



## Minnesota Department of Transportation

## Transportation Building

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Saint Paul, Minnesota 55155-1899

November 25, 2014

Governor Mark Dayton  
116 Veterans Service Bldg  
20 West 12<sup>th</sup> Street  
St. Paul, Minnesota 55155

Senator Dibble, Chair  
Senate Transp. and Public Safety Policy and  
Budget Division  
111 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155-1606

Senator Pappas, Chair  
Senate State and Local Government  
323 State Capitol  
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Senator Cohen  
Senate Finance  
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Representative Erhardt, Chair  
House Transportation Policy  
543 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155-1206

Representative Nelson, Chair  
House Government Operations  
565 State Office Building  
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Representative Hornstein, Chair  
House Transportation Finance  
471 State Office Building  
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Mr. Greg Hubinger, Director  
Legislative Coordinating Commission  
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St. Paul, Minnesota 55155-1206

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 Dayton, 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 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 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 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.

**Chapter 8810 Trunk Highway System. 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.** The department has determined that above rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. These rules were adopted in response to 1976 legislation. Since 1976 there have been other statutes that have defined and governed bicycle use on public right-of-way. The department will be reviewing its rules in light of these other statutes and will either repeal the above rules or incorporate the rule language into statute if applicable.

#### **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.

**8810.0800 Scenic Areas.** Subpart 3 is obsolete and directly contradicts ISTEPA which states that newly-erected signs are prohibited in commercial and industrial zones or unzoned areas in scenic byways.

**8810.1100 Spacing and Location for Business Areas.** “Fully controlled access” in Subpart 3 is obsolete and needs to be removed in accordance with 2009 “expressway” statutory amendments.

**8810.1200. Additional Spacing Requirements.** “Fully controlled access” in Subpart 2 and “controlled freeway” are obsolete and need to be removed in accordance with 2009 statutory amendments.

**8810.1300 Permits, Fees and Renewals. Subps. 2, 3, and 4.** Subpart 2, Payment, and subpart 3, Deadline, and Subpart 4, Expiration are obsolete because deadlines are outdated. Additionally, these requirements are already covered in Minn. Stat. 173.13 Subd. 6.

The department will repeal or update these provisions either through rulemaking or through legislation.

**Chapter 8880, Limousine Service, Permit Requirements**

**8880.0100 Definitions, Subps. 9, 22, and 26.** Laws of Minnesota 2014, Ch. 175, made changes to the statutory definition of limousine that make 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 department will update the rule provisions either through rulemaking or through legislation.

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

Sincerely,



Laura Nehl-Trueman  
MnDOT Rules Coordinator

cc: Charlie Zelle, Commissioner  
Susan Mulvihill, Deputy Commissioner  
Betsy Parker, Office of Chief Counsel  
Scott Peterson, Office of Government Relations