STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-80

Extending the Relief from Regulations for Motor Carriers and Drivers Operating in Minnesota Declared in Executive Orders 20-24, 20-44, 20-60, and 20-76

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, May 13, 2020, June 12, 2020, and July 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 ongoing national emergency conditions that create a need for immediate transportation of essential supplies, including livestock, the FMCSA has extended the declaration through August 14, 2020.

Minnesota's livestock markets have been impacted by the COVID-19 pandemic due in large part to a decrease in the employee workforce, including commercial truck drivers and employees of farms and processing plants. Approximately half of the pigs raised in Minnesota are transported to other states for processing, including South Dakota and Iowa, where major plant closures ranged from two to four weeks in duration. Without healthy workers, plants have had to close or reduce operations. And although plants have reopened, many facilities are still operating below maximum capacity to maintain worker safety.

The closures and reductions in processing capacity at plants have left livestock farmers and producers in Minnesota with an unprecedented backlog of animals that are ready to be processed. Farmers have taken measures to slow animal growth and hold pigs and poultry longer before

taking them to market. Some processing plants have added an additional day of work to increase operating capacity. Additionally, the Minnesota Department of Agriculture and the Minnesota Board of Animal Health have established an incident management team, which is providing direct support to impacted farmers and producers by helping to find alternative processing sites. Despite these efforts, there is still a processing backlog of nearly 300,000 pigs, and emergency relief from certain regulations is needed to facilitate the safe and efficient movement of livestock from farms to processing plants.

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 and expanding the relief to include the transportation of animal carcasses. Due to ongoing emergency conditions in Minnesota, I issued Executive Order 20-60 on May 21, 2020, and on June 19, 2020, I issued Executive Order 20-76, both of which provided an additional 30 days of relief from certain regulations. Executive Order 20-76 expires on July 19, 2020, but the need for relief from the hours of service requirements and certain weight limitations continues.

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. Minnesota Statutes 2019, section 221.0269, allows the Governor to "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 Minnesotans rely on to process, inspect, and transport meat. Industry officials anticipate that it will take several weeks to work through the processing backlog. Fall is a busy season for transporting livestock and harvested crops, and farmers need relief now to ensure timely delivery and processing of food for Minnesotans. 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 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 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. 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.

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 driver's 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 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 July 17, 2020.

Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Filed on July 17, 2020
Office of the Minnesota
Secretary of State,
Steve Simon