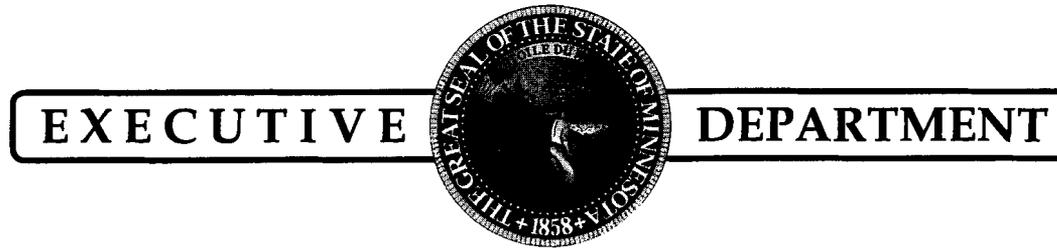


# STATE of MINNESOTA



**TIM PAWLENTY**  
**GOVERNOR**

## **EMERGENCY EXECUTIVE ORDER 10-17**

### **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 2010, Section 221.0269, do hereby issue this Emergency Executive Order:

WHEREAS, in the past week there has been a dramatic increase in orders for home heating oil, fuel for stand-by generators, and ongoing snow removal; and

WHEREAS, additional time for motor carriers is required to navigate snowbank-narrowed streets, locate heating oil fill pipes under the snow, and clear paths for getting trucks close enough for fuel delivery; and

WHEREAS, many pieces of snow removal equipment are requiring unit fills of diesel fuel; and

WHEREAS, there are limited qualified drivers that can haul diesel fuel; and

WHEREAS, disruptions in the ability to sufficiently supply diesel fuel may also impact driver availability to supply fuel oils for the upcoming cold weather season.

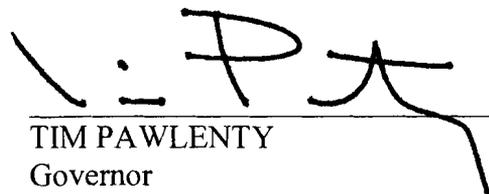
NOW, THEREFORE, I hereby declare that:

1. An emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes 2010, Section 221.0314, Subdivision 9, pertaining to hours of service for carriers and drivers operating non-articulated liquid fuel delivery trucks delivering diesel fuel, gasoline, fuel oil, and kerosene. Drivers using this emergency order must operate within the 100 airmile radius as referenced in 49 CFR 395.1 (e) (1), and are limited to 15 consecutive hours on duty, and must have 10 hours off-duty between shifts. Driver may operate on this schedule for 5 consecutive days, and must have 34 hours off-duty before returning to duty.

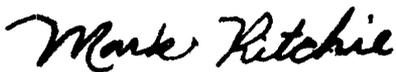
2. Nothing herein shall be construed to relieve commercial motor carriers and drivers from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, commercial drivers' licenses, drug and alcohol testing and use or financial responsibility.
3. A carrier must keep time records as required in 49 CFR 395.1 (e) for all drivers operating under 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 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.
6. Drivers operating under the terms of this order must 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 January 7, 2011, whichever occurs earlier. For purposes of this order, direct assistance is defined in Minnesota Statutes 2010, Section 221.0269, Subdivision 3(c).

IN TESTIMONY WHEREOF, I have set my hand this 23<sup>rd</sup> day of December, 2010.

  
TIM PAWLENTY  
Governor

Filed According to Law:



MARK RITCHIE  
Secretary of State

