

Via Email

December 1, 2022

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

The Honorable Michael Nelson, Chair
House Government Operations Committee
585 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

Ms. Michelle Weber, Director
Legislative Coordinating Commission
72 State Office Building
Saint Paul, MN 55155

Mr. Kevin Behr, Revisor
Office of the Revisor of Statutes
700 State Office Building
Saint Paul, MN 55155

RE: MnDOT's 2022 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

Part [7805.0300](#), Tariffs; Permit Carrier. In 2018, the Legislature repealed much of Minnesota Statutes, section 221.161, which required household goods movers to file tariffs with the Department's commissioner and prepare the filing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 sets out the filing requirements, is now obsolete. The Department will repeal this provision either through rulemaking or legislation.

Chapter 8800 Aeronautics

Part [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 likely remove these references in its planned housekeeping rulemaking that will update and make minor corrections to various rules in [Chapter 8800](#). (That rulemaking will occur after completion of the currently-active rulemaking to amend Parts 8800.2400 (Airport Zoning Standards) and 8800.2500 (Financial Aid for Municipal Airport Projects)). Alternatively, the Department may repeal the references through legislation.

Chapter 8805 Transportation Project Loans

Part [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 [2007 Laws of Minnesota, Ch. 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](#). **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." 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 expressly agreed upon.)

Chapter 8810 Trunk Highway System, Driveways

[Part 8810.4100 Definitions.](#) This rule part is comprised of five subparts that provide definitions for Parts 8810.4100 to [8810.5600](#), Driveways. These rule parts set forth requirements for driveways providing access to private property located adjacent to trunk highway right of way. Various rule parts have been repealed, and the definitions are not relevant to the remaining rule parts.

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

If you have questions regarding this report, please contact me at elizabeth.scheffer@state.mn.us or at (612) 398-6469.

Sincerely,

Elizabeth (Beth) Scheffer
Policy and Construction Law Unit Supervisor

Ecc: Nancy Daubenberger, Commissioner
Jean Wallace, Deputy Commissioner
Kim Collins, Deputy Commissioner
Craig Gustafson, Chief Counsel