

1 Department of Energy, Planning and Development

2 Energy Division

3

4 Adopted Rules Relating to Reducing Demand and Increasing Supply  
5 of Petroleum Products during an Energy Supply Emergency

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7 Rules as Adopted

8 6 MCAR S 2.3101 Authority. These rules are authorized by Minn.  
9 Stat. S 116H.09 (1980). These rules will also meet, in part,  
10 federal requirements set forth in the Emergency Energy  
11 Conservation Act of 1979, Section 212, 42 United States  
12 Code, Sections 8511 to 8541 (1979) Section 8512 (1976 and  
13 Supplement III 1979).  
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5-7-82

14 6 MCAR S 2.3102 Purpose. These rules identify measures that may  
15 be used in the event of a petroleum supply emergency. The  
16 further purposes of these rules are: to protect the health and  
17 safety of the citizens of the state by ensuring that certain  
18 priority petroleum users have sufficient fuel to conduct  
19 essential activities; to facilitate the distribution of supplies  
20 to the public in a fair manner; to identify and authorize the  
21 actions to be undertaken by governmental agencies in an energy  
22 supply emergency; to describe the responsibilities of major  
23 employers and school district authorities in petroleum supply  
24 emergency planning and implementation; to establish an appeals  
25 system and procedures for exemptions from and exceptions to  
26 emergency measures; and to authorize the state executive to  
27 provide for the public health, safety, and welfare during an  
28 energy supply emergency.

29 6 MCAR S 2.3103 Applicability of rules. These rules shall apply:

30 A. generally, during a declared energy supply emergency;  
31 (see 6 MCAR S 2.3106);

32 B. generally, during a declared energy supply alert (see 6  
33 MCAR S 2.3105);

34 C. to the Minnesota Department of Energy Agency, Planning  
35 and Development when the agency department is preparing to  
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1 recommend that an energy supply alert or an energy supply  
2 emergency be declared.

3 6 MCAR S 2.3104 Definitions. For purposes of 6 MCAR SS  
4 2.3101-2.3121 the terms defined in this rule have the meanings  
5 given them:

6 A. "Agency" means the Minnesota Energy Agency;

7 B. "Agriculture" means activities of establishments  
8 primarily engaged in food production, processing and sale  
9 classified under the industry code numbers specified below as  
10 set forth in Standard Industrial Classification Manual, 1972  
11 edition and the transport of goods and commodities for the below  
12 defined activities:  
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13 1. Major Group 01-Crops, except for industry code nos.  
14 0132 tobacco, and 0181 ornamental floriculture and nursery  
15 products.

16 2. Major Group 02-Livestock, except for animal  
17 specialties, industry code nos. 0271, 0272, and 0279.

18 3. Major Group 07-Agricultural Services, except for  
19 industry code nos. 0742 veterinary services for animal  
20 specialties, 0752 animal specialty services, 0781 landscape  
21 counseling and planning, 0782 lawn and garden services, and 0783  
22 ornamental shrub and tree services.

23 4. Major Group 09-Fishing, Hunting, and Trapping.

24 5. Major Group 20-Food and Kindred products, except for  
25 all industry codes under Group 208 Beverages, and 2065 candy and  
26 other confectionary products.

27 6. Group 514-Groceries and Related Products (all industry  
28 codes found thereunder).

29 7. Group 515-Farm Product Raw materials (all industry  
30 codes found thereunder).

31 8. Major Group 54-Food Stores.

32 ~~E.~~ B. "Assistant ~~direeter~~ commissioner" means the  
33 assistant ~~direeter~~ commissioner of the Minnesota Department of  
34 Energy Agency, Planning and Development who heads the Data and  
35 Analysis Energy Division;  
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36 ~~D.~~ C. "Baseline consumption" means the reasonable estimate  
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1 of the amount of motor fuel consumed by employees or students in  
2 commuting to and from the worksite plus the amount of motor fuel  
3 consumed for a school's or an employer's travel, over a period  
4 which represents the normal level of operation. For determining  
5 baseline consumption any of the following methods shall  
6 constitute a representative period for the purpose of these  
7 rules:

- 8 1. the preceding 12 months, or
- 9 2. the most recent 3-year average, or
- 10 3. a 12-month "rolling base" where the most recent
- 11 month's data is added and the thirteenth month's data deleted.

12 E- D. "Btu" means British thermal unit, a unit of energy  
13 measurement used for comparative purposes;

14 E- E. "Cargo, freight and mail hauling by truck, including  
15 newspaper deliveries" means: motor carriers for hire, licensed  
16 and operating under Minn. Stat. SS ~~221.001~~ 221.011 to 221.293  
17 including independent owner-operators transporting goods under a  
18 lease or contract indicating their "for hire" status, where the  
19 lease can be produced by the driver-operator; local cartage  
20 carriers, licensed and operating under Minn. Stat. S 221.296;  
21 interstate motor carriers, operating in Minnesota under Minn.  
22 Stat. SS 221.61 to 221.68; mail hauling by any motor vehicle  
23 owned and operated by the U.S. Postal Service; and newspaper  
24 delivery by a motor vehicle identified as a newspaper carrier;  
25 trucks that have truck bodies specifically designed for cargo  
26 and freight hauling and are commercial vehicles as defined in  
27 H.; and rail, barge and ship transportation of cargo or freight;

28 E- F. "Carpool" means a continuing travel arrangement by  
29 which three or more persons travel together in a vehicle owned  
30 or rented by one or more of such persons;

31 H- G. "Commercial building" means a building all of whose  
32 occupants are engaged in commerce, unless residential occupants  
33 have separate heating controls;

34 I- H. "Commercial vehicles" means vehicles registered and  
35 licensed in the commercial class with the Division of Driver and  
36 Vehicles Services of the Department of Public Safety, or

1 vehicles which by their design, size or company identification  
 2 or by the presence of specialized equipment, tools, or  
 3 instruments of the trade or profession, or other evidence of  
 4 commercial use are obviously being used for commercial purposes;

5 I. "Commissioner" means the Commissioner of the Minnesota  
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 6 Department of Energy, Planning and Development;  
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7 J. "Company-owned vehicles" means passenger automobiles,  
 8 vans, and light trucks owned or leased by the employer;

9 K. "Consumer" means a person that consumes fuel oil, or  
 10 motor fuel whether diesel fuel, gasoline, propane or alcohol;

11 L. "County or municipal fuel coordinator" means a person who  
 12 has been appointed by the county board or city council to act as  
 13 local fuel allocation resource person;

14 M. "Demand" means the quantity of products or services for  
 15 which there are willing and able purchasers;

16 N. ~~"Director"~~ "Department" means the ~~Director~~ of the  
 17 -----  
 17 Minnesota Department of Energy Agency, Planning and Development;  
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18 O. "Division" means the Division of Emergency Services of  
 19 the Department of Public Safety;

20 P. "Division Director" means the Director of the Division of  
 21 Emergency Services;

22 Q. "Electric utility" means an entity engaged in the  
 23 generation, transmission, or distribution of electric energy for  
 24 sale;

25 R. "Emergency vehicle" means any of the following vehicles:  
 26 a vehicle of a fire department or fire fighting unit; a  
 27 publicly-owned law enforcement vehicle or privately-owned  
 28 vehicle used by a law enforcement officer for police work under  
 29 agreement, express or implied, with the local authority; a  
 30 vehicle of a licensed emergency ambulance service, whether  
 31 publicly or privately owned; an emergency vehicle of a  
 32 municipality, department or public service corporation including  
 33 emergency services vehicles approved by the chief of police of a  
 34 municipality, the county sheriff, or the division director; a  
 35 vehicle of a utility or contractor while performing emergency  
 36 repairs or maintenance for electric, water, waste treatment,

1 natural gas or telecommunications utilities and end-user primary  
2 services, and petroleum, petroleum products or natural gas  
3 pipelines or facilities; a vehicle of the state, county,  
4 municipal, or other subdivision of government used for snow  
5 removal, emergency road and traffic signal repair or search and  
6 rescue operations, or privately-owned vehicles of a contractor  
7 under contract to perform these services;

8 S. "Employer-provided parking" means a space such as a lot,  
9 garage, or other space, or portion thereof, which is used for  
10 the parking of commuter vehicles, and which is wholly or partly  
11 owned or leased by an employer or otherwise made available to  
12 its employees, except that this term shall not include  
13 park-and-ride facilities or customer parking provided by a  
14 retail or service establishment;

15 T. "Employment site" means a building, facility, complex or  
16 site at which employees work or study, or any combination of  
17 such buildings or sites which are geographically close;

18 U. "Energy production" means transportation of energy or  
19 primary fuels by pipeline, transmission line, rail, barge or a  
20 motor carrier of energy or primary fuel included in the  
21 definition of cargo, freight and mail hauling or other trucks  
22 and the refining, processing, production and distribution of  
23 coal, natural gas, petroleum or petroleum products, shale oil,  
24 nuclear fuels and electrical energy;

25 V. "Environmental standards" means the laws and regulations,  
26 both federal and state, intended to protect the environment;

27 W. "Essential government services" means court and judicial  
28 activities, jails and prisons, meetings of duly elected  
29 political officials, operations of the Division of Emergency  
30 Services and the Emergency Operating Center, hearings of Local  
31 Energy Conservation Boards and the Office of Administrative  
32 Hearings, minimum services to provide AFDC, SSI and Social  
33 Security checks and other welfare payments including food  
34 stamps, and activities which provide life-sustaining services;

35 X. "Extracurricular activities" means school-sponsored  
36 activities requiring transportation off-campus, except for the

1 daily transportation of students to and from school;

2 Y. "Flexible work hours" or "flexitime" means a work system  
3 in which employees at an employment site have some discretion in  
4 their choice of working hours;

5 Z. "Forecast" means a projection of future demand or supply  
6 for a specified time period;

7 AA. "Fuel oil" means a liquid or liquifiable petroleum  
8 product with a flashpoint above 100 degrees F which is used to  
9 generate heat or power including middle distillate oil or  
10 residual oil;

