

# STATE OF MINNESOTA

## EXECUTIVE DEPARTMENT



**MARK DAYTON**  
**GOVERNOR**

### **Emergency Executive Order 17-16**

#### **Providing for Relief from Regulations to Motor Carriers and Drivers Operating in the State of 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,** due to the colder than average temperatures that Minnesota and the upper Midwest have experienced and is expected to continue for the next seven to ten days residents are facing an increased need to heat their homes;

**Whereas,** Minnesota propane marketers serve over 233,000 homes, farms and business across that state of which nearly 200,000 are homes heated by propane;

**Whereas,** Minnesota propane marketers serve 3,300 hog and 3,746 poultry operations in the state. Supply for these farms is critical during this extreme weather;

**Whereas,** the large draw on propane assets due to the colder weather has diminished available driving hours for trucking assets in the region;

**Whereas,** the supply demand on existing supply points is expected to exceed the infrastructures ability to maintain supply during the next several days causing interruptions in supply;

**Whereas,** transporters will have to go to terminals further away from their market to load product;

**Whereas,** this will result in transport drivers being Out of Service due to hours of service regulations;

and

**Whereas,** the cold weather is forecast is for colder than average weather which will add stress to the problem.

Now, Therefore, I hereby declare that:

1. A state of emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes, section 221.0314 subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles while in the process of obtaining and delivering propane, diesel fuel, gasoline, and heating oil.
2. Nothing herein shall be construed to relieve motor carriers and drivers from regulations pertaining to qualifications of drivers, driving a commercial motor vehicle, commercial drivers' licenses, drug and alcohol testing, and use or financial responsibility.
3. No motor carrier operating under the terms of this emergency order shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least eight consecutive hours off duty before the driver is required to return to service.
4. Upon the expiration date of this emergency order, or when a driver has been relieved of all duty and responsibility to provide direct assistance to the emergency effort, a driver that has had at least 34 consecutive hours off-duty shall be permitted to start his or her on-duty status hours of service record at zero.

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 transporting propane and anhydrous ammonia to affected areas of the state, remains in effect for 14 days from the date of the initial declaration of the emergency, or until the commercial motor carrier or drivers ceases direct assistance in providing energy 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 29th day of December, 2017.

  
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Mark Dayton  
Governor

Filed According to Law:

  
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Steve Simon  
Secretary of State

