

January 15, 2024

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

The Honorable John Petersburg, Republican Lead  
House Transportation Finance & Policy Committee  
217 State Office Building  
Saint Paul, Minnesota 55155

The Honorable Scott Dibble, Chair  
Senate Transportation Committee  
3107 Minnesota Senate Building  
Saint Paul, Minnesota 55155

The Honorable John Jasinski, Ranking Minority Member  
Senate Transportation Finance & Policy Committee  
2227 Minnesota Senate Building  
Saint Paul, Minnesota 55155

The Honorable Erin Koegel, Chair  
House Sustainable Infrastructure Policy Committee  
445 State Office Building  
Saint Paul, Minnesota 55155

The Honorable Mary Franson, Republican Lead  
House Sustainable Infrastructure Policy Committee  
303 State Office Building  
Saint Paul, Minnesota 55155

**RE: Department of Transportation's Submittal to Legislature Under Minnesota Statutes, Section 14.116(a)**

Dear Legislators:

This letter provides the annual submittal required by Minnesota Statutes, section 14.116(a), which states:

By January 15 each year, each agency must submit its rulemaking docket maintained under section 14.366, and the official rulemaking record required under section 14.365 for any rule adopted during the preceding calendar year, to the chairs and ranking minority members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rule.

### **Rulemaking Docket**

A copy of the current rulemaking docket is provided with this letter. The docket can also be found at: <https://www.dot.state.mn.us/rules/rulemaking-docket.html>.

### **Rules Adopted in 2023**

The Department completed one rulemaking in 2023. The Department's Office of Freight and Commercial Vehicle Operations (OFCVO) updated rules governing special transportation service, Minnesota Rules Chapter 8840. Special transportation service refers to certain types of transportation for the elderly or disabled as well as certain covered nonemergency medical transportation services. OFCVO regulates the drivers and vehicles; the Department of Human Services also regulates the services for purposes of Medicaid reimbursement. Amendments to the rules addressed

changes to the enabling statute, updates to keep the rules current with industry practices, and responses to topics raised by the industry and the public in response to the Department's solicitations for comments.

All agency rulemaking documents can be found on the Revisor's website at <https://www.revisor.mn.gov/rules/status>.

Please feel free to contact me at (651) 350-2694 if you have any questions or would like paper copies of any MnDOT rulemaking documents.

Yours very truly,

Andrea Barker  
Policy and Administrative Rules Coordinator  
Office of Chief Counsel

Ecc: Nancy Daubenberger, Commissioner  
Craig Gustafson, Chief Counsel  
Jennifer Witt, Government Affairs  
Legislative Reference Library

## Rulemaking Docket

In accordance with [Minnesota Statutes, Section 14.366](#), MnDOT is required to maintain this public rulemaking docket, which lists all pending rulemaking proceedings.

### Pending Rulemakings

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#### Limousine Service, Permit Requirements; Chapter 8880

- **MnDOT contact:** Laura Roads, 395 John Ireland Blvd., MS 420, St. Paul, MN 55155. [Laura.Roads@state.mn.us](mailto:Laura.Roads@state.mn.us), 651-366-3647.
- **Revisor No.:** R-04594
- **Current Status / Timetable:** MnDOT published a Request for Comments and solicited input from interested stakeholders about draft amendments. MnDOT plans to publish a Dual Notice of Intent to Adopt Rules in calendar year 2024.
- **Published Notices (SR cite):**
  - Request for Comments, 44 SR 1479 (06/08/2020)
- **Comment Period / Inspection Location & Time:** Comment period formally opened when the Request for Comments was published and will remain open until further notice. A new comment period will begin upon publication of the Dual Notice.
- **Hearing Information (Location, Requests for Public Hearing & Inspection):** N/A
- **Date of Rule Adoption:** TBD
- **Date Filed with SOS:** TBD
- **Effective Date of Rule:** TBD

