

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 21-33

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

Drought conditions have persisted in Minnesota since July 2021. Over 35 percent of the state remains in severe or extreme drought. The farming and agricultural communities in Minnesota continue to be profoundly impacted by the ongoing drought conditions.

In its October 25, 2021 Minnesota Crop Progress and Condition report, the United States Department of Agriculture (“USDA”) noted that pasture condition had declined, with 16 percent rated very poor, 24 percent rated poor, 39 percent rated fair, 18 percent rated good, and only 3 percent rated excellent. Without reliable access to quality hay or forage, farmers and livestock producers have had to adjust their feeding operations to include other commodities such as corn silage, distiller grain, and beet pulp. Farmers also report that the hay and forage reserved for winter use has already been consumed, and replenishing supplies is critical to maintaining healthy livestock.

Since July I have issued executive orders relaxing certain hours and service restrictions for drivers and vehicles transporting critical supplies such as livestock, hay, forage, water supplies, and supplemental feed commodities. Most recently, I issued Executive Order 21-32 on October 4, 2021, extending this relief until today.

State officials and I have visited affected areas over the past few months, and we continue to hear requests from farmers and livestock producers for immediate help to support the safe and efficient movement of commodities used for or in livestock feed. Due to the drought and the fluctuating availability of commodities used for or in livestock feed, farmers and livestock producers still need to travel across the state to find available feed. The challenges created by the drought have been compounded by increased fuel prices and the shortage of available drivers and trucks. Farmers and livestock producers report that much-needed rain at the end of August and beginning of September enabled late season harvesting of hay, providing some relief for their operations. As a result, there is no longer a need to exempt transportation of livestock and water supplies from hours of service requirements. As such, I am issuing this Executive Order to

provide relief from certain hours of service requirements for drivers and carriers that are transporting commodities used in or for livestock feed.

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.”

Strict enforcement of certain hours of service regulations would prevent or hinder the efficient transportation of hay, forage, and supplemental feed commodities, all of which are critical to maintaining healthy livestock. The continued movement of these commodities is vital to the economic security and viability of many farming and livestock operations in Minnesota.

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, hay, forage, and supplemental feed commodities including but not limited to corn silage, distiller grain, and beet pulp.
2. Motor carriers and drivers providing direct assistance to emergency relief efforts by transporting, hay, forage, and supplemental feed commodities including but not limited to corn silage, distiller grain, and beet pulp are exempted from paragraphs (b) and (c) under the Code of Federal Regulations, title 49, part 395.3, and which are 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 emergency relief efforts by transporting hay, forage, and supplemental feed commodities including but not limited to corn silage, distiller grain, and beet pulp 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 that has had at least 34 consecutive hours off-duty must be permitted to start his or her on-duty status and 60/70 clock at zero.
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. Additionally, for purposes of this Executive Order, direct assistance does not include transportation of mixed loads that include freight that is not being transported in support of emergency relief efforts.

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 November 3, 2021.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Filed November 3, 2021
Office of the Minnesota
Secretary of State
Steve Simon