11 BB. "Health and residential care services" means hospitals,  
12 nursing homes, penal institutions, and all types of residential  
13 treatment centers including drug/alcoholism treatment centers,  
14 residential mental health centers, and residential care centers  
15 for the retarded or handicapped;

16 CC. "Highways" means interstate, trunk, county state-aid,  
17 county, and municipal state-aid highways in Minnesota, as  
18 defined in Minn. Stat. S 160.02, subds. 2-5 and 7 (1980), and  
19 the Federal Aid Highways Act of 1956 23 United States Code,  
20 section 101 (1980);  
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21 DD. "Homeowner" means a person who has a vested legal or  
22 beneficial interest, jointly or severally, in a dwelling which  
23 is occupied by that person;

24 EE. "Jitney" means a spontaneous carpool formed by driving  
25 along an existing transit route and picking up riders for a fare  
26 or participating in a telephone ride exchange system. Jitneys  
27 supplement existing transit service;

28 FF. "Licensed motor vehicle dealer" means a motor vehicle  
29 seller or lessor licensed to do business under Minn. Stat. S  
30 168.27, subds. 2 to 25 (1980);

31 GG. "Middle distillate" means a derivative of petroleum,  
32 including kerosene, home heating oil, range oil, stove oil, and  
33 diesel fuel, which has a fifty percent boiling point in the ASTM  
34 D86 standard distillation test falling between 370 degrees and  
35 700 degrees F, except that kerosene-base and naphtha-base jet  
36 fuel, heavy fuel oils as defined in VV-F-815E of ASTM D-396,

1 grades #4, 5, and 6, intermediate fuel oils (which are blends  
2 containing #6 oil), and specialty items such as solvents,  
3 lubricants, waxes, and process oil are excluded;

4 HH. "Military uses" means the activities of the armed forces  
5 of the United States and of the Minnesota Department of Military  
6 Affairs, the Office of Adjutant General, military reservations,  
7 installations, armories, air bases, and facilities owned or  
8 controlled by the state for military purposes and includes the  
9 national guard, the state guard, and any other organization or  
10 components of the organized militia authorized by Minn. Stat.  
11 chs. 190 to-193 {1980}, known as the Military Code;

12 II. "Moped" means a pedal bicycle or similar two-wheel  
13 vehicle propelled by a motor;

14 JJ. "Motorcycle" means a vehicle with two wheels in tandem,  
15 propelled by an internal combustion engine, and sometimes having  
16 a sidecar with a third wheel;

17 KK. "Motor fuel" means a mixture of volatile hydrocarbons,  
18 suitable for operation of an internal combustion engine;

19 LL. "Motor vehicle owner" means a person owning or renting a  
20 motor vehicle, or having exclusive use thereof, under a lease or  
21 otherwise, for a period greater than seven days;

22 MM. "Park-and-ride facility" means a parking facility the  
23 use of which is limited exclusively to the parking of commuter  
24 vehicles whose occupants transfer at the facility to transit or  
25 paratransit services;

26 NN. "Passenger transportation services" means: conventional  
27 public transit service which operates on a fixed route and is  
28 available to the public for a fare, intercity bus  
29 transportation, vanpools, subscription buses, tour and charter  
30 bus transportation, bus transportation of pupils for educational  
31 purposes, taxicabs licensed to conduct business in a  
32 municipality, air and rail passenger transportation except for  
33 air charter services, and special transportation services for  
34 the elderly or handicapped;

35 OO. "Permit-sticker" means a self-adhesive tag issued by the  
36 Department of Public Safety to designate the weekday on which a

1 vehicle issued that sticker is prohibited from being operated;

2 PP. "Person" means an individual, firm, estate, trust, sole  
3 proprietorship, partnership, association, company, corporation,  
4 governmental unit or subdivision thereof, or a charitable or  
5 educational institution;

6 QQ. "Plant protection" means minimum plant maintenance  
7 necessary to secure buildings and prevent damage to equipment or  
8 plant property from inclement weather or loss of essential  
9 processes;

10 RR. "Prohibited day" means the day for which a vehicle owner  
11 has been issued a permit-sticker, designating it a "no-driving"  
12 day for that vehicle;

13 SS. "Residence" means the place where a natural person  
14 lives, including hotels and motels and buildings being used as  
15 emergency housing facilities;

16 TT. "Residual fuel oil" means the fuel oil commonly known  
17 as: No. 4, No. 5 and No. 6 fuel oils; Bunker C; Navy Special  
18 Fuel Oil; and all other fuel oils which have a fifty percent  
19 boiling point over 700 degrees F in the ASTM D-86 standard  
20 distillation test;

21 UU. "Sanitation services" means: the collection and  
22 disposal for the public of solid or liquid wastes and hazardous  
23 wastes, whether by public or private entities; the maintenance,  
24 operation and repair of liquid purification and waste  
25 facilities; and the provision of a water supply by public  
26 utilities, whether private or publicly owned and operated;

27 VV. "Shortage" means a situation in which demand exceeds  
28 supply and normal market forces will not act to equalize supply  
29 and demand within a reasonable period;

30 WW. "Staggered work hours" means employee starting and  
31 quitting times stipulated at step intervals by the employer so  
32 that work arrival and departure times of employees on a single  
33 shift are spread over a period of at least two hours;

34 XX. "State set-aside" means the amount of an allocated  
35 product from the total supply of a supplier made available to  
36 the state to meet emergencies and hardship needs under Minn.



1 Stat. S 116H.095 (~~1981~~);

2 YY. "Subscription bus" means a transit service in which  
3 employers or groups of employees contract with a public or  
4 private bus operator to provide daily commuter service for a  
5 group of subscribers on a prepaid or daily fare basis, following  
6 a fixed route and a schedule tailored to meet the needs of the  
7 subscribers;

8 ZZ. "Supplier" means a firm or a part of a subsidiary of a  
9 firm (other than the Department of Defense) which presently  
10 supplies, sells, transfers, or otherwise furnishes (as by  
11 consignment) a petroleum product to wholesale purchasers or end  
12 users, including refiners, natural gas processing plants or  
13 fractioning plants, importers, resellers, jobbers and retailers;

14 AAA. "Telecommunications" means the repair, operation and  
15 maintenance of voice, data, telegraph, video and similar  
16 communication services for the public by a communications common  
17 carrier or by a firm providing the same service in direct  
18 competition with a communications common carrier;

19 BBB. "Tenant" means a person who occupies (but does not own)  
20 a dwelling under an oral or written agreement, lease, or  
21 contract, for a period of time, which requires the payment of  
22 rent;

23 CCC. "Vanpool" means eight or more persons commuting on a  
24 daily basis to and from work in a vehicle with a seating  
25 arrangement designed to carry eight to fifteen adult passengers;  
26 and

27 DDD. "Vehicle lessee" means a person, firm or corporation  
28 possessing a motor vehicle by lease.

29 6 MCAR S 2.3105 Energy supply alert. An energy supply alert  
30 shall be declared to inform Minnesota citizens of a potential  
31 energy shortage, encourage conservation, and initiate a state of  
32 readiness for the shortage.

33 A. An energy supply alert may be declared when the agency  
34 department forecast indicates a reasonable likelihood that an  
35 energy supply shortage will occur within six months from the  
36 date of declaration.

1 B. The ~~direeter~~ commissioner shall have sole responsibility  
2 for declaring an energy supply alert.

3 6 MCAR S 2.3106 Energy supply emergency. An energy supply  
4 emergency is a state of declared emergency resulting from a  
5 shortage of energy resources, including petroleum products,  
6 natural gas, or electricity.

7 A. Minnesota Department of Energy Agency, Planning and  
8 Development. When the ~~agency's~~ department's forecast shows that  
9 short-term demand for a fuel or fuels exceeds the forecast of  
10 short-term supply and that a supply shortage will occur within  
11 three months, the ~~direeter~~ commissioner may recommend that an  
12 energy supply emergency be declared by submitting a written  
13 statement to the executive council or legislature. The  
14 statement shall include the factors the commissioner considered  
15 in reaching a decision to recommend that an emergency be  
16 declared and the reasons for the recommendation.

17 B. The executive council or legislature. The executive  
18 council (consisting of the Governor, the Lieutenant Governor,  
19 the Attorney General, the Auditor, the Treasurer, and the  
20 Secretary of State) or the legislature has responsibility for  
21 declaring an energy supply emergency.

22 1. An energy supply emergency automatically expires in 30  
23 days, unless renewed by the legislature. Each renewed energy  
24 supply emergency may not continue for longer than 30 days,  
25 unless otherwise provided by law. Minn. Stat. S 116H.09, subd.  
26 5 {1980}.

27 2. Emergencies may be declared for all or part of the  
28 state and measures may be invoked accordingly. The declaration  
29 of emergency shall define the geographic area included in the  
30 energy supply emergency.

31 3. The declaration shall be promptly disseminated and  
32 brought to the attention of the general public by the executive  
33 council or legislature, whichever body declares the emergency.  
34 The Energy Supply Emergency Resolution shall be promptly filed  
35 with the division, the ~~Agency~~ department and the Secretary of  
36 State.

1 6 MCAR S 2.3107 Operating organization during an emergency.

2 A. Energy emergency operating center. During a declared  
3 energy supply emergency, the division will set up an energy  
4 operating center.

5 1. The director of the emergency operating center will be  
6 the division director. The division director shall oversee the  
7 implementation of the emergency plan.

8 2. The emergency operating center will be located at a  
9 site designated by the division director and staffed by  
10 personnel from the division, the agency department and other  
11 state agencies as deemed necessary by the division director and  
12 approved by the Governor.

13 B. Minnesota Department of Energy Agency, Planning and  
14 Development.

15 1. The agency department shall assist the division by  
16 analyzing the energy supply situation, evaluating alternative  
17 courses of action included in the emergency plan, and advising  
18 on the proper time and sequence for implementing emergency  
19 measures.

