



JOHN R. KASICH  
GOVERNOR  
STATE OF OHIO

## **PROCLAMATION**

### **STATE OF ENERGY EMERGENCY**

#### **WAIVER OF REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS**

#### **TRANSPORTING PROPANE AND HEATING OIL**

**WHEREAS**, Section 4935.03 of the Ohio Revised Code authorizes the Governor to declare a state of energy emergency, in consultation with the chairperson of the public utilities commission, if the Governor finds that an energy emergency exists or is imminent; and

**WHEREAS**, regional propane inventories are low, causing product allocations and restricted fill volumes for some customers, and

**WHEREAS**, the inclement weather is causing longer driving times and working hours, and increased effort to deliver individual loads, making it difficult for propane and heating oil transporters in Ohio to meet demand and comply with federal and state hours-of-service regulations and requirements contained within 49 CFR Part 395 and in Rule 4901:2-5-02 of the Ohio Administrative Code; and

**WHEREAS**, it is in the best interests of the State of Ohio to provide for the safe transportation of propane and heating oil within this state, and that appropriate measures be taken in response to this energy emergency to assure that propane and heating oil supplies can be delivered to protect the health, safety, and welfare of Ohio citizens and visitors; and

**WHEREAS**, Federal Motor Carrier Safety Administration regulations found at 49 CFR 390.23, and Rule 4901:2-5-02 of the Ohio Administrative Code, provide the Governor with the authority to exempt motor carriers and drivers transporting propane and heating oil within Ohio from the hours-of-service regulations and requirements specified in 49 CFR Part 395 and Rule 4901:2-5-02 of the Ohio Administrative Code, to address transportation needs arising from the impact of this energy emergency; and

**NOW, THEREFORE**, I, John R. Kasich, Governor of the State of Ohio, hereby declare that an energy emergency exists for all eighty eight counties in the State justifying the authorization of such personnel of state departments and agencies as are necessary, in accordance with Sections 5502.22 and 5502.28 of the Ohio Revised Code, to assist all counties in protecting the lives, safety, health, and property of its citizens. I hereby also authorize as needed, in state active duty status, those personnel and units of the Ohio National Guard as designated by the Adjutant General, pursuant to Section 5923.21 of the Ohio Revised Code. Those units and personnel will act pursuant to the orders issued on my behalf by the Adjutant General, and through her, the commanding officers of the units of the Ohio National Guard to take whatever actions are necessary to assist local authorities in the protection of the lives, safety, health, and property of the citizens of the impacted areas. The Adjutant General shall provide for all transportation, services, equipment and supplies necessary for the designated units of the Ohio National Guard.

Motor carriers and drivers transporting propane and heating oil to address transportation issues arising from the severe weather, heavy snowfall, and difficult driving conditions in Ohio, are exempt from compliance with Rule 4901:2-5-02 of the Ohio Administrative Code and 49 CFR Part 395 - any such provision of a state statute, order, or rule pertaining to the hours-of-service is suspended.

This order applies only to propane and heating oil. No other petroleum products are covered by the exemption and suspension under this Proclamation.

This Proclamation does not alter a carrier's duty to monitor its drivers, to maintain records of duty status and to ensure that drivers are not ill, fatigued, impaired, or otherwise unable to operate a commercial motor vehicle safely. Nothing in this Order shall be construed as an exemption from applicable controlled substances and alcohol use and testing requirements (49 CFR Part 382 and 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), driver qualifications (49 CFR Part 391), driving of commercial motor vehicles (49 CFR Part 392), equipment, parts, and accessories necessary for the safe operation of vehicles (49 CFR Part 393), applicable size and weight requirements, or any portion of federal and state regulations not specifically identified.

Motor carriers subject to the exemption authorized by this Proclamation should carry a copy of this Proclamation with them or have ready access to a copy.

This Proclamation does not require the implementation of the Department of Administrative Services Directive HR-D-11 (dated September 1, 2009) or the Department of Administrative Services' "Weather (Public Safety) Procedure" (revised February 12, 2007). Accordingly, classified and unclassified exempt employees' obligation to travel to and from work is not to be limited as a result of this proclamation.

I issued this Proclamation on January 18, 2014 and it took effect immediately. It will remain in full force and effect until the energy emergency no longer exists, but not more than thirty days. Termination or extension of this energy emergency shall be determined by the Executive Director of the Emergency Management Agency in coordination with the Public Utilities Commission.

IN WITNESS WHEREOF, I have  
hereunto subscribed my name at Columbus,  
Ohio, on the 18<sup>th</sup> day of January, 2014.

A handwritten signature in black ink, appearing to read "John R. Kasich", written in a cursive style.

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JOHN R. KASICH  
Governor