STATE OF MINNESOTA

EXECUTIVE DEPARTMENT

MARK DAYTON
GOVERNOR

Emergency Executive Order 11-25

Declaring an Emergency and Providing for 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, including Minnesota Statutes 2010, chapter 12 and section 221.0269, do hereby issue this Emergency Executive Order:

Whereas, disruptions in petroleum refinery production, coupled with the recent extremely hot weather and spring flooding, have caused a disruption in the normal supply of gasoline and diesel fuels in Minnesota; and

Whereas, many motor fuel terminals in Greater Minnesota are experiencing difficulties in obtaining their normal supply, are running low on, or are out of gasoline and diesel fuel; and

Whereas, motor fuel terminals are part of the distribution chain and gasoline from the terminals is pumped into trucks for delivery to local gas stations and convenience stores across Greater Minnesota; and

Whereas, many commercial motor carriers who haul motor fuels are experiencing significant delays at the terminals before they are able to fill their trucks, and/or are needing to obtain motor fuels from alternative terminals that are significant distances from their delivery area; and

Whereas, because drivers are obtaining motor fuels at alternative terminals, there are long lines and delays at motor fuel terminals across the state; and

Whereas, the upcoming harvest season is one of the peak times for consumption of diesel fuel in the state and relief is needed to ensure that farmers have reliable supplies of diesel fuel to harvest crops.

Now, Therefore, I hereby declare that:

1. An emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes, section 221.0314, subdivision 9, pertaining to hour of service for carriers and drivers of commercial motor vehicles while in the process of obtaining and transporting motor fuels.

2. 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.

3. 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.

4. 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.

Under Minnesota Statutes, section 4.035, subdivision 2, this emergency 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. This order of relief from regulations to motor carriers and drivers remains in effect for 30 days or until the commercial motor carrier or driver ceases direct assistance in providing emergency relief, whichever occurs first. For purposes of this order, direct assistance is defined in Minnesota Statutes, section 221.0269, subdivision 3(c). This order may be extended in accordance with Minnesota Statutes, section 221.0269, subdivision 2.

In Testimony Whereof, I have set my hand on August 19, 2011.

Mark Dayton

Mark Dayton
Governor

Filed According to Law:

Mark Ritchie

Mark Ritchie
Secretary of State

FILED
AUG 2011
(MN) SECRETARY OF STATE
Mark Ritchie