

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 22-11

Providing for Emergency Relief from Regulations to Motor Carriers and Drivers Supporting Spring Crop Planting 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:

Minnesota is home to 65,000 farms and 26 million acres of farmland, making agriculture vital to our economy. After making it through a record drought this past summer, farmers in Minnesota are now facing another round of challenges. Prolonged cold weather this spring and significant flooding in some areas have created a delayed and shortened spring planting season.

Data compiled by the United States Department of Agriculture's National Agricultural Statistics Service ("USDA NASS") indicates that as of May 8, 2022, there have been fewer than four days suitable for fieldwork in Minnesota. The crop progress report published by USDA NASS shows that Minnesota farmers have been able to complete less than a tenth of the planting that they had completed by this time last year.

Spring flooding in Minnesota has only compounded these challenges. The Red River Valley has experienced the worst flood in over a decade, resulting in road and bridge closures. Although farmers have learned how to plan for and adjust to extreme weather conditions, this year's flood presents an additional challenge as it has come later than usual, which will mean an even shorter growing season for the farmers in this region.

Our neighboring states are experiencing similar challenges and delays. On May 10, 2022, the State of North Dakota declared an emergency and provided temporary relief from hours of service regulations for carriers and drivers transporting agricultural inputs, such as fertilizer, anhydrous ammonia, pesticides, and seed.

As weather permits, farmers throughout the Midwest region will simultaneously be planting and continuing fieldwork, which may add additional strain to certain resources such as fertilizer, fuel, and commercial truck drivers. Farmers, along with industry associations, including the Minnesota Crop Production Retailers, the Minnesota Corn Growers Association, the Minnesota Soybean Growers Association, the Minnesota Farm Bureau, and the Minnesota Farmers Union have requested immediate help to support the safe and efficient movement of commodities

needed to complete spring planting. Temporary relief is needed to allow for the continued movement of dry fertilizer, liquid fertilizer, anhydrous ammonia, pesticides, and seed as carriers and drivers provide necessary and time-sensitive assistance. Strict enforcement of certain hours of service regulations would prevent or hinder the efficient transportation of these essential supplies.

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.”

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 dry fertilizer, liquid fertilizer, anhydrous ammonia, pesticides, and seed.
2. Motor carriers and drivers providing direct assistance to the emergency relief efforts by transporting dry fertilizer, liquid fertilizer, anhydrous ammonia, pesticides, and seed 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.
3. Nothing in this Executive Order may be construed to relieve motor carriers and drivers providing direct assistance to the emergency relief efforts by transporting dry fertilizer, liquid fertilizer, anhydrous ammonia, pesticides, and seed 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

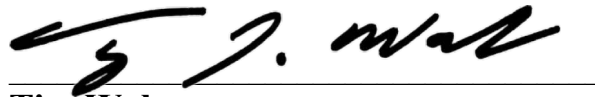
emergency relief efforts, a driver must take at least 34 consecutive hours off duty. This requirement does not apply if a driver has already had a 34-hour restart period during the 30 days covered by this Executive Order.

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 May 13, 2022.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Filed on May 13, 2022
Office of the Minnesota
Secretary of State,
Steve Simon