

Via Email

December 2, 2019

The Honorable Tim Walz, Governor
State of Minnesota
130 Minnesota State Capitol
Saint Paul, MN 55155

The Honorable Mike Freiberg, Chair
House Government Operations Committee
509 State Office Building
Saint Paul, MN 55155

The Honorable Mary Kiffmeyer, Chair
Senate State Government Finance and Policy and
Elections Committee
3103 Minnesota Senate Building
Saint Paul, MN 55155

The Honorable Frank Hornstein, Chair
House Transportation Finance Committee
545 State Office Building
Saint Paul, MN 55155

The Honorable Scott Newman, Chair
Senate Transportation Finance and Policy Committee
3105 Minnesota Senate Building
Saint Paul, MN 55155

Mr. Greg Hubinger, Director
Legislative Coordinating Commission
72 State Office Building
Saint Paul, MN 55155

Mr. Ryan Inman, Revisor
Office of the Revisor of Statutes
700 State Office Building
Saint Paul, MN 55155

RE: MnDOT's 2019 Annual Report on Obsolete, Unnecessary or Duplicative Rules

Dear Governor, Legislators, Revisor and Director:

[Minnesota Statutes 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 7805 Motor Carrier Tariffs

In 2018, the Legislature repealed much of [Minn. Stat. 221.161](#), which required household goods movers to file tariffs with the Department's commissioner and prepare the filing according to the Department's rules. Household goods carriers are no longer required to file tariffs with the commissioner. As a result, part [7805.0300](#), which set out the filing requirements, is now obsolete.

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 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 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 [Minn. Stat. 446A.085](#). See the [Laws of Minnesota 2007, Chap. 96, Art.1, Sec.11](#). The department will update the rule in a future rulemaking or through legislation.

Chapter 8810 Trunk Highway System, Outdoor Advertising Devices

[8810.0200 Definitions. Subp. 3 Controlled Freeway and subp. 4 Expressway.](#) These definitions can be repealed because the term "controlled freeway" is no longer necessary and is now covered by the term "expressway." A definition for expressway was added to statute in 2009 at [Minn. Stat. 173.02, subd. 19a](#).

[8810.0400 Exclusions and Exemptions.](#) "Fully controlled" language in subp. 2 needs to be removed in accordance with above-mentioned 2009 statutory amendments.

[8810.1100 Spacing and Location for Business Areas.](#) "Fully controlled access" in subp. 3 is obsolete and needs to be removed in accordance with 2009 "expressway" statutory amendments.

[8810.1200. Additional Spacing Requirements.](#) "Fully controlled access" in subp.2 and "controlled freeway" are obsolete and need to be removed in accordance with 2009 statutory amendments.

The department will repeal or update these provisions either through rulemaking or future legislation. (The 2017 Legislature repealed some provisions in the rule parts governing outdoor advertising devices, but that legislation was limited to actions MnDOT and the Outdoor Advertising Association of America agreed upon.)

Chapter 8810 Trunk Highway System, Driveways

[8810.4100 Definitions](#). This rule part is comprised of five subparts that provide definitions, but the definitions are not relevant for the purpose of parts 8810.4100 to 8810.5600. These rule parts set forth specifications for driveways providing access to private property located adjacent to trunk highway right-of-way.

The Department will remove this rule part either through rulemaking or future legislation.

Chapter 8810 Bridge Construction and Reconstruction

[8810.8400](#), which governs the establishment of priorities for bridge construction or reconstruction related to bridges under the jurisdiction of a local unit of government, contains an obsolete citation. The part refers to [Minn. Stat. 174.50, subdivision 5, clause \(3\)](#). This subdivision does not contain a clause (3) because the statute was amended in 2017 and the provisions renumbered. What was previously clause (3) is now clause (2). See [Laws of Minnesota 2017, 1st Special Session, Chap. 3, Art. 3, Sec. 96](#); and [Laws of Minnesota 2017, 1st Special Session, Chap. 8, Art. 2, Sec. 8](#).

I informed the Revisor's Office of the erroneous citation in 2019. The Revisor's Office corrected the oversight, which will appear in the 2019 Minnesota Rules publication.

Chapter 8880, Limousine Service, Permit Requirements

[8880.0100 Definitions, Subps. 9, 22, and 26](#). [Laws of Minnesota 2014, Ch. 175](#), made changes to the statutory definition of limousine that makes the definitions of "limousine," "station wagon," and "van" in this rule part obsolete.

In the following rule parts, the MnDOT address provided in the rule for the submission of applications and requests for hearing is obsolete and should be either deleted from the rules or replaced with a current address.

[8880.0400 Limousine Service Permit Application; Fees, Subp. 1](#)

[8880.0600 Limousine Identification Decal Application; Fees, Subp. 1](#)

[8880.1200 Administrative Penalties, Subp. 3](#)

[8880.1300 Suspension or Revocation of Permit, Subp. 4](#)

The following rule parts contain cross-references to other statutes and / or rules that have been repealed and those references should be removed from the rule.

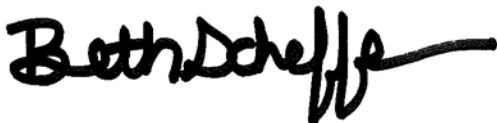
In part [8880.0300, subp. 3](#), part [8855.0600](#), Names on Insurance Certificates and Bonds, and part [8855.0850 Authorized Insurance and Bonding Companies](#), are referenced but were repealed 2010. (These repealed rule subparts do not change the requirement that anyone providing for-hire limousine service must still follow the insurance standards and requirements in Minnesota Statutes, [168.128](#) and [221.141](#).)

In part [8880.0800, subp. 6\(8\)](#), [Minn. Stat. 609.21](#), is referenced but has been renumbered and repealed and should be removed from the rule part.

The department is now undertaking broader updates to [Minn. Rules, Chapter 8880, Limousine Service, Permit Requirements](#), and will begin the formal rulemaking process in 2020. The department will correct these provisions as part of that rulemaking.

If you have questions regarding this report, please contact me at elizabeth.scheffer@state.mn.us or at (651) 366-4792.

Sincerely,

A handwritten signature in black ink that reads "Beth Scheffer" with a stylized flourish at the end.

Elizabeth Scheffer
MnDOT Rules Coordinator

Ecc: Margaret Anderson Kelliher, Commissioner
Susan Mulvihill, Deputy Commissioner
Scott Peterson, Assistant Commissioner
Craig Gustafson, Chief Counsel