



Minnesota Department of Transportation

Transportation Building
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Saint Paul, Minnesota 55155-1899

November 29, 2010

Governor Tim Pawlenty
130 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1606

Senator Murphy, Chair
Senate Transportation Budget
and Policy Division
325 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1606

Senator Rest, Chair
Senate State and Local Govt. Operations
and Oversight
205 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1606

Senator Dibble, Chair
Senate Transportation Subdivision
on Transit
111 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Representative Lieder, Chair
House Transportation Finance and Policy Division
423 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Representative Hornstein, Chair
House Transportation and Transit Policy
and Oversight Division
437 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
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Representative Pelowski, Chair
House State and Local Govt. Operations, Reform,
Technology and Elections
491 State Office Building
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Mr. Greg Hubinger, Director
Legislative Coordinating Commission
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Ms. Michele Timmons, Revisor
Office of the Revisor of Statutes
700 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

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

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

Minnesota Statutes, section 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 the following rules have become obsolete, unnecessary or duplicative:

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.

Chapters 7800, 7805, 8850, 8855, and 8920, Motor Carrier Rules

As part of a multiyear effort to update motor carrier provisions in Minnesota Statutes, significant changes were made during the 2008 and 2009 legislative sessions in the areas of household goods carrier regulation (see Laws 2008, chapter 350; Laws 2009, chapter 64). Laws 2009, chapter 64, section 55, required that Minnesota Rules, chapter 7800, 7805, 8850, 8855, and 8920, be repealed, amended and revised.

Legislation for the 2010 session accomplished some of the cleanup needed in these rules chapters. In Chapter 320, Art. 1, Sec. 20 (b) the following motor carrier rules were repealed:

Sec. 20. **REPEALER.**

...

(b) Minnesota Rules, parts 7800.0100, subparts 4, 6, 7, 8, 11, 12, 13, and 14; 7800.0200; 7800.0400; 7800.0800; 7800.0900; 7800.1000; 7800.3200, subpart 2; 7800.3300; 7805.0500; 7805.0900; 7805.1300; 8850.7950; 8850.8000; 8850.8050, subpart 2; 8850.8100; 8850.8250; 8850.8300; 8850.8350; 8850.8800; 8850.8850; 8850.9050, subpart 3; 8855.0410; 8855.0600; 8855.0850; 8920.0100; 8920.0150; 8920.0200; 8920.0300; 8920.0400; 8920.0500; 8920.0600; 8920.0700; 8920.0800; 8920.0900; 8920.1000; 8920.1100; 8920.1200; 8920.1300; 8920.1400; 8920.1500; 8920.1550; 8920.1600; 8920.1700; 8920.1800; 8920.1900; 8920.2000; 8920.2100; 8920.2200; 8920.2300; 8920.2400; 8920.2500; 8920.2600; 8920.2700; 8920.2800; 8920.2900; 8920.3000; 8920.3100; 8920.3200; 8920.3300; 8920.3400; 8920.3500; 8920.3600; 8920.3700; 8920.3800; 8920.3900; 8920.4000; 8920.4100; 8920.4200; 8920.4300; 8920.4400; and 8920.4500, are repealed.

If additional amendments are required in the above motor carrier rules, Mn/DOT will use rulemaking or legislation to clean up the motor carrier rule provisions.

Chapter 8805, Transportation Project Loans

8805.0050 Purpose. The references to the "transportation committee" in this rule part are obsolete because the authority for the committee was removed from Minnesota Statutes, section 446A.085. See Laws 2007, chapter 96, article 1, section 11. The department will update the rule in a future rulemaking or through legislation.

Chapter 8810, Bridge Inspection Standards

8810.0900 – 8810.9700. With the recent focus on bridge management, changes have been made

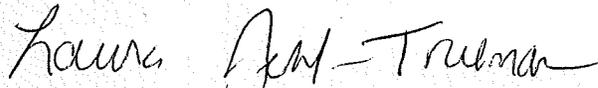
to national bridge inspection policies. Because of this state rules need to be updated to reflect current national bridge inspection standards. Therefore the department is currently reviewing the bridge inspection rule provisions and is in the process of identifying obsolete, unnecessary or duplicative provisions and will either update the identified provisions through rulemaking and/or legislation.

Chapter 8800 Aeronautics

8800.2800, subp. 2(A) 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 wit the DNR rules. The department in practice has implemented the change, but the rules need to be updated to conform to the DNR requirements. The department will either update these rules 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: Khani Sahebjam, Deputy Commissioner
Betsy Parker, Office of Chief Counsel
Scott Peterson, Office of Government Relations