

State



STATE OF
MINNESOTA

Register

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VOLUME 1, NUMBER 35

MARCH 7, 1977

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How to Cite

Cite all material in the *State Register* by Volume number and page number.
Example: Volume 2, *State Register*, page 94 (short form: 2 S.R. 94).



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296-8239

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The *State Register* is published weekly, on Monday, by the State of Minnesota, Department of Administration, Office of the State Register, Suite 203, 95 Sherburne Avenue, St. Paul, Minnesota 55103, pursuant to Minn. Stat. § 15.0411. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$110 per year, and \$85 per year for second and additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota.

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Department of Administration

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Office of the State Register

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EXECUTIVE ORDERS

Executive Order No. 140

Writ of Special Election to Fill Vacancy in the Office of the State Representative of District 21B Within the Counties of Kandiyohi, Redwood, Renville and Yellow Medicine, State of Minnesota, and of Special Primary Election to Nominate Candidates for Said Office.

To the people of the State of Minnesota and particularly of the Legislative District 21B within the Counties of Kandiyohi, Redwood, Renville and Yellow Medicine; to the Secretary of the State of Minnesota; to the County Auditors of the above-named counties; to all Election Officials of said District 21B; and to all others who may be concerned — Greetings:

WHEREAS, a vacancy now exists in the office of State Representative from District 21B of the State of Minnesota, caused by the resignation of the Representative, the Honorable A. O. H. Setzepfandt, and

WHEREAS, a special election to fill said vacancy is necessary:

NOW, THEREFORE, I, RUDY PERPICH, AS GOVERNOR OF THE STATE OF MINNESOTA, acting under the authority and direction of Minnesota Constitution Art. IV § 4 and Minn. Stat. §§ 202A.61 to 202A.72 (1976), and other relevant statutes, do hereby direct:

(1) That a special election to fill the vacancy be held in Legislative District 21B on Tuesday, the 15th day of March, 1977;

(2) That a special primary election for the nomination of candidates for the office be there held on Tuesday, the 1st day of March, 1977;

(3) That affidavits of candidacy must be duly filed on or before Tuesday, the 22nd day of February, 1977; and

(4) That the notices of this special election and special primary election be given, that the nomination and election of candidates and the conduct of these elections be had and all things pertaining thereto be done as provided by Minn. Stat. §§ 202A.61 to 202A.72 (1976), and other applicable provisions of law.

IN WITNESS WHEREOF, I have hereunto caused the Great Seal of the State to be affixed and have hereunto set my hand at the Capitol in the City of St. Paul, Minnesota, this 16th day of February, 1977.



EXECUTIVE ORDERS

Executive Order No. 141
Repealing Executive Order No. 138

I, Rudy Perpich, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, Executive Order No. 138 designated authority to the Commissioner of Administration to alter or adjust working hours, work days, work week, annual and sick leave provisions and payroll laws regarding state employees in the executive branch during the energy supply emergency; and

WHEREAS, it has been determined that a four-day 40 hours per week work plan for State offices is no longer necessary;

NOW, THEREFORE, I order:

1. That Executive Order No. 138 be repealed.

This order shall be effective February 20, 1977.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 17th day of February, 1977.



RULES

State Planning Agency Administering Federal and State Outdoor Recreation Grants

The rules published at State Register Vol. 1, No. 3, p. 44, July 27, 1976 (1 S.R. 44), are adopted and are identical in every respect to their proposed form, with the following amendments:

SPA 301 A. 1. b.(8) Upon request, to the Minnesota State Legislature.

SPA 301 A. 1. d. Submission. Preliminary applications shall be submitted in a completed form to OLUa and the Metropolitan Council or the appropriate regional development commission for a project review before the closing date for applications. The Metropolitan Council or the appropriate regional development commission at their option may recommend on an advisory basis to OLUa, a list of applications from the region arranged in order of priority.

SPA 301 A. 2. b.(2) Acquisitions of sites which [[project]] protect or enhance aesthetics or land and water quality of existing park facilities.

