

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 22-09

Extending the Relief from Regulations for Motor Carriers and Drivers Operating in Minnesota Provided in Executive Order 22-05

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:

On March 25, 2022, the United States Department of Agriculture’s (“USDA”) Animal and Plant Health Inspection Service and the Minnesota Board of Animal Health identified the first cases of highly pathogenic avian influenza (“HPAI”) in a commercial turkey flock in Meeker County, as well as in a backyard flock in Mower County. In the weeks following the first confirmations, HPAI has been identified at 60 sites and in nearly 20 counties throughout Minnesota. Data compiled by the Minnesota Board of Animal Health indicates that over 2.7 million birds have been impacted by HPAI in our state, including commercial turkeys, breeder hens, egg-laying chickens, and backyard flocks.

The ongoing HPAI outbreak in Minnesota continues to pose a low risk to the public, and there is no food safety concern for consumers.

In 2015, HPAI had a catastrophic effect on Minnesota’s poultry producers and processors, resulting in the loss of approximately 9 million birds. Lessons learned from 2015 have helped us prepare for and respond to this year’s outbreak. For example, we have expanded Minnesota’s Poultry Testing Laboratory, which has played a critical role in enhancing our ability to quickly diagnose and confirm positive cases to prevent the spread of the current virus. Recent data collected from infected sites suggests that the virus is being spread largely by migrating waterfowl, and is infecting wild birds, both of which are changes from the 2015 outbreak.

State officials, congressional members, and I recently traveled to Willmar to speak with poultry producers and farmers who have been directly impacted by the outbreak. With over 660 turkey farms and a production of nearly 40 million birds annually, Minnesota has consistently been ranked the number one turkey producer in the country. Poultry growers and industry associations have requested continued help to support the safe and efficient movement of commodities used in emergency response efforts.

On March 31, 2022, I issued Executive Order 22-05, which provided relief from certain weight restrictions and hours of service requirements for drivers and vehicles transporting HPAI emergency equipment and supplies. On April 7, 2022, the Legislature passed, and I signed into law, a bill to provide \$1 million in emergency funding to pay for materials, equipment, and personnel to help with the logistics of euthanizing affected flocks, along with testing and quarantining at farm sites. Executive Order 22-05 expires on April 30, 2022, but the need for relief from certain weight limitations and hours of service requirements continues.

HPAI is a very contagious disease for poultry and can spread from flock to flock within a matter of days. Depopulating infected animals is a key part of the response, along with transporting live uninfected animals to processing facilities, and ensuring that unaffected farms have adequate supplies to support healthy flocks. It is also critical to limit person-to-person interactions and reduce the number of trips that trucks make to or from farm sites. Recent above-average levels of precipitation and unseasonably cold temperatures are contributing factors to the ongoing spread of the virus. Unfortunately, the weather forecast calls for continued wet and cold conditions, which could mean several additional weeks of case growth.

Minnesota Statutes 2021, sections 169.824, 169.8261, 169.86, 169.865, and 169.87, provide weight limitations, as well as permit and permit fee requirements, for vehicles operating on Minnesota roadways and transporting overweight loads of certain commodities. 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.”

It is critical that we extend the relief provided in Executive Order 22-05 for another 30 days to allow drivers and carriers to continue to help mitigate the impacts and limit the spread of HPAI in Minnesota.

For these reasons, I order as follows:

1. For the purposes of this Executive Order, “HPAI emergency equipment and supplies” includes poultry feed trucks, poultry load-out trailers, poultry feed, materials used exclusively for the composting process of animals that have been depopulated due to HPAI, live poultry, and animal carcasses.
2. For the purposes of this Executive Order, “emergency relief effort” means the transportation of HPAI emergency equipment and supplies.
3. 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.
4. 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 the emergency relief efforts described in this Executive Order.

5. Motor carriers and drivers providing direct assistance to the emergency relief efforts described in this Executive Order are exempted from paragraphs (b) and (c) under the Code of Federal Regulations, title 49, part 395.3, and incorporated in Minnesota Statutes 2021, section 221.0314, subdivision 9, pertaining to hours of service.
6. Nothing in this Executive Order may be construed to relieve motor carriers and drivers providing direct assistance to the emergency relief efforts described in this Executive Order 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.
7. 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.
8. 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.
9. To maintain safety on our public highways, a motor carrier or driver operating under this Executive Order must take a 34-hour restart before the driver has been on duty for 35 or more consecutive days.
10. 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.
11. It is also necessary to waive certain weight restrictions for vehicles providing direct assistance to the emergency relief effort. The weight-related regulatory provisions of Minnesota Statutes 2021, sections 169.824, 169.8261, 169.86, 169.865, and 169.87, are temporarily suspended, to the extent that those provisions require a special permit or restrict the overweight movement of HPAI emergency equipment and supplies.
12. Suspension of these weight-related provisions, without the need for a permit, applies only to loads of HPAI emergency equipment and supplies transported on state and local roads within Minnesota. Vehicles operating under this Executive Order may not exceed the maximum axle weight limits established under Minnesota Statutes 2021, section 169.824, by more than twelve and one-half percent (12.5%), the maximum axle weight limit of 20,000 pounds, or 90,000 pounds gross weight. Additionally,

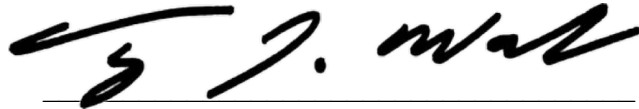
vehicles operating under this Executive Order must comply with posted limits on bridges.

13. The gross weight tolerances provided in Minnesota Statutes 2021, section 168.013, subdivision 3, paragraph (b), do not apply to loads of HPAI emergency equipment and supplies transported under this Executive Order.

This Executive Order is effective immediately under Minnesota Statutes 2021, section 4.035, subdivision 2, and it will remain in effect until it is rescinded by proper authority or May 29, 2022, whichever occurs first.


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 April 29, 2022.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Filed on April 29, 2022
Office of the Minnesota
Secretary of State,
Steve Simon