

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Emergency Executive Order 14-17

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

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 late planting and maturing of corn crops in Minnesota, the propane industry is experiencing a distribution network shortage across the state, causing propane marketers to curtail deliveries to farmers due to transportation limitations; and

Whereas, localized terminal shortages are causing drivers to travel further to acquire product for marketers and farmers; and

Whereas, the pipeline system that provides propane service to Minnesota also serves Iowa, Nebraska, and Wisconsin where corn harvest has also begun, causing limited deliveries to multiple terminals; and

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

Whereas, the same hazardous material drivers who transport propane also transport anhydrous ammonia; the anhydrous ammonia season is just beginning as well and will contribute to the hour shortage and driver availability; and

Whereas, getting behind in the transportation of propane could impact the propane industry's preparedness for the winter heating season.

Now, Therefore, I hereby order that:

1. A state of emergency exists in Minnesota that requires relief from certain federal regulations incorporated in Minnesota Statutes, section 221.0314, subdivision 9, pertaining to hours of service for motor carriers and drivers providing direct assistance in emergency relief efforts.
2. Motor carriers and drivers transporting propane to affected areas of the state and providing direct assistance for emergency relief efforts, are exempted from paragraphs (b), 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 supplies and materials 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 during a period of 14 consecutive hours after coming on duty following 10 consecutive hours off duty.
4. Nothing in this order shall be construed to relieve motor carriers and drivers transporting supplies and materials 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 or driver operating under the terms of this order shall require or allow an ill or fatigued driver to operate a motor vehicle. Any driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive off-duty hours before the driver is required to return to service.
6. Upon the expiration of this order, or when a motor carrier or driver ceases to provide direct assistance to the emergency relief effort, a driver that has had at least thirty-four consecutive hours off-duty must 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 to affected areas of the state, shall remain in effect until November 23rd, 2014, or until the commercial motor carrier or driver ceases direct assistance in providing emergency 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 24th day of October, 2014.



Mark Dayton

Governor

Filed According to Law



Mark Ritchie

Secretary of State

