

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2017-09

**EXECUTIVE ORDER DECLARING A STATE OF ENERGY EMERGENCY AND
TEMPORARILY EXEMPTING CERTAIN CARRIERS FROM HOURS OF
SERVICE REGULATIONS UNDER IDAHO LAW TO HELP MEET FUEL DEMANDS**

WHEREAS, the people of Idaho are faced with increased traffic and people for an extended period of time due to the Solar Eclipse Event on August 21, 2017; and

WHEREAS, with an estimated influx of up to 300,000 to 1,000,000 additional people entering the State of Idaho and traveling on Idaho roadways, the potential exists for significant delays or disruptions of bulk fuels being delivered in a timely manner to support the needs of the public and industry; and

WHEREAS, limited petroleum availability in Idaho causes a challenge for the fuel industry to provide consistent and timely availability of fuel stocks to bulk fuel distributors, creating an urgent need for fuel supplies to be delivered into and throughout Idaho by commercial delivery trucks; and

WHEREAS, these shortages and delays may threaten the health, property, and welfare of Idahoans, warranting the declaration of a short-term energy emergency; and

WHEREAS, under IDAPA 11.13.01.009, the Governor, via the Idaho State Police, may suspend the provisions of any agency rule, requirement, or standard if strict compliance would prevent, hinder, or delay necessary action in coping with the emergency upon a declaration of emergency by the Governor; and

WHEREAS, relieving "hours of service" requirements for commercial motor carrier vehicles in Idaho, provided for in Idaho Code § 67-2901B and IDAPA 11.13.01.004.03, will assist Idahoans by facilitating and expediting the distribution of transportation fuels.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of the state of Idaho do hereby declare that a state of energy emergency exists in Idaho, as defined in IDAPA 11.13.01.009, and order as follows:

- 1. A temporary suspension of "hours of service" regulations, as provided in Idaho Code § 67-2901B (incorporating by reference IDAPA 11.13.01.004.03, which, in turn, incorporates by reference 49 C.F.R. part 395), as they apply to drivers of commercial motor vehicles while delivering bulk fuel within and to the following Idaho counties: Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, Washington.*
- 2. This order pertains only to bulk carriers actively involved in the delivery of fuel meant for private and commercial use such as gas, diesel, propane or other fuel.*
- 3. Commercial motor vehicle carriers, while under this Order, shall not require or allow fatigued drivers to operate a motor vehicle.*

Nothing in this Order shall be construed to waive or suspend any other state or federal regulation pertaining to commercial motor carriers and commercial driver license requirements or to relieve carriers and commercial drivers from operating their commercial motor vehicles in a safe and prudent manner.

- 4. Notwithstanding any other provision of this Order, if a driver informs a carrier that the driver needs immediate rest, the "hours of service" requirements, enacted in*

5. Idaho Code § 67-2901(B), must be followed.

This Order is effective August 17th, 2017 and expires on August 24th, 2017.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 17th day of August, in the year of our Lord two thousand and seventeen and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

A handwritten signature in blue ink, reading "C.L. 'Butch' Otter", written over a horizontal line.

C.L. "BUTCH" OTTER
GOVERNOR

A handwritten signature in black ink, reading "Lawrence Denney", written over a horizontal line.

LAWRENCE DENNEY
SECRETARY OF STATE