

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MSM
8-21-92

RULE REVIEW CHECKLIST

File No. 1942
DATE RECEIVED 8-18-92
REVIEW DATE 8-21-92
DUE DATE 9-1-92
~~(DIS)~~APPROVED 9-1-92
~~WITHDRAWN~~

Docket No. 05 0007 0780
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 8-21-92
REVISOR (DIS)APPROVED 8-25-92
FILED W/SEC. OF STATE 9-1-92
RETURNED TO AGENCY 9-1-92

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
~~January 7, 1991~~ Date published in State Register
Comments

~~Petition for Adoption of a Rule~~

~~Board's Authorizing Resolution~~
Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
22.03 subd 1 Statutory Authority
✓ Small Business Statement
Expenditure of public money statement
6-1-92 Signature

✓ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
June 10, 1992 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
June 15, 1992 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) ~~amendments don't apply~~
✓ end of comment period (§ 14.26) (rules without hearing)
effective date of statutory authority (§ 14.29) (emergency rules)

~~Resolution~~ Adopting
~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting
July 17, 1992 Date

Written Requests, Submissions or Comments

✓ Declaration of Attorney
Gordon Moore Name of SAAG representing agency

Notice of Submission to Attorney ~~General~~ (if applicable)

Affidavit of ~~Mailing Notice to Attorney General (if applicable)~~

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
OFFICE OF MOTOR CARRIER SAFETY AND COMPLIANCE

Concerning the Proposed Adoption of the Rules of the State Department of Transportation Governing Loading and Unloading of Petroleum Transports	)))))	**NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING**

(1) NOTICE IS HEREBY GIVEN that the State Department of Transportation intends to adopt the above-entitled rule without a public hearing following the procedures for adopting rules without a public hearing set forth in the Administrative Procedure Act, Minnesota Statutes, sections 14.22 to 14.28.

Statutory authority. The statutory authority to adopt the rule is Minnesota Statutes, section 221.031, subdivision 1.

(11) **Nature and effect of proposed rule.** Minnesota Rules, part 8850.8050 governs loading and unloading of petroleum transports. The proposed rule repeals Minnesota Rules, part 8850.8050, subpart 1 and amends subpart 2. The department is proposing to repeal subpart 1 because Minnesota has adopted Code of Federal Regulations, title 49, section 177.834, paragraph (i), clause (1). That federal regulation governs loading of cargo tanks and the current rule is no longer necessary. The repeal of subpart 1 will make the federal and state regulations uniform, ease restrictions on petroleum transporters and drivers, and will promote compliance. The department is proposing to amend subpart 2 to address industry concerns about the application of the current requirements to the residential delivery of petroleum products and to change current fire extinguisher requirements. The amendment of subpart 2 makes unloading requirements more practical without compromising safety. The department has prepared a Statement of Need and Reasonableness that addresses the need for and reasonableness of the proposed rule in detail.

(2) **Comment period.** All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The 30-day comment period will expire at 4:30 p.m. on July 15, 1992.

Request for hearing. Any person may make a written request for a public hearing on the rules within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of

the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Ward Briggs
Office of Motor Carrier Safety and Compliance
151 Livestock Exchange Building
100 Stockyard Road
South St. Paul, MN 55075
(612) 297-7656

Comments or written requests for a public hearing must be received by the department by 4:30 p.m. on July 15, 1992.

The proposed rule may be modified if the modifications are supported by data and views submitted to the department and do not result in a substantial change in the proposed rule as noticed.

Proposed rule and Statement of Need and Reasonableness. A copy of the proposed rule and a copy of a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule is attached to this notice. A free copy of the proposed rule and the Statement of Need and Reasonableness is available upon request by contacting Ward Briggs at the address given above.

Expenditure of public money by local public bodies. Adoption of the proposed rule will not require a total expenditure of public monies by local public bodies of more than $100,000 in either of the two years immediately following adoption. Therefore, Minnesota Statutes, section 14.11, subdivision 1, is not applicable to this rulemaking proceeding.

Impact on agricultural land. Adoption of the proposed rule will not have a direct or substantial adverse impact on agricultural land. Therefore, Minnesota Statutes, section 14.11, subdivision 2, is not applicable to this rulemaking proceeding.

Impact on small businesses. Adoption of the proposed rule will not affect small business. Therefore, Minnesota Statutes, section 14.115, is not applicable to this rulemaking proceeding. The subject of small business considerations is addressed in the department's Statement of Need and Reasonableness.

Submission to Attorney General. If no hearing is required, upon adoption of the rule, the rule and required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to

be advised of the submission of the material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit a written request to Ward Briggs, Department of Transportation, Office of Motor Carrier Safety and Compliance at the address given above.

DATE: 6/1/92

James N. Denn, Commissioner
Department of Transportation

STATE OF MINNESOTA

Office of the Attorney General

TO : WARD BRIGGS
Office of Motor Carrier Safety and Compliance
151 Livestock Exchange Building
100 Stockyard Road
South St. Paul

DATE : September 1, 1992

FROM : MARY JO MURRAY
Special Assistant
Attorney General

PHONE : 296-3258

SUBJECT : In the Matter of the Adopted Rule Relating to Loading and Unloading of Petroleum Transports

The above-referenced rule has been approved as to its legality by the Attorney General on September 1, 1992.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

Enclosures
cc: Gordon L. Moore, III
William Brown, Chief Judge
MaryAnn Hruby

MJM:jj.rules.ba4

Department of Transportation

Adopted Permanent Rules Relating to Loading and Unloading of Petroleum Transports

Rules as Adopted

8850.8050 UNLOADING PETROLEUM TRANSPORT.

Subpart 1. [See repealer.]

Subp. 2. **Unloading.** During unloading of a petroleum transport, the driver must be within 25 feet of the cargo tank, but must not be in an enclosure or in the cab of the vehicle. A delivery hose, when attached to the cargo tank, is considered part of the cargo tank. A fire extinguisher with at least a 10 B:C rating must be ready for instant use and must be at least 15 feet from the cargo tank.

REPEALER. Minnesota Rules, part 8850.8050, subpart 1, is repealed.

APPROVED AS TO FORM AND LEGALITY
9/1/92
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 1 1992
Joan Anderson Growe
Secretary of State

10:15 AM
PRB

Teachers Retirement Association

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, January 24, 1990, at 9:30 a.m. in Suite 500, Gallery Building, 17 W. Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

State Board of Technical Colleges

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Rules for Licensure of Postsecondary Technical Education Personnel

NOTICE IS HEREBY GIVEN that the State Board of Technical Colleges is seeking information or opinions from sources outside the agency in preparing to amend Chapter Thirty-Five: Rules for Licensure of Vocational Technical Education Personnel and specifically in administrative licensure rules. The adoption of these rules is authorized by *Minnesota Statutes* § 136C.04, subd. 9. and 125.185 subd. 4.

The State Board of Technical Colleges requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit written statements of information or comment orally. Written comments should be addressed to:

Mr. Francisco Trejo
State Board of Technical Colleges
100 Capitol Square Bldg.
550 Cedar Street
St. Paul, MN 55101
(612) 296-9446

Ms. Georgia Pomroy
State Board of Technical Colleges
100 Capitol Square Bldg.
550 Cedar Street
St. Paul, MN 55101
(612) 296-0680

Oral statements will be received during regular business hours over the telephone at (612) 296-0680 or in person at the above address.

All statements of information and comments shall be accepted until 4:30 p.m. Thursday, February 7, 1991. Any written material received by the State Board of Technical Colleges shall become part of the record to be submitted to the Attorney General or Administrative Law Judge in the event the rule is adopted.

Helen Henrie, Deputy Chancellor
State Board of Technical Colleges

Department of Transportation

Program Management Division

Office of Motor Carrier Safety and Compliance

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Loading and Unloading of Petroleum Transports

NOTICE IS HEREBY GIVEN that the State of Minnesota, Department of Transportation, is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing the loading and unloading of petroleum transports. Specifically, the department is considering an amendment to *Minnesota Rules*, part 8850.8050 that would change the driver's obligations during loading and unloading of anhydrous ammonia and propane. The adoption of the rule is authorized by *Minnesota Statutes*, section 221.031, which requires the commissioner of transportation to prescribe rules for the operation of motor carriers.

The State Department of Transportation requests information and opinions concerning the subject matter of the rule. An unofficial proposed draft of the amendment is available upon request. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements or requests should be addressed to:

Ward Briggs
Office of Motor Carrier Safety and Compliance
151 Livestock Exchange Building
100 Stockyard Road
South St. Paul, MN 55075

Oral statements will be received during regular business hours over the telephone at (612) 297-7656 and in person at the above address.

All statements of information and opinions shall be accepted until February 12, 1991. Any written material received by the State Department of Transportation shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rule is adopted.

Dated: 28 December 1990

Douglas H. Differt
Deputy Commissioner/Chief Engineer
Department of Transportation

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over $2,000.

Commodities contracts with an estimated value of $15,000 or more are listed under the Materials Management Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

Commodity: Armored cable
Contact: Joan Breisler 296-9071
Bid due date at 2pm: January 10
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000-12764

Commodity: Rebuilt laser equipment
Contact: John Bauer 296-2621
Bid due date at 2pm: January 10
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073-22502

Commodity: Copier (2) lease/purchase
Contact: John Bauer 296-2621
Bid due date at 2pm: January 10
Agency: State University
Deliver to: Bemidji
Requisition #: 26070-14370

Commodity: Self-propelled articulated steel roller
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: January 10
Agency: Transportation Department
Deliver to: Willmar
Requisition #: 79382-02159

Commodity: Aircraft repair
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: January 10
Agency: Natural Resources Department
Deliver to: Grand Rapids
Requisition #: 29000-55615

Commodity: Sparcsystem expansion disk
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: January 7
Agency: Minnesota Health Department
Deliver to: Minneapolis
Requisition #: 12500-69464

Commodity: 386/25 computers
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: January 7
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 55000-13354

Commodity: Slide in box type tank
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: January 10
Agency: Transportation Department
Deliver to: Bemidji
Requisition #: 79382-02160

Commodity: Tandem axle trailers
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: January 10
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000-12511

Minnesota Department of Transportation
Motor Carrier Safety and Compliance
151 Livestock Exchange Building
100 Stockyard Road
South St. Paul, MN 55075

August 18, 1992

Rec 8-18-92

RECEIVED
AUG 18 1992
Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55101

Patricia Nolte
Special Assistant
Attorney General
525 Park Street
St. Paul, Minnesota 55103

SUBJECT: Department of Transportation
Proposed Rule Governing Loading and Unloading of Petroleum Transports

Dear Ms. Nolte:

The Department of Transportation wishes to submit the above-referenced proposed rule to the Attorney General for approval pursuant to Minnesota Statutes, section 14.26. I have enclosed the documents required by that section and Minnesota Rules, part 2010.0300.

If you have comments or questions about these documents or this rulemaking proceeding, please call me at 297-7656.