SPA 303 A. Harbors of refuge program. Harbors of refuge grant program is hereby established for the development of harbors suitable for giving safe refuge to shallow draft craft from storms on Lake Superior. This grant program is an extension of the LCMR grants-in-aid program and is established by Minn. Laws 1969, ch. 1139, § 348, [[subdivision]] subd. 7, Paragraph g.

SPA 303 D. Application procedure.

1. Eligible applicants may apply for a LCMR grant-in-aid for harbors of refuge by submitting an application to OLUa and the appropriate regional development commission for a project review. The regional development commission at their option may recommend on an advisory basis to OLUa, a list of applications from the region arranged in order of priority. OLUa shall prescribe the form and content of the application.

SPA 304 D. Application process. Eligible applicants may apply for a LCMR grant-in-aid for lake improvement by submitting a preliminary application to OLUa and the Metropolitan Council or the appropriate regional development commission for a project review. The Metropolitan Council or appropriate regional development commission at their option may recommend on an advisory basis to OLUa, a list of applications from the region arranged in order of priority. OLUa shall prescribe the form and content of the application.

Department of Transportation Construction and Reconstruction of Bridges

Order Adopting Rules

The above-entitled matter came on for hearing before the Commissioner of Transportation of the State of Minnesota on 30th day of September, 1976, at 9:00 A.M. in Room 57, State Office Building, Park Avenue, between Aurora and Fuller, Saint Paul, Minnesota 55155 after proper notice required by Minn. Stat. § 15.0412 (supp. 1975) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules,

Now, therefore, it is ordered that these rules identified as Hwy. 40-Rules for the Construction and Reconstruction of Bridges in the State of Minnesota are adopted this 14th day of January, 1977, pursuant to authority vested in me by Minn. Stat. ch. 15, and Laws of 1976, ch. 339.

Jim Harrington
Commissioner

Rules as Adopted

Hwy. 40 Rules for the Construction and Reconstruction of Bridges in the State of Minnesota

A. Purpose. The purpose of these rules is to carry out the mandate of the legislature and to implement that mandate as set forth in Laws of 1976, ch. 339.

B. Scope. The scope of these rules is intended to be confined within the framework of and consistent with [[Minnesota Statutes, Chapter 161 and]] Laws of 1976, ch. 339.

C. Definitions.

1. Commissioner. The Commissioner of Transportation.

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2. Agency. A county, municipality or township.

3. Urban municipality. Any City having 5,000 or more population determined in accordance with the provisions of law.

4. Regional Development Commission. A commission established by the State Planning Officer in accordance with Minnesota Statutes, Chapter 462.

5. Metropolitan Council. A commission established in accordance with Minn. Stat. ch. 473.

6. Bridge. A structure including supports erected over a depression or an obstruction as water, highway, or railway and having a track or passageway for carrying traffic or other moving loads. [[and having an opening measured horizontally along the center of the roadway of more than 20 feet between spring line of arches, or more than 20 feet between undercopings of abutments, or more than 20 feet between openings for multiple boxes: it also includes multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening.]] This definition of a bridge describes all railroad bridges, but for application of these rules all railroad bridges are excluded except for railroad bridges over or under a public highway or street.

7. Construction. The construction of a bridge to replace an existing deficient bridge or a bridge that has been destroyed. [[to the design standards and specifications required by these rules, Minnesota Rule Hw. 40, G.]]

8. Reconstruction. The reconstruction of an existing deficient bridge. [[to the design standard and specifications required by these rules. Minnesota Rule Hwy. 40, G.]]

9. Road systems.

a. Trunk Highway. The system of routes established by law, the location of which has been established by the commissioner under the jurisdiction of the State of Minnesota.

b. State-Aid. The system of roads and streets established and designated by the commissioner under the jurisdiction of a county or urban municipality.

c. Other Roads or Streets. Those local roads and streets under the jurisdiction of the counties, municipalities and townships.

[[10. "Off-system" bridge replacement program. A

program using federal monies to replace deficient bridges not on any road system supported by federal aid.]]

