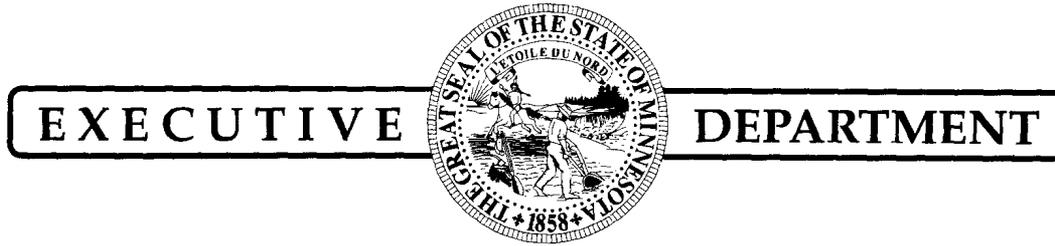


STATE of MINNESOTA



TIM PAWLENTY
GOVERNOR

EMERGENCY EXECUTIVE ORDER 07-19

PROVIDING FOR EMERGENCY RELIEF FROM REGULATIONS TO MOTOR CARRIERS OPERATING IN MINNESOTA

I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and Minnesota Statutes 2006, Section 221.0269, do hereby issue this Emergency Executive Order:

WHEREAS, October is peak harvest season for many Minnesota crops including corn and soybeans; and

WHEREAS, this October brought near record rains throughout much of the state of Minnesota and prevented farmers from getting into their fields to harvest their crops; and

WHEREAS, the compacted harvest season has created an unusually high demand for diesel fuel for farm use and exacerbated ongoing motor fuel supply and delivery problems including closures of outstate Minnesota terminals and long lines at the alternative terminals in other states and in the metro area; and

WHEREAS, some rural farmers' cooperatives that supply diesel fuel to farmers have already experienced outages of diesel fuel and there will likely be significant additional outages if relief is not granted; and

WHEREAS, the delayed harvest season for many crops has also resulted in a compacted demand for anhydrous ammonia which farmers are only able to apply during a narrow time period following harvest and before the ground freezes; and

WHEREAS, farmers' cooperatives and other retail suppliers of these farm fertilizers cannot store sufficient amounts of these products on location and rely upon motor carriers to provide prompt delivery from wholesalers during peak usage periods; and

WHEREAS, a shortage in the supply of fertilizer product and narrowing of the time farmers have to apply product this year has resulted in outages of product at rural farmers' cooperatives and significant additional outages are likely if relief is not granted; and

WHEREAS, there are limited qualified drivers that can haul diesel fuel and the fertilizer products; and

WHEREAS, if farmers are unable to reliably access diesel fuel, some farmers will not be able to complete their harvest in a timely manner and, if fuel and fertilizer are not available at the appropriate time, many farmers' fields will not be ready for spring planting resulting in loss of property and resources to Minnesota farmers.

NOW, THEREFORE, I hereby declare that:

1. An emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes 2006, 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 transporting diesel fuel and anhydrous ammonia.
2. Nothing herein shall be construed to relieve commercial motor carriers and drivers from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, commercial drivers' licenses, drug and alcohol testing and use or financial responsibility.
3. A carrier must keep the time records required by Code of Federal Regulations, title 49, section 395.1, paragraph (e) for drivers operating within a 100 air-mile radius of the driver's normal work reporting location. Drivers and carriers operating outside of the 100 air-mile radius must comply with Code of Federal Regulations, title 49, section 395.8.
4. No commercial motor carrier operating under the terms 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 ten consecutive hours off duty before the driver is required return to service. If a driver requests time off under this paragraph, the motor carrier must document the request in a writing that includes the driver's name and the date and time of the request. The carrier shall retain the document for six months.
5. Upon the request of a driver, a commercial motor carrier operating under this executive order must give a driver at least 34 consecutive hours off-duty when the driver has been on duty for more than 70 hours in any 8 consecutive days.
6. Upon the expiration of the effective date of this emergency order, or when a driver or commercial motor carrier ceases to provide direct assistance to the emergency relief

effort, a driver that has had at least thirty four consecutive hours off-duty, shall be permitted to start his or her on-duty status hours of service record at zero.

This order shall be effective immediately and shall remain in effect for 30 days or until the commercial motor carrier or driver ceases direct assistance in providing emergency relief, whichever occurs earlier. For purposes of this order, direct assistance is defined in Minnesota Statutes 2006, Section 221.0269, Subdivision 3(c).

IN TESTIMONY WHEREOF, I have set my hand this 31st day of October, 2007.



TIM PAWLENTY
Governor



Filed According to Law:



MARK RITCHIE
Secretary of State