Sincerely,

Ward Briggs

Enclosures

End of comment period July 15, 1992

Minn. Stat. 221.031 subd 1

(b) The commissioner shall prescribe rules for the operation of motor carriers, including their facilities, accounts, leasing of vehicles and drivers service, safe operation of vehicles, equipment, parts, and ~~ass~~ accessories, maximum hours of service of drivers ...

Department of Transportation

Adopted Permanent Rules Relating to Loading and Unloading of Petroleum Transports

Rules as Adopted

8850.8050 UNLOADING PETROLEUM TRANSPORT.

Subpart 1. [See repealer.]

Subp. 2. **Unloading.** During unloading of a petroleum transport, the driver must be within 25 feet of the cargo tank, but must not be in an enclosure or in the cab of the vehicle. A delivery hose, when attached to the cargo tank, is considered part of the cargo tank. A fire extinguisher with at least a 10 B:C rating must be ready for instant use and must be at least 15 feet from the cargo tank.

REPEALER. Minnesota Rules, part 8850.8050, subpart 1, is repealed.

Department of Transportation

Adopted Permanent Rules Relating to Loading and Unloading of Petroleum Transports

Rules as Adopted

8850.8050 UNLOADING PETROLEUM TRANSPORT.

Subpart 1. [See repealer.]

Subp. 2. **Unloading.** During unloading of a petroleum transport, the driver must be within 25 feet of the cargo tank, but must not be in an enclosure or in the cab of the vehicle. A delivery hose, when attached to the cargo tank, is considered part of the cargo tank. A fire extinguisher with at least a 10 B:C rating must be ready for instant use and must be at least 15 feet from the cargo tank.

REPEALER. Minnesota Rules, part 8850.8050, subpart 1, is repealed.

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
OFFICE OF MOTOR CARRIER SAFETY AND COMPLIANCE

Concerning the Proposed	)	
Adoption of the Rules of the	)	**STATEMENT OF NEED**
State Department of Transportation	)	**AND REASONABLENESS**
Governing Loading and Unloading	)	
of Petroleum Transports	)	

The Commissioner of Transportation presents facts showing the need for and reasonableness of the proposed rule governing the loading and unloading of petroleum transports.

INTRODUCTION

The Commissioner of Transportation, under Minnesota Statutes, section 221.031, has adopted a rule governing the loading and unloading of petroleum transports. Minnesota Rules, part 8850.8050, states:

> Subpart 1. **Loading.** During loading of a petroleum transport, the driver must be within 25 feet of the cargo tank, but not in the vehicle cab or other enclosure.
>
> Subp. 2. **Unloading.** During unloading of a petroleum transport, the driver must be within 25 feet of the cargo tank, but must not be in an enclosure or in the cab of the vehicle. The fire extinguisher must be out of the vehicle's carrying device, must be ready for instant use, and must be 15 feet or more from the cargo tank.

The term "petroleum transport" is defined in Minnesota Rules, part 8850.6900, subpart 18, as:

> " . . .a vehicle, trailer, or semitrailer with a tank (1) that is mounted on it or made an integral part of it, other than the fuel supply tank for the engine of that vehicle, (2) that is filled or emptied while on the vehicle, and (3) that is used to transport petroleum products in bulk."

The term "petroleum products" is defined in Minnesota Statutes, section 221.011, subdivision 18. That subdivision states:

> "Petroleum products" means crude petroleum and natural gas and any and all derivatives arising out of the refinement thereof, including anhydrous ammonia and liquid fertilizer.

The Minnesota Department of Transportation (Mn/DOT) has received complaints from the Minnesota Propane Gas Association and from petroleum transporters about the current rule. Industry representatives expressed three main concerns.

First, the current rule requires that a driver not be in an enclosure during loading of a petroleum transport. The safety and control mechanisms used to start, stop, and control the flow of product from bulk tanks to the transport are usually in an enclosure at loading terminals. Consequently, this is usually the safest place for a transport driver to be during loading.

Second, the current rule requires a driver to be within 25 feet of the cargo tank during unloading. Residential delivery of petroleum products often requires that a driver be further than 25 feet from the truck.

Third, the current rule requires that a fire extinguisher must be removed from the vehicle's carrying device. Removal of the fire extinguisher is not necessary when another fire extinguisher is readily available to a driver during unloading.

After meeting with industry representatives, Mn/DOT agreed to propose amendments to Minnesota Rules, part 8850.8050. This rulemaking proceeding was initiated as a result. Mn/DOT believes the proposed amendments solve the problems expressed by the industry without compromising the safety of transport drivers, other persons, or property.

SMALL BUSINESS CONSIDERATIONS

In proposing these amendments, the commissioner of transportation has considered the provisions of Minnesota Statutes, section 14.115, relating to the impact of the proposed rule on small businesses.

Minnesota Statutes, section 14.115, subdivision 1, defines small businesses as:

> "a business entity, including farming and other agricultural operations and its affiliates, that, (a) is independently owned and operated; (b) is not dominant in its field; and (c) employs fewer than 50 full-time employees or has gross annual sales of less than $4,000,000. For purposes of a specific rule, an agency may define small business to include more employees if necessary to adapt the rule to the needs and problems of small businesses."

The commissioner of transportation has determined that the proposed rule will not have an impact, within the meaning of the statute, on small businesses. The proposed amendment of the rule does not establish reporting requirements. Neither does it establish schedules or deadlines for compliance. The amendments are offered in response to requests from the industry to eliminate or ease existing regulations.

PART-BY-PART STATEMENT OF NEED AND REASONABLENESS

PART 8850.8050. LOADING AND UNLOADING OF PETROLEUM TRANSPORT.

Subpart 1. **Loading.** The department is proposing to repeal the language currently in subpart 1.

Code of Federal Regulations, title 49, section 177.834, paragraph (i), clause (1), sets out the general requirements that must be followed during the loading of cargo tanks. That paragraph states:

> (i) *Attendance requirements.* (1) *Loading.* A cargo tank must be attended by a qualified person at all times when it is being loaded. The person who is responsible for loading the cargo tank is also responsible for ensuring that it is so attended.

Code of Federal Regulations, title 49, section 177.834, paragraph (i), clauses (3) and (4) describe what is meant by "attends" and "qualified." They state:

> (3) A person "attends" the loading or unloading of a cargo tank if, throughout the process, he is awake, has an unobstructed view of the cargo tank, and is within 7.62 meters (25 feet) of the cargo tank.
>
> (4) A person is "qualified" if he has been made aware of the nature of the hazardous material which is to be loaded or unloaded, he has been instructed on the procedures to be followed in emergencies, he is authorized to move the cargo tank, and he has the means to do so.

Minnesota has adopted Code of Federal Regulations, title 49, section 177.834 in Minnesota Statutes, section 221.033, subdivision 1. Under subdivision 1, all transporters of hazardous materials in Minnesota must comply with Code of Federal Regulations, title 49, sections 171 to 199.

Petroleum transporters are transporters of hazardous materials. Under Minnesota Statutes, section 221.011, subdivision 29, "hazardous materials" means:

> . . .a substance or material determined by the United States secretary of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and so designated by the United States secretary of transportation.

Code of Federal Regulations, title 49, part 172, contains tables of materials that have been determined by the United States secretary of transportation to be "hazardous materials." Petroleum products, as defined by Minnesota Statutes, section 221.011, subdivision 18, are

listed as hazardous materials.

The department believes it is imperative that a petroleum transport cargo tank be attended by a qualified person while it is being loaded. This was the department's original purpose in adopting subpart 1. However, subpart 1 includes two additional requirements not found in the federal regulation. First, it makes the driver an attendant by requiring the driver to be within 25 feet of the cargo tank. Second, it prohibits the driver from being in the vehicle cab or an enclosure.

The department is committed to achieving uniformity with federal regulations. Motor carriers, including operators of petroleum transports, must comply with federal and state regulations. Sometimes, local industry and enforcement concerns require the adoption of state regulations that differ slightly from those adopted by the federal government. Whenever possible, Mn/DOT seeks consistency between applicable state and federal regulations. The department believes that uniformity promotes compliance. A single standard is more easily learned and followed by members of the industry and enforcement officers.

In light of the above, Mn/DOT believes it is necessary and reasonable to repeal subpart 1. As stated earlier, at loading terminals, the safety shut-off and control mechanisms are usually in an enclosure. Some terminal facilities have policies that require the driver to be in the enclosure during loading. Others simply direct the driver to leave the loading area once a qualified terminal employee has assumed control of the vehicle. Still others require the driver to comply with part 8850.8050 though the driver's attendance is not necessary to ensure safe loading. Regardless of whether the driver is present, loading terminals provide qualified persons to attend the transport during the loading process because of the federal regulation.

A small percentage of petroleum products transported in petroleum transports is lubrication oil and some lubrication oil is not classed as a hazardous material. The current rule governs the loading of lubrication oil since it is a "petroleum product." However, because the federal rule only applies to hazardous materials, it does not govern the loading of non-hazardous lubrication oil. The department has considered the proposed repeal of subpart 1 in light of this fact and has opted for uniformity with the federal regulation. It is not necessary to retain the current requirements concerning loading non-hazardous lubrication oil since the secretary of transportation has determined that non-hazardous lubrication oil does not pose an unreasonable risk to health, safety, and property.

Code of Federal Regulations, title 49, section 177.834, contains reasonable requirements designed to ensure driver and vehicle safety during the loading of hazardous materials. All petroleum transports are subject to section 177.834 while loading hazardous materials. Only a very small percentage of the product loaded by petroleum transports is not classed as a hazardous material. Therefore, the repeal of subpart 1 is reasonable.

Subpart. 2. **Unloading.** Most petroleum transports are unloaded at bulk plants (facilities where product is stored in bulk tanks) or at service stations. A small percentage unload fuel oil at farms and homes. The department is proposing to amend subpart 2 in ways that affect both types of unloading operations. However, it is important to note that the department is not proposing to eliminate the requirement that the driver be in attendance by being within 25 feet of the cargo tank and not in the cab or an enclosure during unloading. Bulk plants and service stations do not have enclosures designed to provide control of the unloading process. Therefore, it is necessary that the driver remain present during unloading so that the valves can be closed quickly if a hose breaks or there is an overflow.

To accommodate residential deliveries of fuel oil, the department is proposing to amend this subpart by making a delivery hose part of the cargo tank. This amendment is necessary because residential delivery often requires the driver to bring the delivery hose to the side or rear of a building. This is usually more than 25 feet from the vehicle. It is practical for a driver to be in attendance at the point where the fuel oil is transferred to the residential tank. Most spills occur at this point rather than at the vehicle. Therefore, the department is proposing to amend the rule to allow the driver to remain with the hose instead of being near the vehicle.

The amendment is reasonable because it conforms to Code of Federal Regulations, title 49, section 177.834, paragraph (i), clause (5). That clause states that "a delivery hose, when attached to the cargo tank, is considered a part of the vehicle."

The proposed amendment will promote safety during residential unloading without compromising safety during other unloading operations. The driver will rarely be further than 25 feet from the vehicle at bulk plants and service stations since it is not necessary to use great lengths of hose during unloading at those locations.

