

STATE OF INDIANA

EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER 17-32

**FOR: WAIVER OF HOURS OF SERVICE REGULATIONS RELATING TO
MOTOR CARRIERS AND DRIVERS TRANSPORTING PROPANE GAS**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, approximately 500,000 Hoosiers depend on propane to heat their homes, businesses, schools, other public buildings, and is used for public transportation;

WHEREAS, Indiana is currently experiencing severe cold weather of single-digit low temperatures that is coupled with forecasts for continued cold temperatures through next week;

WHEREAS, the near record cold temperatures have greatly increased the demand for propane for home, business and public building heating, for agricultural operations, and other needs, and the greater demand for propane is expected to continue during the extreme cold weather;

WHEREAS, the current demand for propane exceeds the locally available supply of propane;

WHEREAS, the depletion of the inventory of propane has caused many terminals to be without propane, and for those terminals with propane, there are long lines and additional wait times for drivers to obtain propane;

WHEREAS, the lack of available propane has also forced drivers transporting propane to drive longer distances in search of propane;

WHEREAS, drivers of commercial motor vehicles, including those who transport and deliver propane, are statutorily limited in the number of hours they may operate in any given day pursuant to 49 Code of Federal Regulations § 395, incorporated by reference into Indiana statute under Ind. Code § 8-2.1-24-18;

WHEREAS, outages and long lines at local propane terminals and longer driving distances throughout Indiana have caused drivers to deplete available hours of service while either driving or waiting in line, making it difficult to deliver propane to residential customers within the statutorily prescribed time limitations; and

WHEREAS, under Ind. Code § 10-14-3-12, the Governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules or regulations of any state agency if strict compliance with any of the provisions would in any way prevent, hinder, or delay necessary action in coping with an emergency.

NOW, THEREFORE, I, Eric J. Holcomb, Governor of the State of Indiana, pursuant to Ind. Code § 10-14-3-12, do hereby declare that an emergency exists and order that:

1. During this emergency, motor carriers and drivers transporting propane in Indiana are exempt from regulations restricting their hours of service under 49 C.F.R. § 395, incorporated by reference into Ind. Code § 8-2.1-24-18. This exemption is effective from the time of the issuance of this Order until January 10, 2018, unless terminated or further extended by order of the Governor.
2. Nothing contained in this declaration shall be construed as an exemption for any portion of the Motor Carriers Safety Regulations other than those regulating hours of service.



IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 28th day of December, 2017.

Eric J. Holcomb

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State

Connie Lawson