20 2. The agency department shall select and recommend to  
21 the Governor the least restrictive measures specified in 6 MCAR  
22 S 2.3114 A- to E-, 6 MCAR S 2.3120 A- to H- and 6 MCAR S 2.3121  
23 A- to D- capable of eliminating a fuel shortage.

24 3. The assistant ~~director~~ of the agency commissioner  
25 shall review employer and school district conservation plans and  
26 certify those which meet the requirements set out in 6 MCAR S  
27 2.3120 B. or C.

28 4. The ~~director~~ commissioner shall make the final  
29 decision on each appeal taken from measures contained in these  
30 rules.

31 C. Emergency services.

32 1. The division shall implement the energy emergency plan  
33 and coordinate the emergency operations of government agencies  
34 involved in energy supply emergency actions.

35 2. The division shall use the regional and local fuel  
36 coordinators to coordinate emergency operations throughout the

1 state.

2 3. By January 1, 1983, the division of emergency services  
3 shall develop an internal management and operations plan for  
4 implementing the measures contained in these rules.

5 D. The Governor may order any state agency or department to  
6 carry out the measures contained in these rules under the powers  
7 given the Governor in the Minnesota Civil Defense Act, Minn.  
8 Stat. ch. 12.

9 6 MCAR S 2.3108 Local energy conservation board.

10 A. Each county and each city of the first class shall create  
11 a local energy conservation board to hear requests for  
12 exemptions or exceptions to the measures listed in 6 MCAR SS  
13 2.3114 A. and, B., C.1. and 4., 2.3120 A- to H-, except B. and  
14 C., and 2.3121 A- to E.

15 1. The Governor may order the creation of additional  
16 local energy conservation boards to be established upon the  
17 agency's department's determination that additional boards are  
18 necessary to insure compliance with the timing provisions in 6  
19 MCAR S 2.3109 C.

20 2. The appointment of additional local energy  
21 conservation boards and their conduct shall be governed by the  
22 procedures set forth in B. and 6 MCAR SS 2-3108 B- and S 2.3109.

23 B. Members.

24 1. The chair of the county board of commissioners shall  
25 appoint a five-member county local energy conservation board  
26 which includes two elected officials from the county or  
27 municipalities within the county, a health professional, the  
28 county fuel coordinator and a member of the public. If the  
29 chair of the county commissioners is unable to fill fuel  
30 coordinator is not able to sit on the local conservation board  
31 from this list, an additional members member shall be selected  
32 from the public. The county attorney shall advise the local  
33 energy conservation board.

34 2. For cities of the first class and other designated  
35 municipalities, the chair of the city council shall appoint a  
36 five-member municipal local energy conservation board which

1 includes two elected city officials, the city fuel coordinator,  
 2 a health professional, and a member of the public. If the chair  
 3 of the city council fuel coordinator is unable not able to  
 4 ~~fill~~ sit on the local conservation board ~~from this list~~, an  
 5 additional ~~members~~ member shall be selected from the public.  
 6 The city attorney shall advise the local energy conservation  
 7 board.

8 C. Appointments to the local energy conservation board shall  
 9 be ~~named~~ made when an energy supply alert or energy supply  
 10 emergency is declared. The appointer shall make reasonable  
 11 efforts to avoid any conflict of interests in appointing the  
 12 members of the local energy conservation board.

13 D. Three members shall constitute a quorum. The chair of  
 14 the local energy conservation board shall be designated by the  
 15 appointing authority.

16 6 MCAR S 2.3109 Appeals.

17 A. An appeal shall be delivered by mail or in person to the  
 18 following location:

19 1. An appeal of mandatory measures, except those  
 20 described in 6 MCAR SS 2.3114 C. 2. and 3. and 2.3120 B. and C.,  
 21 shall be heard by the local energy conservation board and should  
 22 be directed to the county courthouse, or the mayor's office,  
 23 whichever is appropriate.

24 2. An appeal from a decision not to certify an employer  
 25 or school district conservation plan and an appeal from an order  
 26 to implement an employer or school plan shall be heard by a  
 27 hearing examiner appointed by the chief hearing examiner and  
 28 shall be directed to the Office of Administrative Hearings, Room  
 29 300, 1745 University Avenue, Saint Paul, Minnesota 55104 Summit  
 30 National Bank Building, 310 Fourth Avenue South, Minneapolis,  
 31 Minnesota 55415.

32 3. An appeal of an order to curtail delivery of fuel oil,  
 33 6 MCAR S 2.3114 C. 3., or an order to adopt temporary rules for  
 34 relaxation of environmental standards 6 MCAR S 2.3114 C.2., and  
 35 an appeal of priority status shall be heard by a hearing  
 36 examiner appointed by the chief hearing examiner and shall be

1 directed to the State Office of Administrative Hearings, Room  
 2 300, 1745 University Avenue, Saint Paul, Minnesota 55104 Summit  
 3 National Bank Building, 310 Fourth Avenue South, Minneapolis,  
 4 Minnesota 55415.  
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5 4. An appeal from the petroleum supply emergency  
 6 conservation rules shall be decided by the director and shall be  
 7 directed to the Minnesota Energy Agency, 980 American Center  
 8 Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101.

9 B. Content of appeal.

10 1. An appeal from an action taken pursuant to a declared  
 11 energy supply emergency or under authority of these rules, shall  
 12 be in writing and signed by the appellant. The appeal shall  
 13 state:

14 a. full identification of appellant and where  
 15 appellant can be located to receive notice of decision;

16 b. the action from which the appeal is made, including  
 17 the individual or unit of government taking the action, and the  
 18 date and nature of the action;

19 c. the bases of the appeal, including the reasons the  
 20 appellant believes the action to be unjust or unwise;

21 d. the names and addresses of persons known to the  
 22 appellant who might be adversely or beneficially affected by the  
 23 outcome of the appeal;

24 e. the nature of the relief sought, whether reversal,  
 25 modification, or some other relief.

26 2. The appeal of a decision not to certify an employer or  
 27 school district conservation plan or of an order to implement  
 28 all or any part of an approved conservation plan shall include a  
 29 description of the existing or proposed conservation programs  
 30 through which the employer or school district claims compliance  
 31 with 6 MCAR S 2.3120 B. or C. In the case of an appeal from a  
 32 decision not to approve 6 MCAR S 2.3120 B.9.a. employer plans  
 33 (submitted after an energy supply emergency is declared), the  
 34 appeal shall also contain documentation of the methodology on  
 35 which the claim of motor fuel savings or program performance is  
 36 based and a calculation of appellant's baseline consumption.

1 C. Timing and procedures.

2 1. Within three working days after receipt of an appeal,  
 3 the local conservation board or hearing examiner, whichever is  
 4 appropriate, shall set a hearing date. The hearing shall be  
 5 held as soon as practicable but not later than seven working  
 6 days after receipt of the appeal, unless appellant requests a  
 7 later hearing date. The chair of the local conservation board  
 8 (or designate), or the hearing examiner, shall notify all known  
 9 affected persons, either verbally or in writing, of the appeal  
 10 and the time and place for the hearing, not less than two  
 11 working days before the hearing. An appeal shall be considered  
 12 received when it has arrived at the appropriate location  
 13 designated in 6 MCAR S 2-3109 A. A local energy conservation  
 14 board may convene at any location within its jurisdiction for  
 15 expediting appeals and decreasing the distance to the hearing  
 16 for appellants.

17 2. The "Rules of Procedure for Contested Cases" found at  
 18 9 MCAR SS 2-201-2-222 shall govern the conduct of the appeals.  
 19 Appeals shall be governed by the Administrative Procedure Act,  
 20 Minn. Stat. SS 15.0411-15.052 and the rules of the Office of  
 21 Administrative Hearings (9 MCAR SS 2.201-2.299), except that  
 22 during an energy supply emergency the provisions of 6 MCAR S  
 23 2.3109 shall supercede the above-cited rules wherever the two  
 24 conflict with one another.

25 3. The parties to an appeal from actions taken during a  
 26 declared energy supply emergency shall be the appellant and the  
 27 Emergency Operating Center. Appeals from a decision not to  
 28 certify an employer or school district conservation plan shall  
 29 name the assistant ~~Director~~ commissioner as a party to the  
 30 appeal.

31 4. A party may be represented by counsel.

32 5. An appellant subject to provisions of these rules must  
 33 comply with all applicable mandatory measures or requirements  
 34 pending a final decision on the appeal. A final decision shall  
 35 be made under 6 MCAR S 2-3109 E.

36 6. Informal disposition of an appeal or any issue in an

1 appeal may be made at any point in the proceeding by  
 2 stipulation, agreed settlement, or consent order between the  
 3 appellant and the emergency operating center. In the case of  
 4 employer and school district conservation plans, the assistant  
 5 ~~direeter~~ commissioner shall have the power to informally dispose  
 6 of an appeal by agreement or consent order.

7 7. Failure of an appellant to appear after timely notice  
 8 is sufficient cause for denial of an appeal.

9 8. The failure of the emergency operating center to  
 10 appear at a hearing of a local energy conservation board on an  
 11 appeal from an emergency measure shall not constitute a default  
 12 or bar the ~~direeter~~ commissioner from reversing the board's  
 13 decision so long as the ~~direeter~~ commissioner complies with the  
 14 timing provisions in 6 MEAR S 2-3109 E.3.

15 9. The hearing examiner or local energy conservation  
 16 board may order a prehearing conference to be held at any time  
 17 prior to a hearing, if a conference may simplify the issues or  
 18 provide an opportunity for settlement. If a prehearing  
 19 conference is ordered, notice of the time and place of the  
 20 conference shall be served on all parties to the appeal not less  
 21 than two working days before the date of the conference.

22 10. Appeals shall not be heard if received more than ten  
 23 working days after the termination or expiration of the energy  
 24 supply emergency.

