



Minnesota Department of Transportation

Transportation Building

395 John Ireland Boulevard
Saint Paul, Minnesota 55155-1899

December 1, 2008

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Governor Tim Pawlenty
130 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1606

Senator Murphy, Chair
Senate Transportation
Senate Transportation and Budget
and Policy Division
325 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1606

Senator Rest, Chair
Senate State and Local Govt. Operations
and Oversight
205 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1606

Senator Dibble, Chair
Senate Transportation Subdivision
on Transit
111 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Representative Lieder, Chair
House Transportation Finance Committee
423 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Representative Pelowski, Chair
House Govt. Operations, Reform,
Technology and Elections Committee
491 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Mr. Greg Hubinger, Director
Legislative Coordinating Commission
72 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Ms. Michele Timmons, Revisor
Office of the Revisor of Statutes
700 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Subject: Annual Report on Obsolete, Unnecessary or Duplicative Rules as Required by Minnesota Statutes, Section 14.05, Subdivision 5

Dear Governor Pawlenty, Senators, Representatives, Revisor Timmons and Legislative Coordinating Commission Director:

Minnesota Statutes, section 14.05, subdivision 5, directs the agency to report to you by December 1 of each year whether any of its rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules.

The Department of Transportation has previously identified the following rules as obsolete, unnecessary, or duplicative of other state or federal statutes or rules:

Chapter 8895, Port Development Assistance

8895.0700 State Participation, Limitations, subp. 1. State participation, limitations. Subpart 1 provides that the state's share of project costs must not exceed 50% of the nonfederal share of the eligible

costs to be incurred by the applicant for the project. However, since the rules were adopted there has been a change in the enabling legislation that has changed the maximum limit for the state's share under this provision from 50% to 80%. (See Minn. Stat. § 457A.03) The department will update subpart 1 to be consistent with the statute through rulemaking or legislation.

The agency has reviewed its rules and found the following additional rules that have become obsolete, unnecessary or duplicative:

✓ **Chapter 8805, Transportation Project Loans**

8805.0050 Purpose. The references to the "transportation committee" in this rule part are obsolete because the authority for the committee was removed from Minnesota Statutes, section 446A.085. See Laws 2007, chapter 96, article 1, section 11.

✓ **Chapters 7800, 7805, 8850, 8855, and 8920, Motor Carrier Rules**

As part of a multiyear effort to update motor carrier provisions in Minnesota Statutes, significant changes were made during the 2008 legislative session in the areas of household goods carrier regulation (see Laws 2008, chapter 350). Corresponding changes to Minnesota Rules are required but have not yet been undertaken, as additional related legislation is being proposed for the 2009 session.

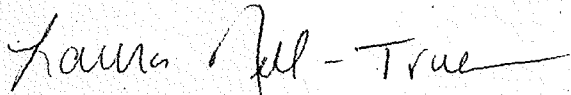
Proposed legislation for the 2009 session will continue the statutory updating effort, primarily by making technical and housekeeping changes to clean up obsolete language related to carrier classes and regulatory functions that no longer exist. The proposed legislation grants expedited rulemaking authority to perform corresponding cleanup of obsolete rule language contained in Minnesota Rules, chapters 7800, 7805, 8850, 8855, and 8920.

✓ **Chapter 8810, Trunk Highway System**

8810.9000 Definitions, subps. 1 and 7. Bridge Inspection and Inventory definitions in part 8810.9000, subps. 1 and 7 contain obsolete bridge inspection manual references that will be addressed through rulemaking or legislation.

The department will update the above rules in a future rulemaking or through legislation. If you have any questions regarding this report, please contact me at 651/366-3066.

Sincerely,



Laura Nehl-True
Mn/DOT Rules Coordinator

cc: Khani Sahebjam, Deputy Commissioner
Betsy Parker, Office of Chief Counsel
Scott Peterson, Office of Government Relations