STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-27

Providing for Emergency Relief from Regulations to Motor Carriers and Drivers Operating in 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:

The COVID-19 pandemic presents an unprecedented challenge to our State. Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. 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. In Executive Order 20-01, I directed all state agencies to submit proposed orders and rules to protect and preserve public health and safety.

On March 25, 2020, I issued Executive Order 20-20, which, among other directives to promote the health and safety of Minnesotans, establishes a list of Critical Sectors, including the food and agricultural industries. Minnesota's agricultural industry and community are facing a significant decrease in the commercial driver workforce due to health and other impacts related to COVID-19. This decrease poses risk to the supply of food in Minnesota and the region.

Based on data collected through the 2017 USDA Census of Agriculture, Minnesota is one of the top agriculture states in the country—ranking first in grain sales, second in hog sales, and fourth in dairy sales. Commodities such as animal feed and fertilizer are needed to ensure the continuity of essential farming activities and the supply of food in Minnesota and throughout the country. With the ongoing spread of COVID-19, especially in rural areas of the state, there are heightened concerns within the agricultural industry and community about the decrease in the commercial driver workforce and the risk it poses to efficient movement of agricultural commodities.

Farmers in Minnesota and neighboring states will begin spring planting soon, and assistance is needed to ensure that drivers and trucks are available to transport fertilizer to enable farmers to complete spring crop planting. The livestock markets in Minnesota have been and will continue to be impacted by the COVID-19 pandemic. Reliable access to feed is critical to maintaining healthy animals, which are essential to the economic security and viability of many farming

operations. Relief is needed to facilitate the safe and efficient movement of livestock feed and fertilizer used for spring crop planting.

Minnesota Statutes 2019, section 221.0314, subdivision 9, adopts federal regulations, including hours of service requirements for drivers. Minnesota Statutes 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."

Strict enforcement of certain hours of service regulations would prevent or hinder the efficient transportation of livestock feed and fertilizer used for spring crop planting. The continued and efficient movement of these commodities is vital to the health and safety of Minnesotans.

For these reasons, I order as follows:

1. A state of emergency exists in Minnesota that requires assistance from motor carriers to transport livestock feed and fertilizer used for spring crop planting. Vehicles and drivers providing direct assistance for emergency relief efforts in response to COVID-19 are exempted from certain regulations as described in this Executive Order.

2. 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 emergency relief efforts in response to COVID-19.

3. Motor carriers and drivers providing direct assistance to emergency relief efforts by transporting livestock feed or fertilizer used for spring crop planting 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.

4. Nothing in this Executive Order shall be construed to relieve motor carriers and drivers providing direct assistance to emergency relief efforts by transporting livestock feed or fertilizer used for spring crop planting 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.

5. 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.

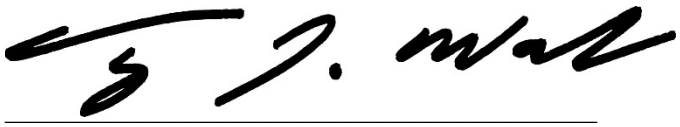
6. No motor carrier operating under the terms of this Executive Order shall require or allow a fatigued or ill driver to operate a commercial motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be relieved of all duty and responsibilities and given at least 10 consecutive hours off duty before the driver is required to return to service.

7. 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.

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(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."

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 April 3, 2020.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Filed on April 3, 2020
Office of the Minnesota
Secretary of State,
Steve Simon