

Via Email

December 1, 2017

The Honorable Mark Dayton, Governor
State of Minnesota
130 Minnesota State Capitol
Saint Paul, MN 55155

The Honorable Paul Torkelson, Chair
House Transportation Finance Committee
381 State Office Building
Saint Paul, MN 55155

The Honorable Linda Runbeck, Chair
House Transportation & Regional Governance Policy
Committee
417 State Office Building
Saint Paul, MN 55155

The Honorable Tim O'Driscoll, Chair
House Government Operations and Elections Policy
Committee
559 State Office Building
Saint Paul, MN 55155

The Honorable Scott Newman, Chair
Senate Transportation Finance and Policy Committee
3105 Minnesota Senate Building
Saint Paul, MN 55155

The Honorable Mary Kiffmeyer, Chair
Senate State Government Finance and Policy and
Elections Committee
3103 Minnesota Senate Building
Saint Paul, MN 55155

Mr. Greg Hubinger, Director
Legislative Coordinating Commission
72 State Office Building
Saint Paul, MN 55155

Mr. Paul Marinac, Revisor
Office of the Revisor of Statutes
700 State Office Building
Saint Paul, MN 55155

RE: MnDOT's 2017 Annual Report on Obsolete, Unnecessary or Duplicative Rules

Dear Governor, Legislators, Revisor and Director:

[Minnesota Statutes 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 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 with the DNR rules. The department 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.

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 [Minn. Stat. 446A.085](#). See the [2007 Laws of Minnesota, Ch. 96, Art.1, Sec.11](#). The department will update the rule in a future rulemaking or through legislation.

Chapter 8810 Trunk Highway System, Outdoor Advertising Devices

[8810.0200 Definitions. Subps. 3 and 4.](#) These definitions can be repealed because the term “controlled freeway” is no longer necessary and is now covered by the term “expressway” as defined in [Minn. Stat. 173.02, subd. 19a](#).

[8810.0400 Exclusions and Exemptions.](#) “Fully controlled” language in subp. 2 needs to be removed in accordance with above-mentioned 2009 statutory amendments.

[8810.1100 Spacing and Location for Business Areas.](#) “Fully controlled access” in subp. 3 is obsolete and needs to be removed in accordance with 2009 “expressway” statutory amendments.

[8810.1200. Additional Spacing Requirements.](#) “Fully controlled access” in subp.2 and “controlled freeway” are obsolete and need to be removed in accordance with 2009 statutory amendments.

The department will repeal or update these provisions either through rulemaking or future legislation. Although the 2017 Legislature repealed some provisions in Chapter 8810 as noted below, changes were limited to actions that MnDOT and the Outdoor Advertising Association of America jointly agreed upon.

Chapter 8880, Limousine Service, Permit Requirements

[8880.0100 Definitions, Subps. 9, 22, and 26](#). [2014 Laws of Minnesota, Ch. 175](#), made changes to the statutory definition of limousine that makes the definitions of “limousine,” “station wagon,” and “van” in this rule part obsolete.

In the following rule parts, the MnDOT address provided in the rule for the submission of applications and requests for hearing is obsolete and should be deleted from the rules.

[8880.0400 Limousine Service Permit Application; Fees, Subp. 1](#)

[8880.0600 Limousine Identification Decal Application; Fees, Subp. 1](#)

[8880.1200 Administrative Penalties, Subp. 3](#)

[8880.1300 Suspension or Revocation of Permit, Subp. 4](#)

The following rule parts contain cross-references to other statutes and / or rules that have been repealed and those references should be removed from the rule.

In part [8880.0300, subp. 3](#), part [8855.0600](#), Names on Insurance Certificates and Bonds, and part [8855.0850 Authorized Insurance and Bonding Companies](#), are referenced but were repealed 2010. These repealed rule subparts do not change the requirement that anyone providing for-hire limousine service must still follow the insurance standards and requirements in Minnesota Statutes, [168.128](#) and [221.141](#).

In part [8880.0800, subp. 6\(8\)](#), [Minn. Stat. 609.21](#), is referenced but has been renumbered and repealed and should be removed from the rule part.

The department will update the rule provisions either through rulemaking or through legislation.

Action Taken on Rules Reported in the Department’s 2016 Report.

The rules indicated below were reported in last year’s annual report as obsolete, unnecessary or duplicative, and were repealed through legislation in the 2017 legislative session, as described.

Chapter 8810 Trunk Highway System, Outdoor Advertising Devices.

[8810.0800 Scenic Areas, Subp. 3](#) was reported as obsolete because it directly contradicted ISTEAs, which states that newly erected signs are prohibited in commercial and industrial zones or unzoned areas in scenic byways.

[8810.1300 Permits, Fees and Renewals, Subps. 2, 3, and 4. Subp. 2](#), Payment, and [subp.3](#), Deadline, and [subp. 4](#), Expiration were reported as obsolete because the deadlines are outdated. Additionally, these requirements are already covered in [Minn. Stat. 173.13, subd. 6](#).

The 2017 Legislature updated the statute governing outdoor advertising, Minnesota Statutes, Chapter 173. As part of this legislation, these rules were repealed. [Laws of Minnesota 2017, 1st Spec. Sess., Chapter 3, Article 3, Sections 77-92](#).

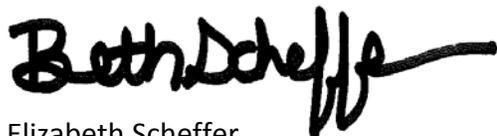
Chapter 8810 Trunk Highway System, Bicycle and Pedestrian Lanes.

[8810.6000](#) through [8810.7000 Bicycle, Pedestrian, and Recreational Vehicle Use and Lanes](#). [8810.9910](#) through [8810.9913 Figures and Tables for Traffic Criteria: Bicycle, Recreational Vehicle Lane, Bike Lane with No Barrier and Bike Lane with Barrier](#)

In 2014, the department reported that the above rules were obsolete, unnecessary or duplicative of other state or federal statutes or rules. The 2017 Legislature updated state bicycle and pedestrian law, including moving some provisions currently in rule into statute and repealing the related rule provision. All of the above provisions were thus repealed. [Laws of Minnesota 2017, 1st Spec. Sess., Chapter 3, Article 3, Sections 77-92](#).

If you have questions regarding this report, please contact me at elizabeth.scheffer@state.mn.us or at (651) 366-4792.

Sincerely,



Elizabeth Scheffer
MnDOT Rules Coordinator

Ecc: Charlie Zelle, Commissioner
Susan Mulvihill, Deputy Commissioner
Scott Peterson, Assistant Commissioner for Policy and Government Affairs
Craig Gustafson, Chief Counsel