

STATE of MINNESOTA

EXECUTIVE



DEPARTMENT

TIM PAWLENTY
GOVERNOR

EMERGENCY EXECUTIVE ORDER 09-12

PROVIDING FOR ADDITIONAL 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, as described in Emergency Executive Order 09-11, unseasonable weather conditions this year have resulted in significant harvest delays; and

WHEREAS, the resulting ongoing supply disruptions in the supply of propane described in Emergency Executive Order 09-11 have increased the demand for trucking resources, thereby resulting in the unavailability of trucking resources for the movement of anhydrous ammonia which would normally become available as demand for propane hauling resources receded following harvest; and

WHEREAS, without relief, farmers may not be able to obtain needed supplies of anhydrous ammonia to complete the important process of preparing fields for spring planting through application of anhydrous ammonia fertilizer, which can help reduce spring-time fertilizer field activity and facilitate early spring plantings to assure sufficient cultivation times needed for reasonable crop yields; and

WHEREAS, there are limited qualified drivers that can haul anhydrous ammonia.

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 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 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 80 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 34 consecutive hours off-duty, shall be permitted to start his or her on-duty status hours of service record at zero.
7. A driver operating under terms and conditions of this emergency order may not drive more than 70 hours in any period of 7 consecutive days if the employing motor carrier does not operate commercial vehicles every day of the week, or more than 80 hours in any period of 8 consecutive days if the employing motor carrier operates commercial vehicles every day of the week.
8. Any motor carrier operating under terms of this emergency order must have a "Satisfactory" safety rating assigned by the Federal Motor Carrier Safety Administration or the State in which the motor carrier has its principal place of business.

9. 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 10, 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 10th day of November, 2009.


TIM PAWLENTY
Governor

Filed According to Law:



MARK RITCHIE
Secretary of State

