declaration shall require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor carrier that he or she needs immediate rest shall be given at least ten (10) consecutive hour's off-duty

before the driver is required to return to service in accordance with 49 CFR 390.23(b).

IT IS FURTHER ORDERED that this Order does not suspend the operation of any state or federal laws or regulations within the State of Utah, except as specifically described in the Order. All other laws and regulations remain in full force and effect.

THIS ORDER supersedes any other previous orders, proclamations, or directives to the extent they are in conflict. This Executive Order shall take effect immediately and expire in fourteen (14) days.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah on this 24th day of January 2013.

(State Seal)

Gary R. Herbert  
Governor

Attest:

Greg Bell  
Lieutenant Governor

EO/001/2013

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