



Extending Emergency Executive Order 22-01

Extending the Period Providing Emergency Relief from Regulations to Motor Carriers and Drivers Transporting Fuels in Minnesota

I, Margaret Anderson Kelliher, Commissioner of Transportation of the State of Minnesota, by the authority granted to me by Minnesota Statutes 2021, section 221.0269, subdivision 2, issue the following Order:

On January 7, 2022, Governor Walz issued Emergency Executive Order 22-01 declaring an emergency and granting relief from certain hours of service regulations for motor carriers and drivers transporting fuels in Minnesota. The conditions identified in Emergency Executive Order 22-01 still exist, and the need for relief will extend beyond the 30-day period granted in that order. According to data collected by the Minnesota State Climatology Office, this was the coldest January on record since 2014, and the outlook for February indicates colder than average temperatures.

In Minnesota, approximately ten percent of households, or over 200,000 homes, use propane as their primary heating fuel. Due to the recent and ongoing cold temperatures in Minnesota, as well as several major storm systems that have significantly impacted the Midwest and large swaths of the country, propane and heating fuels are in extremely high demand.

The Federal Motor Carrier Safety Administration ("FMCSA") declared a regional emergency declaration on January 7, 2022, providing relief from certain safety regulations to carriers providing direct assistance to support emergency relief efforts by transporting heating fuel, including propane, natural gas, and heating oil. On February 3, 2022, recognizing that propane and heating fuels are essential supplies necessary to protect the public health, safety and welfare of people and property, the FMCSA extended the declaration, which now includes 42 states across the country.

Cold weather in North Dakota and Canada has caused processing slowdowns at production and supply points, reducing the amount of propane being delivered by rail to Minnesota. Additionally, several terminals in the region, including NuStar, Mid-America, and ONEOK, are reporting low or no inventories. These logistical and supply chain issues have caused drivers to travel further distances to obtain product or wait in long lines at terminals that do have the necessary supply.

The Minnesota Propane Association and the Minnesota Petroleum Marketers Association have reported that motor carriers and drivers transporting fuel products have been significantly affected by driver shortages caused by COVID-19, and most recently by the highly-transmissible Omicron variant. Many of the drivers who transport propane also transport petroleum products, including diesel fuel, gasoline, fuel oil, and biofuel. To avoid additional disruption of these fuel products, it is critical to include those commodities in this order to allow for continued efficient movement.

Reliable access to propane and other fuels will be critical to the safety of Minnesotans in the weeks and months ahead. Strict enforcement of certain hours of service regulations would prevent or hinder the efficient transportation of these essential supplies. Extended relief is needed to allow for the continued movement of these commodities, as carriers and drivers continue to provide necessary and time-sensitive assistance.

For these reasons, I order that:

1. Pursuant to Minnesota Statutes 2021, section 221.0269, subdivision 2, conditions exist in Minnesota that require relief from regulations incorporated in Minnesota Statutes 2021, section 221.0314, subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles providing direct assistance to the emergency relief efforts by transporting propane, diesel fuel, gasoline, fuel oil, or biofuel.
2. Motor carriers and drivers providing direct assistance to emergency relief efforts by transporting propane, diesel fuel, gasoline, fuel oil, or biofuel are exempted from paragraphs (b) and (c) under the Code of Federal Regulations, title 49, part 395.3, which are incorporated in Minnesota Statutes 2021, section 221.0314, subdivision 9, pertaining to hours of service.
3. Nothing in this Order may be construed to relieve motor carriers and drivers providing direct assistance to emergency relief efforts by transporting propane, diesel fuel, gasoline, fuel oil, or biofuel from the requirements under paragraph (a) of the Code of Federal Regulations, title 49, part 395.3, and incorporated in Minnesota Statutes 2021, section 221.0314, subdivision 9, which states, in part, that a driver may drive only 11 hours during a period of 14 consecutive hours after coming on duty following 10 consecutive hours off duty.
4. This Order does not relieve motor carriers and drivers providing direct assistance to emergency relief efforts from regulations pertaining to driver qualifications; driving of commercial motor vehicles; commercial driver's licenses; drug and alcohol testing for drivers; or equipment, parts, and accessories necessary for the safe operation of vehicles.
5. A motor carrier operating under the terms of this Order must not require or allow a fatigued or ill driver to operate a commercial motor vehicle. A driver who informs a carrier that he or she needs immediate rest must be given at least 10 consecutive hours off duty before the driver is required to return to service.
6. In an effort to maintain safety on our public highways, a motor carrier or driver operating under this Order must take a 34-hour restart before the driver has been on duty for 35 or more consecutive days.
7. Upon the expiration of this Order, or when a driver or motor carrier has been relieved of all duty and responsibility to provide direct assistance to the emergency relief efforts, a driver must take at least 34 consecutive hours off duty.
8. For purposes of this Order and as defined in Minnesota Statutes 2021, section 221.0269, subdivision 3, paragraph (c), direct assistance to an emergency relief effort terminates when a driver or commercial motor vehicle is used to transport cargo that is not part of the emergency

relief effort, or when the carrier dispatches that driver or vehicle to another location to begin operations in commerce.

This extension of Emergency Executive Order 22-01 is effective at 12:00 AM Central Standard Time on February 7, 2022 and must be filed with the Secretary of State. Emergency relief from certain hours of service requirements for motor carriers and drivers transporting propane, diesel fuel, gasoline, fuel oil, or biofuel remains in effect until 11:59 PM Central Standard Time on March 8, 2022.

Signed on February 4, 2022.



Margaret Anderson Kelliher

Commissioner

Filed According to Law:



Steve Simon

Secretary of State

Filed February 4, 2022
Office of the Minnesota
Secretary of State
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