

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 22-17

Providing for Emergency Relief to Motor Carriers and Drivers Transporting Gasoline, Diesel, and Other Fuels in Minnesota

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

Recent data from the Minnesota Department of Commerce show that inventories of certain fuels in Minnesota are at lower levels than last year and the three-year average. Additionally, Minnesota has been impacted by the ongoing closure of a refinery in Superior, Wisconsin, and we will face additional challenges and supply constraints as a refinery in St. Paul Park closes for scheduled maintenance. Furthermore, the COVID-19 pandemic continues to impact the petroleum industry. Refinery capacity in the United States has fallen by almost one million barrels per day as refineries closed due to demand issues or converted operations to make alternative products.

As consumers pay increased prices for gasoline, diesel, and other fuels, Minnesota petroleum providers have reported that the ongoing shortage of qualified truck drivers is inhibiting efficient transport of products from refineries to fuel terminals—and ultimately to local businesses and retail sites. Fuel terminals across the state, including those in Mankato, Marshall, and Alexandria are reporting shortages or outages of products, and drivers have experienced long wait times due to increased demand at fuel terminals that do have the necessary supply.

Minnesota Statutes 2021, section 221.0314, subdivision 9, adopts federal safety regulations, including hours of service requirements for drivers. Minnesota Statutes 2021, section 221.0269, provides: “The governor may declare an emergency and grant relief from any of the regulations incorporated in section 221.0314 to carriers and drivers operating motor vehicles in Minnesota to provide emergency relief during the emergency.”

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

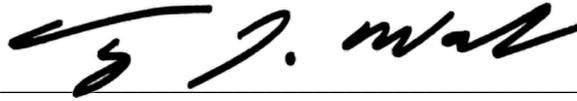
For these reasons, I order as follows:

1. Pursuant to Minnesota Statutes 2021, section 221.0269, subdivision 1, a state of emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes 2021, section 221.0314, subdivision 9, pertaining to hours of service for motor carriers and drivers of commercial motor vehicles providing direct assistance to emergency relief efforts by transporting gasoline, diesel, fuel oil, ethanol, and biodiesel.
2. Motor carriers and drivers providing direct assistance to the emergency relief efforts by transporting gasoline, diesel, fuel oil, ethanol, and biodiesel are exempted from paragraphs (b) and (c) under the Code of Federal Regulations, title 49, part 395.3, and incorporated in Minnesota Statutes 2021, section 221.0314, subdivision 9, pertaining to hours of service.
3. Nothing in this Executive Order may be construed to relieve motor carriers and drivers providing direct assistance to the emergency relief efforts by transporting gasoline, diesel, fuel oil, ethanol, and biodiesel 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 Executive 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 Executive 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. Upon the expiration of this Executive 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.
7. For purposes of this Executive 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 not destined for the emergency relief effort, or when the carrier dispatches that driver or vehicle to another location to begin operations in commerce.

This Executive Order is effective immediately under Minnesota Statutes 2021, section 4.035, subdivision 2, and it will remain in effect until it is rescinded by proper authority or August 14, 2022, whichever occurs first.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on July 15, 2022.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Filed on July 15, 2022
Office of the Minnesota
Secretary of State,
Steve Simon