

Via Email

December 1, 2020

The Honorable Tim Walz, Governor
State of Minnesota
130 Minnesota State Capitol
Saint Paul, MN 55155

The Honorable Mike Freiberg, Chair
House Government Operations Committee
509 State Office 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

The Honorable Frank Hornstein, Chair
House Transportation Finance Committee
545 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

Ms. Michelle Weber, Director
Legislative Coordinating Commission
72 State Office Building
Saint Paul, MN 55155

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

RE: MnDOT's 2020 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 7805 Motor Carrier Tariffs

In 2018, the Legislature repealed much of Minnesota Statutes, section 221.161, which required household goods movers to file tariffs with the Department's commissioner and prepare the filing according to the Department's rules. Household goods carriers are no longer required to file tariffs with the commissioner. As a result, Part [7805.0300](#), which set out the filing requirements, is now obsolete.

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." A definition for expressway was added to statute in 2009 at [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. (The 2017 Legislature repealed some provisions in the rule parts governing outdoor advertising devices, but that legislation was limited to actions MnDOT and the Outdoor Advertising Association of America agreed upon.)

Chapter 8810 Trunk Highway System, Driveways

[Part 8810.4100 Definitions](#). This rule part is comprised of five subparts that provide definitions for Parts 8810.4100 to [8810.5600](#), Driveways. These rule parts set forth requirements for driveways providing access to private property located adjacent to trunk highway right of way. Various rule parts have been repealed, and the definitions are not relevant to the remaining rule parts.

The Department will remove this rule part either through rulemaking or future legislation.

Chapter 8820 Local State-Aid Route Standards

[Part 8820.4060 Natural Preservation Route Design Standards](#). This rule part references Part 8820.9980, Minimum Geometric Design Standards: Natural Preservation Routes; New or Reconstruction, which had established standards for designated natural preservation routes. The reference is obsolete because the Revisor removed Part 8820.9980 in 1995 under its authority in [Minn. Stat. 14.47, subd. 6](#). The standards were replaced with [8820.9981, Minimum Design Standards: Natural Preservation Routes, Designated National Forest Highways Within National Forests, and State Park Access Roads Within State Parks; New or Reconstruction Projects](#). The Department therefore plans to remove the reference to Part 8820.9980 and replace it with Part 8820.9981.

The Department will consult the Revisor's Office to determine whether that Office can make the citation replacement as part of its editorial authority. If not, the Department will remove this rule part either through rulemaking or future legislation.

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

Sincerely,



Elizabeth Scheffer
Associate Legal Counsel and MnDOT Rules Coordinator

Ecc: Margaret Anderson Kelliher, Commissioner
Nancy Daubenberger, Deputy Commissioner
Kim Collins, Deputy Commissioner
Craig Gustafson, Chief Counsel