Minnesota Department of Transportation

Transportation Building
395 John Ireland Boulevard
St. Paul, MN 55155

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REVISOR OF STATUTES

November 7, 2000

Governor Jesse Ventura
130 Capitol Building
75 Constitution Avenue
St. Paul, Minnesota 55155

Representative Roger Moe, Chair
Legislative Coordinating Commission
205 Capitol Building
75 Constitution Avenue
St. Paul, Minnesota 55155

Michelle L. Timmons
Revisor of Statutes
700 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Senator Dean Johnson, Chair
Senate Transportation Budget Division
124 B Capitol Building
75 Constitution Avenue
St. Paul, Minnesota 55155

Senator Carol Flynn, Chair
Senate Transportation Committee
120 Capitol Building
75 Constitution Avenue
St. Paul, Minnesota 55155

Representative Tom Workman, Chair
House Transportation Policy Committee
335 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Representative Carole Molnau, Chair
House Transportation Finance Division
287 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Subject: Annual Report on Obsolete, Unnecessary, or Duplicative Rules, as Required by Minnesota Statutes, section 14.05, subdivision 5

Dear Governor Ventura, Senators and Representatives:

I am writing on behalf of the Minnesota Department of Transportation (Mn/DOT) in response to Minnesota Statutes, section 14.05, subdivision 5, which requires:

> Subd. 5. Review and repeal of rules. By December 1 of each year, an agency must submit to the governor, the legislative coordinating commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative or other state or federal statutes or rules. The list must also include an explanation of why the rule or portion of

the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules. By December 1, the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. Such a bill must include proposed authorization to use the expedited procedures of section 14.389 to repeal or amend the obsolete, unnecessary, or duplicative rule. *A report submitted under this subdivision must be signed by the person in the agency who is responsible for identifying and initiating repeal of obsolete rules.* The report also must identify the status of any rules identified in the prior year's report as obsolete, unnecessary, or duplicative. If none of an agency's rules are obsolete, unnecessary, or duplicative, an agency's December 1 report must state that conclusion.

As Mn/DOT's Rules Coordinator, I am responsible for coordinating all department rulemaking projects, and for ensuring that all rulemaking statutory requirements are complied with. I am also the person responsible for identifying and initiating repeal of obsolete rules. I certify that all of Mn/DOT's administrative rules have been reviewed. A list of the department's rules is attached along with an explanation of the status of those rules that need to be revised; as well as the status of those that were identified as in need of revision last year but which have been amended and are no longer obsolete, unnecessary, or duplicative. Except for the rules noted, the department's rules are not obsolete, unnecessary or duplicative and do not need to be repealed. I will continue to monitor the department's administrative rulemaking activities on an ongoing basis. As needs arise, we will do any necessary revisions to, or repeal of, our administrative rules.

If you need further assistance, please call me at 651-296-8477. If you are unable to reach me, please call Deb Ledvina at 651-282-2282.

Sincerely

Hope Jensen

Hope Jensen
Mn/DOT Rules Coordinator

cc: Margo LaBau, Chief of Staff
Pat Hughes, Assistant Commissioner, Program Support Group
James Swanson, Assistant Commissioner / Chief Engineer, Program Delivery Group
Al Schenkelberg, Deb Ledvina, and Brad Larsen, Office of Investment Management
Betsy Parker, Office of Intergovernmental Policy
Ward Briggs, Office of Motor Carrier Services
Al Vogel, Office of Freight, Railroads and Waterways
Julie Skallman, Division of State Aid
Donna Allan, Office of Transit
Larry Myking, Aeronautics

DEPARTMENT OF TRANSPORTATION
ADMINISTRATIVE RULES

RULES CHAPTER	DESCRIPTION	COMMENTS
7800	Motor Carrier Operations	See attached (1)
7805	Tariffs; Accounting	See attached (1)
8800	Aeronautics	See attached (2)
8810	Trunk Highway System	Not obsolete
8818	Standards for Mailbox Installation	Not obsolete
8820	State-Aid Operations	Not obsolete - See attached (3)
8830	Railroads	Not obsolete
8835	Public Transit	Not obsolete - See attached (4)
8840	Special Transportation Services	See attached (5)
8850	Motor Carrier Safety	See attached (6)
8855	Motor Carrier Insurance	Not obsolete
8860	Tank Motor Vehicles; Variances	Not obsolete
8880	Limousine Service & Permit Requirements	Not obsolete
8885	Lighting Standards	Not obsolete
8895	Port Development Assistance Program	Not obsolete
8900	Motor Carrier Ratemaking	See attached (7)
8910	Railroads; Right of First Refusal	See attached (7)
8920	Administrative Practice and Procedure	See attached (7)

DEPARTMENT OF TRANSPORTATION
EXPLANATIONS OF COMMENTS

(1) Rule Chapter 7800, Motor Carrier Operations and Rule Chapter 7805, Tariffs: Accounting

The Commissioner of Transportation has rulemaking authority over this chapter. On June 9, 1998, section 4016 of the Transportation Equity Act for the 21st Century (TEA-21) was signed into law and became effective. This federal law preempts applicable state law and precludes the Commissioner of Transportation from administering laws that require intrastate charter carriers to obtain operating authority and file tariffs as provided in Minnesota Statutes, chapter 221. As a result, Minnesota Rules, part 7800.1800 is obsolete and should be repealed. This correction will be completed in 2001.