The department is also proposing two substantive amendments with regard to fire extinguishers.

First, the current rule requires that the vehicle's fire extinguisher must be removed from its carrying device. Petroleum transports are subject to the commissioner's rules on equipment, parts, and accessories, under Minnesota Statutes, section 221.031 and Minnesota Rules, part 8850.8200. Part 8850.8200 incorporates Code of Federal Regulations, title 49, section 393.95 by reference. Paragraph (a) of that section sets out the requirements for fire extinguishers. Essentially, the federal regulation requires every power unit to be equipped with a fire extinguisher that has at least a 10 B:C rating. This fire extinguisher is the one that the current rule says must be removed from its carrying device.

Amending this subpart is both necessary and reasonable since fire extinguishers, other than those carried in the vehicle, are often available at unloading sites. As long as a fire extinguisher that meets the federal requirements is accessible and ready for instant use, it

makes no difference if it is removed from the vehicle or a holder at the facility. The amendment allows a driver to leave the vehicle's fire extinguisher in place if another of equal or greater capacity is available. If another fire extinguisher is not available, the one carried in the vehicle must be removed from its carrying device. In either case, it is important that the fire extinguisher be "ready for instant use." If the vehicle's fire extinguisher is not removed, the driver must make sure the substitute fire extinguisher is close at hand and is removed from its place of storage so that it can be used instantly, if necessary.

This subpart is also being amended to specifically establish the requirements for fire extinguishers. The amendment is necessary because the department is proposing that fire extinguishers, other than those carried in the vehicle, may be used by a driver. Previously, it was not necessary to specify the fire extinguisher requirements since all petroleum transports are required to carry a fire extinguisher that meets that requirements of Code of Federal Regulations, title 49, section 393.95, (a)(2)(i) -- one that has an Underwriter's Laboratories rating of 10 B:C or more. However, if a driver intends to rely on a fire extinguisher other than the vehicle's, it is necessary to state that the substitute fire extinguisher must meet the same requirements.

The proposed amendment is reasonable because specifying that the fire extinguisher must have a 10 B:C rating does not impose any new or additional requirement on a petroleum carrier or petroleum transport driver. It allows a driver to decide whether it is necessary to remove the vehicle's fire extinguisher from its carrying device. If a driver is satisfied that an equally capable fire extinguisher is available, it is not necessary to require removal of the one from the vehicle.

The department considered repealing the current rule on unloading of petroleum transports. Code of Federal Regulations, title 49, section 177.834, paragraph (i), clause (2), is the federal rule on unloading of cargo tanks. However, the federal rule does not include a requirement that the driver not be in the vehicle cab or an enclosure during unloading and contains no reference to the availability of a fire extinguisher. The department believes this is an instance where deviation from the federal regulation is warranted.

The federal regulation requires that a person "attends" a cargo tank during unloading. Under the federal regulation, a driver could attend the cargo tank while remaining in the cab or being in a service station facility as long as the driver is awake, has an unobstructed view of the tank, and is within 25 feet. The department believes it is necessary to retain the requirements of the current rule.

If there is an overflow during unloading, it is important that the driver react quickly to shut off the flow of product. A driver in a cab may not be able to detect an overflow as quickly as if he were outside of the vehicle. This is especially true if the driver is concentrating on completing paperwork related to the delivery. Even if an overflow is detected immediately, a driver in a cab will necessarily take more time to reach the hose or the shut-off valves

since the shut-off valves are usually located on the right side of a petroleum transport.

As stated before, most petroleum transports are unloaded at bulk plants or service stations. Many service stations offer to sell food, beverages, and merchandise to its customers. Some have arcade games or other amusement devices. Drivers in these facilities might have their attention distracted, even momentarily, from the unloading process. It is reasonable to require that a driver not be in such a facility, and subject to such distractions, during the time a transport is unloading.

Unloading of petroleum products in residential areas and at service stations presents a foreseeable danger of fire. Persons not subject to a driver's control, like service station customers, might light matches or smoke. While a driver should use care to keep fire away from the cargo tank and to prevent persons in the vicinity from smoking, lighting matches, or carrying lighted smoking material, that might not always be possible. A driver generally does not have the authority to give directions to service station customers. Further, since a driver must be within 25 feet of the cargo tank during unloading, the driver cannot leave the immediate vicinity of the cargo tank to request the assistance of a service station manager or employee when necessary. The department, therefore, believes it is necessary and reasonable to retain the requirement that a fire extinguisher be ready for instant use.

Other amendments to this subpart are needed to correct errors of form or grammar.

WITNESSES AND SUMMARY OF TESTIMONY

A. Expert witnesses. If a hearing is required, the department does not intend to use expert witnesses to provide evidence establishing the need for and reasonableness of the proposed rules. The department may, if necessary to adequately address evidence and argument presented by the public, arrange for the testimony of expert witnesses.

B. Mn/DOT witnesses. If a hearing is required, the department will introduce its Statement of Need and Reasonableness as an exhibit into the record in accordance with Minnesota Rules, part 1400.0500, subpart 3. The following department personnel will be available at the hearing, if one is required, for questioning by the Administrative Law Judge and other interested persons or to briefly summarize all or a portion of the Statement of Need and Reasonableness if requested by the Administrative Law Judge.

1. Elizabeth M. Parker. Elizabeth M. Parker is the Director of the Office of Motor Carrier Safety and Compliance. She was involved in meetings with industry representatives and in the development of the proposed rule. She may be called to testify about the need for and reasonableness of any of the proposed provisions.

2. Ward Briggs. Ward Briggs is an attorney with the Office of Motor Carrier Safety and Compliance. He has been involved in the development and drafting of the

proposed rules and may be called to testify about the need for and reasonableness of any of the proposed provisions.

3. Pete Marcotte. Pete Marcotte is a hazardous materials specialist with the Office of Motor Carrier Safety and Compliance. He has been involved in meetings with industry representatives and is highly trained in state and federal regulations that pertain to the transportation of hazardous materials. He may be called to testify about the need for and reasonableness of any of the proposed provisions.

DATE: 6/1/92

James N. Denn
Commissioner of Transportation

Department of Transportation

Proposed Permanent Rules Relating to Loading and Unloading of Petroleum Transports

Rules as Proposed

8850.8050 ~~LOADING AND~~ UNLOADING ~~OF~~ PETROLEUM TRANSPORT.

Subpart 1. [See repealer.]

Subp. 2. **Unloading.** During unloading of a petroleum transport, the driver must be within 25 feet of the cargo tank, but must not be in an enclosure or in the cab of the vehicle. ~~The~~ A delivery hose, when attached to the cargo tank, is considered part of the cargo tank. A fire extinguisher ~~must be out of the vehicle's carrying device,~~ with at least a 10 B:C rating must be ready for instant use, and must be at least 15 feet ~~or more~~ from the cargo tank.

REPEALER. Minnesota Rules, part 8850.8050, subpart 1, is repealed.

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Loading and Unloading of Petroleum Transports

AGENCY: Department of Transportation

MINNESOTA RULES: Chapter 8850

The attached rules are approved for publication in the State Register

Ron Ray
Senior Assistant Revisor

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
OFFICE OF SYSTEMS AND ADMINISTRATIVE SERVICES

In the Matter of the Proposed Adoption of the Rule of the State Department of Transportation Governing Loading and Unloading of Petroleum Transports.	))))	AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Kenneth H. Bjork, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes §§ 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state Department of Transportation rulemaking list is accurate, complete, and current as of this 10th day of June, 1992.

That on the 10th day of June, 1992, at the City of Saint Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt A Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Subscribed and sworn to before me this
10th day of June, 1992.

Sheila Cashman
Notary Public

SHEILA CASHMAN
NOTARY PUBLIC—MINNESOTA
ANOKA COUNTY
MY COMMISSION EXPIRES 12-17-97

Kenneth H. Bjork
Manager, Administrative Procedures & Documentation

Date 10JUN92

State of Minnesota
Department of Transportation
Crossfile Listing
All records for Distribution 350
****

