Executive Order WPC-7, as amended by WPC-7A, and WPC-7D, is amended as follows and shall be known as WPC-7 as Amended July 13, 1979.

EXTENDING GUIDELINES FOR MOTOR GASOLINE END-USER ALLOCATION TO AN ADDITIONAL COUNTY.

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 Parker county.

NOW, THEREFORE, I, William P. Clements, Jr., Governor of Texas, under the authority vested in me, do hereby determine and declare that the county of Parker is experiencing a shortage of motor gasoline available for retail distribution, such that the public health, safety, and welfare is endangered and I do hereby include this county 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 (WPC-7A) and July 3, 1979 (WPC-7D).

This amendment of WPC-7 as amended June 20, 1979 (WPC-7A), and July 3, 1979 (WPC-7D), is effective at 12:01 a.m., on July 19, 1979, and shall remain in full force and effect until modified, amended or rescinded by me.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 13, 1979, is as attached.

Given under my hand this 13th day of July, 1979.

WILLIAM P. CLEMENTS, JR.
Governor of Texas

ATTEST:

George W. Strake, Jr.
Secretary of State
THE STATE OF TEXAS
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
AUSTIN, TEXAS

July 13, 1979

EXECUTIVE ORDER
WPC-7 as Amended July 13, 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, Johnson, Kaufman, Liberty, Matagorda, Montgomery, Parker, 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, Johnson, Kaufman, Liberty, Matagorda, Montgomery, Parker, 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, Johnson, Kaufman, Liberty, Matagorda, Montgomery, Parker, 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, Johnson, Kaufman, Liberty, Matagorda, Montgomery, Parker, Rockwall, Tarrant, and Waller 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 gasoline 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 condition 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 maximum of two gallons per transaction with the following exceptions:

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. 6701d 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.