

STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

EXECUTIVE ORDER \_\_\_\_\_ 05-29 \_\_\_\_\_

**FOR: WAIVER OF REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS TRANSPORTING GASOLINE, DIESEL FUEL, JET FUEL, PROPANE, NATURAL GAS/CNG, AND ETHANOL**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS

**WHEREAS,** Hurricane Katrina and Rita have interrupted off shore oil and gas production in the Gulf of Mexico; shut down or reduced production by many of the refineries and pipelines along the Gulf Coast; and damaged storage facilities and transportation infrastructure throughout the region;

**WHEREAS,** this aftermath of the hurricanes affects the whole nation;

**WHEREAS,** in order to prevent significant disruptions to the nation's transportation system, existing stocks of gasoline, diesel fuel, jet fuel, propane, natural gas/CNG, and ethanol 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, jet fuel, propane, natural gas/CNG, and ethanol from 49 CFR Parts 390-399 to address transportation needs arising from the impact of the Hurricane Katrina and Rita. The exemption is effective from 1:00 P.M. EDT, September 26, 2005 until 11:59 p.m. EDT, October 26, 2005; and

**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.

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

1. Motor carriers and drivers transporting gasoline, diesel fuel, jet fuel, propane, natural gas/CNG, and ethanol in Indiana to address transportation needs arising from Hurricane Katrina and Rita are exempt from compliance with any applicable state statute, order, or rule substantially similar to 49 CFR Parts 390-399. Any such provision of a state statute, order, or rule is suspended. The exemption and suspension is effective from the time of the issuance of this Order until 11:59 p.m. EDT, October 26, 2005.
2. This order applies only to gasoline, diesel fuel, jet fuel, propane, natural gas/CNG, and ethanol transported to address emergency needs arising from Hurricane Katrina and Rita. No other petroleum products are covered by the exemption.
3. Nothing contained in this declaration 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. The Federal Motor Carrier Safety Administration has required that drivers for motor carriers that operate 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.



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 30th day of September, 2005.

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

ATTEST:

*Todd Rokita*  
Todd Rokita  
Secretary of State