Key	Last	First	M	Organization	Address	City	St	Dst	Cpy	Cost	C
0012	ANDERSON	LOUIS	C	MINN DEPT TRANSPORTATION	N TR HWY 52 PO BOX 6177	ROCHESTER	MN	350	1	00.00	1
0203	ARNEBECK	RICHARD		MINN DEPT TRANSPORTATION	3725 12TH ST N PO BOX 370	ST CLOUD	MN	350	1	00.00	1
0017	BALDWIN	JEROME	C	OFC LIBRARY	B23 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0057	BATES	MARVIN	G	MINN DEPT TRANSPORTATION	1320 SUNFLOWER STREET	CROOKSTON	MN	350	1	00.00	1
0781	BERGMAN	PAUL	M	OFC CONTRACT ADMIN/MAINT	G4 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0022	BJORK	KENNETH	H	OFC SYST/ADMIN SERVICES	308 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0408	BLOMGREN	JOANNE	A	OFC TECHNICAL SUPPORT	612 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0148	BORSON	RICHARD		OFC COMMISSIONER	408 TRANSPORTATION BLDG	ST PAUL	MN	350	2	00.00	1
0455	CAMPBELL	BARBARA	J	MINN DEPT TRANSPORTATION	2900 NW 48TH ST BOX 6177	ROCHESTER	MN	350	1	00.00	1
0052	CARLSON	DENNIS		MINN DEPT TRANSPORTATION	420 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0456	CARON	DELORIS		MINN DEPT TRANSPORTATION	W TR HWY 14 PO BOX 307	OWATONNA	MN	350	1	00.00	1
0453	CHOUINARD	MARY	A	MINN DEPT TRANSPORTATION	2055 N LILAC DRIVE	GOLDEN VALLEY	MN	350	6	00.00	1
0210	CLARKE	EDWIN	O	OFC SYST/ADMIN SERVICES	308 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0002	COHOON	ED		OFC COMMISSIONER	408 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0042	CRAWFORD	WILLIAM	M	METRO DISTRICT	120 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0235	DEMBOUSKI	DIANE	M	OFC FINANCIAL MANAGEMENT	461 RICE STREET	ST PAUL	MN	350	1	00.00	1
0048	DINNEEN	DICK		OFC RIGHT OF WAY/SURVEY	511B TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0049	DURBAHN	ROGER	W	OFC HUMAN RESOURCES	515 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0047	DURGIN	DARRYL		OFC COMMISSIONER	413 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0147	EIDEM	MONTY		MINN DEPT TRANSPORTATION	PO BOX 490	BEMIDJI	MN	350	1	00.00	1
0153	EKERN	DAVID		MINN DEPT TRANSPORTATION	1123 MESABA AVENUE	DULUTH	MN	350	1	00.00	1
0458	ENFIELD	DAVID		MINN DEPT TRANSPORTATION	501 S VICTORY DRIVE	MANKATO	MN	350	1	00.00	1
0461	FAUCHALD	JEANNETTE		MINN DEPT TRANSPORTATION	2505 TRANSP RD PO BOX 768	WILLMAR	MN	350	1	00.00	1
0020	FLEMMING	DONALD		OFC BRIDGE/STRUCTURES	610D TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0052	FOOTE	LAWRENCE	E	OFC ENVIRONMENTAL SERVICE	124 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0069	GARGARO	SAMUEL	F	OFC ELECTRONIC COMM	900 KELLY IN	ST PAUL	MN	350	1	00.00	1
1210	GERDES	DELBERT		OFC HWY PROGRAM IMPLEMT	419 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0071	GIPP	RONALD		OFC AUDIT	1959 SLOAN PLACE	MAPLEWOOD	MN	350	1	00.00	1
0024	GJOVIK	WESLEY		MINN DEPT TRANSPORTATION	501 S VICTORY DR BOX 4039	MANKATO	MN	350	1	00.00	1
0423	GRUBBS	MARY		OFC PROGRAM MANAGEMENT	807 TRANSPORTATION BLDG	ST PAUL	MN	350	6	00.00	1
0164	HALVORSON	RANDALL	K	OFC TRANSIT	815 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0413	HANSON	GRETCHEN	E	OFC HUMAN RESOURCES	515 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0081	HAUKEBO	DUANE	A	OFC AERONAUTICS	417 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0426	HAZARD	SHERYLE	K	OFC COMMISSIONER	411 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0404	HENSLIN	GLADYS	M	OFC TECHNICAL SUPPORT	612C TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0100	HILL	ROGER	M	OFC TECHNICAL SUPPORT	612 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
4622	HOBEN	LARRY	A	MINN DEPT TRANSPORTATION	2505 TRANSP RD PO BOX 768	WILLMAR	MN	350	1	00.00	1
0229	HODGINS	DAVID	M	OFC PROGRAM MANAGEMENT	813 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0004	HOFF	GORDON		OFC AERONAUTICS	ST PAUL DOWNTOWN AIRPORT	ST PAUL	MN	350	1	00.00	1
0204	HOFFMAN	RONALD		OFC COMMISSIONER	413 TRANSPORTATION	ST PAUL	MN	350	1	00.00	1
0095	HOLLAND	JERRY	B	MINN DEPT TRANSPORTATION	3485 HADLEY AVE N	OAKDALE	MN	350	1	00.00	1
0407	HYLTON	MARGARET	M	OFC TECHNICAL SUPPORT	704 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0112	KEIFFER	GEORGE		OFC SYST/ADMIN SERVICES	308 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0088	KOLLMANN	BONNIE		OFC FINANCIAL MANAGEMENT	461 RICE STREET	ST PAUL	MN	350	1	00.00	1
0194	KREUTZER	GERALD	N	MINN DEPT TRANSPORTATION	1991 INDUSTRIAL PARK ROAD	BAXTER	MN	350	1	00.00	1
0444	LARSON	LINDA	L	MINN DEPT TRANSPORTATION	PO BOX 490	BEMIDJI	MN	350	1	00.00	1
0043	LARSON	BRUCE	A	MINN DEPT TRANSPORTATION	1123 MESABA AVENUE	DULUTH	MN	350	1	00.00	1
0126	LINZIE	MERRITT	H	OFC HWY PROGRAMS	807 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0008	MARSHALL	F	C	OFC HWY PROGRAM IMPLEMT	419 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0450	MCDOUGALL	CAROL		MINN DEPT TRANSPORTATION	1000 W TR HWY 10 BOX 666	DETROIT LAKES	MN	350	1	00.00	1
0137	MCRAE	KERMIT		MINN DEPT TRANSPORTATION	N TR HWY 52 PO BOX 6177	ROCHESTER	MN	350	1	00.00	1
0227	MILLER	JERRY	L	MINN DEPT TRANSPORTATION	PO BOX 410 610 HWY 9 S	MORRIS	MN	350	1	00.00	1
0417	MONTGOMERY	JOYCE	W	OFC STATE AID	420 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0411	MORAN	SUSAN	M	OFC MATERIALS & RESEARCH	1400 GERVAIS AVE	MAPLEWOOD	MN	350	1	00.00	1

Key	Last	First	M	Organization	Address	City	St	Dst	Cpy	Cost	C
0110	MUELLER	WILLIAM	G	OFC TECHNICAL SUPPORT	716 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0223	MURPHY	WAYNE		OFC CONTRACT ADMIN/MAINT	G4 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
2804	NIELAND	FRANK		ADMIN TRUCK CENTER	100 STOCKYARD ROAD	SO ST PAUL	MN	350	1	00.00	1
0006	OFSTEAD	GENE		OFC TECHNICAL SUPPORT	413 TRANSPORTATION BLDG	ST PAUL	MN	350	2	00.00	1
8815	PARKER	BETSY		OFC MOTOR CARRIER/SAFETY	100 STOCKYARD ROAD	SOUTH ST PAUL	MN	350	1	00.00	1
0144	PECORE	ROBERT		MINN DEPT TRANSPORTATION	501 S VICTORY DR BOX 4039	MANKATO	MN	350	1	00.00	1
0460	PETERSON	ALLEN		MINN DEPT TRANSPORTATION	S CO RD 26 PO BOX 427	WINDOM	MN	350	1	00.00	1
0415	PETREE	ROSE	B	OFC MATERIALS & RESEARCH	1400 GERVAIS AVE	MAPLEWOOD	MN	350	1	00.00	1
0418	PURVIS	SANDRA	G	OFC SURVEY & MAPPING	711 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
9362	RIES	HOWARD		MINN DEPT TRANSPORTATION	3485 HADLEY AVENUE N	OAKDALE	MN	350	1	00.00	1
2515	ROBINSON	MICHAEL		OFC TRAFFIC ENGINEERING	313 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0003	ROUGHT	RAYMOND		OFC AERONAUTICS	417 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0005	SANDAHL	JOHN		OFC COMMISSIONER	413 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0193	SCHENKELBERG	ALLAN	J	OFC PROGRAM MANAGEMENT	807 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0416	SECOR	JANET	E	OFC RIGHT OF WAY/SURVEY	511 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0166	SELNESS	CECIL		OFC RAILROADS & WATERWAYS	925 KELLY INN	ST PAUL	MN	350	1	00.00	1
0121	SHAW	DALE	N	MINN DEPT TRANSPORTATION	W TR HWY 14 PO BOX 307	OWATONNA	MN	350	1	00.00	1
0113	SMILONICH	DAVE		OFC OPERATIONS	G36 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0240	SODER	ALAN	D	OFC MATERIALS & RESEARCH	1400 GERVAIS AVE	MAPLEWOOD	MN	350	1	00.00	1
0174	STEHR	RICHARD	A	METRO DISTRICT	120 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0819	STOLTMAN	CINDY	L	MINN DEPT TRANSPORTATION	1991 INDUSTRIAL PARK ROAD	BAXTER	MN	350	3	00.00	1
0178	SULLIVAN	RICHARD	H	OFC MATERIALS & RESEARCH	1400 GERVIAS AVE	MAPLEWOOD	MN	350	1	00.00	1
0180	SWANSON	RICHARD		OFC FINANCIAL MANAGEMENT	413 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0181	SWANSON	ROBERT	G	OFC RAILROADS & WATERWAYS	925 KELLY INN	ST PAUL	MN	350	1	00.00	1
0080	TROOIEN	DAVE		MINN DEPT TRANSPORTATION	2505 TRANS ROAD BOX 768	WILLMAR	MN	350	1	00.00	1
0452	TSCHETTER	CONNIE		MINN DEPT TRANSPORTATION	610 HWY 9 S PO BOX 410	MORRIS	MN	350	2	00.00	1
0191	KESSLER	LEE		MINN DEPT TRANSPORTATION	1000 W TR HWY 10 BOX 666	DETROIT LAKES	MN	350	1	00.00	1
0236	WATSON	MARTHA		OFC HUMAN RESOURCES	515 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0171	WELK	GEORGE		MINN DEPT TRANSPORTATION	S CO RD 26 PO BOX 427	WINDOM	MN	350	1	00.00	1
0201	WORKS	ROBERT	M	OFC TRANSIT	815 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
1776				US DEPT TRANSPORTATION	METRO SQUARE BLDG 490	ST PAUL	MN	350	1	00.00	2
1187	ANDERSON	DUANE		POLLUTION CONTROL AGENCY	520 LAFAYETTE ROAD	ST PAUL	MN	350	1	00.00	2
1055	DAWSON	JEAN	L	MINN GOVERNMENT REPORT	B12 CAPITOL BLDG	ST PAUL	MN	350	1	00.00	2
1093	DOWNING	DAVID			4486 STATE OFFICE BUILDIG	ST PAUL	MN	350	1	00.00	2
0120	FOSLIEN	CHARLES	E	US DEPT TRANSPORTATION	METRO SQUARE BLDG 490	ST PAUL	MN	350	1	00.00	2
1028	HRUBY	MARYANNE	V	MINN STATE LEGISLATURE	55 STATE OFFICE BLDG	ST PAUL	MN	350	1	00.00	2
8855	LARSON	NANCY	J	POLLUTION CONTROL AGENCY	520 LAFAYETTE ROAD	ST PAUL	MN	350	1	00.00	2
0140	MARSNIK	ADAM		MINN STATE LEGISLATURE	645 STATE OFFICE BLDG	ST PAUL	MN	350	1	00.00	2
9352	MCINERNEY JR	DANIEL	J	MINN DEPT HEALTH	717 S E DELAWARE ST	MINNEAPOLIS	MN	350	1	00.00	2
0281	MOOSBRUGGER	LLOYD	J	OFC ATTORNEY GENERAL	525 PARK STREET	ST PAUL	MN	350	1	00.00	2
9264	MORAN	JOHN	E	TRANSP REGULATION BOARD	100 STOCKYARDS ROAD	SO ST PAUL	MN	350	2	00.00	2
0280	MUETING	DONALD	J	OFC ATTORNEY GENERAL	525 PARK ST	ST PAUL	MN	350	1	00.00	2
0283	RAY	RON		MINN STATE LEGISLATURE	700 STATE OFFICE BLDG	ST PAUL	MN	350	1	00.00	2
4472	SMITH	RICHARD		MINN DEPT PUBLIC SAFETY	B4 CAPITOL BLDG	ST PAUL	MN	350	1	00.00	2
1076	SPITZER	SUSANNE	P	POLLUTION CONTROL AGENCY	520 LAFAYETTE ROAD 6XX	ST PAUL	MN	350	1	00.00	2
1065				INSURANCE FEDERATION MINN	55 5TH ST E #750	ST PAUL	MN	350	1	00.00	3
1022	AHERN	MICHAEL	J	MOSS & BARNETT PA	4800 NORWEST CENTER	MINNEAPOLIS	MN	350	1	00.00	3
1069	ALDERS	JIM		NORTHERN STATES POWER CO	414 NICOLLET MALL	MINNEAPOLIS	MN	350	1	00.00	3
1147	ANDERSON	HERB	K		418 - 8TH ST S	VIRGINIA	MN	350	1	00.00	3
4468	ANDERSON	C GARY		NORTHERN STATES POWER CO	414 NICOLLET MALL	MINNEAPOLIS	MN	350	1	00.00	3
1026	BAIR	ANNETTE		SW REGL DEVEL COMM	2524 BROADWAY PO BOX 265	SLAYTON	MN	350	1	00.00	3
9210	BARKER	BRUCE		MINN TIMBER PRODUCERS	208 PHOENIX BUILDING	DULUTH	MN	350	1	00.00	3
1163	BARTEL	SEVINS	D	ST PAUL CHAMBER COMMERCE	55 5TH ST E #101	ST PAUL	MN	350	1	00.00	3
0779	BEATON	JOE			3109 HENNIPEN AVE S	MPLS	MN	350	1	00.00	3
1085	BERG	GARY	M	CITY OF COTTAGE GROVE	7516 80TH STREET S	COTTAGE GROVE	MN	350	1	00.00	3
0319	BERKELAND	MERLE	R	CITY OF WILLMAR	333 SW 6TH ST BOX 548	WILLMAR	MN	350	1	00.00	3
1200	BERNHARDSON	MARK	E	CITY OF ORONO	PO BOX 66	CRYSTAL BAY	MN	350	1	00.00	3
1138	BLOCK	EMANUEL	J		70 ORME CT.	ST. PAUL	MN	350	1	00.00	3
4466	BODONY	STEVE		HANSON SILO CO	PO BOX 37	LAKE LILLIAN	MN	350	1	00.00	3
4130	BOTZEK-	GARY		AGGREGATE READY MIX ASSOC	506 FORT ROAD	ST PAUL	MN	350	1	00.00	3

