

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Emergency Executive Order 11-17

Declaring a State of Emergency in the State of Minnesota and Providing for Emergency Relief from Regulations to Motor Carriers and Drivers Operating in Minnesota

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, including Minnesota Statutes, chapter 12 and section 221.0269, do hereby issue this Executive Order:

Whereas, on Sunday, May 22, 2011, thunderstorms generated numerous tornado and funnel clouds in and around the Twin Cities metropolitan area, resulting in personal injury and loss of life, widespread power outages, and significant damage to personal property, homes, businesses, and public infrastructure; and

Whereas, emergency operations plans are activated and a local emergency has been declared in the city of Minneapolis, county of Hennepin, and state assistance and resources have been requested; and

Whereas, the resources of local, county, and state governments must be fully utilized to ensure immediate response to protect the life and safety of persons in the affected areas and to protect property and infrastructure from additional damage; and

Whereas, emergency assistance of motor carriers is needed to transport supplies and materials to affected areas of the state;

Now, Therefore, I hereby order that:

1. A state of peacetime emergency exists under Minnesota Statutes, section 12.31, and relief for vehicles used to provide direct assistance to the emergency is required to assist the counties of Anoka and Hennepin.
2. The Department of Public Safety Division of Homeland Security and Emergency Management will continue the activation of the Minnesota Emergency Operations Plan, continue the provision of on-site support and assistance to the affected local governments, and determine the need for supplementary disaster aid.
3. All state agencies are directed to continue to provide the assistance necessary to help the local units of government respond to and recover from this emergency.
4. Carriers or drivers of commercial motor vehicles providing direct assistance for emergency relief are exempted from the regulations incorporated in Minnesota Statutes, section 221.0314, subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles.
5. Nothing in this order relieves motor carriers and drivers 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.
6. No motor carrier operating under terms of this emergency order shall require or allow an ill or fatigued driver to operate a commercial 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.
7. No driver operating under terms of this emergency order shall operate a commercial motor vehicle while fatigued or ill. Fatigued drivers shall take at least ten hours off-duty before returning to service.
8. Upon the expiration of this emergency order, or when a driver or carrier 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.

Under Minnesota Statutes, section 4.035, subdivision 2, this emergency 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. The order of relief from regulations to motor carriers and drivers remains in effect for 30 days, until the commercial motor carrier or driver ceases direct assistance in providing emergency relief, or until the

emergency status no longer requires emergency response, whichever occurs first. For purposes of this order, direct assistance is defined in Minnesota Statutes, section 221.0269, subdivision 3, paragraph (c). The order of relief from regulations to motor carriers and drivers may be extended in accordance with Minnesota Statutes, section 221.0269, subdivision 2. The peacetime emergency may be extended by the Executive Council or the Legislature in accordance with Minnesota Statutes, section 12.31, subdivision 2.

In Testimony Whereof, I have set my hand on May 24, 2011.



Mark Dayton
Governor

Filed According to Law:



Mark Ritchie
Secretary of State