

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Temporary Rule

Department of Transportation

Rules Establishing a Program of State Grants for the Development of Local Bicycle Trails (Bikeways)

A. Purpose. The purpose of these rules is to carry out the mandate of the legislature and to implement that mandate as set forth in Laws of 1977, Ch. 421, Sec. 5 Subd. 2 and Sec. 14. Subd. 3.

B. Scope. The scope of these rules is intended to be confined within the framework of and consistent with Laws of 1977, Ch. 421.

C. Definitions. For purposes of these rules, the implementation thereof and Ch. 421, Sec. 5, Subd. 2 and Sec. 14, Subd. 3 the following terms shall have the meaning here given them.

1. Commissioner. The Commissioner of Transportation.
2. Department. Unless stated otherwise, "department" means the Department of Transportation of this State.
3. Bikeway. A structure so designed, constructed and maintained that a bicycle may be safely operated thereon so as to provide a bicycle travel corridor.
4. Bicycle. "Bicycle" means every device propelled solely by human power upon which a person or persons may ride, except scoters and similar devices and including any device generally recognized as a bicycle though equipped with two front or rear wheels.

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5. Agency. "Agency" means a local until of government as defined in Laws of 1977, Ch. 421, Sec. 2, Subd. 1.

6. Construction. The physical development of a facility suitable for use as a bikeway.

7. Reconstruction. The physical redevelopment of an existing facility so as to make it suitable for use as a bikeway.

8. Matching Funds. Those funds required by law to be supplied by the grant requesting agency.

D. Grant Project Eligibility.

1. The grant project requests shall be made on application forms prescribed by the department.

2. No project, the construction of which has at the time of grant application commenced or for which a construction contract has at the time of application been let, shall be eligible for a grant under this program.

3. There shall be an agreement by the agency to accept maintenance and operational costs of the bikeway.

4. No grant project located on trunk highway rights-of-way will be eligible.

5. In addition to bikeway structure construction and/or reconstruction, bicycle safety improvement work, shelters, storage facilities and signs may be eligible for grant funding.

6. Project work may be carried out by award of a contract in accord with all applicable laws to the lowest responsible bidder (contract work) or by the applying

agency itself (force account work) when the applying agency can demonstrate that such work procedure (force account) is in the best interests of the public, not contrary to any applicable law or ordinance and that there is established an acceptable accounting procedure so as the project costs may be audited.

7. The agency shall by resolution agree to the terms and conditions consistent with Law of 1977, Ch. 421 as specified in the grant approval notification by the commissioner.

E. Establishment of Priority.

1. The commissioner using information furnished by the agency from the grant application document, departmental information systems, and other consultation groups as may be required by law, shall assign a priority to each project application based on need for the project as compared to the other project applications.

2. In the metropolitan area as defined in Minn. Stat. Section 473.121, the program shall be developed in accordance with plans and priorities jointly agreed upon between the Metropolitan Council and the department.

F. Local Units of Government-Matching Funds. The applying agency must supply at least 25 percent of the total construction costs of a grant project.

1. The value or cost of existing rights-of-way may not be used as matching funds.
2. The value or cost of any and all pre-construction work may not be used as matching funds.

G. Grant Conditions. If the commissioner determines that a grant application is eligible for funding, before any funds are made available to the applicant agency, the following conditions shall be met:

1. A resolution shall be passed by the agency agreeing to the acceptance of the grant in accord with the department's requirements.
2. A guarantee shall be made by the agency that matching funds are available and will continue to be available for its share of the cost of the project until the project is completed.
3. The agency shall agree to continue operation and maintenance of the project after its completion for the benefit of the public.

H. Distribution of Grants. Grants shall be distributed by priority until the bikeway funds are depleted. To those requesting agencies for whom final applications have been approved the department will submit a project agreement to be executed between the agency and the department. Upon completion of the executed project agreement the funds will be submitted to the requesting agency.

I. Accounting. The agency shall maintain a separate accounting of the project costs and shall submit documentation as required by the department to verify the costs and compliance with the project agreement and other requirements.

J. Retention and Use of Project. Facilities developed by bikeway grants shall be retained for public transportation use.

K. Any agreement, obligation or contract entered into pursuant to this rule shall remain in full force and effect, notwithstanding expiration of this rule.