D. Application by agency.

1. Counties.

a. The county board in cooperation with other local units of government within the county, other than urban municipalities, shall determine a proposed program for the construction and/or reconstruction of key bridges within the county other than urban municipal or trunk highway bridges.

b. The county board by resolution shall request of the commissioner authorization to construct or reconstruct specific bridges within the county and request funding [[from available bridge funding programs]].

c. In the event that local units of government can not reach agreement with the County Board, the local units of government may make applications independently. Then and in that event the local unit of government by resolution shall request of the commissioner authorization to construct or reconstruct specific bridges and request funding.

2. Urban municipalities. The City Council by resolution shall request of the commissioner authorization to construct or reconstruct specific bridges within the municipality and request funding. [[from available bridge funding programming.]]

3. State highway system. The commissioner shall establish the bridge construction and/or reconstruction program for the trunk highway system.

E. Review by regional development council or metropolitan council.

1. The commissioner shall submit the application of the agencies to the proper Regional Development Commission or Metropolitan Council, as the case may be, for review of consistency with long term comprehensive development plans and guides for which the agencies are responsible. In any case, the Regional Development Commission or the Metropolitan Council will have thirty (30) days after receipt of the application(s) to inform the commissioner that there is or is not an interest in the application(s). No response within the specified period shall be construed to mean approval of the application(s).

[[2. The Regional Development Commission or the Metropolitan Council, whichever is appropriate, shall re-

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

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view the availability of other financing capabilities of the agency.]]

F. Establishment of priority.

1. The commissioner [[shall establish a statewide priority of bridge construction and/or reconstruction based on criteria as established in Laws of Minnesota, 1976, Chapter 339]] using information furnished by the local units of governments from the statewide bridge inventory, shall establish a statewide priority of bridge construction and/or reconstruction. This priority shall be based on the relative seriousness of each bridge's deficiencies as determined from the inventory and appraisal after considering the following criteria established in Laws of 1976, ch. 339:

a. Effectiveness of the project in eliminating a deficiency in the transportation system:

b. Number of persons affected by the deficiency;

c. Economic feasibility;

d. Effect on optimum land use and other concerns of state and regional planning;

e. Availability of other financing capability; and

f. Adequacy of provision for proper operation and maintenance after construction.

2. Upon establishment of priorities, the commissioner shall notify the local units of government as to priority rank

and funding availability for those bridges submitted for approval.

3. The local unit of government shall by resolution agree to the terms and conditions as specified in the notification by the commissioner consistent with Laws of 1976, ch. 339.

[[G. Design standards and specifications.

1. Trunk highway. The approved standards currently in effect for design and construction of bridges as identified in the Department of Transportation Bridge Design Manual.

2. State aid system. The approved standards currently in effect for design and construction of bridges as identified in the State Aid Manual.

3. Other road or street systems. The approved standards currently in effect for design and construction of bridges as identified in the "Off System" Bridge Program.

4. Specifications for bridge construction. Construction shall be in accordance with the current construction specifications as identified in the Minnesota Standard Specifications for Highway Construction.

5. Specifications for bridge design. Design shall be in accordance with the current Specifications for Highway Bridges of the American Association of State Highway and Transportation Officials and the Minnesota Department of Transportation.]]

PROPOSED RULES

Department of Labor and Industry Occupational Safety and Health Division Inclusion by Reference of Federal OSHA Regulations

Please take notice, that E. I. Malone, Commissioner, Minnesota Department of Labor and Industry, has determined that the following revisions to the Occupational Safety and Health Codes shall be promulgated pursuant to Minn. Stat. § 182.655 (1974) establishing, modifying or revoking Occupational Safety and Health Standards as follows:

Minnesota Occupational Safety and Health Codes and Rules (MOSHC 1) are hereby changed and modified by incorporating and adopting by reference; changes, additions, deletions and corrections made prior to January 1, 1977 to the following parts of Title 29 of the Code of Federal Regulations:

Part 1910, Occupational Safety and Health Standards as published in Part II, Volume 39, No. 125 of the Federal Register on June 27, 1974; and Part 1926, Construction Safety and Health Regulations as published in Part II, Volume 39, No. 122 of the Federal Register on June 24, 1974; and Part 1928, Occupational Safety & Health Standards for Agriculture as published in Part IV, Volume 41, No. 47 of the Federal Register on March 9, 1976.

