

STATE OF INDIANA

EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER _____

05-26

FOR: WAIVER OF REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS TRANSPORTING GASOLINE, DIESEL FUEL, AND JET FUEL AND THE TRANSPORT OF OVERSIZED TRACTOR TRAILER LOADS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS

WHEREAS, Hurricane Katrina has temporarily halted off-shore oil and gas production in the Gulf of Mexico, shut down most of the refineries and pipelines along the Gulf Coast, and damaged storage facilities and transportation infrastructure throughout the region;

WHEREAS, the hurricane disaster has had nationwide effects;

WHEREAS, in order to prevent significant disruptions to the nation's transportation system, existing stocks of gasoline, diesel fuel and jet fuel will need to be re-distributed by commercial motor vehicles in order to meet demand normally supplied by Gulf Coast operations;

WHEREAS, the United States Department of Transportation Federal Motor Carrier Safety Administration has declared that a regional emergency exists in the Midwest Region, including Indiana, in the highway transportation of certain petroleum products;

WHEREAS, as a result of the declared regional transportation emergency, the Federal Motor Carrier Safety Administration, acting pursuant to 49 CFR 390.23, has exempted motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel from 49 CFR Parts 390-399 in order to address transportation needs arising from the impact of Hurricane Katrina. The exemption is effective from 1:00 P.M. EDT, August 31, 2005 until 1:00 p.m. EDT, September 14, 2005;

WHEREAS, appropriate measures must be taken at the state level in response to the energy emergency to ensure that petroleum supplies will remain sufficient and to assure the health, safety, and welfare of Indiana residents and visitors; and

WHEREAS, in response to the immediate need for shelter for the hundreds of thousands of people left homeless by Hurricane Katrina, the federal government must immediately procure approximately one hundred fifty thousand (150,000) single and double wide homes to be transported to the areas affected by the hurricane disaster.

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. Motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel in Indiana to address transportation needs arising from the hurricane disaster are exempt from compliance with any applicable state statute, order, or rule substantially similar to, or giving effect to, 49 CFR Parts 390-399. Any such provision of a state statute, order, or rule is suspended as it relates to such motor carriers and drivers. The exemption and suspension is effective from the time of the issuance of this Order until 1:00 p.m. EDT, September 14, 2005.
2. The exemption and suspension provided in this Executive Order applies only to gasoline, diesel fuel, and jet fuel. No other petroleum products are covered hereby.
3. Nothing contained in this Executive Order shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382 and any similar state statute, order, or rule), the commercial driver's license requirements (49 CFR Part 383 and any similar state statute, order, or rule), the financial responsibility requirements (49 CFR Part 387 and any similar state statute, order, or rule), applicable size and weight requirements, or any other portion of the regulations not specifically identified.
4. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption until the order expires or they have met the conditions for its rescission.
5. Consistent with the requirement imposed by the Federal Motor Carrier Safety Administration, drivers for motor carriers operating under the Declaration of Emergency issued under federal regulations must have a copy of the federal Declaration of Emergency in their possession. A copy of that Declaration of Emergency is attached to this Executive Order.

6. The State of Indiana will waive the enforcement of all applicable laws and regulations governing the transport of oversized tractor trailer loads for the limited purpose of allowing federal government contractors to transport mobile homes for Hurricane Katrina relief efforts for a period of ninety (90) days, subject to renewal if necessary.
7. This Executive Order shall be disseminated to all applicable state and local law enforcement officials.



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 6th day of September, 2005.

M. E. Daniels, Jr.

Mitchell E. Daniels, Jr.
Governor of Indiana

Todd Rokita

ATTEST: Todd Rokita
Secretary of State