25 D. Hearings.

26 1. An appellant has a right to a hearing before the local  
 27 energy conservation board, or the hearing examiner, whichever is  
 28 appropriate. (See 6 MEAR S 2-3108 A.) At the hearing the  
 29 parties may present and cross-examine witnesses, and present  
 30 written evidence, rebuttal testimony and argument with respect  
 31 to the issue or issues raised in the appeal.

32 2. The local energy conservation board or the hearing  
 33 examiner shall prepare an official record of each hearing. A  
 34 party requesting a verbatim transcript of the hearing may shall  
 35 bear the expense of preparing the transcript.

36 3. The chair of the local energy conservation board and



1 the hearing examiner shall use procedures set by the Office of  
 2 Administrative Hearings at the hearing. The hearing examiner or  
 3 local conservation board may prohibit devices which interfere  
 4 with the hearing and may evict persons who disrupt the hearing.

5 E. Decision.

6 1. No factual information or evidence which is not part  
 7 of the record shall be considered by the board or the hearing  
 8 examiner in deciding an issue in an appeal, except that official  
 9 notice may be taken of pertinent ~~fact~~ facts.

10 2. Within two working days after the hearing is closed,  
 11 the local conservation board or the hearing examiner shall issue  
 12 a recommended decision in writing, including the findings and  
 13 conclusions on which the decision is based. A copy of the  
 14 recommendation shall be served by first class mail on all  
 15 parties to the appeal and delivered to the ~~director~~ commissioner  
 16 with the whole record of the appeal. Service is effective on  
 17 the postmark date.

18 3. The ~~director~~ commissioner may affirm or reverse a  
 19 decision of a local conservation board or a hearing examiner or  
 20 may remand the appeal for further hearing on specified parts.  
 21 The ~~director~~ commissioner must notify the appellant of an intent  
 22 to reverse or remand a decision within two working days after  
 23 receipt of the recommended decision. The ~~director~~ commissioner  
 24 shall issue a written statement setting forth the grounds for  
 25 reversing a recommended decision no later than five working days  
 26 after receipt of the recommendation, and a copy of the statement  
 27 shall be served on the appellant and sent to the local  
 28 conservation board or hearing examiner by first class mail.  
 29 Failure of the ~~director~~ commissioner to give timely notice of  
 30 intent to reverse or remand a recommended decision will act to  
 31 automatically affirm the recommended decision.

32 4. The appellant may seek judicial review of a final  
 33 decision of the ~~director~~ commissioner in accordance with the  
 34 Minnesota Administrative Procedure Act, Minn. Stat. SS 15.0411  
 35 ~~to -052 (1980) -15.052.~~

36 6 MCAR S 2.3110 Penalties.

1 A. Penalties for the violation of any provision of the plan  
2 are set out in Minn. Stat. S 116H.15 ~~(1980)~~.

3 B. Any person who violates the plan or knowingly submits  
4 false information in any report required by the plan shall be  
5 guilty of a misdemeanor. Maximum penalty is \$500 or 90 days or  
6 both. Each day of violation shall constitute a separate offense.

7 C. The plan may be enforced by injunction, action to compel  
8 performance or other appropriate action in the district court of  
9 the county where the violation takes place. The existence of an  
10 adequate remedy at law shall not be a defense to such an action.

11 D. A court which finds that a person has violated a  
12 requirement of the plan or has knowingly submitted false  
13 information in any report required by the plan, or has violated  
14 a court order issued pursuant to the plan may impose a civil  
15 penalty of not more than \$10,000 for each such violation. These  
16 funds are payable to the general fund in the state treasury.

17 6 MCAR S 2.3111 Priority uses of fuel oil.

18 A. Purpose. The priority ranking set out below, and the  
19 allocation and conservation measures contained in 6 MCAR S  
20 2.3114 A- to E-, are intended to reduce the demand for petroleum  
21 products used for heating and power generation and ensure that  
22 the necessary fuel requirements of higher priority consumers are  
23 met before the lower priority consumers.

24 B. Priority uses. In an energy supply emergency resulting  
25 from a shortage of fuel oil, highest priority uses are those  
26 essential for the health and safety of the citizens of the  
27 state. Uses within categories are not ranked by preference.

28 1. First priority fuel oil uses are:

- 29 a. Health and residential care services;
- 30 b. Residential heating;
- 31 c. Passenger transportation;
- 32 d. Plant protection;
- 33 e. Emergency vehicles;
- 34 f. Telecommunications;
- 35 g. Energy production;
- 36 h. Agriculture;

- 1 i. Sanitation services; and
- 2 j. Essential government services.

3 2. Second priority fuel oil uses are those necessary to  
 4 minimize the economic disruption of a fuel oil shortage. Second  
 5 priority fuel oil uses are:

6 a. Cargo and freight hauling, except for the first  
 7 priority uses as defined in 6 MCAR S ~~2-3111~~ B.1.

8 b. Personal motor transportation. Diesel powered  
 9 automobiles shall be subject to all the provisions of the motor  
 10 fuel measures described in 6 MCAR S ~~2-3111~~ 2.3120 and 6 MCAR S  
 11 2.3121.  
 -----

12 3. Third priority uses are those not essential for the  
 13 immediate health and safety of the citizens of the state. These  
 14 include:

15 a. Schools and religious institutions;

16 b. Government, except those services listed in 6 MCAR  
 17 S ~~2-3111~~ B.1.;

18 c. Commerce, except those services listed in 6 MCAR S  
 19 ~~2-3111~~ B.1.;

20 d. Industry, except those services listed in 6 MCAR S  
 21 ~~2-3111~~ B.1.

22 4. In an energy supply emergency, suppliers shall be  
 23 requested to deliver fuel oil to higher priority consumers  
 24 before lower priority consumers, where no practicable substitute  
 25 fuels are available.

26 5. Vehicles considered to be transporting agricultural  
 -----  
 27 products must have the words "first priority agricultural  
 -----  
 28 product" on their bill of lading or must be visibly transporting  
 -----  
 29 first priority agricultural products.  
 -----

30 ~~5.~~ 6. Fuel oil users may apply for state set-aside  
 --  
 31 product if fuel oil becomes otherwise unobtainable, according to  
 32 state set-aside application procedures under 6 MCAR SS ~~2-0101~~ to  
 33 ~~2-0107~~ developed according to Minn. Stat. S 116H.095.  
 -----

34 Preference shall be given higher priority consumers over lower  
 35 priority consumers in the assignment of state set-aside product.

36 6 MCAR S 2.3112 Priority uses of motor fuel.

1 A. Purpose. The priority ranking set out below and the  
 2 supply management and conservation measures contained in 6 MCAR  
 3 SS 2.3120 A- ~~to H-~~ and 6 MCAR S 2.3121 A- ~~to E-~~ are intended to  
 4 -----  
 4 reduce the demand for motor fuels and ensure that the necessary  
 5 fuel requirements of first priority consumers are met before  
 6 lower priority consumers.

7 B. Priority uses. In an energy supply emergency resulting  
 8 from a shortage of gasoline, diesel fuel, or other petroleum  
 9 product used as a motor fuel, higher priority uses are those  
 10 necessary for protecting the health and safety of the citizens  
 11 of the state, and minimizing the economic disruption of the  
 12 state's economy. Uses within priority categories are not ranked  
 13 according to preference.

14 1. First priority motor fuel uses are:

- 15 a. Military uses;
- 16 b. Emergency vehicles;
- 17 c. Energy production;
- 18 d. Sanitation services;
- 19 e. Telecommunications;
- 20 f. Agriculture;
- 21 g. Passenger transportation;
- 22 h. Cargo, freight, and mail hauling by ~~truck~~,
- 23 including newspaper deliveries; and
- 24 i. Aviation ground support vehicles.

25 2. Exemptions granted in 6 MCAR SS 2.3120 A- ~~to H-~~, and 6  
 26 MCAR S 2.3121 A- ~~to D-~~, are based on the above list of first  
 27 -----  
 27 priority uses.

28 3. First priority consumers may apply for state set-aside  
 29 product as provided ~~under~~ by Minn. Stat. S 116H.095 ~~(1981)~~, if  
 30 fuel supplies become otherwise unavailable. Applications for  
 31 state set-aside shall be made according to set-aside application  
 32 procedures ~~under~~ 6 MCAR SS ~~2-0101 to 2-0107~~ adopted according to  
 33 -----  
 33 Minn. Stat. S 116H.095. Preference shall be given first  
 34 -----  
 34 priority motor fuel consumers in assignment of state set-aside  
 35 product.

36 4. Users claiming an exemption under these rules or

1 operating a vehicle under an exempt status must do so in good  
 2 faith. Abuse of a vehicle's exemption status will constitute a  
 3 violation of these rules and subject the user to the penalties  
 4 described in 6 MCAR S 2.3110.

5 5. When a motor fuel is also used as a home heating fuel  
 6 -----  
 7 and that specific fuel is in short supply, the fuel oil priority  
 8 -----  
 9 rankings described in 6 MCAR S 2.3111 shall apply.  
 10 -----

11 6 MCAR S 2.3113 Severe shortage. If the ~~direceter~~ commissioner  
 12 -----  
 13 determines that the supply shortfall of petroleum and petroleum  
 14 products is so severe that the existing production and  
 15 distribution system is incapable of providing adequate supplies  
 16 to all first priority consumers of motor fuel or diesel fuel,  
 17 then the ~~direceter~~ commissioner shall advise the Governor that  
 18 -----  
 19 deliveries to otherwise priority consumers be curtailed, so that  
 20 higher priority consumers will be provided the necessary fuel to  
 21 continue essential operations. The Governor may order the  
 22 curtailment of priority consumers when in the Governor's  
 23 judgment, the available supply best serves to preserve the  
 24 health and safety of the citizens of the state when put to a  
 25 higher priority use.

