



Extending Emergency Executive Order 19-33

Extending the Period Provided for Relief from Regulations to Motor Carriers and Drivers Operating in the State of Minnesota

I, Margaret Anderson Kelliher, Commissioner of Transportation of the State of Minnesota, by the authority granted to me by Minnesota Statutes 2018, section 221.0269, subdivision 2, issue the following Order:

On July 3, 2019, Governor Tim Walz issued Emergency Executive Order 19-33 declaring an emergency and providing relief from regulations for motor carriers and drivers operating in Minnesota. The conditions described in Emergency Executive Order 19-33 are ongoing and will extend beyond the 30-day period of relief granted in the initial declaration.

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. Fuel terminals in Minnesota are continuing to experience difficulties in obtaining their normal supply of gasoline. Based on the disruptions in availability of gasoline and other petroleum products, local gas stations in Minnesota are running low on, or are out of gasoline.

Due to this critical shortage of petroleum products, motor carriers and drivers are traveling farther distances to obtain product and are experiencing significant delays at the terminals. Long lines and loading times at terminals, coupled with driving to alternate terminals around the state have caused drivers to deplete available on-duty hours in accordance with the hours of service regulations.

For these reasons, I order that:

1. Pursuant to Minnesota Statutes 2018, section 221.0269, subdivision 2, 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 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, a driver may drive only 11 hours during a period of 14 consecutive hours after coming on duty following ten consecutive hours off duty.

4. This 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 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 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 extension of Emergency Executive Order 19-33 is effective at 12:01 AM Central Standard Time on August 3, 2019, the expiration date of the initial declaration, and must be filed with the Secretary of State. Emergency relief from regulations for motor carriers and drivers transporting gasoline, diesel fuel or fuel oil to affected areas of the state remains in effect for 30 days from the date of this order, or until the direct assistance has ended, whichever occurs first. For purposes of this 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 for operations in regular commerce.

Signed on August 2, 2019.


Margaret Anderson Kelliher
Commissioner

Filed According to Law:


Steve Simon
Secretary of State

