

November 27, 2013

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

Senator Dibble, Chair
Senate Transp.and Public Safety Policy and
Budget Division
111 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
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Senator Pappas, Chair
Senate State and Local Government
120 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
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Senator Cohen
Senate Finance
121 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
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Representative Erhardt, Chair
House Transportation Policy
543 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Representative Nelson, Chair
House Government Operations
565 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
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Representative Hornstein, Chair
House Transportation Finance
471 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
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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 Dayton, 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 reviewed its rules and found that the following rules 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. The department will update the rule in a future rulemaking or through legislation.

Chapter 8800 Aeronautics. 8800.2800, subp. 2(A) Seven-County Metropolitan Region Seaplane Operations. Part 8800.2800, subpart 2, item A, identifies lakes in which seaplane operations are permitted within the public waters within the seven-county metropolitan area. Two of the lakes identified in part A are Howard Lake and Mud Lake. The department has become aware that both Howard and Mud Lakes are within a Wildlife Management Area known as Lamprey Pass Wildlife Management Area in Anoka County. Under the DNR rules, part 6230.0250, subpart 13, certain aircraft are prohibited over wildlife management areas as follow: “Aircraft activities that chase, herd, scare, or otherwise disturb wildlife are prohibited over wildlife management areas, except in emergencies or by authorization of the wildlife manager.” Therefore, Howard Lake and Mud Lake need to be removed from the Aeronautics rules so they do not conflict with the DNR rules. The department in practice has implemented the change, but the rules need to be updated to conform to the DNR requirements. The department will either update these rules through rulemaking or legislation.

Chapter 8810 Trunk Highway System. 8810.6000 through 8810.7000 Bicycle, Pedestrian, and Recreational Vehicle Use and Lanes. 8810.9910 through 8810.9913 Figures and Tables for Traffic Criteria: Bicycle, Recreational Vehicle Lane, Bike Lane with No Barrier and Bike Lane with Barrier. The department has determined that above rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. These rules were adopted in response to 1976 legislation. Since 1976 there have been other statutes that have defined and governed bicycle use on public right-of-way. The department will be reviewing its rules in light of these other statutes and will either repeal the above rules or incorporate the rule language into statute if applicable.

Chapter 8810 Trunk Highway System, Outdoor Advertising Devices

8810.0200 Definitions. Subps. 3 and 4. These definitions can be repealed because the term “controlled freeway” is no longer necessary and is now covered by the term “expressway” as defined in Minn. Stat. 173.02, subd. 19a.

8810.0800 Scenic Areas. This subpart is obsolete and directly contradicts Minn. Stat. 173.08, subd. 1(3) and (7).

8810.1300 Permits, Fees and Renewals. Subps. 2, 3, and 4. Subpart 2, Payment and subpart 3, Deadline are outdated and the requirements of subpart 4, Expiration and Renewal, are already covered in Minn. Stat. 173.13 Subd. 6. The department will repeal these provisions either through rulemaking or through legislation.

If you have any questions regarding this report, please contact me at 651/366-3066.

Sincerely,

Laura Nehl-Trueman
MnDOT Rules Coordinator

cc: Charlie Zelle, Commissioner
Susan Mulvihill, Deputy Commissioner
Betsy Parker, Office of Chief Counsel
Scott Peterson, Office of Government Relations