

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Executive Order 17-05

Providing for Emergency Relief from Regulations to Motor Carriers and Drivers Operating in Minnesota Transporting Forage

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, the Governors of North Dakota and South Dakota declared emergencies due to extreme drought conditions in their regions;

Whereas, these extreme drought conditions have caused a shortage of forage in North Dakota and South Dakota;

Whereas, transport of forage through the State of Minnesota is needed to provide disaster relief to cattlemen affected by this shortage;

Whereas, Minnesota is committed to assisting the citizens of North Dakota and South Dakota, by supporting the transport of resources emerging from or traveling through the State; and

Whereas, strict compliance with the permit and fee requirements of Minnesota Statutes, sections 169.86, 169.862 and 169.865, allowing oversize and overweight divisible loads under certain circumstance will prevent or hinder efforts to provide this time sensitive assistance.

Now, Therefore, I hereby order that:

1. Pursuant to Minnesota Statutes, I hereby suspend the regulatory provisions of Minnesota Statutes, sections 169.86, 169.862 and 169.865, to the extent that those provisions require a permit to transport oversize and overweight loads of forage.
2. Suspension of these provisions applies to loads transported on all highways within Minnesota, excluding the interstate system, and those loads which do not exceed a maximum of 90,000 pounds gross weight, do not exceed the maximum axle weight limit determined under the non-primary highway maximum gross weight table in Minnesota Statutes, section

169.824, by more than twelve and one-half percent (12.5%), do not exceed the legal maximum axle weight limit of 20,000 pounds, and comply with posted limits on roads and bridges.

3. The requirements for vehicle registration in Minnesota Statutes, sections 168.013 and 168.187 and the fuel tax requirements in Minnesota Statutes, chapter 168D, are hereby suspended through the duration of the motor carrier's assistance in the disaster relief effort.
4. This order is intended to allow vehicles transporting forage to be oversize within the limits prescribed in Minnesota Statutes, section 169.862 (total outside width of the vehicle or load may not exceed 12 feet and the total height of the loaded vehicle may not exceed 15 feet); and overweight, not exceeding 90,000 pounds gross weight, without a permit, but only for the duration of this order. Vehicles must be marked at the front and rear of the load with 18x18" red, orange or yellow flags. Motor carriers providing relief effort must review the Bridge Vertical Clearance Report prior to traveling to ensure safe vertical clearance for the loaded vehicle.
5. In accordance with Title 49 C.F.R. § 390.23, the declarations of emergency issued by the Governors of North Dakota and South Dakota provide relief from the requirements contained in the Federal Motor Carrier Safety Regulations, Title 49 C.F.R. Parts 390-399 to those interstate and intrastate carriers who are providing direct assistance for the immediate restoration of essential supplies (such as feed). The relief from Title 49 C.F.R. Parts 390-399 provided in this order is valid for the duration of the motor carrier's assistance in the disaster relief effort or the duration of this order, whichever is less.
6. Notwithstanding the language in paragraph 4, nothing in this order relieves motor carriers and drivers from regulations pertaining to driver qualifications; driving of commercial motor vehicles; commercial drivers' licenses; drug and alcohol testing for drivers; or equipment, parts, and accessories necessary for the safe operation of vehicles.

Pursuant to Minnesota Statutes, section 4.035, subdivision 2, this Peacetime Emergency Executive Order is effective immediately and must be filed with the Secretary of State and published in the State Register as soon as possible after its issuance. This Peacetime Emergency Executive Order shall remain in effect until 11:59 pm on August 14, 2017, and can be extended by the Executive Council or the Legislature in accordance with Minnesota Statutes, section 12.31, subdivision 2.

In Testimony Whereof, I have set my hand on this 31st day of July, 2017.



Mark Dayton
Governor

Filed According to Law:



Steve Simon
Secretary of State