26 6 MCAR S 2.3114 Fuel oil emergency measures. Upon declaration  
 27 of an energy supply emergency for petroleum, the Governor shall  
 28 select from the following measures to reduce the shortage of  
 29 fuel oil.

30 A. Voluntary measures:

31 1. Homeowners and renters shall be requested to turn  
 32 their thermostats back to between 62 degrees Fahrenheit and 66  
 33 degrees Fahrenheit during the day and 60 degrees Fahrenheit and  
 34 58 degrees Fahrenheit during the night and unoccupied hours, and  
 35 shall be requested to set back water heater thermostats to  
 between 105 degrees Fahrenheit and 115 degrees Fahrenheit (or the  
 lowest setting). Residences occupied by persons for whom such a  
 measure endangers health shall be warned not to comply with this  
 measure. Such persons include the elderly and sick and children  
 under the age of one.

1           2. Voluntary industrial, commercial, government, and  
2 residential conservation targets shall be established to reduce  
3 energy usage, including electricity and natural gas, especially  
4 during periods of peak usage.

5           3. Commercial and industrial establishments shall be  
6 requested to reduce their hours of operations where this action  
7 saves energy.

8           4. Commercial and industrial users shall be requested to  
9 release fuel oil from inventory supplies.

10           a. The Fuel Allocation Rules of Procedure (6MCAR SS  
11 ~~2-0101-2-0107~~) procedures for state set-aside allocation adopted  
12 according to Minn. Stat. S 116H.095 will be used to allocate  
13 voluntarily released inventory.

14           b. Suppliers shall be directed to deliver fuel oil  
15 supplies consisting of voluntary releases according to the  
16 system of priorities described in 6 MCAR S 2.3111 B.

17           5. Business, industrial and government institutions shall  
18 be requested to close nonessential buildings.

19           6. Public information efforts shall be used to instruct  
20 Minnesotans in fuel oil, natural gas and electricity saving  
21 measures. Regular information up-dates regarding the status and  
22 severity of the shortage shall be issued.

23           B. Mandatory measures.

24           1. Commercial buildings shall be ordered to comply with  
25 the standards that were set in the Emergency Building  
26 Temperature Restrictions (EBTR), 10 Code of Federal Regulations  
27 Part 490 (1979). Buildings which were exempted under EBTR are  
28 exempted from this rule.

29           2. Smoking within buildings shall be prohibited and  
30 reduction of the amount of outside air entering the building  
31 ventilation systems may be ordered.

32           3. Electric utilities with oil-fired generating  
33 facilities which are members of the Mid-Continent Area Power  
34 Pool shall be ordered to use oil of a quality not suitable for  
35 home heating or to shut down these plants and purchase power  
36 from the pool when power from nonpetroleum-fired generating

1 facilities is available from the pool.

2 4. Fuel oil suppliers shall be ordered to stop deliveries  
3 to large users (1000 gallon or larger storage tanks) until those  
4 users have less than one week's fuel oil supply on hand.

5 5. Business, industrial and government institutions which  
6 now burn middle distillate, natural gas, or propane and which  
7 have the capacity to burn residual oil shall be ordered to  
8 convert to residual oil during the emergency, unless such action  
9 is specifically prohibited by other law or rule of the Pollution

10 Control Agency or other agency. Each firm or institution  
11 required to convert to residual oil shall be notified at least  
12 ten days prior to the effective date of the measure of the  
13 state's intent to implement this measure.

14 C. When the agency department determines that actions listed  
15 in 6 MCAR S 2.3114 A. and B. have not been or will not be  
16 sufficient to eliminate the shortage the following measures may  
17 be selected by the Governor:

18 1. Owners/operators of commercial, industrial, and  
19 government buildings shall be ordered to reduce heating  
20 thermostats to 62 degrees Fahrenheit during the day where such  
21 action does not violate Minnesota rule MOSHC 41f: 41(f) of the  
22 Department of Labor and Industry, and 50 degrees Fahrenheit at  
23 night or during unoccupied periods.

24 2. Temporary rules shall be ordered adopted or rules may  
25 be ordered suspended to relax environmental standards, where  
26 such action would yield significant fuel oil savings.

27 3. Delivery of fuel oil supplies to specific industries  
28 industrial sectors, including commerce and government, shall be  
29 ordered to be curtailed according to the following criteria. A  
30 curtailment order shall be in writing signed by the division  
31 director, and shall be delivered by registered mail to firms in  
32 the industry industrial sectors and area suppliers at least ten  
33 days prior to the effective date of the measure.

34 a. Order of curtailment will be based on an industry's  
35 energy-labor ratio, defined as the sum of natural gas and fuel  
36 oil consumption Btu's per year per employee. The industry

1 industrial sector with the highest energy-labor ratio will be  
 -----  
 2 the first to be curtailed, and so on. Such action will be  
 3 rescinded in reverse order according to the industry's  
 4 energy-labor ratio.

5 b. First priority uses under 6 MCAR S 2.3111 B. will  
 6 be the last to be curtailed. Second priority uses will be  
 7 curtailed after third priority uses.

8 c. A firm within an industrial sector may be exempted  
 -----  
 9 from curtailment of fuel oil deliveries if it can demonstrate it  
 10 has reached the 1980 energy conservation targets established by  
 11 the Department of Energy in 1977, under the Energy Policy and  
 12 Conservation Act of 1975, if applicable, and that its  
 13 energy-labor ratio is below the industry average. If no energy  
 14 conservation targets exist, the firm must prove that its  
 15 energy-labor ratio is significantly below the industry average  
 16 of the industrial sector because of conservation or conversion  
 -----  
 17 efforts. Exceptions may be granted on appeal pursuant to 6 MCAR  
 18 S 2.3109.

19 d. A firm's energy-labor ratio shall be determined by  
 20 dividing the consumption of natural gas and fuel oil per  
 21 employee by the ratio of its local degree days to the statewide  
 22 average degree days of 8400. The 30-year average of degree days  
 23 shall be used.

24 e. The order of curtailment and energy-labor ratios  
 25 for ~~industry grouping~~ industrial sector groupings and associated  
 -----  
 26 ~~S-I-C~~ standard industrial classification codes will be compiled  
 -----  
 27 by the agency department and published biennially in the State  
 -----  
 28 Register during the month of October.

29 4. Homeowners and renters may be requested to close homes  
 30 and move in with friends, relatives, or into emergency  
 31 shelters. The emergency operating center shall assist in this  
 32 effort by designating shelters, aiding in securing homes, and  
 33 providing emergency transportation.

34 5. Actions available for implementation under 6 MCAR S  
 35 ~~2.3114~~ A. and B. will remain available under 6 MCAR S ~~2.3114~~ C.  
 36 6 MCAR S 2.3120 Motor fuel emergency measures. Upon declaration



1 of an energy supply emergency based upon a petroleum shortage,  
2 the Governor shall select from the following measures to reduce  
3 a motor fuel shortage.

4 A. Public information measure.

5 1. This measure is intended to conserve motor fuel  
6 through voluntary public conservation in response to a declared  
7 energy emergency, and through broad public application of  
8 vehicle efficiency improvements and ridesharing promoted through  
9 public service announcements, conservation demonstrations, and  
10 dissemination of energy-related literature.

11 2. Measure requirements.

12 a. The emergency operating center shall prepare and  
13 issue news releases to news media throughout the state  
14 containing at least the following:

15 (1) The specific cause or causes of the gasoline or  
16 petroleum shortage;

17 (2) Agency Estimates by the department of the  
18 shortfall of supplies expected for Minnesota;

19 (3) Agency Estimates by the department of the  
20 probable duration of the energy emergency; and

21 (4) A list of specific actions taken and measures  
22 imposed to reduce shortage.

23 b. Owners and operators of diesel-powered automobiles  
24 may be requested to substantially reduce or discontinue use of  
25 their diesel vehicles during severe fuel oil shortages.

26 c. The emergency operating center shall make available  
27 to large worksites, schools and local energy coordinators,  
28 literature which relates vehicle fuel economy to driving  
29 practices and vehicle maintenance.

30 3. The emergency operating center shall provide public  
31 service announcements to the media which emphasize the  
32 importance of individual and corporate efforts in conserving  
33 motor fuel and provide specific conservation tips.

34 B. Employer-based motor fuel conservation measure.

35 1. The purpose of this measure is to conserve motor fuel  
36 by requiring certain employers to reduce employee commuting and

1 business-related motor fuel consumption in an energy supply  
2 emergency.

3 2. Applicability.

4 a. The following employers are required to comply with  
5 the provisions of this measure:

6 (1) Employers who have employment sites where 100 or  
7 more persons are employed during the course of any 24-hour  
8 period during a normal work week.

9 (2) All educational institutions at the  
10 post-secondary school level with a total combined student-  
11 ~~facility~~ faculty commuting population of 200 or more persons,  
12 including colleges, universities, and vocational schools.

13 (3) State, county, and municipal governments who  
14 have employment sites where 50 or more persons are employed.

15 b. Employers having fewer employees at a location  
16 shall be encouraged to adopt strategies listed under this  
17 subsection or implement any other conservation activity which  
18 reduces employee commuting and business-related motor fuel  
19 consumption.

20 c. Technical assistance in the preparation of  
21 emergency motor fuel conservation plans will be provided by the  
22 agency department upon request.

23 3. Employer plans may be submitted to the agency  
24 department for each applicable site or in conjunction with a  
25 business consortium, community, local, municipal or county-wide  
26 plan, so long as each employer subject to this rule identifies  
27 the conservation strategies adopted for each work site and the  
28 program elements listed under 6 MEAR S 2-3120 B.7.

29 4. Employers may choose to submit energy conservation  
30 plans to the Agency department before the declaration of an  
31 energy emergency in the form and manner provided in paragraphs  
32 5. or 6.

33 5. Employer emergency motor fuel conservation plan.

34 a. Employers may submit an emergency motor fuel  
35 conservation plan that demonstrates how employee commuting and  
36 business travel motor fuel consumption would be reduced during

1 an energy supply emergency. The ~~employee~~ employer may choose  
2 conservation strategies which achieve the required reduction.

