Minnesota Department of Transportation

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

December 1, 2006

Governor Tim Pawlenty

Greg Hubinger
Legislative Coordinating Commission

Michele Timmons
Revisor of Statutes

RECEIVED
DEC 01 2006
REVISOR OF STATUTES

Senate Transportation Budget & Policy Division Committee

Senate State and Local Govt. Operations & Oversight

House Government Operations Reform, Technology & Elections

House Transportation Finance & Policy Committee

House Transportation & Transit Policy Subcommittee

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

Dear Governor Pawlenty, Senators, Representatives, Revisor of Statutes, 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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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.

The Department of Transportation has reviewed all of the department rules and has identified the following obsolete, unnecessary or duplicative rules for this report:

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.

Chapter 8895, Port Development Assistance

8895.0700 State Participation, Limitations, subp. 1. State participation, limitations. Subpart 1 provides that the state's share of project costs must not exceed *50%* of the nonfederal share of the eligible costs to be incurred by the applicant for the project. However, since the rules were adopted there has been a change in the enabling legislation that has changed the maximum limit for the state's share under this provision from 50% to 80%. (See Minn. Stat. § 457A.03) The department will update subpart 1 to be consistent with the statute through rulemaking or legislation.

If you have any questions regarding this report, please contact me at 651/366-3066.

Sincerely,

Laura Nehl-Trueman
Mn/DOT Rules Coordinator

cc: Douglas H. Differt, Deputy Commissioner
Betsy Parker, Office of Government Relations
Richard Lambert, Office of Freight and Commercial Vehicle Operations
Dan Dorgan/Todd Niemann, Office of Bridges
Debra Ledvina, Office of Civil Rights and Administration