

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 19-33

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:

Unanticipated events—including a fire at the Husky refinery in Superior, Wisconsin and spring flooding impacting the HollyFrontier refinery in Tulsa, Oklahoma—have disrupted the normal supply of gasoline and other petroleum products in Minnesota.

Motor fuel terminals are part of the distribution chain of petroleum products, and gasoline from the terminals is pumped into trucks for delivery to local gas stations and convenience stores across Minnesota. Many fuel terminals across the Midwest are experiencing a shortage of petroleum products, resulting in shortages of these products at local gas stations in Minnesota.

Due to this shortage of petroleum products, motor carriers and drivers are traveling farther distances to alternate terminals and facing long delays at terminals, depleting the drivers' available on-duty hours in accordance with hours of service regulations.

The week of July 4 is a peak travel time within Minnesota, and relief is needed to ensure that gas stations have an adequate and reliable supply of petroleum products. Without sufficient and dependable access to fuel, Minnesota motorists risk being stranded.

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 gasoline, diesel fuel, or fuel oil.
2. Motor carriers and drivers providing direct assistance to emergency relief efforts by transporting gasoline, diesel fuel, or fuel oil 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 for emergency relief efforts from the requirements under paragraph (a) of the Code of Federal Regulations, title 49, part 395.3, 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 for 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 10 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, and 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 July 3, 2019.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

