STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-37

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

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. On April 13, 2020, I issued Executive Order 20-35, which extends the peacetime emergency declared in Executive Order 20-01.

In response to the COVID-19 pandemic, the Federal Motor Carrier Safety Administration ("FMCSA") issued a national emergency declaration on March 13, 2020, providing relief from certain safety regulations to carriers providing direct assistance to support emergency relief efforts. Due to the continued emergency conditions, FMCSA has extended the expiration date of the initial declaration. Additionally, governors of neighboring states, including Iowa and Wisconsin, have also provided relief from certain weight and safety regulations to assist with emergency efforts.

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 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.

Minnesota Statutes 2019, sections 169.80, 169.823, 169.824, and 169.87, 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 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."

This Executive Order is consistent with the ongoing regional and nationwide effort to ensure the continued and efficient movement of essential supplies, including food, medical supplies, and household items, which are vital to the health and safety of all Minnesotans. 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 that:

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, 169.824, and 169.87, 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.

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 drivers' 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.

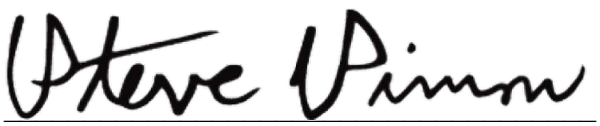
9. Upon the expiration of this Executive Order or termination of direct assistance to emergency relief efforts, the driver must receive a minimum of 10 hours off duty.

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 April 16, 2020.

Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Filed April 16, 2020
Office of the Minnesota
Secretary of State,
Steve Simon