STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-24

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.

The Federal Motor Carrier Safety Administration issued a national emergency declaration that provides relief from certain safety regulations to carriers providing direct assistance to support emergency relief efforts in response to COVID-19. Based on the language of the declaration, and official guidance put forth by the FMCSA, livestock is a commodity covered under the category of "precursor raw materials" that are required and used for the manufacture of food needed for the emergency restocking of stores.

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. The agricultural industry and community in Minnesota 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.

Due to the spread of COVID-19, there are heightened concerns about the potential shutdown of meat processing plants, increasing the need for farmers to transport livestock to meat processing plants in a timely manner. The livestock markets in Minnesota and neighboring states have been and will continue to be impacted by COVID-19. Further spread of the virus, especially in rural communities, threatens the health and availability of workers who companies rely on to process, inspect, and transport meat. Relief is needed to facilitate the safe and efficient movement of livestock to avoid a supply shortage for end users, including grocers and consumers.

Minnesota Statutes 2019, sections 169.86, 169.865, and 169.87 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 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 and weight restriction regulations would prevent or hinder the efficient transportation of livestock. The continued and efficient movement of livestock 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. 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. The weight-related regulatory provisions of Minnesota Statutes 2019, sections 169.86, 169.865, and 169.87 are temporarily suspended, to the extent that those provisions require a special permit or restrict the overweight movement of livestock transported in support of direct assistance to emergency relief efforts in response to COVID-19.

3. Suspension of these weight-related provisions applies to loads transported on all roads within Minnesota. Unless the Federal Highway Administration suspends the federal weight limitations on the interstate system, vehicles over 80,000 pounds gross weight may not use the interstate system. 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. 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.

5. Motor carriers and drivers providing direct assistance to emergency relief efforts in response to COVID-19 by transporting livestock 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.

6. 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.

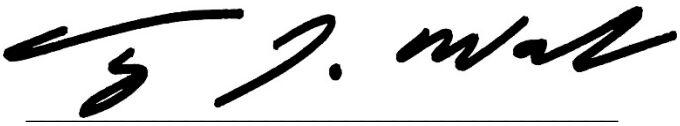
7. No motor carrier operating under the terms of this Executive Order shall require or allow a fatigued or ill driver to operate a commercial motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be relieved of all duty and responsibilities and given at least 10 consecutive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

8. 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 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.

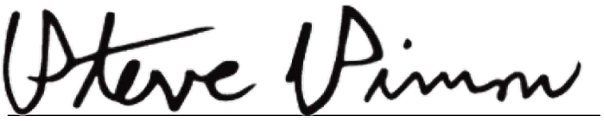
A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on March 27, 2020.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Filed March 27, 2020
Office of the Minnesota
Secretary of State,
Steve Simon