

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 22-01

Providing for Emergency Relief from Regulations to Motor Carriers and Drivers Transporting Fuels 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:

With the onset of winter and ongoing sub-zero weather, propane and heating fuels are in high demand in Minnesota and neighboring states. Approximately ten percent of Minnesota households, or over 200,000 homes, use propane as their primary heating fuel. The need for propane is even more common in rural areas where many households do not have access to natural gas. Propane and heating fuels are essential supplies necessary to protect the public health and safety of families, agricultural operators, and others in the region.

Motor carriers and drivers transporting propane have been affected by driver shortages caused by COVID-19, and most recently by the highly-transmissible Omicron variant. Carriers and drivers are also experiencing long wait times at terminals and challenging driving conditions with ice- and snow-covered roads. Furthermore, recent product supply disruptions have required drivers to travel further distances to alternative terminals for propane. Significantly, the NuStar Pipeline, which serves Minnesota and several neighboring states, has been experiencing an outage at its Rock Rapids terminal since January 1, 2022. Finally, many of the drivers who transport propane also transport petroleum products, including diesel fuel, gasoline, fuel oil, and biofuel. To avoid additional disruption of these fuel products, it is critical to include those commodities in this order to allow for continued efficient movement.

Governors in neighboring states, including Iowa and North Dakota, have declared emergencies and issued executive orders providing temporary exemptions from certain hours of service regulations for carriers and drivers aiding emergency relief efforts by transporting propane and petroleum products.

Minnesota Statutes 2021, section 221.0314, subdivision 9, adopts federal safety regulations, including hours of service requirements for drivers. Minnesota Statutes 2021, 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."

Reliable access to propane and other fuels will be critical to the safety of Minnesotans in the weeks and months ahead. Temporary relief is needed to allow for the continued movement of propane and other fuels, as carriers and drivers provide necessary and time-sensitive assistance to our state. Strict enforcement of certain hours of service regulations would prevent or hinder the efficient transportation of these essential supplies.

For these reasons, I order as follows:

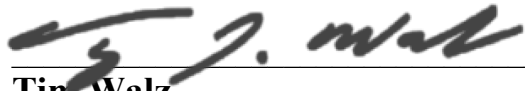
1. Pursuant to Minnesota Statutes 2021, section 221.0269, subdivision 1, a state of emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes 2021, section 221.0314, subdivision 9, pertaining to hours of service for motor carriers and drivers of commercial motor vehicles providing direct assistance to emergency relief efforts by transporting propane, diesel fuel, gasoline, fuel oil, or biofuel.
2. Motor carriers and drivers providing direct assistance to emergency relief efforts by transporting propane, diesel fuel, gasoline, fuel oil, or biofuel 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 2021, 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 propane, diesel fuel, gasoline, fuel oil, or biofuel from the requirements under paragraph (a) of the Code of Federal Regulations, title 49, part 395.3, and incorporated in Minnesota Statutes 2021, 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 must take at least 34 consecutive hours off duty. This requirement does not apply if a driver has already had a 34-hour restart period during the 30 days covered by this Executive Order.
7. For purposes of this Executive Order, and as defined in Minnesota Statutes 2021, 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 2021, 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 January 7, 2022.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Filed January 7, 2022
Office of the Minnesota
Secretary of State
Steve Simon