

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Emergency Executive Order 18-07

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

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 snowfalls and later than usual snowmelt, farmers in Minnesota are faced with a delayed and shortened spring planting season;

Whereas, farmers in multiple states are starting field work at the same time, which has caused a regional fertilizer shortage, requiring drivers to travel further distances to acquire product;

Whereas, long lines at terminals coupled with driving further distances have caused drivers to deplete available on-duty hours in accordance with Federal Motor Carrier Safety Regulations;

Whereas, Minnesota and its neighboring states utilize some of the same resources for fertilizer, creating a supply issue in terms of available drivers, trucks and loading facilities;

Whereas, it is anticipated that farmers will be planting through late May and early June which could exacerbate the problem; and

Whereas, relief is needed to ensure that a sufficient supply of fertilizer and other resources such as drivers and trucks are available to enable farmers to complete crop planting.

Now, Therefore, I hereby order that:

1. A state of emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes, section 221.0314 subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles obtaining and delivering anhydrous ammonia or other fertilizers, and providing direct assistance in emergency relief efforts.

2. Motor carriers and drivers transporting anhydrous ammonia or other fertilizers 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, 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 anhydrous ammonia or other fertilizers 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 herein shall be construed to relieve motor carriers and drivers transporting anhydrous ammonia or other fertilizers 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.

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 anhydrous ammonia or other fertilizers to affected areas of the state remains in effect for 30 days from the date of the initial declaration of the emergency, or until the commercial motor carrier or drivers 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 16th day of May, 2018.



Mark Dayton
Governor

Filed According to Law:

Steve Simon

Steve Simon
Secretary of State

