

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 21-32

Providing for Emergency Relief from Regulations to Motor Carriers and Drivers Transporting Livestock, Livestock Feed, and Water Supplies 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 July, when the Department of Natural Resources (“DNR”) announced that Minnesota had reached the drought warning phase, drought conditions have persisted in Minnesota. Over half of the state remains in either severe or extreme drought conditions. The DNR recently reported that, even with helpful rainfall in late August and early September, it will take at least four to eight inches of precipitation spread over a period of one month to significantly alleviate the drought.

In its September 28, 2021 Weekly Weather and Crop Bulletin, the United States Department of Agriculture (“USDA”) noted that the past summer was the seventh driest on record in Minnesota. The extreme and prolonged drought has led to significant stress on rangeland, pastures, and other crops. The USDA recorded that, by August 1, 2021, more than 75 percent of the rangeland and pastures in Minnesota were rated very poor to poor.

The farming and agricultural communities in Minnesota have been, and continue to be, profoundly impacted by the severe and ongoing drought conditions. State officials and I have visited affected areas over the past few months, and we continue to hear requests from farmers and livestock producers for immediate help to support the safe and efficient movement of livestock, water supplies, and commodities used for or in livestock feed. Without reliable access to quality hay or forage, farmers and livestock producers have had to adjust their feeding operations to include other commodities such as corn silage, distiller grain, and beet pulp. Farmers also report that the hay and forage reserved for winter use has already been consumed, and replenishing supplies is critical to maintaining healthy livestock. The challenges created by the drought are compounded by the shortage of available drivers and trucks, increased fuel prices, and disruptions to the typical schedule for buying and selling livestock.

On July 28, 2021, I issued Executive Order 21-26, granting relief from certain hours of service requirements for drivers and vehicles transporting hay and other forage. On August 27, 2021, the

need for relief identified in Executive Order 21-26 still existed, and I issued Executive Order 21-30, which extended the relief for another 30 days and expanded it to include the transportation of livestock, water supplies, and commodities used for or in livestock feed. Executive Order 21-30 expired on September 26, 2021, but the need for relief from hours of service requirements continues.

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 livestock, as well as hay, forage, water supplies, and supplemental feed commodities, all of which are critical to maintaining healthy livestock. The continued movement of these commodities 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 livestock, hay, forage, water supplies, and supplemental feed commodities including but not limited to corn silage, distiller grain, and beet pulp.
2. Motor carriers and drivers providing direct assistance to emergency relief efforts by transporting livestock, hay, forage, water supplies, and supplemental feed commodities including but not limited to corn silage, distiller grain, and beet pulp 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 livestock, hay, forage, water supplies, and supplemental feed commodities including but not limited to corn silage, distiller grain, and beet pulp 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. Additionally, for purposes of this Executive Order, direct assistance does not include transportation of mixed loads that include freight that is not being transported in support of emergency relief efforts.

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 October 4, 2021.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State