3 b. Employer plans must contain conservation strategies  
4 which taken together would reduce an employer's baseline  
5 consumption by 15 percent.

6 c. Employers submitting self-styled emergency motor  
7 fuel conservation plans shall include:

8 (1) a calculation of their baseline consumption as  
9 defined in 6 MCAR S 2.3104 B- C.,

10 (2) the expected motor fuel savings attributed to  
11 each the selected strategies, and

12 (3) the plan elements described in 6 MCAR S 2-3120  
13 B.7.

14 d. Employers will be credited for travel reduction  
15 actions taken prior to submission of their plans that yield  
16 ongoing fuel savings.

17 e. The assistant ~~director~~ commissioner may decline to  
18 certify an employer plan submitted under this paragraph which  
19 fails to empirically support the level of savings attributed to  
20 each of the proposed activities. Self-styled employer plans may  
21 contain any of the strategies provided in paragraph 6.

22 6. Employer motor fuel reduction strategies.

23 a. Employers shall select at least four strategies  
24 from the Categories I and II, but in no case less than one from  
25 Category I.

26 b. Category I Strategies:

27 (1) Establish a carpool program for employees. An  
28 employer rideshare program may be independently-sponsored or  
29 provided in conjunction with a local or community ridesharing  
30 program. A rideshare program must minimally provide for:  
31 promotion of ridesharing through company bulletins,  
32 advertisements, and policies; the capability to match employees  
33 to carpools through rideboards, computer listings, or other  
34 methods which provide information necessary to match rideshare  
35 applicants; and a rideshare coordinator and who will be  
36 responsible for the sponsored program.

1           (2) Sponsor an employee vanpool program. An  
 2 employer may purchase, rent, lease, or otherwise provide  
 3 employees with vans for commuting to and from work. The  
 4 employer may demonstrate an equivalent level of employee  
 5 participation in an independent or employee-owned vanpool, but  
 6 in any case shall maintain a participation rate of at least  
 7 seven percent of total employment to qualify as providing a  
 8 vanpool program.

9           (3) Provide an auxiliary transportation service  
 10 (e.g., subscription bus or shuttle service) or participate in a  
 11 consortium of two or more employers to provide the service. A  
 12 qualifying auxiliary transportation service shall consist of:

13                   (a) ~~vehiele(s)~~ vehicles with a minimum carrying  
 14 capacity of 20 passengers,

15                   (b) a participation rate equal ~~te~~ to of 50 percent  
 16 of employees who live within a three mile radius of the work  
 17 site, or the equivalent number, and

18                   (c) at least one commuter check point at least  
 19 five miles from the work site.

20           Employer-sponsored rideshare programs which fulfill the  
 21 requirements of 6 MEAR S 2-3120 B.6.b. will be certified by the  
 22 agency department. Employers may issue "identifying" rideshare  
 23 stickers to qualifying employees' vehicles. Rideshare vehicles  
 24 will be eligible to purchase fuel as priority vehicles under the  
 25 flag system described in 6 MEAR S 2-3120 F. and will be exempt  
 26 from the odd-even purchase restriction described in 6 MEAR S  
 27 2-3120 D.

28           d. Category II strategies:

29                   (1) Adopt and enforce a parking management strategy  
 30 which provides for preferential parking for high occupancy  
 31 vehicles in employer parking lots or subsidizes at least 20  
 32 percent of the cost of contract parking in independently  
 33 operated parking facilities for employee carpools, or both.

34                   (2) Prohibit the use of company-owned vehicles for  
 35 single-occupancy commuting and adopt a policy of using company  
 36 vehicles for employee carpools.

1 (3) Purchase an electric or electric-hybrid vehicle.

2 (4) Promote transit use by employees through direct  
3 sale of transit passes at the work site, fare subsidies, or  
4 display of direct and connecting routes serving the work site.

5 (5) Provide facilities which promote employee  
6 commuting by bicycle or moped. These facilities might include:

7 (a) indoor or sheltered bicycle parking,

8 (b) high security bicycle parking,

9 (c) showers and dressing areas for bikers.

10 (6) Participate with a rideshare agency to provide  
11 jitney service to persons requesting travel to a destination on  
12 or near the route taken for business purposes. An  
13 employer-owner or employee-owned vehicle used for business  
14 purposes may be used for the jitney service.

15 (7) Institute flexible or staggered work hours.

16 (8) Participate in an independently-sponsored truck  
17 and bus fuel economy project which offers both  
18 energy-conscious-driver education and instruction on  
19 fuel-economizing vehicle maintenance and accessories. Employers  
20 choosing this strategy must maintain a fleet of at least ten  
21 vehicles used for cargo and freight hauling.

22 7. An employer submitting an emergency motor fuel  
23 conservation plan according to 6 MEAR S 2-3120 B.5. or 6. shall  
24 identify in its plan the following:

25 a. The carpool, vanpool or subscription bus program  
26 sponsored or subscribed to, and an estimate of the number of  
27 employees currently using and expected to use such services.

28 b. Title of the person or persons responsible for  
29 supervising each plan component.

30 c. The internal media to be used to inform employees  
31 of the employer's program;

32 d. The administrative assistance and inhouse resources  
33 that the employer will provide for employee ridesharing services;

34 ~~f~~ e. The schedule for implementing chosen strategies;

35 and

36 ~~g~~ f. The personnel (by title or position) that will

1 perform essential plant protection for the firm during a driving  
2 ban.

3 8. Employers shall institute all strategies contained in  
4 an approved employer conservation plan when the Governor orders  
5 the employer-based motor fuel conservation measure.

6 9. Employers who do not have an approved emergency motor  
7 fuel conservation plan before the declaration of an energy  
8 supply emergency for motor fuel shall:

9 a. Submit to the agency department within ~~fifteen~~ 15  
10 days after declaration of an energy supply emergency for motor  
11 fuel a plan to reduce baseline consumption by at least ~~fifteen~~  
12 15 percent over a period of three months or longer, or  
13 --

14 b. Institute a compressed work week pursuant to an  
15 Executive Order of the Governor that designates the weekday on  
16 which employers not qualifying under 6 MGAR S 2-3120 B.5., 6.,  
17 or 9.a., shall not perform or have an employee perform any  
18 activity related to the business except where:

19 (a) (1) Business- or employment-related activity  
20 can be performed at an employer's or employee's place of  
21 residence;

22 (b) (2) Activities required in certain industrial  
23 processes must operate continuously to prevent long term or  
24 irreparable damage to a system or process; and

25 (c) (3) Plant protection requires a minimum level  
26 of attention or surveillance.

27 c. The following businesses or governmental activities  
28 shall be exempt from a compressed work week regardless of 6 MGAR  
29 S 2-3120 B.9.:

30 (1) Public or private services essential to public  
31 health and safety such as health and residential care  
32 facilities, medical facilities, law enforcement activities, and  
33 emergency services;

34 (2) Agriculture;

35 (3) Energy production;

36 (4) Telecommunications; and

(5) Sanitation services.

1           10. The emergency operating center shall publicly  
 -----  
 2 announce the implementation of the employer-based conservation  
 -----  
 3 measure at least ten days prior to the effective date of the  
 -----  
 4 measure.  
 -----

5           C. School conservation measure.

6           1. The purpose of this measure is to conserve motor fuel  
 7 by requiring schools to adopt strategies to reduce student  
 8 commuting and school-sponsored activities in an energy supply  
 9 emergency.

10           2. Applicability.

11           a. ~~Each~~ All school ~~district~~ districts, as defined in  
 -----  
 12 by the education code, Minn. Stat. SS ~~122-01 to 122-541~~ (1980)  
 -----  
 13 chs. 120-129, and nonpublic ~~school~~ schools, as defined in Minn.  
 -----  
 14 Stat. S 123.932, subd. 3 (1980), which has have a combined  
 -----  
 15 student-staff population of 100 persons or more, ~~is~~ are required  
 -----  
 16 to comply with this measure.

17           b. The boards of all school districts, defined and  
 18 empowered under the education code, Minn. Stat. chs. 120 ~~to~~-129  
 -----  
 19 (1980), and nonpublic school authorities, shall be responsible  
 20 for submitting plans under this rule.

21           3. School boards shall submit to the ~~agency~~ department  
 -----  
 22 within 18 months after the effective date of these rules, or  
 23 within 45 days after declaration of an energy supply emergency,  
 24 whichever comes first, an emergency motor fuel conservation plan  
 25 as defined in paragraphs ~~six~~ 6. or seven of this rule 7.  
 -----

26           4. Nonpublic schools may fulfill the requirements of this  
 27 rule by submitting a plan to the ~~agency~~ department in one of the  
 -----  
 28 following forms:

29           a. A school-specific plan, or

30           b. A school association plan that contains strategies  
 31 adopted by member schools, or

32           c. A signed agreement with a school district which  
 33 states the nonpublic school's strategies and the person or  
 34 position responsible for implementation of strategies adopted by  
 35 the private school.

36           5. School districts or nonpublic school associations

1 shall submit either a self-styled conservation plan as provided  
 2 in paragraph 6. of this rule or a plan structured from the  
 3 strategies provided in paragraph 7.

4 6. School emergency conservation plan: Option A.

5 a. School districts may submit a self-styled  
 6 conservation plan including any conservation strategies that  
 7 taken together would reduce baseline consumption by at least 15  
 8 percent during an energy supply emergency.

9 b. Self-styled conservation plans shall include:

10 (1) a calculation of the baseline consumption,  
 11 defined in 6 MCAR S 2.3104 B- C.,

12 (2) the expected motor fuel savings attributed to  
 13 each selected strategy, and

14 (3) the plan elements described in 6 MCAR S 2-3120  
 15 C.8.

16 c. School districts will be credited for travel  
 17 reduction actions taken prior to submission of their plans that  
 18 yield ongoing motor fuel savings.

