

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER _____ 05-13

FOR: EXTENDING A UTILITY SERVICE EMERGENCY IN THE STATE OF INDIANA DURING SEVERE WEATHER

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, on January 5, 2005, conditions existed constituting a utility service emergency because of inclement weather in the form of an ice storm;

WHEREAS, on January 10, 2005, those conditions continue to exist, including additional inclement weather and the loss of power to thousands of Indiana residents;

WHEREAS, the availability of essential utility services is vital to the welfare and economy of Indiana;

WHEREAS, the Indiana electric and gas utility industries have requested additional relief from the requirements of 49 C.F.R. § 395.3(a) and § 395.3(b) of the Federal Motor Carrier Safety Regulations for commercial motor vehicles while restoring power outages and service interruptions;

WHEREAS, 49 C.F.R. § 390.23 of the Federal Motor Carrier Safety Regulations provides that a governor of a state may declare an emergency, thereby exempting owners and operators of commercial motor vehicles from parts 390 through 399 of the Federal Motor Carrier Safety Regulations;

WHEREAS, under IC 8-2.1-24-18, the requirements of 49 C.F.R. § 395.3(a) and § 395.3(b) apply to the drivers of commercial motor vehicles operating in this State, except for vehicles operated in the restoration of utility service; and

WHEREAS, the rapid and efficient restoration of utility services requires the temporary suspension of limitations on the hours of service for drivers of utilities' commercial motor vehicles and for drivers of support commercial motor vehicles that are necessary to provide equipment/supplies to ensure the restoration of utility service;

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, as well as IC 10-14-3-13 and 49 C.F.R. Part 390.23, do hereby declare that the previously declared utility service emergency due to expire at noon on January 10, 2005, continues until noon on January 15, 2005, unless further extended by order of the Governor.

1. Energy utilities' vehicles and their commercial motor vehicle drivers are exempt from regulations restricting their hours of service during this utility service emergency. This exemption applies only to drivers directly participating in restoration of utility service affected by the inclement weather, and is intended to permit safe return to assigned home bases of operation at the conclusion of the utility service emergency.
2. Nothing contained in this declaration shall be construed as an exemption from any portion of the Motor Carrier Safety Regulations other than those regulating hours of service.
3. I respectfully request the governors of other states to waive trip and fuel permits and to facilitate travel through their states by commercial motor vehicles responding to this utility service emergency.



IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 10th day of January, 2005.

M. Daniels, Jr.
Mitchell E. Daniels, Jr.
Governor of Indiana

Todd Rokita

ATTEST: Todd Rokita
Secretary of State