

# **Governor Bentley Declares State of Emergency to Facilitate Granting of USDOT Waiver**

September 15, 2016

**WHEREAS**, on September 9, 2016, a leak was discovered in Shelby County, Alabama of a Colonial pipeline primarily used for gasoline, causing the pipeline to be shut down;

**WHEREAS**, the repair of the leak is incomplete, and the timeframe for completion is unknown at this time;

**WHEREAS**, this shutdown has caused a disruption of gasoline to be distributed for the use of citizens throughout the State of Alabama;

**WHEREAS**, this shortage could impact the safety of the residents of the State of Alabama;

**WHEREAS**, the declaration of a State of Emergency will facilitate the granting of a waiver from the U.S. Department of Transportation- Federal Motor Carrier Safety Administration pursuant to 49 CFR Section 390.23, to allow relief from 49 CFR Sections 390 through 399, and subject to the limitations below; and,

**WHEREAS**, motor carriers that have an Out-Of-Service Order in effect may not take advantage of the relief from regulation that this declaration provides under 49 CFR 390.23, as this only relates to transportation of fuel and commodities for this declaration of emergency.

**NOW, THEREFORE**, I, Robert Bentley, Governor of the State of Alabama, do hereby declare that a State of Emergency exists in the State of Alabama and for the purpose pursuant to 49 CFR Section 390.23 of facilitating a waiver to the U.S. Department of Transportation- Federal Motor Carrier Safety Administration, specifically 49 CFR Section 395 (Hours of Services for Drivers) as it relates to pipeline repair and transportation of fuel, I do hereby declare a State of Emergency for thirty (30) days unless sooner terminated. During this State of Emergency, any rule, regulation, or practice of the gas industry contrary to this declaration of emergency is hereby suspended until this Proclamation is terminated.

**FURTHER**, in accordance with the Code of Alabama, (1975), Sections 8-31-1 through 8-31-6, I hereby place all persons on notice that it is unlawful for any person within the State of Alabama to impose unconscionable prices for the sale of any commodity during the period of a declared State of Emergency.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal to be affixed by the Secretary of State, at the State Capitol, in the City of Montgomery, on this 15<sup>th</sup> day of September, 2016.

Robert Bentley  
Governor

Attested

John Merrill  
Secretary of State