

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER _____
11-05

FOR: WAIVER OF HOURS OF SERVICE REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS TRANSPORTING UTILITY POLES

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, On April 19, 2011, extreme weather conditions caused damage to utility poles resulting in power outages across Southwest Indiana;

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

WHEREAS, the transportation of new utility poles into the state are assisting in the emergency restoration efforts currently underway;

WHEREAS, under IC 8-2.1-24-18, the "hours of service" requirements of 49 C.F.R. § 395 apply to the drivers of commercial motor vehicles operating in this State;

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, relief from the "hours of service" regulations for motor carriers operating in intrastate commerce, set forth in IC 8-2.1-24-18, has been requested to allow for the prompt delivery of supplies and equipment to ensure the restoration of utility service to Hoosiers; and

WHEREAS, under IC 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 these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency.

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, pursuant to IC 10-14-3-12 and 49 C.F.R. § 390.23, do hereby declare that an emergency exists and order that:

1. Motor carriers and drivers transporting utility poles for the restoration efforts in southwestern Indiana are exempt from regulations restricting their hours of service during this emergency. This exemption is effective from the time of the issuance of this Order until April 25, 2011 unless further extended by order of the Governor.
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.



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 21st day of April, 2011.

M E Daniels Jr.

Mitchell E. Daniels, Jr.
Governor of Indiana

Charlie White

Charlie White
Secretary of State

ATTEST:

Charlie White
Secretary of State