STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2014-003

EXECUTIVE ORDER

Declaring a State of Disaster Emergency Due to Extreme Winter Weather and Authorizing a Temporary Exception to the Hours-of-Service Regulations for Commercial Motor Vehicles Used in the Transportation of Propane

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-700, *et seq.*, and specifically C.R.S. § 24-33.5-704(7)(a), I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due to extreme weather conditions and suspending the hours-of-service regulations in Colorado Revised Statutes § 42-4-235, to the extent that the requirements therein prevent drivers of commercial motor vehicles who are working on this emergency from transporting propane winter heating fuel.

I. Background and Purpose

Temperatures in Colorado have dropped below zero for consecutive weeks. The recent extreme winter weather has caused an emergency situation by significantly reducing the availability of propane and impeding the delivery of necessary propane to many areas of Colorado. The extreme winter weather caused the cost of propane to skyrocket across the country and significantly reduced the supply. The commercial vehicle industry is impeded from continuing statewide propane fuel delivery operations for winter heating purposes. As a result, many Coloradans are left without a mechanism to heat their homes.

The Governor is responsible for meeting the dangers to the state and people presented by disasters. The Colorado Disaster Emergency Act defines a disaster as "the occurrence or imminent threat of widespread or severe damages, injury or loss of life or property resulting from any natural cause or cause of human origin." C.R.S. § 24-33.5-703(3). Colorado Revised Statutes § 42-4-235, adopting hours-of-service regulations from 49 C.F.R. 395, sets the hours which commercial vehicle drivers may operate. Those restrictions are impeding the commercial vehicle industry from delivering fuel to Coloradans in need.

II. Declaration and Directives

I declare and direct, as follows:

A. The provisions of C.R.S. § 42-4-235 are hereby suspended to the extent that they prevent the delivery of necessary propane winter heating fuel to distribution points within Colorado.

B. The above mentioned directive is subject to the following conditions:

i. This exception shall not be construed as an exemption from C.R.S. Title 42, Traffic Code, as it relates to general motor vehicle safety, state and federal financial responsibility requirements, commercial driver's license requirements, size and weight regulations, or any federal motor carrier safety regulations not specifically identified herein.

ii. This exception shall also not be construed as an exemption from 49 CFR 392.4 which prohibits ill or fatigued drives from operating a motor vehicle.

iii. Motor carriers or drivers currently subject to an out-of-state service order issued by the Federal Motor Carrier Safety Administration are not eligible for the exception until that order expires or the conditions have been met.

III. Duration

Unless amended or terminated by subsequent executive order, this order shall remain in effect through March 7, 2014.

GIVEN under my hand and the Executive Seal of the State of Colorado this seventh day of February, 2014

John W. Hickenlooper
Governor