(2) Rule Chapter 8800, Aeronautics

This rule is in the process of being revised and updated to make it consistent with changes in state statues and federal regulations; and to establish a new classification of recreational airport and eliminate the licensing of aircraft charter operations, air ambulance services, and commuter air carriers. During this rulemaking process the entire rules chapter will be reviewed and if any rule part or subpart is found to be obsolete, unnecessary or duplicative it will be amended or repealed. It is anticipated that the draft rule will be completed by Spring of 2001; and that the rulemaking project will be completed in 2001.

(3) Rule Chapter 8820, State-Aid Operations

This rule revision has been completed. The entire rules chapter was revised in 1998. All obsolete, unnecessary and duplicative language was amended or repealed. The Notice of Adoption was published in the State Register on December 28, 1998; and the amended rule became effective on January 4, 1999. The rule amendment converted all metric measurements to English units of measurement. Measurements were changed to metric to comply with a federal mandate requiring all contracts funded in whole or in part by federal funds to utilize metric units of measurements. That mandate followed Executive Order 12770 issued in July 1991 which designated the metric system as the preferred system of measurement for U. S. trade and commerce. That federal mandate has since been retracted. In 1999, Mn/DOT chose to amend the rules to convert the metric measurements back to English equivalents. This rule amendment became effective on July 3, 2000.

(5) Rule Chapter 8835, Public Transit

This rule revision has been completed. The entire rules chapter was revised and updated to amend or repeal obsolete definitions; and to make the rule consistent with statutory changes that transferred authority over public transit in the metropolitan area from the Department's Office of

Transit to the Regional Transit Board and then to the Metropolitan Council. During the rulemaking process all obsolete, unnecessary, and duplicative language was amended or repealed. This rule amendment became effective on July 17, 2000.

(6) Rule Chapter 8840, Special Transportation Services

This entire rules chapter is in the process of being revised and updated to make it consistent with changes in state statutes and federal regulations. This rule establishes operating standards for special transportation services to protect the health and safety of the elderly and disabled users of the service. The rule amendment will lessen the information required for initial certification and provide for a follow up audit to determine compliance; clarify the annual evaluation process and set out specific due process rights and procedures for contesting department actions; change standards for vehicles, equipment, driver qualifications and training, and for obtaining variances; specify requirements for certification of courses and instructors, and make the rule easier to understand and apply. The anticipated completion of the rule draft is the Fall of 2001. One of the purposes of this rulemaking is to identify provisions that have become burdensome for our stakeholders or that are no longer needed. It is anticipated that this rulemaking will be completed and the rules enacted (and any obsolete, unnecessary or duplicative provisions amended or repealed) by the end of 2001.

(7) Rule Chapter 8850 Motor Carrier Safety

Mn/DOT has been actively pursuing legislation during the past several years to gradually conform state laws governing motor carrier safety with the Federal Motor Carrier Safety Regulations promulgated by the Federal Highway Administration. As a result, several of the parts in this rules chapter have been superseded by provisions found in Minnesota Statutes, chapter 221. This rule will be reviewed after the 2001 Legislative Session and any unneeded rule parts will be repealed in a separate rulemaking.

(8) Rule Chapters 8890, 8910 and 8920 Transportation Regulation Board (TRB), Motor Carrier Ratemaking

Prior to July 1, 1996, the Transportation Regulation Board (TRB) had rulemaking authority over these chapters. During the 1996 legislative session, the TRB received no funding appropriation and was effectively abolished. By Department of Administration Reorganization Order No. 176, the powers and duties of the TRB, including the rulemaking authority over these chapters, were transferred to the Commissioner of Transportation effective July 1, 1996. Since that time, the Department of Administration has introduced legislation formally abolishing the TRB and transferring its powers and duties to the Commissioner of Transportation. Although this legislation has not yet passed, it will again be proposed during the 2001 legislative session. The proposed legislation includes an instruction to the Revisor of Statutes to change all references to the TRB in these rules chapters to the Commissioner of Transportation. These are the only changes that need to be made to these chapters at this time. Consequently, there is no need to pursue changes in these rules chapters at this time.