1. The amendments and revisions made to the Occupational Safety and Health Standards for Agriculture and published as follows:

(a) 29 CFR § 1928.57(a)(3) as amended and (a)(4) as revised. These changes extended the general effective date to October 25, 1976 on the guarding of farm field equipment, farmstead equipment and cotton gins. (Federal Registration Volume 41, No. 107, June 2, 1976, page 22268).

(b) 29 CFR § 1928.57(a)(3) as amended and (a)(4) as revised. These changes extended the general effective date to October 25, 1976 on the guarding of farm field equipment, farmstead equipment and cotton

gins. (Federal Register Volume 41, No. 109, June 4, 1976, page 22561).

(c) 29 CFR § 1928.57(a)(5), (7), (8)(i), (9), (10), (11)(ii) and (iii), (b)(1)(iii) and (c)(1)(ii) were amended. These amendments made several nonsubstantive editorial changes in the standards for guarding of farm field equipment, farmstead equipment and cotton gins. (Federal Register, Volume 41, No. 206, October 22, 1976, page 46598)

2. A new standard, 29 CFR § 1910.1029 Coke Oven Emissions, specifies a number of provisions to control employee exposure to coke oven emissions. (Federal Register Volume 41, No. 206, pages 46784 through 46790, October 22, 1976)

3. Changes pertaining to carcinogen standards, published in the Federal Register, Volume 41, No. 163, page 35184, on August 20, 1976.

(a) 29 CFR § 1910.1005 -4,4' Methylene bis (2-chloroaniline) entire standard deleted.

(b) Laboratory provisions, paragraph (c)(6), were deleted from the following carcinogen standards:

1910.1003(c)(6) removed 4-Nitrobiphenyl

1910.1004(c)(6) removed alpha-Naphthylamine

1910.1006(c)(6) removed Methyl chloromethyl ether

1910.1007(c)(6) removed 3,3'-Dichlorobenzidine (and its salts)

1910.1008(c)(6) removed bis-Chloromethyl ether

1910.1009(c)(6) removed beta-Naphthylamine

1910.1010(c)(6) removed Benzidine

1910.1011(c)(6) removed 4-Aminodiphenyl

1910.1012(c)(6) removed Ethyleneimine

1910.1013(c)(6) removed beta-Propiolactone

1910.1014(c)(6) removed 2-Acetylamino fluorene

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PROPOSED RULES

1910.1014(c)(6) removed 4-Dimethyl-aminoazobenzene

1910.1016(c)(6) removed N-Nitrosodimethylamine

4. Changes made in 29 CFR Parts 1910 and 1926 as published in the Federal Register, Volume 41, No. 246, pages 55703 and 55704, on December 21, 1976 to revise Ground-Fault Circuit Interrupters (GFCI) protection requirements. 29 CFR § 1910.309(c) and 29 CFR § 1926.400(h) are revised to require either the use of ground-fault circuit interrupters or the implementation

of an assured equipment grounding conductor program on construction sites.

Complete copies of the specific standards, changes, additions, deletions and corrections as described above are available by writing, Deputy Commissioner, Minnesota Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101.

Interested persons are hereby afforded a period of thirty (30) days to submit written data or comments on the rules proposed. Any interested persons may request a public hearing on such objections.

OFFICIAL NOTICES

Department of Commerce Insurance Division

Implementation of the Minnesota
Comprehensive Health Insurance
Act of 1976

Notice of Intent to Solicit Outside Opinion

DATED: March 15, 1977

Notice is hereby given that the Department of Commerce, Insurance Division, shall entertain considerations for proposed rules for the implementation of the Minnesota Comprehensive Health Insurance Act of 1976 (Laws of 1976, ch. 296, art. 1). All interested individuals or groups are requested to submit their considerations relating to: (1) the administration of the Comprehensive Health Insurance Plan including bid specifications for the selection of a writing carrier, guidelines for the acceptance of reinsurance by the Minnesota Comprehensive Health Association, and selection of policies of accident and health insurance to be offered by the Minnesota Comprehensive Health Association; and (2) criteria to be used by the Commissioner of Insurance in the evaluation of policies of accident and health insurance submitted by insurers for certification pursuant to Section 5 of the Minnesota Comprehensive Health Insurance Act.