19 d. The assistant ~~director~~ commissioner may decline to  
 20 certify a school district or association plan submitted under  
 21 this rule which fails to empirically support the savings  
 22 attributable to each of the proposed actions. Self-styled  
 23 school plans may include any of the strategies provided in  
 24 paragraph 7. of this rule.

25 7. School emergency conservation plan: Option B  
 26 reduction strategies.

27 a. School districts shall select at least three  
 28 strategies from the following categories, provided that at least  
 29 one strategy is from Category I.

30 b. Category I strategies. School districts shall  
 31 implement Category I strategies upon the selection of this  
 32 measure by the Governor in an energy supply emergency.

33 (1) Prohibit student parking on school grounds and  
 34 request local authorities to pass or enforce parking  
 35 restrictions in areas adjacent to a school for the duration of  
 36 the emergency. Exemptions from the parking prohibition may be



1 granted to students who:

2 (a) have no alternative transportation to school;

3 or

4 (b) have special medical needs that prevent use  
5 of alternative methods of traveling to school; or

6 (c) have job requirements that demand access to  
7 automobile transportation; or

8 (d) are members of a carpool registered with the  
9 school rideshare coordinator.

10 (2) Postpone or cancel extracurricular activities  
11 (including athletic events) until the termination of an energy  
12 supply emergency for motor fuel.

13 (3) Cancel two school days for each 30-day declared  
14 energy emergency period.

15 c. Category II strategies. School districts choosing  
16 Category II strategies (1), (2), (3), and (6) shall implement  
17 these strategies prior to or within 3 months after submitting  
18 their conservation plans to the agency department.

19 (1) Establish or sponsor a student/staff rideshare  
20 program. A student/staff rideshare program may be organized  
21 independently or in conjunction with a local or community  
22 rideshare program. A rideshare program must provide for:  
23 promotion of ridesharing through school policies and newspapers  
24 or other publications, the capability to match students or staff  
25 carpools through rideboards, manual or computer listings, or  
26 other methods which provide information necessary to match  
27 rideshare applicants, and a school rideshare coordinator who  
28 will be responsible for the school ridesharing program.

29 (2) Adopt and enforce a parking management strategy  
30 which gives preferential parking to high occupancy vehicles in  
31 student parking lots or requires fees for parking on school  
32 grounds.

33 (3) Provide indoor or sheltered bicycle parking with  
34 a capacity for at least five percent of the student body.

35 (4) Eliminate on-the-road driver education for the  
36 period of the emergency.

1           (5) Cancel or reschedule some extracurricular  
2 activities. Selection of this strategy is not permitted if  
3 Category I - strategy (2) has been chosen and applies when the  
4 Governor orders the school conservation measure.

5           (6) Participate in an independently-sponsored school  
6 bus fuel economy program.

7           8. Emergency motor fuel conservation plans submitted by  
8 school districts shall include:

9           a. the title of the person or position responsible for  
10 implementing the plan during an energy supply emergency for  
11 motor fuel;

12           b. the internal media to be used to inform school  
13 staff and students of a school district program measure; and

14           c. the implementation schedule for category II  
15 strategies (1), (2), (3) and (6).

16           9. School districts shall implement all or part of their  
17 plans as specified by the division director upon order of the  
18 Governor.

19           D. Odd-even purchase requirement measure.

20           1. The purpose of the odd-even purchase requirement is to  
21 conserve motor fuel and facilitate the orderly purchase of motor  
22 fuel by alternating the days of purchase eligibility.

23           2. Applicability.

24           a. Retail sales and purchases of motor fuel shall be  
25 restricted to even-numbered days of the month for persons in  
26 possession of vehicles whose license plate numbers end in one of  
27 the even digits 0, 2, 4, 6, 8; and to odd-numbered days of the  
28 month for persons in possession of vehicles whose license plate  
29 numbers end in the odd digits 1, 3, 5, 7 and 9.

30           b. Specialty and personalized license plates which  
31 display no ending numeral are deemed to be "odd" for purposes of  
32 the purchase requirement.

33           c. The restrictions in this rule shall not apply on  
34 the thirty-first day of any month or on the twenty-ninth day of  
35 February in a leap year.

36           3. Exemptions. The following vehicles shall be exempt

1 from the odd-even purchase requirement. Motor fuel may be  
2 purchased for them on any day of the week.

3 a. Vehicles being driven for any first priority use  
4 defined in 6 MCAR S 2.3112. For the odd-even purchase  
5 requirement, vanpools will be those vehicles either displaying a  
6 "vanpool" designation issued by a vanpool leasing agency,  
7 vanpool services agency, or employer, or carrying at least eight  
8 passengers on a work commuting trip.

9 b. Ridesharing vehicles identified by employers with  
10 state certified conservation plans, as described in 6 MCAR S  
11 3-2120 B.6.b.

12 c. Vehicles being used for Commercial purposes  
13 vehicles, as defined in 6 MCAR S 2.3104 H.  
-----

14 d. Vehicles operated by a handicapped person and  
15 displaying a handicapped license plate or other special  
16 identification.

17 e. Vehicles with out-of-state license plates.

18 f. Motorcycles and mopeds.

19 g. Vehicles not licensed for highway use.

20 h. Vehicles held for sale by a licensed motor vehicle  
21 dealer in the ordinary course of business.

22 i. Vehicles being operated by individuals under  
23 emergency circumstances which in the judgement of the retailer  
24 demand an exception. If such an exception is granted by the  
25 retailer, the license number and signature of the person granted  
26 the exception shall be obtained.  
-----

27 E. Minimum purchase requirement measure.

28 1. The purpose of this measure is to decrease vehicle  
29 lines at motor fuel retail outlets by reducing the frequency of  
30 fillups.

31 2. Measure requirements. Motor fuel shall not be sold,  
32 dispersed, or otherwise transacted by a motor fuel retailer for  
33 use in any vehicle unless:

34 a. The amount transacted and dispersed is at least  
35 five gallons.

36 b. In the event the quantity purchased is less than

1 the five gallon minimum, the purchaser shall pay the retailer an  
2 additional amount so that the total transaction price is equal  
3 to the stated pump price times the five gallon minimum.

4 c. In any single transaction, not more than six  
5 gallons of motor fuel may be sold or dispensed into a container,  
6 other than the fuel tank of a vehicle, to be transported away  
7 from the premises of the retail seller. Such containers must  
8 meet applicable safety requirements.

9 3. A person selling motor fuel in transactions to which  
10 provisions of this section apply shall display at the point of  
11 sale notice of such provisions.

12 4. Both the motor fuel retailer and the vehicle operator  
13 are required to comply with the provisions of this section.

14 5. Exemptions. The following users are not required to  
15 purchase a minimum amount:

16 a. Vehicles being driven for first priority uses, as  
17 defined in 6 MCAR S 2.3112. For the minimum purchase  
18 requirement, vanpools are those vehicles either displaying a  
19 "vanpool" designation issued by a vanpool leasing agency or  
20 vanpool services agency, or carrying at least eight passengers  
21 on a work commuting trip.

22 b. Motorcycles and mopeds and similar three-wheeled  
23 vehicles.

24 c. Out-of-state licensed vehicles.

25 d. Vehicles held for sale or lease by licensed motor  
26 vehicle dealers in the ordinary course of business.

27 e. Vehicles being operated by individuals under  
28 -----  
29 emergency circumstances which in the judgment of the retailer  
30 -----  
31 demand an exception. If such an exception is granted by the  
32 -----  
33 retailer the license number and signature of the person granted  
34 -----  
35 the exception shall be obtained.  
36 -----

F. Flag requirement for motor fuel retailers.

1. The purposes of this measure are to signal to  
motorists availability of motor fuel for purchase at stations  
through the display of flags and to permit retailers to limit  
sales to priority users only.

1           2. Each motor fuel retail station shall clearly indicate  
2 its motor fuel supply and servicing status by displaying a flag  
3 of one of the three colors listed below. The flag should be  
4 clearly visible from at least 100 yards in each direction of the  
5 station.

6           a. A green flag indicates that motor fuel is available  
7 to the public subject to the purchase restrictions imposed by  
8 these rules. A station flying a green flag cannot show  
9 preference to any customer, except that emergency vehicles may  
10 be allowed to move to the front of an existing line to be fueled.

11           b. A yellow flag indicates that motor fuel is  
12 available only to first priority vehicles, as defined in 6 MCAR  
13 S 2.3112, and to ridesharing vehicles which have been identified  
14 by employers according to the terms and provisions of a  
15 state-certified conservation plan, as described in 6 MCAR S  
16 ~~2.3120~~ B. A station flying a yellow flag shall not show  
17 preference in the sale of motor fuel to any priority vehicle.  
-----

18           c. A red flag indicates a station is out of fuel  
19 and/or is closed. No motor fuel may be dispensed from a station  
20 flying a red flag, except to emergency vehicles, as defined in 6  
21 MCAR S 2.3104 R.

22           3. Flags shall be square and at least two feet by two  
23 -----  
24 feet but no greater than three feet by three feet in size. They  
25 -----  
26 shall be made of cloth or plastic. Flags shall be located on  
27 -----  
28 the boulevard or near enough to the street to allow visibility  
29 -----  
30 of at least 100 yards in each direction of the station.  
-----

31           G. Motor fuel availability measure.

32           1. The purpose of this measure is to assure that motor  
33 fuel is available for purchase at key locations throughout the  
34 state 24 hours a day and that these locations and their hours of  
35 operation are locally publicized.

36           2. Motor fuel retailers who have historically remained  
open 24 hours a day and provided emergency road service may  
apply for state set-aside product assignment according to the  
state set-aside application procedures authorized by Minn. Stat.  
S 116H.095 and 6 MCAR SS ~~2-0101~~ to 2-0107.

