STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-45

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 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. On April 13, 2020, after notifying the Legislature, I issued Executive Order 20-35, extending the peacetime emergency declared in Executive Order 20-01.

Minnesota, which ranks fifth nationally in agricultural production, is home to over 3,000 pig farms and nearly 4,000 poultry farms. This vital industry is experiencing instability and challenges due to the COVID-19 pandemic. As restaurants and schools remain closed, there has been a reduced demand for certain agricultural products, including pork and poultry, which has resulted in a significant shift from processing meat for a commercial market to a retail market.

Community spread of COVID-19 continues to increase in Minnesota and nationwide, and as a result, there have been recent plant closures in the Worthington area, in addition to nearby states, including South Dakota, Iowa, Wisconsin, Illinois, and Missouri. These closures have created significant disruptions in market continuity for Minnesota's hog and poultry farmers. The suspension of operations at these facilities has resulted in a reduction of the normal processing capacity by more than 60 percent, leaving some Minnesota farmers with nowhere to bring their animals. As a result, producers will need to depopulate and compost animals, a process that will require large amounts of carbon-rich materials, such as wood, biomass, and other forage.

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."

Relief is needed to help protect the livelihood of our State's farmers, as they work to continue fulfilling the critical role of feeding Minnesotans. The unfortunate need to depopulate large numbers of animals on farms presents a risk to public health and safety, and prompt transportation of composting materials is crucial. This Executive Order is consistent with the extraordinary steps that have already been taken to support emergency response efforts and provide assistance to those impacted by the pandemic. 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 as follows:

1. A state of emergency exists in Minnesota that requires assistance from motor carriers to transport wood products, including biomass and forage, used exclusively for the composting process of animals that have been depopulated due to impacts of COVID-19. 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 169.8261, 169.86, and 169.87, are temporarily suspended, to the extent that those provisions require a special permit or restrict the overweight movement of wood products, including biomass and forage, used exclusively for the composting process of animals that have been depopulated due to impacts of 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. The gross weight tolerances provided in Minnesota Statutes 2019, section 168.013, subdivision 3, paragraph (b), do not apply to loads transported under this Executive Order.

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 by transporting wood products, including biomass and forage, used exclusively for the composting process of animals that have been depopulated due to impacts of COVID-

19, 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.

7. Nothing in this Executive Order may be construed to relieve motor carriers and drivers providing direct assistance to emergency relief efforts by transporting wood products, including biomass and forage, used exclusively for the composting process of animals that have been depopulated due to impacts of COVID-19, 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.

8. 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.

9. No motor carrier operating under the terms of this Executive Order may 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.

10. 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.

11. Nothing in this Executive Order may be construed to provide relief from any applicable state laws or federal regulations pertaining to the transport or disposal of animals or animal carcasses.

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.

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 24, 2020.

Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Filed on April 24, 2020
Office of the Minnesota
Secretary of State,
Steve Simon