All interested or affected persons/or groups are requested to participate. Proposals, information, and comment shall be submitted in writing and may be addressed to:

John T. Ingrassia,
Supervisor, Life and Health Section
Insurance Division
Department of Commerce
500 Metro Square Building
St. Paul, Minnesota 55101

All statements of information and comment must be received within thirty (30) days of the above date.

Berton W. Heaton
Commissioner of Insurance

Department of Finance

Notice of Intent to Solicit Outside Opinion Regarding Selection of State Depository Banks

Notice is hereby given, pursuant to Minn. Stat. § 15.0412, subd. 6 (Supp. 1975), that the Minnesota State Department of Finance will now seek information and opinions preparatory to promulgating and proposing rules governing the selection procedures it utilizes in determining banks eligible for the deposit of state funds.

Minn. Stat. § 16A.27 (1976), directs the Commissioner of the Minnesota Department of Finance to select banks to serve as depositories for state funds by bidding and, in exceptional cases, without recourse to bidding. Such selections are subject to approval by the State of Minnesota Executive Council pursuant to Minn. Stat. § 9.031 (1976). As Minn. Stat. § 15.0412, subd. 3 (1976), requires each agency to adopt rules setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties, the Commissioner of the Minnesota Department of Finance has directed that rules be promulgated in the bank depository selection area and, toward that end, that outside opinions be sought.

The rules to be promulgated shall encompass methods of solicitation, specification of bank service requirements, bid evaluation and methods of final selection with respect to the bank depository bid process. Additionally, the rules shall define the exceptional cases in which bids will not be sought and consider the depository award process in such situations.

In order to seek outside information and opinions, representatives of the Minnesota State Department of Finance will be conducting a meeting in St. Paul. The meeting will be held March 24, 1977, from 1:30 to 4:00 p.m., at the St. Paul Holiday Inn (194 & Marion Street).

In addition to the meeting noted above, any and all interested persons may submit oral or written data or views regarding the promulgation of bank depository rules by contacting Mr. Otto V. Byhre, Jr., Director of Banking Activities, Minnesota State Department of Finance, Room 309, State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, Telephone: 612-296-5631.

This notice and any written material received by the Minnesota State Department of Finance with respect thereto shall become a part of the rule promulgation hearing record

OFFICIAL NOTICES

to eventually be submitted to the Attorney General pursuant to Minn. Stat. § 15.0412, subd. 4, (1976).

Gerald W. Christenson
Commissioner

Department of Transportation

Application Of Soo Line Railroad Company to Vacate and Close the Grade Crossing of Grand Avenue and Soo Line Railroad Company Tracks in the Town of White Bear, Minnesota.

Order for Hearing and Notice Thereof

The Department of Transportation has received a petition by the Soo Line Railroad Company (hereinafter called the "Soo Line") to vacate and close the grade crossing of Grand Avenue and Soo Line Railroad Company tracks in the Town of White Bear, Minnesota.

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on March 15, 1977, at 9:30 A.M. at the offices of the Chief Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota.

The hearing will be held before Mr. Richard DeLong, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8113) a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning disposition or questions concerning the issues raised in this Order may be directed to John R. Murphy, Assistant Attorney General, 5th Floor, Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-3213).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.27 all parties and potential parties of interest are given an opportunity to be heard on the proposed vacating and closing of the grade crossing of Grand Avenue and Soo Line tracks in the Town of White Bear, Minnesota.

ALL PARTIES ARE ADVISED that if a party intends to appear at the hearing scheduled for March 15, 1977, at 9:30 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THE PETITION MAY BE TAKEN AS TRUE.

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (612-296-2874). They provide generally for the procedural right of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: March 15, 1977

Name and Telephone Number of Hearing Examiner: Mr. Richard DeLong 1745 University Avenue, Saint Paul, Minnesota 55104.

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

OFFICIAL NOTICES

Office Address: _____

Telephone Number: _____

Signature of Party or Attorney: _____

Date: _____

Application of Chicago and North Western Transportation Company to Retire and Remove I.C.C. Track No. 9, 2400 feet in length, located at Clarkfield, Minnesota.