1           3. The emergency operating center shall publicize the  
2 location of the stations participating in the availability  
3 program in local newspapers. This information will also be  
4 supplied to the AAA of Minnesota (American Automobile  
5 Association) and the Department of Economic Development's  
6 Development Division's Tourist Information Center, both of which  
7 -----  
provide motor fuel availability information.

8           H. Strict enforcement of posted highway speed limits.

9           1. The purpose of this measure is to conserve motor fuel  
10 by strictly enforcing the current maximum speed limit on state  
11 highways.

12           2. Motorists shall strictly obey the maximum legal speed  
13 limit. Violations of the maximum legal speed limit during a  
14 declared energy supply emergency shall be subject to the  
15 additional penalties provided in 6 MCAR S 2.3110.

16           3. The Governor shall request state, county, and  
17 municipal law enforcement agencies to intensify speed limit  
18 enforcement through personnel assignments and increased road  
19 surveillance.

20 6 MCAR S 2.3121 Severe motor fuel emergency measures. When the  
21 agency department determines that the measures listed in 6 MCAR  
22 -----  
S 2.3120 A- to H-, have not eliminated or will not eliminate the  
23 shortage of motor fuel, the Governor may order any of the  
24 following measures.

25           A. Vehicle permit-sticker measure.

26           1. This measure is intended to conserve motor fuel by  
27 prohibiting the use of vehicles for one day per week.

28           2. Applicability.

29           a. Vehicle owners shall apply to the Department of  
30 Public Safety for a no-driving-day-designation permit-sticker.  
31 The applicant may select any day (Monday through Sunday) as the  
32 no-driving-day for his/her vehicle but must choose the same day  
33 for all vehicles owned. The owner must prominently display the  
34 sticker on each vehicle owned and driven during the term of this  
35 measure.

36           b. A vehicle rented or leased for a period exceeding

1 seven days shall be considered owned by the lessee for purposes  
2 of this measure.

3 c. Upon the effective date of the vehicle  
4 permit-sticker requirement, all Minnesota-licensed motor  
5 vehicles subject to the requirement must display a  
6 permit-sticker in the lower right-hand corner of the front  
7 windshield.

8 3. Exemptions.

9 a. Vehicles being driven for any first priority use  
10 defined in 6 MCAR S 2.3112;

11 b. Vehicles held for sale or lease by a licensed motor  
12 vehicle dealer in the ordinary course of business;

13 c. ~~Metereyele~~ Motorcycles and mopeds;

14 d. Short-term rental vehicles; and

15 e. Such other vehicles as the Governor may determine.

16 4. Vehicle owners operating a motor vehicle under one of  
17 the qualifying exemptions listed above must apply to the  
18 Division of Driver and Vehicle Services (DDVS) of the Department  
19 of Public Safety for an exempt sticker. Exempt stickers issued  
20 by the DDVS must be prominently displayed on the vehicle for  
21 which the exempt permit was issued.

22 5. Vehicle rental agencies must apply for "exempt"  
23 stickers for vehicles rented for periods less than one week.  
24 Upon approval of a rental agency's application, DDVS will exempt  
25 stickers for designated rental vehicles. Vehicles rented or  
26 leased for use predominantly in Minnesota for periods exceeding  
27 seven days must be registered by the lessee.

28 6. The Governor may waive the requirement for the display  
29 of exempt permit-stickers for any vehicle class listed under  
30 paragraph three (3).

31 B. ~~Recreational vehicle ban measure - Type I-~~

32 1. ~~This measure is intended to conserve motor fuel by~~  
33 ~~prohibiting the operation of certain recreational vehicles upon~~  
34 ~~public roads and lands for limited periods during an energy~~  
35 ~~supply emergency.~~

36 2. ~~Measure requirements for a Type I recreational vehicle~~

1 ban-

2 a. The use and operation of self-propelled vehicles  
3 with living quarters, designated and registered as class RV  
4 vehicles with the DDVS, and vehicles with living quarters,  
5 commonly non-motorized trailers, designated and registered as  
6 class RB vehicles, shall be prohibited for a period not to  
7 exceed 15 days during any 30-day declared energy emergency. A  
8 Type I ban may, however, be renewed for the maximum 15-day  
9 period for each 30-day period the energy supply emergency  
10 remains in effect.

11 b. The division director shall issue a statement to  
12 news media at least seven days prior to the effective date of  
13 the ban, explaining the class of vehicles subject to the ban,  
14 the duration of the ban, the penalties for violation of the ban,  
15 exemptions to the ban, the probable enforcement strategies to  
16 obtain compliance with this measure, and the appeals procedure  
17 for obtaining exception to the measure. The division director's  
18 statement is to receive widest possible distribution to inform  
19 the public of the ban.

20 c. Exceptions. Parties may apply to the local energy  
21 conservation board for an exception to this measure. Upon a  
22 determination by the board that the applicant should be granted  
23 an exception to the ban, the board shall recommend to the  
24 division director that an exempt-sticker be issued to the  
25 applicant. The division director, or designate, shall deliver  
26 to the applicant within three days after receipt of the local  
27 conservation board's favorable recommendation, an exempt sticker  
28 which must be displayed for the duration of the ban. The  
29 division director, or designate, shall not deliver an exempt  
30 sticker to the applicant, if the director serves notice of  
31 his/her intent to reverse the recommendation of the local energy  
32 conservation board as provided in 6 MCAR 6 2-109 E-3.

33 C. Recreational vehicle ban measure - Type II-

34 1. The use and operation of snowmobiles upon public  
35 lands, rights-of-way, roads, trails, and waters subject to the  
36 state's proprietary interest, shall be prohibited for a period



1 not to exceed 15 days during any 30-day declared energy supply  
2 emergency. A type II ban may, however, be renewed for the  
3 maximum 15-day period for each 30-day period an energy supply  
4 emergency remains in effect.

5 2. The division director shall issue a statement to news  
6 media at least seven days prior to the effective date of the  
7 ban, which explains the class of vehicles subject to the ban,  
8 the geographic scope of the ban, the duration of the ban, the  
9 penalties for violation of the ban, any exemptions to the ban,  
10 the probable enforcement actions being taken to ensure  
11 compliance with the measure, and the appeals procedure for  
12 obtaining an exception to the measure. The division director's  
13 statement is to receive widest possible distribution to inform  
14 the public of the ban.

15 3. Exemptions. Parties who demonstrate that their  
16 snowmobiles are used for essential personal transportation or  
17 predominantly for commercial purposes, or that no practical  
18 alternative transportation exists, shall be granted exceptions  
19 to the ban by the local energy conservation board. Parties may  
20 apply for exceptions to this measure according to the appeals  
21 procedure described in 6 MCAR S 2-3109. Upon a determination by  
22 the board that an applicant should be granted an exception to  
23 the ban, the board shall recommend to the division director that  
24 an exempt sticker be issued to the applicant. The division  
25 director, or designate, shall deliver to the applicant within  
26 three days after receipt of the local conservation board's  
27 favorable recommendation, an exempt sticker which must be  
28 displayed for the duration of the ban. The division director,  
29 or designate, shall not deliver an exempt sticker to the  
30 applicant, if the director serves notice of his/her intent to  
31 reverse the recommendation of the local energy conservation  
32 board as provided in 6 MCAR S 2-3109 E-3.

33 B. B. Speed limit reduction measure.

34 1. This measure is intended to conserve motor fuel by  
35 reducing the maximum speed limit on all highways in Minnesota.

36 2. The Governor upon the advice of the agency department  
-----

1 shall order the Commissioner of Transportation to set a lower  
2 speed limit on all highways in Minnesota. The Commissioner of  
3 Transportation shall lower the speed limit during an energy  
4 supply emergency pursuant to Minn. Stat. S 169.141 (1980).

5 3. Violation of the maximum limit during an energy supply  
6 emergency for motor fuel shall carry the additional penalties as  
7 provided in 6 MCAR S 2.3110.

8 4. The Governor may request state, county, and municipal  
9 law enforcement agencies to intensify speed limit enforcement  
10 activities through personnel assignments and increased road  
11 surveillance efforts.

12 E. C. Driving ban measure.

13 1. This measure is intended to conserve motor fuel by  
14 prohibiting the use and operation of all non-exempt motor  
15 vehicles for a specified 24-hour period.

16 2. Upon the agency's department's determination that a 24  
17 hr. driving ban is necessary to reduce the demand for motor  
18 fuel, the Governor may order an emergency driving ban. Upon the  
19 Governor's order, the division director shall issue the order  
20 and a statement to the news media to be promptly disseminated  
21 and brought to the attention of the public. The statement shall  
22 state the designated date of the ban, the emergency services  
23 which will remain available during the ban, the enforcement  
24 actions to be taken, and the penalties imposed for violation of  
25 the ban. The statement shall be released at least five days  
26 prior to the imposition of the driving ban.

27 3. It shall be unlawful for anyone to operate a  
28 Minnesota-registered and licensed motor vehicle on public roads  
29 during the period of driving ban.

30 4. Exemptions. The following motor vehicle uses shall be  
31 exempt from a driving ban:

- 32 a. Emergency vehicles;
- 33 b. Sanitation services vehicles;
- 34 c. Aviation ground support vehicles;
- 35 d. Vehicles identified as required in 6 MCAR S 2.3120
- 36 B.7.g-f. and used by employees in commuting for the purposes of

1 plant protection.

2 e. Vehicles used in providing or transporting  
3 employees for emergency medical care, residential care,  
4 telecommunications services, energy production, and news  
5 reporting;

6 f. Individuals who require daily medical treatment;  
7 and

8 g. Out-of-state licensed vehicles.

9 5. Any vehicle registered and licensed by the State of  
10 Minnesota and operated during a driving ban shall prominently  
11 display a sticker or card which clearly identifies that vehicle  
12 as exempt. The Governor may waive this requirement for any  
13 category of exempted user, for example, police, fire, ambulance,  
14 or aviation ground support vehicles.

15 6. The agency department will issue guidelines for  
16 identification of exempt vehicles prior to a driving ban.