STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-61

Extending the Relief from Regulations for Motor Carriers and Drivers Operating in Minnesota Declared in Executive Order 20-45

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:

The COVID-19 pandemic presents an unprecedented challenge to our State. Minnesota has taken extraordinary steps to prevent and respond to the COVID-19 pandemic. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. After notifying the Legislature, on April 13, 2020 and again on May 13, 2020, I issued Executive Orders extending the peacetime emergency declared in Executive Order 20-01.

Minnesota, which ranks fifth nationally in agricultural production, is home to over 3,000 pig farms and nearly 4,000 poultry farms. This vital industry is experiencing instability and challenges due to the COVID-19 pandemic. As restaurants and schools remain closed or operating in a limited capacity, there has been a reduced demand for certain agricultural products, including pork and poultry, which has resulted in a significant shift from processing meat for a commercial market to a retail market.

The COVID-19 pandemic has caused a breakdown in the meat supply chain and caused significant disruptions in market continuity. With recent plant closures in Minnesota, in addition to nearby states, including South Dakota, Iowa, Wisconsin, Illinois, and Missouri, farmers are facing an animal welfare crisis due to overcrowding. Extraordinary measures have been taken to help those farmers and animal producers that are unable to move their animals to market. The Animal and Plant Health Inspection Services within the U.S. Department of Agriculture has established a National Incident Coordination Center, and the Minnesota Department of Agriculture and the Minnesota Board of Animal Health have established an Incident Management team. These entities are providing direct support to impacted farmers and producers by helping to find alternative slaughter sites or provide options and resources for depopulation.

The suspension of operations at meat processing facilities has resulted in a reduction of the normal processing capacity leaving farmers with nowhere to bring their animals and creating a regional and nationwide processing backlog. Even as plants begin to reopen, the facilities are

expected to operate below maximum capacity for the foreseeable future to maintain worker safety. As a result, producers will need to continue to depopulate and compost animals, a process that requires large amounts of carbon-rich materials, such as wood, biomass, and other forage.

On April 24, 2020, I issued Executive Order 20-45, granting relief from certain weight restrictions and the hours of service requirements for drivers and vehicles transporting wood products, including biomass and forage, used exclusively for the composting process of animals that have been depopulated due to impacts of COVID-19, ending on May 24, 2020. The need for the relief identified in Executive Order 20-45 still exists and must be extended.

Minnesota Statutes 2019, sections 169.824, 169.8261, and 169.86, provide weight limitations, as well as permit and permit fee requirements for vehicles operating on Minnesota roadways and transporting overweight loads of certain commodities. Minnesota Statutes 2019, section 221.0314, subdivision 9, adopts federal safety regulations, including hours of service requirements for drivers. Minnesota Statute 2019, 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."

Relief is needed to help protect the livelihood of our State's farmers as they work to continue fulfilling the critical role of feeding Minnesotans. The unfortunate need to depopulate large numbers of animals on farms presents a risk to public health and safety, and prompt transportation of composting materials is crucial. This Executive Order is consistent with the extraordinary steps that have already been taken to support emergency response efforts and provide assistance to those impacted by the pandemic. Strict enforcement of certain hours of service and weight restriction regulations would prevent or hinder efforts to provide necessary and time-sensitive assistance to our State.

For these reasons, I order as follows:

1. A state of emergency exists in Minnesota that requires assistance from motor carriers to transport wood products, including biomass and forage, used exclusively for the composting process of animals that have been depopulated due to impacts of COVID-19. Vehicles and drivers providing direct assistance for these emergency relief efforts are exempted from certain regulations as described in this Executive Order.

2. The weight-related regulatory provisions of Minnesota Statutes 2019, sections 169.8261 and 169.86, are temporarily suspended, to the extent that those provisions require a special permit or restrict the overweight movement of wood products, including biomass and forage, used exclusively for the composting process of animals that have been depopulated due to impacts of COVID-19.

3. Suspension of these weight-related provisions, without the need for a permit, applies to loads transported on state and local roads within Minnesota. Vehicles operating under this Executive Order may not exceed the maximum axle weight limits established under Minnesota Statutes 2019, section 169.824, by more than twelve and one-half percent (12.5%), the maximum axle weight limit of 20,000 pounds, or

90,000 pounds gross weight. Additionally, vehicles operating under this Executive Order must comply with posted limits on bridges.

4. The gross weight tolerances provided in Minnesota Statutes 2019, section 168.013, subdivision 3, paragraph (b), do not apply to loads transported under this Executive Order.

5. Pursuant to Minnesota Statutes 2019, section 221.0269, subdivision 1, conditions exist in Minnesota that require 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 the emergency relief efforts described in this Executive Order.

6. Motor carriers and drivers providing direct assistance to emergency relief efforts by transporting wood products, including biomass and forage, used exclusively for the composting process of animals that have been depopulated due to impacts of COVID-19, are exempted from paragraphs (b) and (c) 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.

7. Nothing in this Executive Order may be construed to relieve motor carriers and drivers providing direct assistance to emergency relief efforts by transporting wood products, including biomass and forage, used exclusively for the composting process of animals that have been depopulated due to impacts of COVID-19, 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.

8. 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.

9. No motor carrier operating under the terms of this Executive Order may 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 relieved of all duty and responsibilities and given at least 10 consecutive hours off duty before the driver is required to return to service.

10. 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 is required to comply with paragraphs (b) and (c) under the Code of Federal Regulations, title 49, part 395.3, by taking 34 consecutive hours off duty before the driver is required to return to service.

11. Nothing in this Executive Order shall be construed to provide relief from any applicable state laws or federal regulations pertaining to the transport or disposal of animals or animal carcasses.

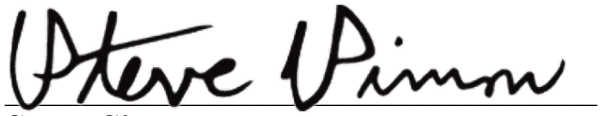
This Executive Order is effective immediately under Minnesota Statutes 2019, section 4.035, subdivision 2, and remains in effect for 30 days, or until the direct assistance has ended, whichever occurs first. For purposes of this Executive Order, direct assistance does not include routine commercial deliveries, or transportation of mixed loads that include freight that is not being transported in support of emergency relief efforts. Additionally, 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 regular commerce.

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 May 21, 2020.

Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Filed May 21, 2020
Office of the Minnesota
Secretary of State,
Steve Simon