STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-59

Extending the Relief from Regulations for Motor Carriers and Drivers Operating in Minnesota Declared in Executive Orders 20-06 and 20-37

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 continues to present an unprecedented and rapidly evolving challenge to our State. With the goal of being proactive and getting ahead of the curve on COVID-19 prevention and response, I issued Executive Order 20-01 on March 13, 2020, 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.

The federal government has provided regulatory relief and guidance to ensure that truck drivers can continue to operate as efficiently as possible to deliver essential supplies. On March 13, 2020, the Federal Motor Carrier Safety Administration ("FMCSA") issued a national emergency declaration that provides relief from certain safety regulations to carriers providing direct assistance to support emergency relief efforts. Due to the continued emergency conditions and recognizing that commercial truck drivers are critical to America's supply chain, FMCSA has twice extended the initial declaration's expiration date. Additionally, on March 27, 2020, the President signed the Coronavirus Aid, Relief and Economic Security Act, which includes important clarification regarding states' authority to issue permits for overweight vehicles and loads on the Interstate when the President declares an emergency or major disaster under the Stafford Act. This provision will help ensure the continued free flow of critical relief supplies and other essential goods when responding to the recovery efforts during the current pandemic.

On March 17, 2020, I issued Executive Order 20-06, which provided relief from regulations for motor carriers and drivers operating in Minnesota and providing direct assistance to emergency relief efforts in response to COVID-19 by transporting essential supplies. On April 16, 2020, I issued Executive Order 20-37, extending the relief provided in 20-06 for another 30 days, ending on May 16, 2020. The need for relief identified in Executive Orders 20-06 and 20-37 still exists and must be extended.

The COVID-19 pandemic has significantly impacted the commercial trucking industry. As a result of business and school closures and many more people working and staying at home, consumer habits and supply and demand of products have changed, which has required carriers and drivers to be

flexible in how they operate. Long-distance deliveries have decreased, while there has been a shift to local and regional transportation in response to increased demand for consumer goods, such as groceries and household supplies. As hospitals and other healthcare facilities care for patients during the COVID-19 pandemic, it is crucial to continue reliable transportation of medical supplies.

Minnesota Statutes 2019, sections 169.80, 169.823, and 169.824, provide weight limitations for vehicles operating on Minnesota roadways. Minnesota Statutes 2019, section 221.0314, subdivision 9, adopts federal safety regulations, including hours of service requirements for drivers. Minnesota Statutes, 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."

As drivers fulfill the critical role of delivering essential supplies in a time of ongoing and unprecedented uncertainty, continued relief from certain regulations is needed to provide consistency and predictability to the commercial trucking industry. Strict enforcement of certain hours of service and weight restriction regulations would prevent or hinder efforts to ensure the efficient movement of essential supplies, including food, medical supplies, and household items, which are vital to the health and safety of all Minnesotans.

For these reasons, I order as follows:

1. A state of emergency exists in Minnesota that requires assistance from motor carriers to transport supplies to affected areas of the state. 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. Direct assistance means transportation by a motor carrier or its driver(s) incident to the immediate restoration and/or delivery of essential supplies including food, medical supplies, and household items, related to the COVID-19 pandemic.

2. The weight-related regulatory provisions of Minnesota Statutes 2019, sections 169.80, 169.823, and 169.824, are temporarily suspended, to the extent that those provisions require a special permit or restrict the overweight movement of essential supplies including food, medical supplies, and household items transported in support of direct assistance to emergency relief efforts in response to 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. Vehicles operating with a gross vehicle weight in excess of 80,000 pounds and providing direct assistance to emergency relief efforts in response to COVID-19 by transporting essential supplies may apply for a permit issued by the Minnesota Department of Transportation authorizing the vehicle to operate on the Interstate Highway System. The permit described in this paragraph is only valid while the national emergency declared by the President is in effect.

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 emergency relief efforts in response to COVID-19.

6. Motor carriers and drivers providing direct assistance to emergency relief efforts in response to COVID-19 by transporting essential supplies are exempted from the Code of Federal Regulations, title 49, part 395.3, which is incorporated in Minnesota Statutes 2019, section 221.0314, subdivision 9, pertaining to hours of service.

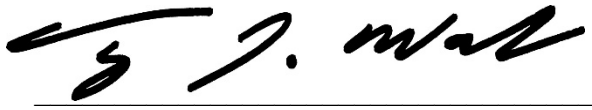
7. This Executive Order does not relieve motor carriers and drivers providing direct assistance to emergency relief efforts from regulations pertaining to driver qualifications; driving of commercial motor vehicles; commercial driver's licenses; drug and alcohol testing for drivers; or equipment, parts, and accessories necessary for the safe operation of vehicles.

8. 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.

9. Upon the expiration of this Executive Order or termination of direct assistance to emergency relief efforts, the driver must receive a minimum of 10 hours off duty.

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 commerce.

Signed on May 15, 2020.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Filed on May 15, 2020
Office of Minnesota
Secretary of State,
Steve Simon