



Extending Emergency Executive Order 19-04

Extending the Period Provided for Relief from Regulations to Motor Carriers and Drivers Operating in the State of Minnesota

I, Margaret Anderson Kelliher, Commissioner of Transportation for the State of Minnesota, by the authority granted to me by Minnesota Statutes 2018, section 221.0269, subdivision 2, issue the following Executive Order:

On February 22, 2019, Governor Tim Walz issued Emergency Executive Order 19-04 declaring an emergency and providing relief from regulations for motor carriers and drivers operating in Minnesota. The conditions described in Emergency Executive Order 19-04 are ongoing, severe and will extend beyond the 15-day period of relief granted in the initial declaration.

The extreme weather conditions during the months of January and February have continued into March, creating an unprecedented demand for propane and other fuels. Minnesota's inventory of #1 distillate/heating fuel is 77.8% below the 3-year average, and over half of the petroleum terminals in the state have reported shortages or outages of product.

In response to significant winter storms and anticipated shortages of heating and other fuels, the Federal Motor Carrier Safety Administration issued a regional emergency declaration, which included Minnesota, and was in effect from January 26, 2019 to February 17, 2019. The Governors of North Dakota, South Dakota, and Wisconsin have each declared emergencies and issued orders providing relief from the regulations to motor carriers and drivers transporting propane and other fuels.

Heavy snowfalls and extreme weather have reduced the capacity of normal winter train operations. As such, drivers are having to travel further distances to obtain product, are experiencing long waits at terminals, and are facing challenging driving conditions with snow and ice. The forecast calls for additional snowfall, which will only exacerbate the problem.

Having consulted with the Minnesota Department of Commerce and the Minnesota Department of Public Safety, I conclude that the above conditions warrant an extension of Emergency Executive Order 19-04.

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 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 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 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.

This extension of Emergency Executive Order 19-04 is effective at 12:01 AM Central Standard Time on March 10, 2019, the expiration date of the initial declaration, and must be filed with the Secretary of State. 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 order, or until the motor carrier or driver stops providing direct assistance, whichever occurs first. For purposes of this Emergency Executive Order, direct assistance is defined in Minnesota Statutes 2018, section 221.0269, subdivision 3, paragraph (c).

Signed on March 8, 2019.

Margaret Anderson Kelliher
Margaret Anderson Kelliher
Commissioner

Filed According to Law:

Steve Simon

Steve Simon
Secretary of State

