

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 19-36

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:

Due to a wet spring, followed by a cold and wet fall, the corn and soybean harvest has been significantly delayed. Farmers in Minnesota and neighboring states have been impacted by the rain and the early onset of cold weather which will result in harvest activities happening simultaneously throughout the region.

The later than average corn harvest and higher moisture content has created a greater demand for propane used for drying. In addition to propane and liquid fuels being used for crop harvesting purposes, the circumstances are compounded and the demand for these products is increased by the start of the agricultural livestock heating season as well as the needs created by the Minnesota Energy Assistance Program. Drivers are experiencing unusually long wait times at terminals, and some supply points are reporting a decrease in the availability of product, which will require drivers to travel further distances to obtain product for marketers and farmers.

Although steps have been taken in an effort to mitigate the impacts of this situation, such as pre-filling supply tanks, there will still be an overwhelming demand prompting a need for temporary relief from the hours of service requirements.

For these reasons, I order that:

1. Pursuant to Minnesota Statutes 2019, section 221.0269, subdivision 1, a state of emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes 2019, 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 propane, diesel fuel, gasoline, or fuel oil.
2. Motor carriers and drivers providing direct assistance to emergency relief efforts by transporting propane, diesel fuel, gasoline, 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 2019, 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 by transporting propane, diesel fuel, gasoline, or fuel oil 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 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 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 and 60/70 clock at zero.

This Executive Order is effective immediately under Minnesota Statutes 2019, 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 2019, 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 October 30, 2019.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

