STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-44

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.

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. 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 27, 2020, I issued Executive Order 20-24, granting relief from certain weight restrictions and the hours of service requirements for drivers and vehicles transporting livestock for 30 days, ending on April 26, 2020. The need for the relief identified in Executive Order 20-24 still exists and must be extended in duration and expanded to include the transportation of animal carcasses. The agricultural industry and community in Minnesota are facing a significant decrease in the employee workforce, including commercial truck drivers and employees of farms and processing plants, due to health and other impacts related to COVID-19. This decrease poses risk to the supply of food in Minnesota and the region for end users, including grocers and consumers.

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. The suspension of operations at these facilities has resulted in a reduction of the normal processing capacity by more than 60 percent. This reduction will require farmers to travel significantly farther distances to transport livestock to meat processing plants in other states that are still operating. It will also prompt the need for farmers to depopulate some of their animals and to transport the carcasses between farms and rendering facilities.

The livestock markets in Minnesota 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 and animal carcasses.

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 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, 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 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 must 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 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