

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Emergency Executive Order 12-09

Declaring a State of Emergency in the State of Minnesota and Providing for Emergency Relief from Regulations to Motor Carriers and Drivers Operating in Minnesota

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, on June 18, 2012, a severe weather event with high winds and flooding began, resulting in extensive damage to public infrastructure, the utility distribution system and private property; and

Whereas, rivers in Dakota, Goodhue, and Rice Counties flooded resulting in damage to homes, businesses and public infrastructure; and

Whereas, high winds toppled trees and power lines resulting in damage to homes, businesses and public infrastructure; and

Whereas, portions of Interstate 35, U.S. Highway 2, and Minnesota Highways 23, 33, 53, 61, 65, 73, 200, 210 are closed, local road restrictions are in place and no unnecessary travel is advised in the region; and

Whereas, neighborhoods in the City of Duluth and surrounding areas have been evacuated, two shelters opened, and residents are present; campers were evacuated from Jay Cooke State Park and the park closed; city and state government office buildings in the City of Duluth are closed; and St. Luke's Hospital in Duluth, a federally designated Regional Trauma Center, is impacted by flooding; and

Whereas, the resources of local, county, and state governments have been fully utilized to ensure immediate response to protect the life and safety of persons in the affected areas, including the counties of Aitkin, Carlton, Cook, Dakota, Goodhue, Lake, Rice, and St. Louis, and to protect property and infrastructure from additional damage; and

Whereas, emergency assistance of motor carriers is needed to transport supplies and materials to affected areas of the state;

Now, Therefore, I hereby order that:

1. A state of peacetime emergency exists pursuant to Minnesota Statutes, section 12.31, and relief for vehicles used to provide direct assistance to the emergency is required to assist the counties of Aitkin, Carlton, Cook, Dakota, Goodhue, Lake, Rice, and St. Louis.
2. The Department of Public Safety Division of Homeland Security and Emergency Management will activate the Minnesota Emergency Operations Plan, continue the provision of on-site support and assistance to the affected local governments, and determine the need for supplementary disaster aid.
3. State agencies are directed to provide necessary assistance to help local units of government respond to and recover from this emergency.
4. Carriers or drivers of commercial motor vehicles providing direct assistance for emergency relief are exempted from the regulations incorporated in Minnesota Statutes, section 221.0314, subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles.
5. Nothing in this order relieves motor carriers and drivers from regulations pertaining to driver qualifications; driving of commercial motor vehicles; commercial drivers' licenses; drug and alcohol testing for drivers; or equipment, parts, and accessories necessary for the safe operation of vehicles.
6. No motor carrier operating under terms of this emergency order shall require or allow an ill or fatigued driver to operate a commercial motor vehicle. Any driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive off-duty hours before the driver is required to return to service.
7. No driver operating under terms of this emergency order shall operate a commercial motor vehicle while fatigued or ill. Fatigued drivers shall take at least ten hours off-duty before returning to service.
8. Upon the expiration of this emergency order, or when a driver or carrier ceases to provide direct assistance to the emergency relief effort, a driver that has had at least thirty-four

consecutive hours off-duty must be permitted to start his or her on-duty status hours and 60/70-hour clock at zero.

9. The Adjutant General of Minnesota order to state active duty on or about June 20, 2012, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to provide assistance and emergency relief services.
10. The Adjutant General is authorized to purchase, lease or contract for goods and services necessary to accomplish the mission.
11. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be defrayed from the general fund of the State, as provided for in Minnesota Statutes, sections 192.49, subdivisions 1 and 2; 192.52; and 192.54, and as otherwise permitted by law.

Pursuant to Minnesota Statutes, section 4.035, subdivision 2, this Emergency Executive Order is effective immediately and must be filed with the Secretary of State and published in the State Register as soon as possible after its issuance. Emergency relief from regulations for motor carriers and drivers remains in effect for 30 days from the date of the initial declaration of the emergency, or until the commercial motor carrier or driver ceases direct assistance in providing emergency relief, whichever occurs first. For purposes of this Emergency Executive Order, direct assistance is defined in Minnesota Statutes, section 221.0269, subdivision 3, paragraph (c). This Emergency Executive Order may be extended in accordance with Minnesota Statutes, section 221.0269, subdivision 2.

In Testimony Whereof, I have set my hand on this 20th day of June 2012.


Mark Dayton
Governor

Filed According to Law



Mark Ritchie
Secretary of State