Key	Last	First	M	Organization	Address	City	St	Dst	Cpy	Cost	C
1128	BOWMAN	DENNIS		OTTER TAIL POWER CO	2115 S CASCADE	FERGUS FALLS	MN	350	1	00.00	3
9431	BOYD	RICHARD	R	SAINT ANNE HOSPICE CENTER	1347 W BROADWAY	WINONA	MN	350	1	00.00	3
0334	BRICKLEY	DAVID	W	CIRCUIT CHEMISTRY	5129 INDUSTRIAL ST	MAPLE PLAIN	MN	350	1	00.00	3
1101	BROEKER	JOHN	M	BROEKER GEER FLETCHER ECT	8500 NORMANDALE LAKE BLVD	MINNEAPOLIS	MN	350	1	00.00	3
1185	BRUNNER	MARK		MINN MFGD HOUSING ASSN	555 PARK ST	ST PAUL	MN	350	1	00.00	3
3041	BRUTLAG	PAUL		MINN SUGAR BEET GROWERS	ROUTE 1 / PO BOX 2	WENDELL	MN	350	1	00.00	3
1049	BUNGE	DARREL	D	MINN PETROLEUM COUNCIL	350 ST PETER ST STE 1025	ST PAUL	MN	350	1	00.00	3
5174	BURCH	MARK		CITY OF WHITE BEAR LAKE	4701 HWY 61	WHITE BEAR LAKE	MN	350	1	00.00	3
0481	CASHMAN	THOMAS	E	N W AGRI-DEALERS ASSN	PO BOX 698	MANKATO	MN	350	1	00.00	3
0528	CLOSMORE	JEFF	L	SIX TRANSFER CO	656 PELHAM BOULEVARD	ST PAUL	MN	350	1	00.00	3
5195	COLBERT	THOMAS	A	CITY OF EAGAN	3830 PILOT KNOB RD	EAGAN	MN	350	1	00.00	3
1190	CRIST	LAWRENCE	J	UNITED TRANSPORTATION UN	317 E 5TH STREET #11	DES MOINES	IA	350	1	00.00	3
9162	CROONQUIST	WILLIS	G	UNITED TRANSP UNION	832 LUMBER EXCHANGE BLDG	MINNEAPOLIS	MN	350	1	00.00	3
1178	DENN	JAMES	N	MINN TRUCKING ASSN	1821 UNIVERSITY AVE 134N	ST PAUL	MN	350	1	00.00	3
1029	DETERS	DUANE		RED BARON FLYERS INC	RR 1	CALEDONIA	MN	350	1	00.00	3
5162	DOLENTZ	JOHN	L	CITY OF ST CLOUD	400 2ND STREET S	ST CLOUD	MN	350	1	00.00	3
1018	DONAHUE	DANIEL	J	CITY OF NEW HOPE	4401 XLYON AVENUE N	NEW HOPE	MN	350	1	00.00	3
0532	DVORSAK	JUDY		HENSLEY INC	PO BOX 597	OSAKIS	MN	350	1	00.00	3
5179	EBELING	CRAIG		CITY OF BURNSVILLE	100 CIVIC CENTER PKWY	BURNSVILLE	MN	350	1	00.00	3
9329	EELKEMA	ROBERT		MINN MEDICAL ASSOCIATION	2221 UNIVERSITY AVE RM400	MPLS	MN	350	1	00.00	3
5194	FOLCH	CHARLES	D	CITY OF CHANHASSEN	690 COULTER DR PO BOX 147	CHANHASSEN	MN	350	1	00.00	3
1134	FONTAINE	LEYTEN		RDC REGION 5	611 IOWA AVENUE	STAPLES	MN	350	1	00.00	3
1056	FORBES	GORDON		M T PROPERTIES INC	475 CLEVELAND AVE N #305	ST PAUL	MN	350	1	00.00	3
9432	FRIESEN	MILLER	A	RANGE MENTAL HEALTH CTR	PO BOX 1188	VIRGINIA	MN	350	1	00.00	3
1120	FRISON	FRANK		N E C A ROOM 305	175 W LAFAYETTE FRT RD S	ST PAUL	MN	350	1	00.00	3
1545	FUNK	DEBRA	L	EAST CENTRAL DEVELP COMM	100 S PARK ST	MORA	MN	350	1	00.00	3
0543	FURTH	PAUL	T	FURTH-MEILE INSURANCE	9 N MINNESOTA ST BOX 37	NEW ULM	MN	350	1	00.00	3
5160	GAITLIN	STEVE		CITY OF ROSEVILLE	2660 CIVIC CENTER DRIVE	ROSEVILLE	MN	350	1	00.00	3
1072	GARRETT	VIOLA	M	CITY OF PINE RIVER	PO BOX 87	PINE RIVER	MN	350	1	00.00	3
1168	GEORGE	DARLENE		CITY OF CRYSTAL	4141 DOUGLAS DRIVE N	CRYSTAL	MN	350	1	00.00	3
0436	GERBER	ALLEN		MINN ASSN OF COOPERATIVES	480 CEDAR ST 380	ST PAUL	MN	350	1	00.00	3
1045	GILLIG	DEBORA	J	CRYSTAL SHAMROCK INC	6000 DOUGLAS DRIVE N	MINNEAPOLIS	MN	350	1	00.00	3
1157	GRABER	SHERMAN		WORTHINGTON AVIATION	AIRPORT ROAD	WORTHINGTON	MN	350	1	00.00	3
1041	GRETZ	JOHN		CITY OF APPLE VALLEY	14200 CEDAR AVE	APPLE VALLEY	MN	350	1	00.00	3
1184	GRINDEN	JOHN	C	DULUTH AIRPORT AUTHORITY	DULUTH INTL AIRPORT	DULUTH	MN	350	1	00.00	3
0545	GUNDERSON	JAY	C	JACK FROST INC	6005 BENTON DRIVE NORTH	SAUK RAPIDS	MN	350	1	00.00	3
5010	GUSTAFSON	ROGER	M	COUNTY OF CARVER	600 E 4TH STREET PO BOX 6	CHASKA	MN	350	1	00.00	3
4470	HACKING	EARL			700 N MEADOW LANE	MINNEAPOLIS	MN	350	1	00.00	3
1194	HAIDER	KEN		CITY OF MAPLEWOOD	1830 E CO RD B	MAPLEWOOD	MN	350	1	00.00	3
1042	HALLMAN	WES	A	ASSOCIATED MOTOR CARRIERS	840 HAMPDEN AVE #206	ST PAUL	MN	350	1	00.00	3
1460	HAMMARGREN	DAVID		RICHARD KNUTSON INC	12585 RHODE ISLAND AVE S	SAVAGE	MN	350	1	00.00	3
1186	HARRY	RICHARD			1000 LAKESHORE DRIVE	MOOSE LAKE	MN	350	1	00.00	3
5120	HOFFMAN	FRANCIS	J	CITY OF EDINA	4801 W 50TH STREET	EDINA	MN	350	1	00.00	3
1181	HOFFMAN	CHARLES	B	PICKANDS MATHER & COMPANY	200 W SUPERIOR ST 811	DULUTH	MN	350	1	00.00	3
0790	HOGAN	RAY		TEAMSTER LOCAL 120	320 UNIVERSITY AVE	ST PAUL	MN	350	1	00.00	3
4476	HOLTE	GREG		RED RIV VAL SUGAR BEET GR	336 5TH AVENUE E	HALSTAD	MN	350	1	00.00	3
5108	HULSETHER	JEFF		CITY OF BRAINERD	501 LAUREL ST CITY HALL	BRAINERD	MN	350	1	00.00	3
1550	HULSETHER	JEFFREY	M	CITY OF BRAINERD	CITY HALL	BRAINERD	MN	350	1	00.00	3
0559	INGVALSON	VERN		MN FARM BUREAU FEDERATION	PO BOX 64370	ST PAUL	MN	350	1	00.00	3
1150	JACK	JAMES	T	MANKATO STATE UNIVERSITY	PO BOX 36	MANKATO	MN	350	1	00.00	3
1159	JENSEN	GAYNOLD		HEALTH CARE FACILTIES	8400 PENNSYLVANIA RD #327	MINNEAPOLIS	MN	350	1	00.00	3
1007	JILK	STEPHAN		CITY OF ROSEMOUNT	2875 145TH ST W	ROSEMOUNT	MN	350	1	00.00	3
1161	JOHANSEN	JIM		JOHANSEN BUS SVC INC	11911 CAVELL AVENUE N	CHAMPLIN	MN	350	1	00.00	3
1009	JOHNSON	JOHN	A		RR 2 - PO BOX 79	SACRED HEART	MN	350	1	00.00	3
4436	JOHNSON	JAMES	H	DAHLEN TRANSPORT INC	1680 4TH AVENUE	NEWPORT	MN	350	1	00.00	3
1010	JOHNSON	GORDON	H	LUTHERAN SOCIAL SERVICE	2414 PARK AVENUE	MINNEAPOLIS	MN	350	1	00.00	3
9420	KARR	JEFFREY		ABBOTT-NWESTERN HOSPITAL	800 EAST 28TH STREET	MINNEAPOLIS	MN	350	1	00.00	3
1213	KASHMARK	GENE		KASHMARK TRUCKING INC	221 FAIR ST	CLINTON	MN	350	1	00.00	3
3073	KEEFE	STEVE		METROPOLITAN COUNCIL	230 EAST 5TH ST	ST PAUL	MN	350	1	00.00	3
0793	KEEGEL	TOM		TEAMSTER LOCAL 544	2636 PORTLAND AVE SO	MPLS	MN	350	1	00.00	3