Order For Hearing And Notice Thereof

The Department of Transportation has received a petition by the Chicago and North Western Transportation Company (hereinafter called the "C.N.W.") to retire and remove I.C.C. Track No. 9, 2400 feet long, located at Clarkfield, Minnesota. The petition alleges the subject track is no longer needed for rail transportation service, and constitutes a continuing and burdensome maintenance expense.

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on March 21, 1977, at 10:00 A.M. at the offices of the Chief Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota.

The hearing will be held before Mr. Bernard Singer, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8117) a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning disposition or questions concerning the issues raised in this Order may be directed to Frederick S. Suhler, Jr., Special Assistant Attorney General, 5th Floor, Transportation Building, Saint Paul, Minnesota 55155, (Telephone: 612-296-3213).

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.681 all parties and potential parties of interest are given an opportunity to be heard on the proposed retirement and removal of C.N.W.'s track and turn outs.

ALL PARTIES ARE ADVISED that if a party intends to appear at the hearing scheduled for March 21, 1977, at 10:00 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THE PETITION MAY BE TAKEN AS TRUE.

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (612-296-2874). They provide generally for the procedural right of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: March 21, 1977

Name and Telephone Number of Hearing Examiner: Mr. Bernard Singer, 1745 University Avenue, Saint Paul, Minnesota 55104.

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

OFFICIAL NOTICES

Office Address: _____

Telephone Number: _____

Signature of Party or Attorney: _____

Date: _____

Application of A. & B. Grain and Feed Company for lateral clearance variances at their plant in Gaylord, Minnesota, on trackage served by the North Western Transportation Company.

Order For Hearing And Notice Thereof

The Department of Transportation has received a petition by A. & B. Grain and Feed Company for lateral clearance variances at their plant in Gaylord, Minnesota, on trackage served by the Chicago and North Western Transportation Company.

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on March 22, 1977, at 10:00 A.M. at the offices of the Chief Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota.

The hearing will be held before Mr. Leonard A. Nelson, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8119) a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning disposition or questions concerning the issues raised in this Order may be directed to Frederick S. Suhler, Jr., Special Assistant Attorney General, 5th Floor, Transportation Building, Saint Paul, Minnesota 55155.

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.47 all parties and potential parties of interest are given an opportunity to be heard on the proposed lateral clearance variances at A. & B. Grain and Feed Company's plant.

ALL PARTIES ARE ADVISED that if a party intends to appear at the hearing scheduled for March 22, 1977, at 9:30 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. **SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THE PETITION MAY BE TAKEN AS TRUE.**

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (612-296-2874). They provide generally for the procedural right of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: March 22, 1977

Name and Telephone Number of Hearing Examiner: Mr. Leonard A. Nelson, 1745 University Avenue, Saint Paul, Minnesota 55104.

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

OFFICIAL NOTICES

Office Address: _____

Telephone Number: _____

Signature of Party or Attorney: _____

Date: _____

Resolution and Petition by the City of Minneapolis for a determination of need for highway railroad grade crossing devices at a point where Trunk Highway 169 (Lyndale Avenue North) crosses the right of way and tracks of the Soo Line Railroad Company and within the city of Minneapolis

Order For Hearing And Notice Thereof

The Department of Transportation has received a petition by the City of Minneapolis for a determination of need for highway railroad grade crossing devices at a point where Trunk Highway 169 (Lyndale Avenue North) crosses the right of way and tracks of the Soo Line Railroad Company in the City of Minneapolis.

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on March 29, 1977, at 9:30 A.M. at the offices of the Department of Transportation, Room B-9, Transportation Building, Saint Paul, Minnesota.

The hearing will be held before Mr. Richard DeLong, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8113) a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning disposition or questions concerning the issues raised in this Order may be directed to Frederick S. Suhler, Assistant Attorney General, 5th Floor, Transportation Building, Saint Paul, Minnesota 55155.

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.39 all parties and potential parties of interest are given an opportunity to be heard on

the complaint by the City of Minneapolis that said crossing is hazardous and in need of highway railroad grade crossing devices.

