Minnesota 2024 Active Transportation (AT) Infrastructure Solicitation Frequently Asked Questions

Updated November 1, 2024

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1. I don't know much about the Active Transportation Infrastructure program. Where can I find more information?

More information may be found on the state Active Transportation (AT) infrastructure program webpage, along with the 2024 program guide and additional AT resources:

- <u>Active Transportation Infrastructure Program Webpage</u>
 - o <u>AT Infrastructure Program Guide/Training Presentation (PowerPoint)</u>
 - o 2024 AT Solicitation and Project Application Webinar
 - AT Information Sheet 5/2024
 - AT Legislative History 1/2023

2. What is the solicitation schedule, and when are important deadlines?

Important dates for the solicitation are shown below. Check the <u>Active Transportation Infrastructure</u> <u>Program Webpage</u> for more updates.

- Monday, September 23, 2024 Active Transportation Infrastructure program solicitation kick-off. Open letter of intent period
- Friday, October 18, 2024 Deadline for applicants to submit letters of intent
- Friday, November 1, 2024 Deadline for MnDOT to review of letters of intent. Recommendation to proceed forward with full application sent to applicants
- Monday, November 4, 2024 Opening date for full application submittals
- Friday, January 17, 2025 Deadline for applicants to submit full applications
- **By April 30, 2025** Project selection finalized, and selection letters distributed to selected projects pending volume of applications received

3. I've heard there are a lot of rules associated with bond funds and general funds. Where can I learn more about these funding type requirements and restrictions?

Minnesota Management and Budget is the authority on state funding. Numerous resources can be found at the following links:

- <u>Bonding</u>
- <u>Capital Projects</u>
- MN Department of Administration Policies, Statutes and Forms

Bond funds are not eligible for work on Trunk Highway (TH) right of way. State Aid will determine the appropriate funding source, as there will be several considerations. Projects that have TH impacts will be funded with general funds. Projects on Tribal lands will be funded with general funds. Projects entirely on county, city, or township property will be funded with bonds or general funds.

However, AT infrastructure grant funds will only cover construction costs whether the project is funded with general funds or bond funds. Any other costs cannot be funded with AT infrastructure grant funding, which

includes, but is not limited to planning, design, engineering, right-of-way acquisition, construction management, and applicant entity or project sponsor staff time or personnel costs.

Construction may only be on city, county, township, non-profit, and Tribal owned streets or right-of-way. Work on trunk highways or trunk highway right-of-way may be allowed with a letter of support from the MnDOT District Engineer.

4. Why is county or state aid city sponsorship required for township, non-state aid city, and registered non-profit (501(c)(3)) projects?

Counties and state aid cities and counties can provide expertise and resources that townships, non-state aid cities, and registered non-profits (501(c)(3)) may not have. Counties and state aid cities generally have more experience procuring engineering and design contracts and executing and administering construction contracts. In addition, counties and state aid cities have extensive experience working with MnDOT's district and central office State Aid staff and are familiar with processes. Counties and state aid cities have experience applying for, securing, and administering grant funds. Finally, counties and state aid cities have existing mechanisms in place that allows State Aid to issue project related payments. These mechanisms do not exist for townships, non-state aid cities, and registered non-profits (501(c)(3)). Additionally, non-profits generally are not transportation facility owners, and the project must be sponsored by the owner, whether it is a county or state aid city.

It is typical that counties or state aid cities require townships and non-state aid cities to hire an engineering consultant to prepare plans and specifications, coordinate with State Aid, and provide construction administration and inspection services. This is allowable if the consultant has experience working with State Aid and developing State Aid plans.

From the state's perspective, county or state aid city sponsorship helps mitigate the risk of AT funds expiring before the project is constructed or being used improperly.

5. Up to \$12.502 million is available in AT funds. How much will go to townships, non-state aid cities, state aid cities, counties, Federally Recognized Indian Tribes, and registered non-profits (501(c)(3)), and when can I receive the funds?

MnDOT intends to select AT infrastructure grants for townships, non-state aid cities, state aid cities, counties, Federally Recognized Indian Tribes, and registered non-profits (501(c) (3)) throughout Greater Minnesota. See FAQ #21 for additional details on the selection pool structure. MnDOT will attempt to make grant selections with a focus on geographic equity and entity equity. Final grant selections by MnDOT district and by entity type will depend on the number and quality of applications received.

AT funds are paid on a reimbursable basis and require execution of a AT grant agreement before funds can be accessed. Following execution of the AT grant agreement, the grantee will incur construction expenses, pay the contractor, and then submit a State Aid Pay Request to seek reimbursement. Township, non-state aid city, and registered non-profit (501(c)(3)) grantees will need to work with their project sponsor to submit the State Aid Pay Request on their behalf.

6. Can AT funds be used on private roadways?

No. AT funds can only be used on publicly or Tribally owned and maintained roads. AT funds cannot be used on private driveways, private parking lots, or other infrastructure improvements located on privately owned right-of-way unless the local entity or Tribal entity can demonstrate an ownership interest over that right-of-way for no less than 125% of the useful life of the improvement. In addition, the right-of-way that contains bond funded improvements will become "state bond financed property," as defined in <u>Minnesota Statute</u> <u>16A.695</u>.