Key	Last	First	M	Organization	Address	City	St	Dst	Cpy	Cost	C
1013	KLEIN	ALLAN		MINN OFC ADMIN HEARINGS	310 FOURTH AVE S #500	MINNEAPOLIS	MN	350	1	00.00	3
1208	KROGMAN	ROBERT	S	N W PETROLEUM ASSOCIATION	2345 RICE STREET STE 173	ST PAUL	MN	350	1	00.00	3
1016	KRUPA	DENNIS		ANDERSON TRUCKING SERVICE	203 COOPER AVENUE N	ST CLOUD	MN	350	1	00.00	3
0653	LATTIN	LOWELL	L	HARVEST STATES CO-OP	1667 N SNELLING AVE	ST PAUL	MN	350	1	00.00	3
5106	LENTHE	CHARLES		CITY OF BLAINE	9150 CENTRAL AVENUE NE	BLAINE	MN	350	1	00.00	3
0804	LIIMATAINEN	SHERM		TEAMSTER LOCAL 346	2802 WEST FIRST ST	ST PAUL	MN	350	1	00.00	3
1074	LOFTHUS	MARK	W	COUNTRYSIDE COUNCIL	PO BOX 78	MARSHALL	MN	350	1	00.00	3
2054	LON	AUNE	P	CITY OF APPLE VALLEY	14299 CEDAR AVE S	APPLE VALLEY	MN	350	1	00.00	3
9417	LYNCH	FRANCES		504 ADVISORY COMMITTEE	4323 LONGFELLOW AVENUE	MINNEAPOLIS	MN	350	1	00.00	3
1135	MADKINS	CAROL	A	BUREAU NATL AFFAIRS INC	1231 25TH STREET NW	WASHINGTON	DC	350	1	00.00	3
1140	MALINEN	WILLIAM	J	TOWNSHIP OF WHITE BEAR	1281 HAMMOND ROAD	WHITE BEAR	MN	350	1	00.00	3
5109	MALONEY	MARK		CITY OF BROOKLYN CENTER	6301 SHINGLE CREEK PKWY	BROOKLYN CENTER	MN	350	1	00.00	3
0740	MARANELL	MIKE	L	AG PROCESSING INC	11717 BURT ST SUITE 2	OMAHA	NB	350	1	00.00	3
5098	MCINTOSH	ANDREW			1012 GRAIN EXCHANGE BLDG	MINNEAPOLIS	MN	350	1	00.00	3
1092	MEHMEL	P	V	W CENTRAL COMM SVCS CTR	P O BOX 787	WILLMAR	MN	350	1	00.00	3
1119	MERRILL	THOMAS	E	FARIBAULT TRANSPORTATION	2615 1ST AVE NW BOX 163	FARIBAULT	MN	350	1	00.00	3
0742	MICHALSON	GEORGE	D	MIDDLEWEST MOTOR FRE BUR	PO BOX 418647	KANSAS CITY	MO	350	1	00.00	3
5130	MONTGOMERY	TOM		CITY OF HASTINGS	CITY HALL 100 SIBLEY ST	HASTINGS	MN	350	1	00.00	3
1012	MOORE	J	K	ERNEST K LEHMANN & ASSOC	430 FIRST AVE N	MINNEAPOLIS	MN	350	1	00.00	3
1117	MORGAN	ROBERT	S	MINNEAPOLIS PUBLIC WORKS	350 S 5TH ST RM 203	MINNEAPOLIS	MN	350	1	00.00	3
0749	MORRELL	JAY	C	M AND P TRANSPORT INC	PO BOX 477	MONTICELLO	MN	350	1	00.00	3
9433	MUELLER	MICHAEL	T	H T S INC	PO BOX 281	SO ST PAUL	MN	350	1	00.00	3
5134	NOLTING	DONALD	L	CITY OF INTL FALLS	CITY HALL BOX 392	INTL FALLS	MN	350	1	00.00	3
1098	NORD	TERENCE		NORD AVIATION INC	RR 1 BOX 3	PEMBINA	ND	350	1	00.00	3
1054	OLSON	N	G	THUNDERBIRD AIRCRAFT CO	5100 EDEN AVENUE	MINNEAPOLIS	MN	350	1	00.00	3
1064	PELLISH	JOE		H B FULLER CO	3530 N LEXINGTON AVENUE	ST PAUL	MN	350	1	00.00	3
0768	PIILOLA	ANDREW	A	MN TRUCKING ASSN	1821 UNIVERSITY AV 134N	ST PAUL	MN	350	1	00.00	3
1179	RADZIEJ	DAVID		AGC MINNESOTA	111 E KELLOGG BLVD	ST. PAUL	MN	350	1	00.00	3
1088	RAIBER	KENNETH	W	ST CLOUD STATE UNIVERSITY	HEADLEY HALL	ST CLOUD	MN	350	1	00.00	3
1073	RANDELL	PATSY	A	HONEYWELL INC	HONEYWELL PLAZA	MINNEAPOLIS	MN	350	1	00.00	3
1530	RHULE	SAM		OFC ADMIN HEARINGS	310 4TH AVE S	MPLS	MN	350	1	00.00	3
9222	RIPPENTROP	GARY	D	MINN AUTO DEALERS ASSOC	277 UNIVERSITY AVENUE	ST PAUL	MN	350	1	00.00	3
1111	RODEWALD	JEROME	C	ECOLAB INC	ECOLAB CENTER	ST PAUL	MN	350	1	00.00	3
4119	ROMBERG	CHRIS		COUNTY OF BROWN	COURT HOUSE	NEW ULM	MN	350	1	00.00	3
1038	ROSENTHAL	ABE		MINN TRANSPORT SERVICES	1821 UNIVERSITY AVE 310N	ST PAUL	MN	350	1	00.00	3
1033	ROSS	ALFRED			6356 WARE ROAD	LINO LAKES	MN	350	1	00.00	3
4471	RUBENSTEIN	SAMUEL			6960 MADISON AVENUE W	GOLDEN VALLEY	MN	350	1	00.00	3
5107	RUDRUD	RONALD		CITY OF BLOOMINGTON	2215 W OLD SHAKOPEE ROAD	BLOOMINGTON	MN	350	1	00.00	3
3999	SALLSTROM	CRAIG	J	MN PLANT FOOD & CHEM ASSN	1821 UNIVERSITY AVE #253S	ST PAUL	MN	350	1	00.00	3
1082	SANFORD	S	M		7000 PORTLAND AVE	RICHFIELD	MN	350	1	00.00	3
0983	SATHER	CAROL ANN		FARM CREDIT LEASING SERV	10 SECOND ST NE	MPLS	MN	350	1	00.00	3
9425	SCANLAN	JOYCE		NATL FED OF BLIND MINN	15 S FIFTH STREET 715	MINNEAPOLIS	MN	350	1	00.00	3
0805	SCHENK	JIM		TEAMSTER LOCAL 160	405 HLF SOUTH BROADWAY	ROCHESTER	MN	350	1	00.00	3
1100	SCHMIT	MICHAEL	C	CITY OF WILLMAR	333 W 6TH ST PO BOX 755	WILLMAR	MN	350	1	00.00	3
1152	SCHMITT	WILLIAM	L	CITY OF ALBERT LEA	221 E CLARK STREET	ALBERT LEA	MN	350	1	00.00	3
5103	SCHULTZ	RAY		CITY OF ANOKA	2015 1ST AVE N	ANOKA	MN	350	1	00.00	3
1104	SHOL	LUCKY		W CENTRAL AIRWAYS INC	PO BOX 432	FERGUS FALLS	MN	350	1	00.00	3
1205	SIEGMUND	RON		MINN STATE AUTO ASSOC	7 TRAVELERS TRAIL	BURNSVILLE	MN	350	1	00.00	3
5142	SONNENBERG	DAVID	J	CITY OF MINNETONKA	14600 MINNETONKA BLVD	MINNETONKA	MN	350	1	00.00	3
9428	SPARTZ	GREGORY	G	WILLMAR STATE HOSPITAL	PO BOX 1128	WILLMAR	MN	350	1	00.00	3
1115	STROM	KURT	E	MN ST COUNCIL DISABILITY	145 METRO SQUARE BLDG	ST PAUL	MN	350	1	00.00	3
1344	THALACKER	VERNON	R	FHWA OFC OF MOTOR CARRIER	METRO SQUARE SUITE 490	ST PAUL	MN	350	1	00.00	3
4474	THOMPSON	RUSSELL	C	CENEX LAND O LAKES AG	PO BOX 64089	ST PAUL	MN	350	1	00.00	3
1050	TOSCU	PAUL		IZAAK WALTON LEAGUE OF AM	525 PARK ST #101	ST PAUL	MN	350	1	00.00	3
9019	VAN DE NORTH	JOHN	B	BRIGGS & MORGAN PA	2200 FIRST NATL BANK BLDG	ST PAUL	MN	350	1	00.00	3
9436	WAAGE	DANIEL	L	HILLTOP CARE CENTER	ROUTE 1 BOX H	WATKINS	MN	350	1	00.00	3
0775	WILSEY JR	LESTER	A	INDIANHEAD TRK LINE INC	PO BOX 64355	ST PAUL	MN	350	1	00.00	3
5082	WISNIEWSKI	DONALD	C	COUNTY OF WASHINGTON	11660 MYERON RD N	STILLWATER	MN	350	1	00.00	3
9424	XXXXXXXXXX			KNUTE NELSON MEM HOME	420 12TH AVENUE E	ALEXANDRIA	MN	350	1	00.00	3
9419	XXXXXXXXXX			UNITED HANDICAPPED FEDN	1821 UNIVERSITY AVE 2845	ST PAUL	MN	350	1	00.00	3

Key	Last	First	M	Organization	Address	City	St	Dst	Cpy	Cost	C
0777	YATES	HAROLD	D	TEAMSTER LOCAL 120	320 UNIVERSITY AVE	ST PAUL	MN	350	1	00.00	3
0652	ZEIG	LEO		DITTRICH OF MN	1000 N FRONT ST	NEW ULM	MN	350	1	00.00	3
1197	ZELENKA	ROBERT		MINN FARMERS ELEVATOR	852 GRAIN EXCHANGE BLDG	MPLS	MN	350	1	00.00	3

Department of Transportation

Proposed Permanent Rules Relating to Loading and Unloading of Petroleum Transports

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Transportation intends to adopt the above-entitled rule without a public hearing following the procedures for adopting rules without a public hearing set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28.

Statutory authority. The statutory authority to adopt the rule is *Minnesota Statutes*, section 221.031, subdivision 1.

