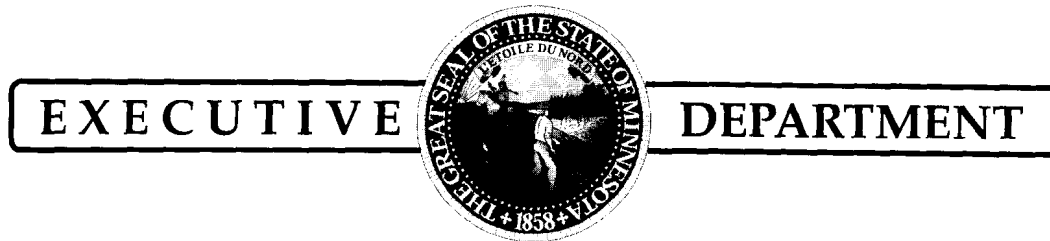


STATE of MINNESOTA



TIM PAWLENTY
GOVERNOR

EMERGENCY EXECUTIVE ORDER 08-15

PROVIDING FOR EMERGENCY RELIEF FROM REGULATIONS TO MOTOR CARRIERS OPERATING IN MINNESOTA

I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and Minnesota Statutes 2006, Section 221.0269, do hereby issue this Emergency Executive Order:

WHEREAS, October is peak harvest season in Minnesota; and

WHEREAS, significant rains and cold weather this Spring resulted in many farmers planting their crops later than usual; and

WHEREAS, by this time of year, Minnesota's corn harvest is usually sixty-four percent complete; however, as of Sunday, October 26th, only thirty percent of the corn crop had been harvested; and

WHEREAS, as a result of the late planting and late harvest, farmer have a shorter period of time to complete harvest, dry crops and prepare their fields for next year and this compacted harvest season has created a compacted seasonal demand for diesel fuel, propane and anhydrous ammonia for farm use; and

WHEREAS, Minnesota is also experiencing disruptions in the supply of diesel fuel including less than normal supplies coming into some terminals within the state and no diesel product being available at some of the terminals; and

WHEREAS, without relief, farmers may not be able to obtain needed supplies of diesel fuel and propane to complete the harvest and storage process; and

WHEREAS, the later than normal harvest season has also resulted in a compacted demand for anhydrous ammonia which farmers are only able to apply after harvest is complete

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and during the narrow period of time after ground temperatures are 50 degrees Fahrenheit and before the ground freezes; and

WHEREAS, farmers' cooperatives and other retail suppliers of anhydrous ammonia cannot store sufficient amounts of these products on location to meet the compacted demand and rely upon motor carriers to provide prompt delivery from wholesalers during peak usage periods; and

WHEREAS, there are limited qualified drivers that can haul diesel fuel, propane and the fertilizer products; and

WHEREAS, if farmers are unable to reliably access diesel fuel and propane, farmers will not be able to complete their harvest in a timely manner and, if fuel, propane and anhydrous ammonia are not available at the appropriate time, many farmers' fields will not be ready for spring planting resulting in loss of property and resources to Minnesota farmers.

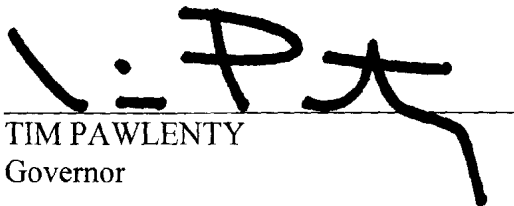
NOW, THEREFORE, I hereby declare that:

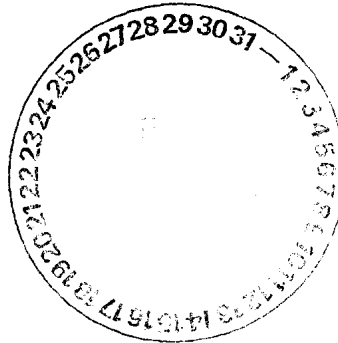
1. An emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes 2006, Section 221.0314, Subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles while in the process of obtaining and transporting propane, diesel fuel and/or anhydrous ammonia. As to the relief from regulations pertaining to hours of service for carriers and drivers of commercial motor vehicles while in the process of obtaining and transporting diesel fuel, the relief in this order also includes obtaining and transporting any "split load" of diesel fuel and another motor fuel(s).
2. Nothing herein shall be construed to relieve commercial motor carriers and drivers from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, commercial drivers' licenses, drug and alcohol testing and use or financial responsibility.
3. A carrier must keep the time records required by Code of Federal Regulations, title 49, section 395.1, paragraph (e) for drivers operating within a 100 air-mile radius of the driver's normal work reporting location. Drivers and carriers operating outside of the 100 air-mile radius must comply with Code of Federal Regulations, title 49, section 395.8 and must identify all time operating a vehicle on the record of duty status form as driving time, with a notation identifying which hours are operated under the terms of this order.
4. No commercial motor carrier operating under the terms this emergency order shall require or allow a fatigued or ill driver to operate a 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 return to service. If a driver requests time off under this paragraph, the motor carrier must document the request in a writing that includes the driver's name and the date and time of the request. The carrier shall retain the document for six months.

5. Upon the request of a driver, a commercial motor carrier operating under this executive order must give a driver at least 34 consecutive hours off-duty when the driver has been on-duty for more than 70 hours in any 8 consecutive days.
6. Upon the expiration of the effective date of this emergency order, or when a driver or commercial motor carrier ceases to provide direct assistance to the emergency relief effort, a driver that has had at least thirty four consecutive hours off-duty, shall be permitted to start his or her on-duty status hours of service record at zero.
7. Drivers operating under the terms of this order should carry a copy of this order.

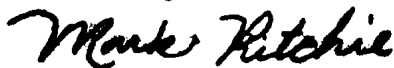
This order shall be effective immediately and shall remain in effect until the commercial motor carrier or driver ceases direct assistance in providing emergency relief or 11:59 p.m. on November 22, 2008, whichever occurs earlier. For purposes of this order, direct assistance is defined in Minnesota Statutes 2006, Section 221.0269, Subdivision 3(c).

IN TESTIMONY WHEREOF, I have set my hand this 29th day of October, 2008.


TIM PAWLENTY
Governor



Filed According to Law:



MARK RITCHIE
Secretary of State