ALL PARTIES ARE ADVISED that if a party intends to appear at the hearing scheduled for March 29, 1977, at 9:30 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THE PETITION MAY BE TAKEN AS TRUE.

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (612-296-2874). They provide generally for the procedural right of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: March 29, 1977

Name and Telephone Number of Hearing Examiner: Mr. Richard DeLong, 1745 University Avenue, Saint Paul, Minnesota 55104. (612-296-8113).

TO THE HEARING EXAMINER:

You are advised that the party named below will appear at the above hearing.

Name of Party: _____

Address: _____

Telephone Number: _____

OFFICIAL NOTICES

Party's Attorney or Other Representative: _____

Office Address: _____

Telephone Number: _____

Signature of Party or Attorney: _____

Date: _____

Application of Chicago and North Western Transportation Company to Retire and Remove 254.5 feet of I.C.C. Track No. 72 Located in Plymouth, Minnesota.

Order For Hearing And Notice Thereof

The Department of Transportation has received a petition by the Chicago and North Western Transportation Company (hereinafter called the "C.N.W.") to retire and remove 254.5 feet of I.C.C. Track No. 72 Located in Plymouth, Minnesota and serving the following industry: Minneapolis Auto Auction, Inc., 1125A Nathan Lane North. The petition alleges that the subject track is no longer needed for rail transportation service, and constitutes a continuing and burdensome maintenance expense.

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on March 30, 1977, at 10:00 A.M. at the offices of the Department of Transportation, Room B-9 Transportation Building, Saint Paul, Minnesota.

The hearing will be held before Mr. Richard DeLong, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8113) a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minn. Rule HE 201 through 222. Questions concerning the issues raised in this Order or concerning disposition or questions concerning the issues raised in this Order may be directed to Frederick S. Suhler, Jr., Special Assistant Attorney General, 5th Floor, Transportation Building, Saint Paul, Minnesota 55155.

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.681 all parties and potential parties of interest are given an opportunity to be heard on the proposed retirement and removal of C.N.W.'s track.

ALL PARTIES ARE ADVISED that if a party intends to appear at the hearing scheduled for March 30, 1977, at 10:00 A.M., the Notice of Appearance form enclosed with this order must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THE PETITION MAY BE TAKEN AS TRUE.

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (612-296-2874). They provide generally for the procedural right of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington
Commissioner of Transportation

Notice of Appearance

Date of Hearing: March 30, 1977

Name and Telephone Number of Hearing Examiner: Mr. Richard DeLong 1745 University Avenue, Saint Paul, Minnesota 55104.

Name of Party: _____

Address: _____

Telephone Number: _____

Party's Attorney or Other Representative: _____

Office Address: _____

Telephone Number: _____

Signature of Party or Attorney: _____

Date: _____

EQC MONITOR

Environmental Quality Council

Receipt of EIS Preparation Notice

Metropolitan Waste Control Commission Facilities Plan

The Minnesota Environmental Quality Council (EQC) has received a notice of intent to prepare an Environmental Impact Statement from the U.S. Environmental Protection Agency, (EPA) Region V. The EPA EIS will be concerned with the Metropolitan Waste Control Commission's (MWCC) facility plan which is to, in part, address the abatement of pollution from combined sewer overflows and the ultimate disposal of solids within the seven county area surrounding and including Minneapolis and St. Paul.

Anyone needing additional information or wishing to provide any information to the EPA, or who would like to receive a copy of the Draft EIS should contact:

U.S. Environmental Protection Agency
Region V
230 South Dearborn St.
Chicago, Illinois 60604

by March 16, 1977.

Receipt of Petition for EIS Proposed Duluth Public Library

The Environmental Quality Council (EQC) received a petition on February 25, 1977, for an Environmental Impact Statement (EIS) on the proposed construction of a new public library in Duluth, Minnesota.

The proposed library would be constructed at the intersection of 5th Avenue West and Superior Street across from the St. Louis County Heritage and Arts Center (Union Depot) in Duluth.

The EQC will make a determination on this petition at the March 8, 1977 meeting.

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City _____ State _____ Zip _____

Telephone _____



House of Representatives
Attn: Edward Burdick, Chief Clerk
Room 211 Capitol
St. Paul, Minnesota 55155

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