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SECRETARY OF STATE
PUBLICATIONS

STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 56

**AN ORDER DECLARING A STATE OF EMERGENCY FOR THE PURPOSE OF ENSURING
THE UNINTERRUPTED SUPPLY OF FUEL**

WHEREAS, a fuel pipeline in the Colonial Pipeline system near Helena, Alabama, which connects Gulf Coast refineries with markets across the southeastern United States, including terminals in Chattanooga, Nashville, and Knoxville, has been temporarily shut down for repairs following a leak; and

WHEREAS, the temporary shutdown of this pipeline and disruption in supply has created the potential for a shortage of fuel in Tennessee because the pipeline typically delivers a significant amount of the fuel sold in Tennessee; and

WHEREAS, Tenn. Code Ann. § 58-2-101(12) provides that an energy-related emergency is “a condition of danger to the health, safety, welfare, or economic well being of the citizens of the state of Tennessee arising out of a present or threatened shortage of usable energy resources”; and

WHEREAS, ensuring the uninterrupted supply of fuel is essential to the health, safety, welfare, and well-being of persons and property in Tennessee as a countermeasure against a potential shortage of fuel, which may result in substantial harm to the population or substantial damage to or loss of property; and

WHEREAS, to address this potential shortage of fuel, Alabama, Georgia, and North Carolina have declared states of emergency allowing suspension of the hours-of-service limitations to ensure uninterrupted supply; and

WHEREAS, the provisions of Part 395 of Title 49 of the Code of Federal Regulations limit the hours that operators of commercial vehicles may drive; and

WHEREAS, Section 390.23 of Title 49 of the Code of Federal Regulations provides for the temporary suspension of these hours-of-service limitations when the governor of a state has declared the existence of an emergency; and

WHEREAS, the disruption in the supply of necessary fuel has resulted in the determination that the threat of an emergency in the State of Tennessee exists.

NOW THEREFORE, I, Bill Haslam, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and law, including but not limited to Tenn. Code Ann. § 58-2-107(b), do hereby declare a state of emergency in Tennessee.

1. This state of emergency is being declared for the limited purpose of, and in accordance with 49 C.F.R. § 390.23 as adopted by Tenn. Comp. R. & Regs. 1340-06-01-.08, providing a temporary exemption from the federal rules and regulations in 49 C.F.R., Part 395, limiting the hours of service for the operator of a commercial motor vehicle providing fuel during this state of emergency.
2. Nothing in this Order shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383, the financial requirements in 49 C.F.R. § 387, or applicable federal size and weight limitations.
3. No motor carrier operating under the terms of this Order shall require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor carrier that he or she needs immediate rest shall be given at least ten (10) consecutive hours off-duty before the driver is required to return to service.
4. This Order shall remain in effect through September 23, 2016, or until the emergency conditions cease to exist.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 16th day of September, 2016.



GOVERNOR

ATTEST:



SECRETARY OF STATE

