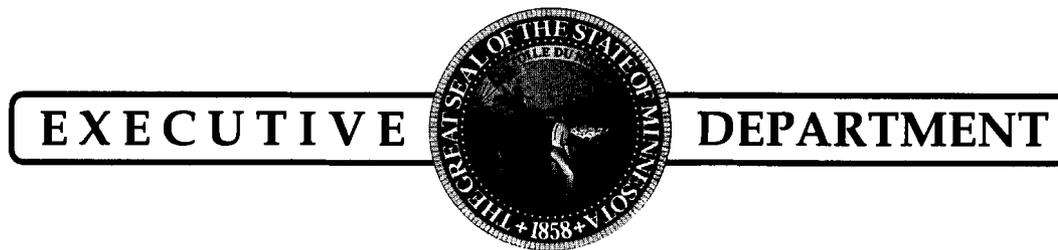


# STATE of MINNESOTA



**TIM PAWLENTY**  
**GOVERNOR**

## **EMERGENCY EXECUTIVE ORDER 09-11**

### **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 2009, Section 221.0269, do hereby issue this Emergency Executive Order:

WHEREAS, unseasonable weather conditions this year have resulted in significant harvest delays; and

WHEREAS, it has been reported the percentage of crops harvested in Minnesota is well below the five-year average for the same period of time, including a significant delay in the soybean and corn harvests; and

WHEREAS, this year's unseasonable cool and damp weather has also significantly affected the condition of Minnesota's soybean and corn crops, with in-field moisture ranges substantially higher than average, thereby resulting in the need for a substantial amount of propane for drying crops; and

WHEREAS, Minnesota is also experiencing severe supply disruptions in the supply of propane, with waiting times for each transport load of propane increasing, thereby threatening the ability of farmers to meet their grain-drying needs; and

WHEREAS, without relief, farmers may not be able to obtain needed supplies of propane to complete the harvest and storage process; and

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WHEREAS, there are limited qualified drivers that can haul propane; and

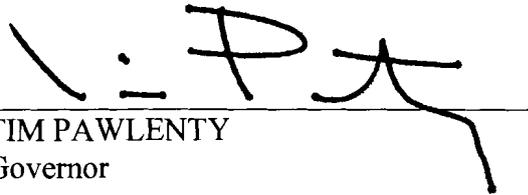
WHEREAS, if farmers are unable to reliably access propane, farmers will not be able to complete their harvest and grain storage in a timely manner.

NOW, THEREFORE, I hereby declare that:

1. An emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes 2009, 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 propane.
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 and must identify all time operating a vehicle on the record of duty status form as driving time, with a notation identifying which hours are operated under the terms of this order.
4. No commercial 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 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.
7. Drivers operating under the terms of this order should carry a copy of this order.

This order shall be effective immediately and shall remain in effect until the commercial motor carrier or driver ceases direct assistance in providing emergency relief or 11:59 p.m. on December 5, 2009, whichever occurs earlier. For purposes of this order, direct assistance is defined in Minnesota Statutes 2009, Section 221.0269, Subdivision 3(c).

IN TESTIMONY WHEREOF, I have set my hand this 5th day of November, 2009.



TIM PAWLENTY  
Governor

Filed According to Law:



MARK RITCHIE  
Secretary of State

