STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 21-09

Declaring an Emergency and Providing for Relief from Regulations to Motor Carriers and Drivers Operating in the State of 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:

Due to the recent and dangerously cold temperatures in Minnesota and around the Midwest, propane and heating fuels are in high demand. Many Minnesotans rely on propane to heat their homes, and with an increased number of people working from home, there has been a higher than average demand for home heating fuels.

During the winter months, 95 percent or more of the propane delivered by rail to Minnesota comes from North Dakota and Canada, and rail service accounts for approximately 25 percent of all propane deliveries. Severe cold in Canada has forced railroads to reduce the number of rail cars so that trains can operate safely. Additionally, several terminals in the region are reporting low inventories. With smaller deliveries, supply issues, and competition from neighboring states to acquire product, the supply of propane and other home heating fuels in Minnesota will be diminished at a rate that is disproportionate to the rate of replenishment.

Minnesota Statutes 2020, section 221.0314, subdivision 9, adopts federal regulations, including hours of service requirements for drivers. Minnesota Statutes 2020, 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."

Driver shortages due to COVID-19 continue to impact transportation, and relief is needed to allow available drivers to travel farther distances to alternate terminals to obtain product. The weather forecast calls for sub-zero temperatures extending over the next seven to ten days, and reliable access to propane and other fuels will be critical to the safety of Minnesotans. Propane and home heating fuels are essential supplies necessary to protect public health and safety. Strict enforcement of certain hours of service regulations would prevent or hinder efforts to provide necessary and time-sensitive assistance to our state.

For these reasons, I order as follows:

1. Pursuant to Minnesota Statutes 2020, section 221.0269, subdivision 1, a state of emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes 2020, 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 by obtaining and delivering propane, diesel fuel, gasoline, or fuel oil.

2. Motor carriers and drivers providing direct assistance to emergency relief efforts by transporting propane, diesel fuel, gasoline, or fuel oil to the affected areas of the state are exempted from paragraphs (b), (c), and (d) under the Code of Federal Regulations, title 49, part 395.3, which are incorporated in Minnesota Statutes 2020, section 221.0314, subdivision 9, pertaining to hours of service.

3. Nothing in this Executive Order may be construed to relieve motor carriers and drivers providing direct assistance to emergency relief efforts by transporting propane, diesel fuel, gasoline, or fuel oil from the requirements under paragraph (a) of the Code of Federal Regulations, title 49, part 395.3, which states, in part, that a driver may drive only 11 hours during a period of 14 consecutive hours after coming on duty following 10 consecutive hours off duty.

4. 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.

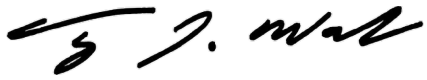
5. A motor carrier operating under the terms of this Executive Order must not require or allow a fatigued or ill driver to operate a commercial motor vehicle. A driver who informs a carrier that he or she needs immediate rest must be given at least 10 consecutive hours off duty before the driver is required to return to service.

6. 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 that has had at least 34 consecutive hours off-duty must be permitted to start his or her on-duty status and 60/70 clock at zero.

This Executive Order is effective immediately under Minnesota Statutes 2020, section 4.035, subdivision 2, and remains in effect for 15 days, or until the direct assistance has ended, whichever occurs first. For purposes of this Executive Order, and as defined in Minnesota Statutes 2020, section 221.0269, subdivision 3, paragraph (c), 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 February 12, 2021.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Filed February 12, 2021
Office of the Minnesota
Secretary of State
Steve Simon