Minnesota Department of Transportation

Transportation Building
395 John Ireland Boulevard
Saint Paul, Minnesota 55155-1899

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REVISOR OF STATUTES

December 1, 2004

Governor Tim Pawlenty

Greg Hubinger
Legislative Coordinating Commission

Michele Timmons
Revisor of Statutes

Senate Transportation Policy and Budget Division Committee

House Government Operations and Vet. Affair Policy Committee

House Transportation Policy Committee

House Transportation Finance Committee

Re: Annual Report on Obsolete, Unnecessary, or Duplicative Rules, as Required by Minn. Stat. § 14.05, Subd. 5.

Dear Governor Pawlenty, Senators, Representatives, Revisor, and Legislative Coordinating Commission Director:

I am writing on behalf of the Minnesota Department of Transportation in response to the requirements of Minn. Stat. § 14.05, subd. 5, which provides:

> 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 of 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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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.

We have reviewed all department rules and have identified the following obsolete, unnecessary or duplicative rules for this report:

Chapter 7800 Motor Carrier Operations

7800.0600 Permit Application; Multiple Copies Required.

7800.3200, subpart 1. Timely Presentment of Bills.

The above two rule provisions are obsolete because the department no longer provides certificates of convenience for regular route common carriers or petroleum carriers. These two types of carriers and the certification process became obsolete when the trucking industry was deregulated. The department now uses a system of authority registration instead of the former system of permits and certificates. The department proposes to repeal these provisions through legislation.

Chapter 7805 Motor Carrier Tariffs; Accounting

7805.0700 Class Determined by Gross Operating Revenues. This provision is obsolete because the department no longer classifies carriers according to their annual gross operating revenues.

The department proposes to repeal these provisions through legislation.

Chapter 8800 Aeronautics

The Office of Aeronautics is currently in the process of updating Chapter 8800. Any obsolete rule provisions identified during the rulemaking will be repealed during the rulemaking process.

Chapter 8850 Motor Carrier Safety

8850.6900, subp. 20 Definitions. Regular Route Common Carrier. Subpart 20 is obsolete because the definition is based upon the definition of "regular route common carrier" in Minn. Stat. §221.011, subd. 9 which as been repealed.

The department proposes to repeal this provision through legislation.

8855 Motor Carrier Insurance

8855.0500 Cargo Security, subpart 1. Insurance or bond required. This rule provision is obsolete because only household goods (HHG) carriers are still required to file a bond with the department. Furthermore, the bond requirement for HHG carriers is now provided for in statute under Minn. Stat. § 221.141, subd. 4 and supercedes the bond amount in rule.

The department proposes to repeal this provision through legislation.

Chapter 8810, Trunk Highway System

8810.9000, Definitions, subps. 1 and 7. Bridge Inspection and Inventory definitions in part 8810.9000, subps. 1 and 7 contain obsolete bridge inspection manual references that will be addressed through rulemaking.

Obsolete Rules Repealed in 2004

The following rules were identified in the 2003 obsolete rule report and were repealed in 2004.

Chapter 8840, Special Transportation Services. The rulemaking was completed in June 2004 and the following obsolete rules were repealed as part of the rulemaking:

- 8840.5100 Definitions, subp. 4 Common Carrier.
- 8840.5300 Scope, subp. 2 Care Facilities and subp. 3 Exemptions.
- 8840.5600 Renewal, subp. 1 Certificate renewal form notification of renewal and subp. 3 New certificate.
- 8840.5800 Enforcement, subp. 4 Enforcement hearing.
- 8840.5900 Driver Qualification Standards, subp. 3 Limited criminal record review.
- 8840.5910 Driver and Attendant Training Requirements, subp. 3 Training required for certain drivers after September 28, 1992.
- 8840.6100 subp. 2 Documents required in vehicle.

Chapter 8860 Tank Motor Vehicles; Variances
Chapter 8860 will be repealed effective August 1, 2005. See Laws 2004, chapter 225, section 16.

If you have any questions regarding this report, please contact me at 651-284-0518.

Sincerely,

Laura Nehl-Trueman

Laura Nehl-Trueman
Mn/DOT Rules Coordinator

cc: Douglas H. Differt, Deputy Commissioner
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