

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 22-18

Extending the Relief from Regulations for Motor Carriers and Drivers Transporting Fuels in Minnesota Provided in Executive Order 22-17

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:

Data from the Minnesota Department of Commerce continue to show that inventories of certain fuels in Minnesota are at lower levels than last year and the three-year average. Fuel terminals across the state, including those in Sauk Centre, Alexandria, Wrenshall, and Roseville are reporting shortages or outages of products, and drivers have experienced long wait times due to increased demand at terminals that do have available supply.

Our state has faced additional supply constraints and logistical challenges due to the ongoing closure of a refinery in Superior, Wisconsin, as well as the temporary closure of a refinery in St. Paul Park. Minnesota petroleum providers continue to report that the shortage of qualified truck drivers is inhibiting efficient transportation of products from refineries to fuel terminals, and ultimately to local businesses and retail sites.

This summer, consumers paid record high prices for gasoline and diesel. Over the past several weeks as we have seen those prices decrease, there has been a corresponding increase in demand, and both suppliers and transporters of petroleum products are struggling to keep up.

On July 15, 2022, I issued Executive Order 22-17, which provided 30 days of relief from certain hours of service requirements for drivers and carriers transporting gasoline, diesel, and other fuels. The need for relief from those hours of service requirements continues. We are nearing the end of the summer travel season and look ahead to the harvest season, when farmers will rely heavily on gasoline, diesel, and other fuels to complete their work.

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 gasoline, diesel, and other fuels will be critical to Minnesotans in the weeks and months ahead. Strict enforcement of certain hours of service regulations would prevent or hinder the efficient transportation of these essential supplies. Continued relief is necessary to allow for the movement of these commodities, as carriers and drivers continue to provide time-sensitive assistance.

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 gasoline, diesel, fuel oil, ethanol, and biodiesel.
2. Motor carriers and drivers providing direct assistance to the emergency relief efforts by transporting gasoline, diesel, fuel oil, ethanol, and biodiesel 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 gasoline, diesel, fuel oil, ethanol, and biodiesel 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. To maintain safety on our public highways, a motor carrier or driver operating under this Executive Order must take at least 34 consecutive hours off duty before the driver has been on duty for 35 or more consecutive days.
7. 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.

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 September 11, 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 August 12, 2022.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Filed on August 12, 2022
Office of the Minnesota
Secretary of State,
Steve Simon