

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Emergency Executive Order 17-11

Providing for Relief from Regulations to Motor Carriers and Drivers Operating in the State of Minnesota

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, due to a cool summer, rainy fall and the harvest season ending abruptly with the early onset of unseasonably cold temperatures, farmers are faced with an increased need for propane to dry late-harvested crops;

Whereas, the farm community is now laying down anhydrous ammonia fertilizer, the transportation of which uses the same driver base as liquid fuels and propane;

Whereas, the weather forecast is for colder than average weather which will add stress to the problem;

Whereas, the agricultural harvest season is a peak time for consumption of fuel in Minnesota, and relief is needed to ensure that farmers have reliable supplies of fuel to harvest crops;

Whereas, localized terminal shortages of propane and diesel fuel are causing drivers to travel further distances to obtain product for marketers and farmers;

Whereas, long lines at terminals and drivers traveling longer distances to acquire product has depleted the available on-duty hours in accordance with Federal Motor Carrier Safety Regulations; and

Whereas, there is a driver shortage and pulling drivers who transport diesel fuel to instead deliver propane could exacerbate the anticipated diesel fuel-related issues.

Now, Therefore, I hereby order that:

1. A state of emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes, section 221.0314 subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles obtaining and delivering propane or diesel fuel and providing direct assistance in emergency relief efforts.

2. Motor carriers and drivers transporting propane or diesel fuel to the affected areas of the state and providing direct assistance for emergency relief efforts, 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, section 221.0314, subdivision 9, pertaining to hours of service.
3. Nothing in this order shall be construed to relieve motor carriers and drivers transporting propane or diesel fuel and providing direct assistance for emergency relief efforts 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.
4. Nothing herein shall be construed to relieve motor carriers and drivers transporting propane or diesel fuel and providing direct assistance for emergency relief efforts 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.
5. No motor carrier operating under the terms of this emergency 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 given at least ten consecutive hours off duty before the driver is required to return to service.
6. Upon the expiration date of this emergency order, or when a driver or carrier has been relieved of all duty and responsibility to provide direct assistance to the emergency effort, a driver that has had at least 34 consecutive hours off-duty shall be permitted to start his or her on-duty status hours and 60/70-hour clock at zero.

Pursuant to Minnesota Statutes, section 4.035, subdivision 2, this 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. Emergency relief from regulations for motor carriers and drivers transporting propane or diesel fuel to affected areas of the state, remains in effect for 30 days from the date of the initial declaration of the emergency, or until the commercial motor carrier or drivers ceases direct assistance in providing energy relief, whichever occurs first. For purposes of this Emergency Executive Order, direct assistance is defined in Minnesota Statutes, section 221.0269, subdivision 3, paragraph (c). This Emergency Executive Order may be extended in accordance with Minnesota Statutes, section 221.0269, subdivision 2.

In Testimony Whereof, I have set my hand on this 1st day of November, 2017.



Mark Dayton
Governor

Filed According to Law:



Steve Simon
Secretary of State

