

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 21-26

Providing for Emergency Relief from Regulations to Motor Carriers and Drivers Transporting Forage in Minnesota

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

Since March 2021, rainfall across the state has been five to eight inches below normal. The Department of Natural Resources (“DNR”) has indicated that, under current conditions, it will take at least three to five inches of precipitation spread over a period of two weeks to significantly alleviate the drought. Unfortunately, the extended weather forecast shows continued below-normal rain and above-normal temperatures for Minnesota and the upper Midwest.

On July 16, 2021, the DNR announced that Minnesota had reached the drought warning phase, with 56 percent of the state in severe drought (level D2), including four percent of the state in extreme drought (level D3). That same day, the United States Department of Agriculture (“USDA”) designated 11 Minnesota counties as primary natural disaster areas due to drought.

On July 20, 2021, I spoke with the United States Secretary of Agriculture to urge USDA to take all available actions to support livestock producers, including expanding haying and grazing opportunities to reduce pressure on already limited forage reserve. On July 26, 2021, USDA designated a total of 35 Minnesota counties as primary or contiguous natural disaster areas, due to drought.

DNR’s most current drought monitor data shows that 72 percent of Minnesota is in severe drought (level D2), including 19 percent in extreme drought (level D3).

These drought conditions have resulted in a significant decrease in the availability of hay and other forage in Minnesota and neighboring states. This has prompted farmers and livestock producers to change their operations, including reducing their herd or shipping livestock earlier than normal. The drought has resulted in a decrease of approximately 10,000 acres of harvestable hay and will require farmers and livestock producers to travel farther distances to obtain hay and forage needed to feed their livestock.

State officials and I have visited affected areas and have heard from dairy and livestock producers who, because of limited livestock forage, are requesting immediate help to increase the supply of livestock forage. The Minnesota Farmers Union, Minnesota Farm Bureau, Minnesota Cattlemen, Minnesota Lamb and Wool Producers, and the Minnesota Milk Producers all support emergency relief measures to increase access to livestock forage.

Minnesota Statutes 2020, section 221.0314, subdivision 9, adopts federal safety regulations, including hours of service requirements for drivers. Minnesota Statutes 2020, section 221.0269, provides: “The governor may declare an emergency and grant relief from any of the regulations incorporated in section 221.0314 to carriers and drivers operating motor vehicles in Minnesota to provide emergency relief during the emergency.”

Strict enforcement of certain hours of service regulations would prevent or hinder the efficient transportation of forage, which is critical to maintaining healthy livestock. The continued movement of this commodity is vital to the economic security and viability of many farming and livestock operations in Minnesota.

For these reasons, I order as follows:

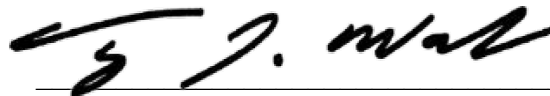
1. Pursuant to Minnesota Statutes 2020, section 221.0269, subdivision 1, a state of emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes 2020, section 221.0314, subdivision 9, pertaining to hours of service for motor carriers and drivers of commercial motor vehicles providing direct assistance to emergency relief efforts by transporting forage.
2. Motor carriers and drivers providing direct assistance to emergency relief efforts by transporting forage are exempted from paragraphs (b) and (c) under the Code of Federal Regulations, title 49, part 395.3, and which are incorporated in Minnesota Statutes 2020, section 221.0314, subdivision 9, pertaining to hours of service.
3. Nothing in this Executive Order may be construed to relieve motor carriers and drivers providing direct assistance to emergency relief efforts by transporting forage from the requirements under paragraph (a) of the Code of Federal Regulations, title 49, part 395.3, and incorporated in Minnesota Statutes 2020, section 221.0314, subdivision 9, which states, in part, that 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. This Executive Order does not relieve motor carriers and drivers providing direct assistance to emergency relief efforts from regulations pertaining to driver qualifications; driving of commercial motor vehicles; commercial driver’s licenses; drug and alcohol testing for drivers; or equipment, parts, and accessories necessary for the safe operation of vehicles.
5. A motor carrier operating under the terms of this Executive Order must not 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 must be given at least 10 consecutive hours off duty before the driver is required to return to service.

6. Upon the expiration of this Executive Order, or when a driver or motor carrier has been relieved of all duty and responsibility to provide direct assistance to the emergency relief efforts, a driver that has had at least 34 consecutive hours off-duty must be permitted to start his or her on-duty status and 60/70 clock at zero.
7. For purposes of this Executive Order, and as defined in Minnesota Statutes 2020, section 221.0269, subdivision 3, paragraph (c), direct assistance to an emergency relief effort terminates when a driver or commercial motor vehicle is used to transport cargo not destined for the emergency relief effort, or when the carrier dispatches that driver or vehicle to another location to begin operations in commerce.

This Executive Order is effective immediately under Minnesota Statutes 2020, section 4.035, subdivision 2, and remains in effect for 30 days.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on July 28, 2021.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State