EXECUTIVE ORDER
WPC - 7D

Executive Order WPC-7, as amended by WPC-7A, is amended as follows and shall be known as WPC-7 as Amended July 3, 1979.

EXTENDING GUIDELINES FOR MOTOR GASOLINE END-USER ALLOCATION TO ADDITIONAL COUNTIES AND ADDING ADDITIONAL RULES AND EXEMPTIONS.

WHEREAS, the same findings and circumstances that existed on June 19, 1979, with regard to Dallas, Harris, and Tarrant counties continue to exist; and

WHEREAS, those same findings and circumstances exist additionally in Rockwall and Kaufman counties.

NOW, THEREFORE, I, Wiliam P. Clements, Jr., Governor of Texas, under the authority vested in me, do hereby determine and declare that the counties of Rockwall and Kaufman are experiencing shortages of motor gasoline available for retail distribution, such that the public health, safety, and welfare is endangered and I do hereby include such two counties in the allocation system for all motor gasoline retail outlets outlined in Sections 1 - 11 of WPC-7 issued June 19, 1979, and as amended June 20, 1979.

This amendment of WPC-7 as amended June 20, 1979, includes certain new rules and exemptions along with the addition of the new counties. The additional language is denoted by underlining.

This amendment of WPC-7 as amended June 20, 1979, is effective at 12:01 a.m., on July 5, 1979, and shall remain in full force and effect until modified, amended or rescinded by me.

The complete text of WPC-7 as amended July 3, 1979, is as attached.

Given under my hand this 3rd day of July, 1979.

WILLIAM P. CLEMENTS, JR.
Governor of Texas

Filed in the office of Secretary of State

JUL X 3 1979

Director Adm. Div.

ATTEST:

George W. Strake, Jr.
Secretary of State
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STATE
OF
TEXAS
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
AUSTIN, TEXAS
July 3, 1979
EXECUTIVE ORDER
WPC-7 as Amended July 3, 1979

ESTABLISHING GUIDELINES FOR MOTOR GASOLINE END-USER ALLOCATION

WHEREAS, there exists in the counties of Brazoria, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Kaufman, Liberty, Montgomery, Rockwall, Tarrant, and Waller serious shortages of motor gasoline that endangers the public health, safety and welfare; and

WHEREAS, there exists a need to assure that the essential and emergency requirements for motor gasoline be met and that there be an equitable distribution of the fuel to the residents of the area; and

WHEREAS, the current distribution process in Brazoria, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Kaufman, Liberty, Montgomery, Rockwall, Tarrant, and Waller, counties cannot assure the ability to meet their essential and emergency requirements in an equitable manner absent an allocation plan for end-users of motor gasoline; and

WHEREAS, the Constitution and the Statutes of the United States, and in particular the Emergency Petroleum Allocation Act of 1973, as amended (P.L. 93-159) vest in the President of the United States the authority to establish systems for prudent utilization of motor gasoline supplies; and

WHEREAS, the President by virtue of Title 15 U.S.C.A. Sec. 754(b) may delegate all or any portion of the authority granted to him under the Emergency Petroleum Allocation Act to any state (or officer thereof), as he deems appropriate; and

WHEREAS, the President by virtue of an Executive Order of May 29, 1979, delegated to the Governors of each state the authority to establish a system of end-user allocation for motor gasoline.

NOW, THEREFORE, I, William P. Clements, Jr., Governor of Texas, under the authority vested in me, do hereby determine and declare that the counties of Brazoria, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Kaufman, Liberty, Montgomery, Rockwall, Tarrant, and Waller are experiencing shortages of motor gasoline available for retail distribution, such that the public health, safety, and welfare is endangered and I do hereby implement the following system of allocation for all motor gasoline retail outlets in Brazoria, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Kaufman, Liberty, Montgomery, Rockwall, and Tarrant counties:

Sec. 1. All such retail dealers may supply with gasoline (including gasohol) only those vehicles:

A. which have a license plate number, the last digit of which is an even number, or where there are only letters on the license plate, the last letter of which is a letter in the first half of the alphabet (A-M), only on even days of the month;

B. which have a license plate number, the last digit of which is an odd number, or where there are only letters on the license plate, the last letter of which is a letter in the last half of the alphabet (N-Z), only on odd days of the month; and
C. which have individually or as a class been designated by
the Governor of the State as eligible to purchase gasoline
on any day in order to assure adequate supplies for such
vehicles to protect the public health, safety, or welfare.
or to assure necessary governmental services (including
local, State and Federal).

D. For any calendar month in which there are 31 days sales
may be made on the thirty-first day of the month without
regard to the registration plates of the motor vehicle.
Sales may be made on any federal holidays without regard
to any plate registrations.

Sec. 2. A six dollar minimum purchase is required, except for vehicles
whose tank capacity is 10 gallons or less. No other minimum
purchase requirements shall be imposed by any gasoline
retailers.

Sec. 3. No more than 20 gallons of gasoline shall be dispensed to
any customer in any single transaction with the following
exception:

A. Commercial trucks of greater than one-ton capacity are not
restricted to the twenty gallon maximum. However, gasoline
may only be dispensed into permanently installed tanks.

