STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-60

Extending the Relief from Regulations for Motor Carriers and Drivers Operating in Minnesota Declared in Executive Orders 20-24 and 20-44

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.

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 twice extended the expiration date of the initial declaration. Based on the language of the declaration and FMCSA guidance, 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.

The agricultural industry and community in Minnesota and neighboring states are facing a significant decrease in the employee workforce, including commercial truck drivers and employees of farms and processing plants, due to impacts related to COVID-19. Based on data collected over the past six weeks by the Centers for Disease Control and Prevention and the Minnesota Department of Agriculture, there were nearly 5,000 workers from meat and poultry processing facilities across the United States and approximately 1,000 employees from eight different plants in Minnesota who were sick due to COVID-19. Without healthy workers, plants have had to close or reduce operations, requiring farmers to travel farther distances to transport livestock to meat processing plants in other states that are still operating. This has also prompted the need for farmers to depopulate some of their animals and transport the carcasses between farms and rendering facilities.

On March 27, 2020, I issued Executive Order 20-24, which provided relief from certain weight restrictions and the hours of service requirements for drivers and vehicles transporting livestock. On April 24, 2020, I issued Executive Order 20-44, extending the relief provided in 20-24 for another 30 days and expanded it to include the transportation of animal carcasses. The need for the relief identified in Executive Orders 20-24 and 20-44 still exists and must be extended.

Minnesota Statutes 2019, sections 169.86 and 169.865, 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."

Minnesota's livestock markets 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. Strict enforcement of certain hours of service and weight restriction regulations would prevent or hinder the efficient transportation of livestock and animal carcasses. The continued and efficient movement of livestock and animal carcasses 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 or animal carcasses. 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 169.86 and 169.865, are temporarily suspended, to the extent that those provisions require a special permit or restrict the overweight movement of livestock or animal carcasses transported in support of direct assistance to these emergency relief efforts.

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 the emergency relief efforts described in this Executive Order by transporting livestock 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 does not apply to the transportation of animal carcasses.

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 in response to COVID-19 by transporting livestock or animal carcasses 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.

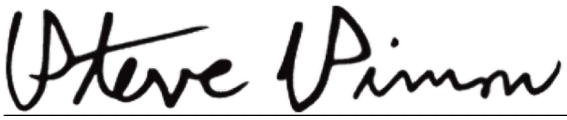
This Executive Order is effective immediately under Minnesota Statutes 2019, section 4.035, subdivision 2, and remains in effect for 30 days, or until the direct assistance has ended, whichever occurs first. For purposes of this Executive Order, direct assistance does not include transportation of mixed 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