

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 22-24

Providing for Emergency Relief to Motor Carriers and Drivers Transporting Propane 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:

With the onset of winter and recent powerful storms, propane is in high demand in Minnesota and states around the country. Approximately ten percent of Minnesota households, or over 200,000 homes, use propane as their primary heating fuel. The need for propane is even more common in rural areas where many households do not have access to natural gas. Propane and heating fuels are essential supplies necessary to protect the public health and safety of families, agricultural operators, and others in the region.

In mid-December, winter storms brought heavy wet snowfall, freezing rain, and strong winds to Minnesota. These storms caused major impacts to homes and businesses around the state, with some areas reporting more than 25 inches of snow. The significant precipitation damaged trees and caused downed limbs, resulting in road closures and widespread power outages. Utility companies estimated that tens of thousands of customers were without power for several days.

Even as the state was working to dig out stranded families, clear roads, and restore power, we were recently faced with another storm bringing additional snowfall, dangerously low temperatures, and wind gusts up to 50 miles per hour. Road closures due to whiteout conditions were prevalent throughout the state, which severely impeded travel, including the transportation of propane. These weather-related road closures have led to a backlog of propane deliveries, which is further compounded by increased energy consumption due to sub-zero temperatures.

Due to the conditions caused by winter storms, governors across the country, as well as the Federal Motor Carrier Safety Administration, have declared emergencies and issued orders that provide temporary relief from certain regulations for carriers and drivers assisting emergency relief efforts by transporting propane and other heating fuels.

Minnesota Statutes 2022, section 221.0314, subdivision 9, adopts federal safety regulations, including hours of service requirements for drivers. Minnesota Statutes 2022, 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 propane 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 propane 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 this essential commodity.

For these reasons, I order as follows:

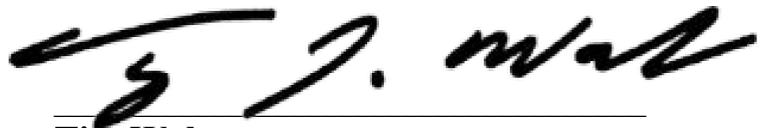
1. Pursuant to Minnesota Statutes 2022, section 221.0269, subdivision 1, a state of emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes 2022, section 221.0314, subdivision 9, pertaining to hours of service for motor carriers and drivers of commercial motor vehicles providing direct assistance to emergency relief efforts by transporting propane.
2. Motor carriers and drivers providing direct assistance to the emergency relief efforts by transporting propane are exempted from paragraphs (b) and (c) under the Code of Federal Regulations, title 49, part 395.3, and incorporated in Minnesota Statutes 2022, 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 propane from the requirements under paragraph (a) of the Code of Federal Regulations, title 49, part 395.3, and incorporated in Minnesota Statutes 2022, 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 2022, 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 2022, section 4.035, subdivision 2, and it will remain in effect until it is rescinded by proper authority or January 12, 2023, whichever occurs first.

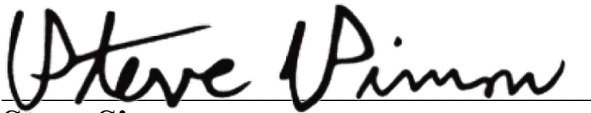
A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on December 28, 2022.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Filed on December 28, 2022
Office of the Minnesota
Secretary of State,
Steve Simon