#### Aeronautics, Chapter 8800

##### *Airport Zoning*

- **MnDOT contact:** Rylan Juran, MnDOT Office of Aeronautics, 395 John Ireland Blvd., St. Paul, MN 55155. [Rylan.Juran@state.mn.us](mailto:Rylan.Juran@state.mn.us), 651-234-7190.
- **Revisor No.:** R-04655
- **Current Status / Timetable:** MnDOT published a Request for Comments and solicited input from interested stakeholders about draft amendments. MnDOT plans to publish a Dual Notice of Intent to Adopt Rules in calendar year 2024.
- **Published Notices (SR cite):**
  - Request for Comments, 46 SR 566 (10/25/2021)

- **Comment Period / Inspection Location & Time:** Comment period formally opened when the Request for Comments was published and will remain open until further notice. A new comment period will begin upon publication of the Dual Notice.
- **Hearing Information (Location, Requests for Public Hearing & Inspection):** N/A
- **Date of Rule Adoption:** TBD
- **Date Filed with SOS:** TBD
- **Effective Date of Rule:** TBD

### *Housekeeping Updates*

- **MnDOT contact:** Rylan Juran, MnDOT Office of Aeronautics, 395 John Ireland Blvd., St. Paul, MN 55155. [Rylan.Juran@state.mn.us](mailto:Rylan.Juran@state.mn.us), 651-234-7190.
- **Revisor No.:** R-04654
- **Current Status / Timetable:** After MnDOT completes the airport zoning rulemaking, the Aeronautics Office will start a new rulemaking to make housekeeping amendments to the remainder of Chapter 8800.
- **Comment Period / Inspection Location & Time:** MnDOT has not formally opened a comment period on these rules.
- **Hearing Information (Location, Requests for Public Hearing & Inspection):** N/A
- **Date of Rule Adoption:** TBD
- **Date Filed with SOS:** TBD
- **Effective Date of Rule:** TBD

### **Bridge Rehabilitation, Construction, and Reconstruction; Chapter 8810**

- **MnDOT contact:** Mark Vizecky, 395 John Ireland Blvd., St. Paul, MN 55155. [mark.vizecky@state.mn.us](mailto:mark.vizecky@state.mn.us), 651-366-3839.
- **Revisor No.:** R-04830
- **Current Status / Timetable:** MnDOT published a Request for Comments in the September 18, 2023, *State Register* and solicited input from interested stakeholders about draft amendments. MnDOT plans to publish a Notice of Intent to Adopt Rules in calendar year 2024.
- **Published Notices (SR cite):**
  - Request for Comments, 48 SR 301 (09/18/2023)
- **Comment Period / Inspection Location & Time:** The comment period formally opened when the Request for Comments was published and will remain open until further notice. A new comment period will begin upon publication of the Notice of Intent to Adopt Rules.
- **Hearing Information (Location, Requests for Public Hearing & Inspection):** N/A
- **Date of Rule Adoption:** TBD
- **Date Filed with SOS:** TBD
- **Effective Date of Rule:** TBD

## Recently Completed Rulemakings

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### Transportation for Elderly, Disabled; Chapter 8840

- **MnDOT contact:** Andrea Barker, 395 John Ireland Blvd., St. Paul, MN 55155, [andrea.barker@state.mn.us](mailto:andrea.barker@state.mn.us)
- **Revisor No.:** R-04593
- **Current Status / Timetable:** The adopted rules were effective on August 21, 2023
- **Published Notices (SR cite):**
  - Request for Comments, 44 SR 586 (11/12/2019)
  - Dual Notice of Intent to Adopt Rules, 47 SR 611 (01/03/2023)
  - Notice of Adoption, 48 SR 155 (08/14/2023)
- **Comment Period / Inspection Location & Time:** A 30-day comment period began on January 2, 2023, and ended on February 2, 2023.
- **Hearing Information (Location, Requests for Public Hearings & Inspection):** No hearing was held because the Department did not receive 25 or more requests for a hearing.
- **Date of Rule Adoption:** July 10, 2023
- **Date Filed with SOS:** July 26, 2023
- **Effective Date of Rule:** August 21, 2023