



Spencer J. Cox

Governor

**EXECUTIVE ORDER
2022-001**

Declaring A Liquid Petroleum Gas Emergency

WHEREAS, freezing temperatures and winter conditions have been experienced throughout Utah and surrounding states during the months of December and 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, Utah plays an important role in propane distribution for not only its own residents but neighboring states as well;

WHEREAS, many propane bulk delivery companies are experiencing delays moving propane due to road conditions and intermittent closures; and supply points are experiencing power outages creating long wait times for truck loading;

WHEREAS, these delays and wait times are considered working hours, which limit the drivers ability to complete their delivery within the allotted time;

WHEREAS, the Federal Motor Carrier Safety Regulations at 49 CFR 390 et seq., limit the hours that drivers may drive each day, limiting the private sector efforts to respond to the propane shortage;

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;

WHEREAS, an exemption to the hours of service restriction provided under 49 CFR 390 et seq., is necessary to ensure the continued and stable delivery of critical winter fuel to the state of Utah and surrounding regions;

NOW, THEREFORE, I, Spencer J. Cox, Governor of the State of Utah, 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 delivering propane may drive. 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 hours 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 is effective immediately and shall remain in effect for 30 days unless the Legislature extends the state of emergency.



IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 4th day of January, 2022.

Spencer J. Cox
Governor, State of Utah

ATTEST:

Deidre M. Henderson
Lieutenant Governor, State of Utah