

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 19-32

Declaring an Emergency and Providing for Relief from Regulations to Motor Carriers and Drivers Operating in the State of 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:

Multiple snow events throughout Minnesota and the Midwest region in February and March, along with flooding and a wet spring, have created a delayed and shortened spring planting season.

Farmers in multiple states are starting field work at the same time, which has caused a regional fertilizer shortage. Retailers and suppliers of anhydrous ammonia and other fertilizers are struggling to keep up with the increased demand for product, which is forcing farmers to develop alternative plans for the timely application of fertilizer prior to planting.

Spring flooding has impacted the ability to efficiently move product via waterways and rail lines, causing delivery delays in certain regions in Minnesota. These logistical issues will cause drivers to travel further distances to obtain product or force farmers to wait for product, further delaying the planting of crops.

Minnesota and its neighboring states utilize some of the same resources for fertilizer, creating a shortage of available drivers, trucks, and loading facilities. It is anticipated that farmers will be planting through late May and early June, which will worsen the problem.

For these reasons, I order that:

1. Pursuant to Minnesota Statutes 2018, section 221.0269, subdivision 1, a state of emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes 2018, section 221.0314, subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles providing direct assistance to emergency relief efforts by obtaining and delivering anhydrous ammonia or other fertilizers to the affected areas of the state.

2. Motor carriers and drivers providing direct assistance to emergency relief efforts by transporting anhydrous ammonia or other fertilizers to the affected areas of the state are exempted from paragraphs (b), (c), and (d) under the Code of Federal Regulations, title 49, part 395.3 which are incorporated in Minnesota Statutes 2018, section 221.0314, subdivision 9, pertaining to hours of service.
3. Nothing in this Executive Order shall be construed to relieve motor carriers and drivers providing direct assistance to emergency relief efforts from the requirements under paragraph (a) of the Code of Federal Regulations, title 49, part 395.3, which states, in part, 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 drivers' licenses; drug and alcohol testing for drivers; or equipment, parts, and accessories necessary for the safe operation of vehicles.
5. No motor carrier operating under the terms of this Executive Order shall 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 shall be given at least ten consecutive hours off duty before the driver is required to return to service.
6. Upon the expiration date of this Executive Order, or when a driver or carrier has been relieved of all duty and responsibility to provide direct assistance to the emergency relief efforts, a driver that has had at least 34 consecutive hours off-duty shall be permitted to start his or her on-duty status hours and 60/70 clock at zero.

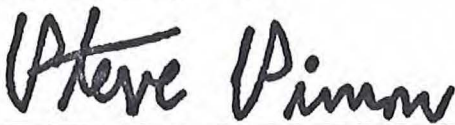
This Executive Order is effective immediately under Minnesota Statutes 2018, section 4.035, subdivision 2. This Executive Order remains in effect for 30 days, or until the direct assistance has ended, whichever occurs first. For purposes of this Executive Order, and as defined in Minnesota Statutes 2018, 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.

Signed on May 10, 2019.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

