

Via Email

December 1, 2023

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

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

The Honorable Ginny Klevorn, Chair
House State and Local Government Finance and
Policy Committee
581 State Office Building
Saint Paul, MN 55155

The Honorable Scott Dibble, Chair
Senate Transportation Finance and Policy
Committee
3107 Minnesota Senate Building
Saint Paul, MN 55155

The Honorable Erin Murphy, Chair
Senate State and Local Government and Veterans
Committee
3211 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 2023 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 since its last report, no additional rules have become obsolete, unnecessary, or duplicative. The following obsolete, unnecessary, or duplicative rules have been previously reported.

Chapter 8800 Aeronautics

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

Purpose

The references to the “transportation committee” in part [8805.0050](#) 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

Definitions

The definitions in part [8810.0200](#), subparts 3 and 4, may be repealed because the term “controlled freeway” is now covered by the term “expressway” and is therefore no longer necessary. The definition for expressway was added to statute in 2009 at [Minn. Stat. § 173.02, subd. 19a](#).

Exclusions and Exemptions

The “fully controlled” language in part [8810.0400](#), subpart 2, needs to be removed in accordance with the above-mentioned 2009 statutory amendments.

Spacing and Location for Business Areas

The “fully controlled access” language in part [8810.1100](#), subpart 3, is obsolete needs to be removed in accordance with 2009 “expressway” statutory amendments.

Additional Spacing Requirements

The “fully controlled access” and “controlled freeway” language in part [8810.1200](#), subpart 2, are obsolete and need to be removed in accordance with 2009 statutory amendments.

Permits, Fees, and Renewals

Part [8810.1300](#), subparts 2 and 3 are unnecessary because they are already covered under [Minn. Stat. § 173.13, subd. 6](#).

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 (Note: The 2017 Legislature repealed some provisions in the rule parts governing outdoor advertising devices, but that legislation was limited to actions that MnDOT and the Outdoor Advertising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

Chapter 8880 Limousine Service, Permit Requirements

Definitions

The [2014 Laws of Minnesota, Ch. 175](#), made changes to the statutory definition of limousine that makes the definitions of “limousine,” “station wagon,” and “van” in par [8880.0100](#), subparts 9, 22, and 26 obsolete.

MnDOT Address

In the following rule parts, the address provided for MnDOT for the submission of applications and requests for hearing is obsolete and should be deleted:

- [8880.0400](#) Limousine Service Permit Application; Fees – subpart 1 (Forms)
- [8880.0600](#) Limousine Identification Decal Application; Fees – subpart 1 (Forms)
- [8880.1200](#) Administrative Penalties – subpart 3 (Demand for hearing)
- [8880.1300](#) Suspension or Revocation of Permit – subpart 4 (Demand for hearing)

Cross-References

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

- In part [8880.0300](#), subpart 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](#), subpart 6, item B, subitem (8), Minn. Stat. § 609.21, is referenced but has been renumbered and repealed and should be removed from the rule part.

The department is currently engaged in rulemaking to update Chapter 8880 and will update these provisions within the same rule package.

Action Taken on Rules Reported as Obsolete in the 2022 Report

The following obsolete, unnecessary, or duplicative rules were repealed by the [2023 Laws of Minnesota, Ch. 25, Sect. 190, Subd. 18 and 19](#):

- Part 7805.0300 Tariffs; Permit Carrier (Motor Carrier Tariffs)
- Part 8810.4100 Definitions (Trunk Highway System, Driveways)

If you have questions regarding this report, please contact me at andrea.barker@state.mn.us or at (651) 350-2694.

Sincerely,

Andrea Barker
Policy and Rules Coordinator

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