

JAN 7 1999

EXECUTIVE ORDER  
NO. 99-01*Rebecca McDowell Cook*  
SECRETARY OF STATE

WHEREAS, the recent period of extremely cold temperatures, and adverse winter weather conditions have increased the necessity and public demand for heating fuels within this state, including propane (also known as liquefied petroleum gas or LP gas) and heating oils; and

WHEREAS, this period of inclement weather has made it unusually difficult for commercial transporters of propane and heating oils to make consistent and timely deliveries of necessary propane and heating oil products by motor vehicles on the public highways in Missouri, and

WHEREAS, the safety and welfare of the inhabitants of this state require that motor carriers for hire and private carriers by motor vehicles which are transporting propane or heating oils be allowed more rapid and efficient travel to meet the public demand for propane and heating oil products within the state; and

WHEREAS, this requirement for more rapid and efficient transportation would be facilitated by the temporary suspension of certain usual and necessary regulator limitations on the hours of service of drivers of commercial motor vehicles while transporting propane or heating oils during this period; and

WHEREAS, the Senior Manager of the Federal Highway Administration's Midwestern Resource Center, which includes the State of Missouri, has declared a regional emergency pertaining to the transportation of propane and heating oils, as a result of interruptions in the availability and/or delivery of propane and heating oils at various locations within this state, and has granted relief from the requirements of 49 C.F.R. Section 395.3(a) and 395.3(b) of the Federal Motor Carrier Safety Regulations for motor carriers while providing propane or heating oils to customers in the State of Missouri, for the period beginning January 7, 1999, and continuing for the duration of the emergency, or 10 days (11:59 p.m., CST, January 16, 1999), whichever is less; and

WHEREAS, the requirements of 49 C.F.R. Sections 395.3(a) and 395.3(b) are also made applicable to the drivers of commercial motor vehicles operating in this state under Section 307.400, RSMo, and the rules promulgated by the Director of the Missouri Department of Public Safety under 11 C.S.R. 30-6.010;

NOW THEREFORE, I, Mel Carnahan, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, hereby suspend the requirements of Section 307.400, RSMo, and the rules promulgated by the Director of the Missouri Department of Public Safety under 11 C.S.R. 30-6.010, but only to the extent that those provisions make 49 C.F.R. Sections 395.3(a) and 395.3(b) applicable to the drivers of commercial motor vehicles while transporting propane and heating oils within this state; and

I further direct the Missouri State Highway Patrol, its officers and commercial vehicle inspectors, the enforcement personnel of the Missouri Division of Motor Carrier and Railroad Safety within the Missouri Department of Economic Development, and any other officers of this state or any political subdivisions of this state, to suspend their enforcement of 49 C.F.R. Sections 395.3(a) and 395.3(b) with reference only to drivers of commercial motor vehicles while transporting propane and heating oils within this state; and

I further direct that this suspension order shall not apply with reference to any driver while that driver, or the employer of that driver, has been placed out of service as provided by law; and

This order shall be effective for the period January 7, 1999, through the duration of the emergency period declared by the Senior Manager of the Federal Highway Administration's Midwestern Resource Center, or 10 days (11:59 p.m. on January 16, 1999), whichever is less.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 7th day of January, 1999.



  
GOVERNOR

ATTEST:

  
SECRETARY OF STATE