

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 19-04

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 extreme cold during the months of January and February, propane and heating fuels are in high demand, and the supply of propane and other fuels in Minnesota is extremely low.

During the winter months, approximately 95% of the propane sold in Minnesota comes from North Dakota and Canada. The weather in North Dakota and Canada has caused processing slowdowns at production and supply points, reducing the amount of propane being delivered by rail to Minnesota. The Governor of North Dakota has declared an emergency due to extremely low inventories of propane and other fuels resulting from severe weather conditions and increased heating fuel demands.

Drivers and transporters are having to travel further distances to acquire product due to both the recent heavy snowfall in the region, which has delayed rail deliveries to many markets, and localized terminal shortages of propane and other fuels.

The weather forecast calls for additional snowfall and below-zero temperatures, which will add stress to the problem.

For these reasons, I order that:

1. A state of emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes 2018, section 221.0314, subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles obtaining and delivering propane, diesel fuel, gasoline, or fuel oil and providing direct assistance in emergency relief efforts.
2. Motor carriers and drivers transporting propane, diesel fuel, gasoline, or fuel oil 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 2018, section 221.0314, subdivision 9, pertaining to hours of service.

3. This Executive Order does not relieve motor carriers and drivers transporting propane, diesel fuel, gasoline, or fuel oil 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 in this Executive Order relieves motor carriers and drivers transporting propane, diesel fuel, gasoline or fuel oil 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 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 given at least ten 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 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.

This Executive Order is effective immediately under Minnesota Statutes 2018, section 4.035, subdivision 2. Emergency relief from regulations for motor carriers and drivers transporting propane, diesel fuel, gasoline or fuel oil to affected areas of the state remains in effect for 15 days from the date of this Executive Order, or until the motor carrier or driver stops providing direct assistance, whichever occurs first. For purposes of this Executive Order, direct assistance is defined in Minnesota Statutes 2018, section 221.0269, subdivision 3, paragraph (c).

Signed on February 22, 2019.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