Nature and effect of proposed rule. *Minnesota Rules*, part 8850.8050 governs loading and unloading of petroleum transports. The proposed rule repeals *Minnesota Rules*, part 8850.8050, subpart 1 and amends subpart 2. The department is proposing to repeal subpart 1 because Minnesota has adopted *Code of Federal Regulations*, title 49, section 177.834, paragraph (i), clause (1). That federal regulation governs loading of cargo tanks and the current rule is no longer necessary. The repeal of subpart 1 will make the federal and state regulations uniform, ease restrictions on petroleum transporters and drivers, and will promote compliance. The department is proposing to amend subpart 2 to address industry concerns about the application of the current requirements to the residential delivery of petroleum products and to change current fire extinguisher requirements. The amendment of subpart 2 makes unloading requirements more practical without compromising safety. The department has prepared a Statement of Need and Reasonableness that addresses the need for and reasonableness of the proposed rule in detail.

Comment period. All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The 30-day comment period will expire at 4:30 p.m. on July 15, 1992.

Request for hearing. Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Ward Briggs
Office of Motor Carrier Safety and Compliance
151 Livestock Exchange Building
100 Stockyard Road
South St. Paul, MN 55075
(612) 297-7656

Comments or written requests for a public hearing must be received by the department by 4:30 p.m. on July 15, 1992.

The proposed rule may be modified if the modifications are supported by data and views submitted to the department and do not result in a substantial change in the proposed rule as noticed.

Proposed rule and Statement of Need and Reasonableness. A copy of the proposed rule and a copy of a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule is attached to this notice. A free copy of the proposed rule and the Statement of Need and Reasonableness is available upon request by contacting Ward Briggs at the address given above.

Expenditure of public money by local public bodies. Adoption of the proposed rule will not require a total expenditure of public monies by local public bodies of more than $100,00 in either of the two years immediately following adoption. Therefore, *Minnesota Statutes*, section 14.11, subdivision 1, is not applicable to this rulemaking proceeding.

Impact on agricultural land. Adoption of the proposed rule will not have a direct or substantial adverse impact on agricultural land. Therefore, *Minnesota Statutes*, section 14.11, subdivision 2, is not applicable to this rulemaking proceeding.

Impact on small businesses. Adoption of the proposed rule will not affect small business. Therefore, *Minnesota Statutes*, section

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14.115, is not applicable to this rulemaking proceeding. The subject of small business considerations is addressed in the department's Statement of Need and Reasonableness.

Submission to Attorney General. If no hearing is required, upon adoption of the rule, the rule and required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of the material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit a written request to Ward Briggs, Department of Transportation, Office of Motor Carrier Safety and Compliance at the address given above.

Dated: 1 June 1992

James N. Denn, Commissioner
Department of Transportation

STATEMENT OF NEED AND REASONABLENESS.

The Commissioner of Transportation presents facts showing the need for and reasonableness of the proposed rule governing the loading and unloading of petroleum transports.

INTRODUCTION

The Commissioner of Transportation, under *Minnesota Statutes*, section 221.031, has adopted a rule governing the loading and unloading of petroleum transports. *Minnesota Rules*, part 8850.8050, states:

Subpart 1. **Loading.** During loading of a petroleum transport, the driver must be within 25 feet of the cargo tank, but not in the vehicle cab or other enclosure.

Subp. 2. **Unloading.** During unloading of a petroleum transport, the driver must be within 25 feet of the cargo tank, but must not be in an enclosure or in the cab of the vehicle. The fire extinguisher must be out of the vehicle's carrying device, must be ready for instant use, and must be 15 feet or more from the cargo tank.

The term "petroleum transport" is defined in *Minnesota Rules*, part 8850.6900, subpart 18, as:

"...a vehicle, trailer, or semitrailer with a tank (1) that is mounted on it or made an integral part of it, other than the fuel supply tank for the engine of that vehicle, (2) that is filled or emptied while on the vehicle, and (3) that is used to transport petroleum products in bulk."

The term "petroleum products" is defined in *Minnesota Statutes*, section 221.011, subdivision 18. That subdivision states:

"Petroleum products" means crude petroleum and natural gas and any and all derivatives arising out of the refinement thereof, including anhydrous ammonia and liquid fertilizer.

The Minnesota Department of Transportation (Mn/DOT) has received complaints from the Minnesota Propane Gas Association and from petroleum transporters about the current rule. Industry representatives expresses three main concerns.

First, the current rule requires that a driver not be in an enclosure during loading of a petroleum transport. The safety and control mechanisms used to start, stop, and control the flow of product from bulk tanks to the transport are usually in an enclosure at loading terminals. Consequently, this is usually the safest place for a transport driver to be during loading.

Second, the current rule requires a driver to be within 25 feet of the cargo tank during unloading. Residential delivery of petroleum products often requires that a driver be further than 25 feet from the truck.

Third, the current rule requires that a fire extinguisher must be removed from the vehicle's carrying device. Removal of the fire extinguisher is not necesary when another fire extinguisher is readily available to a driver during unloading.

After meeting with industry representatives, Mn/DOT agreed to propose amendments to *Minnesota Rules*, part 8850.8050. This rulemaking proceeding was initiated as a result. Mn/DOT believes the proposed amendments solve the problems expressed by the industry without compromising the safety of transport drivers, other persons, or property.

SMALL BUSINESS CONSIDERATIONS

In proposing these amendments, the commissioner of transportation has considered the provisions of *Minnesota Statutes*, section 14.115, relating to the impact of the proposed rule on small businesses.

Minnesota Statutes, section 14.115, subdivision 1, defines small businesses as:

"a business entity, including farming and other agricultural operations and its affiliates, that, (a) is independently owned and operated; (b) is not dominant in its field; and (c) employs fewer than 50 full-time employees or has gross annual sales of less than $4,000,000. For purposes of a specific rule, an agency may define small business to include more employees if necessary to adapt the rule to the needs and problems of small businesses."

The commissioner of transportation has determined that the proposed rule will not have an impact, within the meaning of the statute, on small businesses. The proposed amendment of the rule does not establish reporting requirements. Neither does it establish schedules or deadlines for compliance. The amendments are offered in response to requests from the industry to eliminate or ease existing regulations.

PART-BY-PART STATEMENT OF NEED AND REASONABLENESS

PART 8850.8050. LOADING AND UNLOADING OF PETROLEUM TRANSPORT.

Subpart 1. **Loading.** The department is proposing to repeal the language currently in subpart 1.

Code of Federal Regulations, title 49, section 177.834, paragraph (i), clause (1), sets out the general requirements that must be followed during the loading of cargo tanks. That paragraph states:

(i) *Attendance requirements.* (1) *Loading*. A cargo tank must be attended by a qualified person at all times when it is being loaded. The person who is responsible for loading the cargo tank is also responsible for ensuring that it is so attended.

Code of Federal Regulations, title 49, section 177.834, paragraph (i), clauses (3) and (4) describe what is meant by "attends" and "qualified." They state:

(3) A person "attends" the loading or unloading of a cargo tank if, throughout the process, he is awake, has an unobstructed view of the cargo tank, and is within 7.62 meters (25 feet) of the cargo tank.

(4) A person is "qualified" if he has been made aware of the nature of the hazardous material which is to be loaded or unloaded, he has been instructed on the procedures to be followed in emergencies, he is authorized to move the cargo tank, and he has the means to do so.

Minnesota has adopted *Code of Federal Regulations*, title 49, section 177.834 in *Minnesota Statutes*, section 221.033, subdivision 1. Under subdivision 1, all transports of hazardous materials in Minnesota must comply with *Code of Federal Regulations*, title 49, sections 171 to 199.

Petroleum transporters are transporters of hazardous materials. Under *Minnesota Statutes*, section 221.011, subdivision 29, "hazardous materials" means:

. . . a substance or material determined by the United States secretary of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and so designated by the United States secretary of transportation.

Code of Federal Regulations, title 49, part 172, contains tables of materials that have been determined by the United States secretary of transportation to be "hazardous materials." Petroleum products, as defined by *Minnesota Statutes*, section 221.011, subdivision 18, are listed as hazardous materials.

The department believes it is imperative that a petroleum transport cargo tank be attended by a qualified person while it is being loaded. This was the department's original purpose in adopting subpart 1. However, subpart 1 includes two additional requirements not found in the federal regulation. First, it makes the driver an attendant by requiring the driver to be within 25 feet of the cargo tank. Second, it prohibits the driver from being in the vehicle cab or an enclosure.

The department is committed to achieving uniformity with federal regulations. Motor carriers, including operators of petroleum transports, must comply with federal and state regulations. Sometimes, local industry and enforcement concerns require the adoption of state regulations that differ slightly from those adopted by the federal government. Whenever possible, Mn/DOT seeks consistency between applicable state and federal regulations. The department believes that uniformity promotes compliance. A single standard is more easily learned and followed by members of the industry and enforcement officers.

In light of the above, Mn/DOT believes it is necessary and reasonable to repeal subpart 1. As stated earlier, at loading terminals, the safety shut-off and control mechanisms are usually in an enclosure. Some terminal facilities have policies that require the driver to be in the enclosure during loading. Others simply direct the driver to leave the loading area once a qualified terminal employee has assumed control of the vehicle. Still others require the driver to comply with part 8850.8050 through the driver's attendance is not necessary to ensure safe loading. Regardless of whether the driver is present, loading terminals provide qualified persons to attend the transport during the loading process because of the federal regulation.

A small percentage of petroleum products transported in petroleum transports is lubrication oil and some lubrication oil is not classed as a hazardous material. The current rule governs the loading of lubrication oil since it is a "petroleum product." However,

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because the federal rule only applies to hazardous materials, it does not govern the loading of non-hazardous lubrication oil. The department has considered the proposed repeal of subpart 1 in light of this fact and has opted for uniformity with the federal regulation. It is not necessary to retain the current requirements concerning loading non-hazardous lubrication oil since the secretary of transportation has determined that non-hazardous lubrication oil does not pose an unreasonable risk to health, safety, and property.

Code of Federal Regulations, title 49, section 177.834, contains reasonable requirements designed to ensure driver and vehicle safety during the loading of hazardous materials. All petroleum transports are subject to section 177.834 while loading hazardous materials. Only a very small percentage of the product loaded by petroleum transports is not classed as a hazardous material. Therefore, the repeal of subpart 1 is reasonable.

Subpart. 2. **Unloading.** Most petroleum transports are unloaded at bulk plants (facilities where product is stored in bulk tanks) or at service stations. A small percentage unload fuel oil at farms and homes. The department is proposing to amend subpart 2 in ways that affect both types of unloading operations. However, it is important to note that the department is not proposing to eliminate the requirement that the driver be in attendance by being within 25 feet of the cargo tank and not in the cab or an enclosure during unloading. Bulk plants and service stations do not have enclosures designed to provide control of the unloading process. Therefore, it is necessary that the driver remain present during unloading so that the valves can be closed quickly if a hose breaks or there is an overflow.

