

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 22-12

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

Last week, Minnesota and several neighboring states were heavily impacted by extreme storm conditions. On May 9, 2022, parts of the state saw severe thunderstorms, large hail, and heavy rain. Two days later, a significant storm complex spread from southwestern Minnesota, across southern and central portions of the state, and to the North Shore. These storms produced wind damage, power outages, and additional heavy rain. On May 12, record-breaking heat and humidity combined and created a derecho storm system that moved through eastern South Dakota and west-central Minnesota. The National Weather Service (“NWS”) reported that this storm system produced straight-line winds of between 60 to 100 miles per hour, which snapped powerline poles and caused extensive damage to silos, grain bins, and other agricultural structures on farms across the state.

Data compiled by the Minnesota Department of Natural Resources and NWS show that in certain areas of the state, rainfall totals from last week’s storms were approximately four to seven inches. In addition to damage caused by wind gusts, the heavy rain has washed out or flooded many roads and bridges, causing farmers and drivers to take longer or more circuitous routes to reach their destinations.

On May 13, 2022, I issued Executive Order 22-11, which provides relief for 30 days from certain hours of service requirements for drivers and vehicles transporting fertilizer, anhydrous ammonia, pesticide, and seed, to aid spring crop planting in Minnesota. Recently, I traveled to the northwestern part of our state to meet with farmers who have been affected by the severe flooding. During that visit, I saw firsthand how agricultural operations have been disrupted. The delayed spring planting season will likely affect crop yields, profitability, and international trade. It is critical that we continue to support and provide relief to our agricultural industry.

Farmers and livestock producers throughout the state continue to be affected by the recent weather. The Minnesota Farm Bureau, the Minnesota Milk Producers Association, and the Minnesota Pork Producers Association have indicated that operations have been significantly

impacted by extensive power outages over the weekend and structural damage to both farm sites and local roads. They have requested immediate help to support the safe and efficient movement of livestock, poultry, and feed used to keep these animals healthy.

Temporary relief is needed to allow for the continued movement of livestock, poultry, and feed used for livestock or poultry 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 livestock, poultry, and feed used for livestock or poultry.
2. Motor carriers and drivers providing direct assistance to the emergency relief efforts by transporting livestock, poultry, and feed used for livestock or poultry 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 livestock, poultry, and feed used for livestock or poultry 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.
7. A motor carrier or driver operating under the terms of this Executive Order may not combine or simultaneously utilize the relief provided in Executive Order 22-09, which pertains to the movement of highly pathogenic avian influenza emergency equipment and supplies and includes poultry and poultry feed.
8. 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 it will remain in effect until it is rescinded by proper authority or May 31, 2022, whichever occurs first.

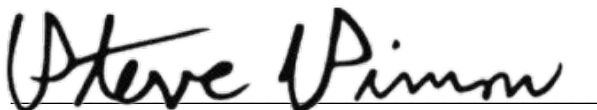
A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on May 16, 2022.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Filed on May 16, 2022
Office of the Minnesota
Secretary of State,
Steve Simon