Sec. 4. When dispensing gasoline to the general public, gasoline
retailers shall not refuse to sell gasoline to anyone, on
appropriate odd or even days, except to refuse to sell gaso­
line to vehicles which would require less than six dollar
minimum purchase. Gasoline retailers shall not require the
purchase of special goods and services, including, but not
limited to, carwashes, tires, or car lubrication, as a con­
dition to the dispensing of gasoline. In addition, retailers
shall not dispense gasoline on a preferential basis such as
an appointment system. The following exception shall apply:

A. Pursuant to 10 CFR 210.62 (c) those establishments whose
primary source of business is a carwash, are exempt from
Section 4 of the Executive Order which mandates dispensing
gasoline to the general public but must adhere to all other
provisions. Carwash establishments must have been readily
identifiable as a carwash facility as of May 1, 1979.

Sec. 5. At the retailer level, gasoline may be dispensed into
separate containers only when necessary in the judgement of
the gasoline retailer. Such sales shall be limited to a maxi­

A. Commercial vehicles and trucks are limited to a twenty
gallon maximum, however, a portion of the twenty gallons may
be used to fill containers for operation of stationary and
off-road agricultural, commercial/industrial gas engines.

B. Boats being towed on trailers having portable gas tanks
are exempt from the two gallon per single transaction for
the separate container per Sec. 5 but must adhere to the
minimum and maximum requirements for the combination boat
and towing vehicle. Boats with built-in gas tanks on trailers
may be fueled in compliance with the minimum and maximum
restrictions. Days for obtaining gasoline will be determined
by the license plate of the towing vehicle.
Sec. 6. Each gasoline retailer shall clearly post by signs legible from off the premises his anticipated minimum business days and hours of operation for dispensing gasoline.

Sec. 7. Each gasoline retailer shall prominently display a full and complete copy of these rules in an accessible location.

Sec. 8. Each service station shall clearly indicate its gasoline supply and service situation by a flag of at least 18 inches square easily visible from off the premises. The following will apply:

A. Green flag--gasoline available for the general public (on appropriate days from appropriate license plates); yellow flag--gasoline available for emergency vehicles only and automobile servicing available to the general public; red flag--out of gasoline and/or closed.

B. In addition, if a retailer is out of any grade of gasoline, but is otherwise still dispensing gasoline to the general public, the retailer shall indicate on a sign legible from off the premises which grades are not available.

Sec. 9. The following vehicles are eligible to purchase gasoline any day but must meet all other requirements.

A. Public transportation vehicles regularly used to transport passengers such as busses, taxis and vehicles rented for less than 30 days.

B. Vehicles with valid out of state license plates.

C. Vehicles used for commercial purposes in the judgment of the gasoline retailer. (see Attachment A, Sec. 1 & 2)

D. Vehicles operated by handicapped persons, who have no practical alternative to auto transportation, as designated by a state issued license or license plate sticker.

Sec. 10. The following vehicles are exempt from all provisions in this Proclamation.

A. Emergency vehicles are defined in Article (e), Subdivision I, Section 2(d) Texas Uniform Act Regulating Traffic on Highways. (See Attachment B)

B. Other emergency repair and service vehicles, whether public or private, used for functions directly related to the protection of life, property or public health.

C. Vehicles operated in an unusual emergency situation in the judgment of the gasoline retailer.

D. Motorcycles, mopeds, and similar two-wheel vehicles.

Sec. 11. These requirements shall terminate at midnight on September 30, 1979, unless otherwise extended or terminated by the Governor of the State of Texas.
ATTACHMENT A

1. Retailers shall use these guidelines in determining whether a vehicle is used for commercial purposes.
   A. Vehicles which by their design, size, or recognizable company identification are obviously being used for commercial purposes.
   B. Vehicles which are owned and operated as a part of a company vehicle fleet as may be determined by company marking or the vehicle's registration.
   C. Individually owned vehicles used for commercial purposes, as evidenced by the presence of specialized equipment, instruments, tools of the trade or profession, supplies or other material which cannot be readily carried by the vehicle operator on public transportation, or any other evidence that it is necessary to use the vehicle for commercial purposes.

2. Doctors and Nurses: No blanket exemption is made for doctors and nurses. However, when they are using their vehicles for professional purposes (such as special calls) their vehicles should be considered as those being used for commercial purposes and when using their vehicles for emergency calls they should be considered emergency vehicles. Physicians and nurses are expected to do the same planning in fueling their vehicles for private use as are other citizens. In extreme emergency situations, they can call upon taxis, ambulances, or the local law enforcement agency.
ATTACHMENT B

TEXAS UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS

V.C.S. Art. 670ld Sec. 2(d) "Authorized Emergency Vehicle" means vehicles of the fire department (fire patrol), police vehicles, public and private ambulances for which permits have been issued by the State Board of Health, emergency vehicles of municipal departments, or public service corporations as are designated or authorized by the governing body of an incorporated city, private vehicles operated by volunteer firemen or certified Emergency Medical Services volunteers while answering a fire alarm or responding to a medical emergency, and vehicles operated by blood banks or tissue banks, accredited or approved under the laws of this state or the United States, while making emergency deliveries of blood, drugs or medicines, or organs.