To accommodate residential deliveries of fuel oil, the department is proposing to amend this subpart by making a delivery hose part of the cargo tank. This amendment is necessary because residential delivery often requires the driver to bring the delivery hose to the side or rear of a building. This is usually more than 25 feet from the vehicle. It is practical for a driver to be in attendance at the point where the fuel oil is transferred to the residential tank. Most spills occur at this point rather than at the vehicle. Therefore, the department is proposing to amend the rule to allow the driver to remain with the hose instead of being near the vehicle.

The amendment is reasonable because it conforms to *Code of Federal Regulations*, title 49, section 177.834, paragraph (i), clause (5). That clause states that "a delivery hose, when attached to the cargo tank, is considered a part of the vehicle."

The proposed amendment will promote safety during residential unloading without compromising safety during other unloading operations. The driver will rarely be further than 25 feet from the vehicle at bulk plants and service stations since it is not necessary to use great lengths of hose during unloading at those locations.

The department is also proposing two substantive amendments with regard to fire extinguishers.

First, the current rule requires that the vehicle's fire extinguisher must be removed from its carrying device. Petroleum transports are subject to the commissioner's rules on equipment, parts, and accessories, under *Minnesota Statutes*, section 221.031 and *Minnesota Rules*, part 8850.8200. Part 8850.8200 incorporates *Code of Federal Regulations*, title 49, section 393.95 by reference. Paragraph (a) of that section sets out the requirements for fire extinguishers. Essentially, the federal regulation requires every power unit to be equipped with a fire extinguisher that has at least a 10 B:C rating. This fire extinguisher is the one that the current rule says must be removed from its carrying device.

Amending this subpart is both necessary and reasonable since fire extinguishers, other than those carried in the vehicle, are often available at unloading sites. As long as a fire extinguisher that meets the federal requirements is accessible and ready for instant use, it makes no difference if it is removed from the vehicle or a holder at the facility. The amendment allows a driver to leave the vehicle's fire extinguisher in place if another of equal or greater capacity is available. If another fire extinguisher is not avialable, the one carried in the vehicle must be removed from its carrying device. In either case, it is important that the fire extinguisher be "ready for instant use." If the vehicle's fire extinguisher is not removed, the driver must make sure the substitute fire extinguisher is close at hand and is removed from its place of storage so that it can be used instantly, if necessary.

This subpart is also being amended to specifically establish the requirements for fire extinguishers. The amendment is necessary because the department is proposing that fire extinguishers, other than those carried in the vehicle, may be used by a driver. Previously, it was not necessary to specify the fire extinguisher requirements since all petroleum transports are required to carry a fire extinguisher that meets that requirements of *Code of Federal Regulations*, title 49, section 393.95, (a)(2)(i)—one that has an Underwriter's Laboratories rating of 10 B:C or more. However, if a driver intends to rely on a fire extinguisher other than the vehicle's, it is necessary to state that the substitute fire extinguisher must meet the same requirements.

The proposed amendment is reasonable because specifying that the fire extinguisher must have a 10 B:C rating does not impose any new or additional requirements on a petroleum carrier or petroleum transport driver. It allows a driver to decide whether it is necessary to remove the vehicle's fire extinguisher from its carrying device. If a driver is satisfied that an equally capable fire extinguisher is available, it is not necessary to require removal of the one from the vehicle.

The department considered repealing the current rule on unloading of petroleum transports. *Code of Federal Regulations*, title 49, section 177.834, paragraph (i), clause (2), is the federal rule on unloading of cargo tanks. However, the federal rule does not include a requirement that the driver not be in the vehicle cab or an enclosure during unloading and contains no reference to the availability of a fire extinguisher. The department believes this is an instance where deviation from the federal regulation is warranted.

The federal regulation requires that a person "attends" a cargo tank during unloading. Under the federal regulation, a driver could attend the cargo tank while remaining in the cab or being in a service station facility as long as the driver is awake, has an unobstructed view of the tank, and is within 25 feet. The department believes it is necessary to retain the requirements of the current rule.

If there is an overflow during unloading, it is important that the driver react quickly to shut off the flow of product. A driver in a cab may not be able to detect an overflow as quickly as if he were outside of the vehicle. This is especially true if the driver is concentrating on completeing paperwork related to the delivery. Even if an overflow is detected immediately, a driver in a cab will necessarily take more time to reach the hose or the shut-off valves since the shut-off valves are usually located on the right side of a petroleum transport.

As stated before, most petroleum transports are unloaded at bulk plants or service stations. Many service stations offer to sell food, beverages, and merchandise to its customers. Some have arcade games or other amusement devices. Drivers in these facilities might have their attention distracted, even momentarily, from the unloading process. It is reasonable to require that a driver not be in such a facility, and subject to such distractions, during the time a transport is unloading.

Unloading of petroleum products in residential areas and at service stations presents a foreseeable danger of fire. Persons not subject to a driver's control, like service station customers, might light matches or smoke. While a driver should use care to keep fire away from the cargo tank and to prevent persons in the vicinity from smoking, lighting matches, or carrying lighted smoking material, that might not always be possible. A driver generally does not have the authority to give directions to service station customers. Further, since a driver must be within 25 feet of the cargo tank during unloading, the driver cannot leave the immediate vicinity of the cargo tank to request the assistance of a service station manager or employee when necessary. The department, therefore, believes it is necessary and reasonale to retain the requirement that a fire extinguisher be ready for instant use.

Other amendments to this subpart are needed to correct errors of form or grammar.

WITNESSES AND SUMMARY OF TESTIMONY

A. Expert witnesses. If a hearing is required, the department does not intend to use expert witnesses to provide evidence establishing the need for and reasonableness of the proposed rules. The department may, if necessary to adequately address evidence and argument presented by the public, arrange for the testimony of expert witnesses.

B. Mn/DOT witnesses. If a hearing is required, the department will introduce its Statement of Need and Reasonableness as an exhibit into the record in accordance with *Minnesota Rules*, part 1400.0500, subpart 3. The following department personnel will be available at the hearing, if one is required, for questioning by the Administrative Law Judge and other interested persons or to briefly summarize all or a portion of the Statement of Need and Reasonableness if requested by the Administrative Law Judge.

1. Elizabeth M. Parker. Elizabeth M. Parker is the Director of the Office of Motor Carrier Safety and Compliance. She was involved in meetings with industry representatives and in the development of the proposed rule. She may be called to testify about the need for and reasonableness of any of the proposed provisions.

2. Ward Briggs. Ward Briggs is an attorney with the Office of Motor Carrier Safety and Compliance. He has been involved in the development and drafting of the proposed rules and may be called to testify about the need for and reasonableness of any of the proposed provisions.

3. Pete Marcotte. Pete Marcotte is a hazardous materials specialist with the Office of Motor Carrier Safety and Compliance. He has been involved in meetings with industry representatives and is highly trained in state and federal regulations that pertain to the transportation of hazardous materials. He may be called to testify about the need for and reasonableness of any of the proposed provisions.

Dated: 1 June 1992

James N. Denn
Commissioner of Transportation

Rules as Proposed

8850.8050 ~~LOADING AND~~ UNLOADING ~~OF~~ PETROLEUM TRANSPORT.

Subpart 1. [See repealer.]

Subp. 2. **Unloading.** During unloading of a petroleum transport, the driver must be within 25 feet ~~of~~ the cargo tank, but must not

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

be in an enclosure or in the cab of the vehicle. ~~The~~ A delivery hose, when attached to the cargo tank, is considered part of the cargo tank. A fire extinguisher ~~must be out of the vehicle's carrying device,~~ with at least a 10 B:C rating must be ready for instant use~~,~~ and must be at least 15 feet ~~or more~~ from the cargo tank.

REPEALER. *Minnesota Rules*, part 8850.8050, subpart 1, is repealed.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Postsecondary Financial Assistance

The rules proposed and published at *State Register*, Volume 16, Number 26, pages 1529-1531, December 23, 1991 (16 SR 1529), are adopted as proposed.

Technical Colleges Board

Adopted Permanent Rules Relating to Education; Technical College Teacher Licenses; Practical Nursing College and Aquaculture

The rules proposed and published at *State Register*, Volume 16, Number 34, pages 1910-1912, February 18, 1992 (16 SR 1910), are adopted as proposed.

Executive Orders

Executive Department

Executive Order 92-6: Providing for the Governor's Commission on Canterbury Downs

I, ARNE H. CARLSON, 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, the parimutuel horse racing industry makes important contributions to the Minnesota economy; and

WHEREAS, Canterbury Downs Race Track is a facility vital to the horse race industry in Minnesota; and

WHEREAS, the track and horse race industry is responsible for several thousand jobs in Minnesota; and

WHEREAS, Canterbury Downs is currently confronted with serious financial problems and is searching for alternatives to improve its economic viability;

Department of Transportation

Proposed Permanent Rules Relating to Loading and Unloading of Petroleum Transports

Rules as Proposed

8850.8050 ~~LOADING AND~~ UNLOADING ~~OF~~ PETROLEUM TRANSPORT.

Subpart 1. [See repealer.]

Subp. 2. **Unloading.** During unloading of a petroleum transport, the driver must be within 25 feet of the cargo tank, but must not be in an enclosure or in the cab of the vehicle. ~~The~~ A delivery hose, when attached to the cargo tank, is considered part of the cargo tank. A fire extinguisher ~~must be out of the vehicle's carrying device,~~ with at least a 10 B:C rating must be ready for instant use, and must be at least 15 feet ~~or more~~ from the cargo tank.

REPEALER. Minnesota Rules, part 8850.8050, subpart 1, is repealed.

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Loading and Unloading of Petroleum Transports

AGENCY: Department of Transportation

MINNESOTA RULES: Chapter 8850

The attached rules are approved for publication in the State Register

Ron Ray

Ron Ray
Senior Assistant Revisor

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
OFFICE OF MOTOR CARRIER SAFETY AND COMPLIANCE

Concerning the Proposed Adoption of the Rules of the State Department of Transportation Governing Loading and Unloading of Petroleum Transports	)))))	**FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING A RULE WITHOUT PUBLIC HEARING**

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on June 15, 1992, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on June 10, 1992. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the department.

(7) No submissions or comments on the rule were received by the department. No requests for notice of submission to the attorney general were received by the department.

Based on the comments and evidence in the record before the department, I find the following:

The above-captioned rule is needed and reasonable. (8)

(9) NOW, THEREFORE, IT IS ORDERED that the rule identified as the proposed rule governing loading and unloading of petroleum transports is adopted this 17th day of July, 1992, pursuant to authority vested in me by Minnesota Statutes, section 221.031.

James N. Denn, Commissioner
Department of Transportation

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION
OFFICE OF MOTOR CARRIER SAFETY & COMPLIANCE

In the Matter of the Adoption
of the Rules of the State
Department of Transportation
Governing Loading and Unloading
of Petroleum Transports

DECLARATION OF COUNSEL

I, Gordon L. Moore, III, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules ch. 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes the four-digit docket client code is 0780.

GORDON L. MOORE, III
Special Assistant
Attorney General

Dated: August 10, 1992