7. Can Federally Recognized Indian Tribes apply for Active Transportation infrastructure funding?

Yes, Federally Recognized Indian Tribes in Greater Minnesota can apply for Active Transportation infrastructure grant funds for improvements along Tribal roads. Project sponsorship is not required for Tribal applicants as an outcome of the 2023 Legislative Session. See FAQ #22 for additional details on the selection pool structure.

8. I've heard that the AT infrastructure solicitation will only be open to Greater Minnesota local entities, registered nonprofits, and Federally Recognized Indian Tribes. Why?

The 2024 AT Infrastructure Solicitation is focused on Greater Minnesota beyond the jurisdictional boundary of the Met Council as the seven-county Metro area is receiving large and increasing funding with active transportation spending mandates through the ³/₄ cent metro sales tax and Transportation Advancement Account (auto parts sales tax and retail delivery fee) implementation over the next year and beyond. As such, our goal is to focus on Greater Minnesota counties, communities, and Federally Recognized Indian Tribes that will not be served by those sources of funding to ensure a more equitable distribution of AT funds across the state. The Met Council is developing a solicitation for distribution of these new funds and it is anticipated to be available in 2025.

9. My entity had a project selected for an Active Transportation Infrastructure grant in the previous solicitation. Will my application in the active solicitation be disqualified or penalized in any way?

No. While you cannot request additional funding on a project that was previously selected for a state grant, you are encouraged to apply for a different project. We welcome subsequent applications from successful grantees and do not penalize or restrict new submittals. Grant applications supported by robust responses and well-organized attachments will receive the highest scores and stand out amongst their competition regardless of previous selections.

10. I understand that this solicitation application is only available online. I would prefer to prepare my application responses in another program or collaborate with others prior to submittal. Could an offline hard copy of the application be prepared and shared?

No. We cannot prepare a clean offline copy of the application due to logic internal to the web-based application and platform. If offline preparation or collaboration is desired prior to submittal, then State Aid would suggest applicants review the supporting program Solicitation Guide. This document offers a question-by-question listing of the entire application along with helpful context and additional information. The web-based form will allow pasting copied narrative responses prepared in another program.

11. I'm submitting an Active Transportation infrastructure application for bicycle/pedestrian facilities along a project that received grant funding from Local Road Improvement Program (LRIP) or Local Bridge Replacement Program (LBRP). Can I use multiple programs to fund my project?

While eligible entities are free to apply for multiple State Aid administered programs, they should consider a direct appropriation from the legislature (an "earmark") as the entirety of the state's contribution to the project. This means that the project would not be eligible to receive additional state funds from any other State-Aid Administered Program (LRIP, Safe Route to School Infrastructure, AT Infrastructure or LBRP). However, the project may still be eligible for programs administered outside of State Aid (e.g. Corridor of Commerce, Transportation Economic Development, State Park Road, etc.).

12. The Active Transportation and Safe Routes to School Infrastructure solicitations are occurring at the same time. Can I apply to both programs for the same project?

Yes, you can apply to both programs for the same project provided that the project qualifies for both programs. The programs will coordinate selections to ensure an equitable distribution across the state.

13. I didn't submit a letter of intent. Can I still apply for AT infrastructure grant funds?

Yes, any eligible applicant may still apply without having submitted a letter of intent. The letter intent period created an opportunity for MnDOT staff to provide feedback and recommendations to applicants regarding project feasibility and constructability. This also helps us ensure eligible projects would be able to enter construction in the 2025 or 2026 seasons.

For applicants who did not submit a letter of intent, but would still like to submit a full application, be sure to include information in your responses on previous entity coordination (registered non-profit (501(c)(3)), township, city & county, etc.) coordination and previous work completed on the project up to now.

14. Do I need to hire a consultant to develop the AT application?

No. While many engineering consultants do provide this as a service, applicants are not required to hire an engineering consultant to develop the AT application. However, we do require that the cost estimate submitted in the application is based in planning and engineering principles. It is important to have a good, accurate cost estimate as it is in everybody's best interest. For applicants that are selected for AT infrastructure funding, if the engineering plans and specifications later show that costs are above the amount identified for a grant, the grantee will be responsible for paying all costs above the AT infrastructure grant amount.

15. What roles are required of counties or state aid cities that are sponsoring township, non-state aid city, and registered non-profit (501(c)(3)) applications?

The solicitation guide states that the project sponsor's tasks can include, but are not necessarily limited to the following items:

- Serve as the fiscal agent on behalf of the applicant entity
- Request an SAP/SP number for the project
- Ensure the project meets milestones and dates for schedule completion
- Assist applicant entity in execution of any grant agreement
- Develop, review, and approve the construction plan project
- Ensure that any required environmental documents and permits are received and requirements are followed
- Submit plan, engineers estimate, and proposal to the District State Aid Engineer (DSAE)
- Advertise/let/award the project in accordance with State Aid and/or Federal Aid procedures
- Submit the State Aid Pay Requests to the DSAE
- Communicate progress and updates with the DSAEs and State Aid Active Transportation Engineer
- Ensure that the project receives adequate supervision and inspection to ensure that project is completed in conformance with approved plans and specifications
- Assist with project close out and final contract documents
- Retain project documents in accordance with document retention schedule

However, there is no expectation that the county or state aid city would design, inspect, and construct the project with in-house staff or hire and pay a consultant with county or state aid city funds. In many cases, counties or state aid cities require that registered non-profits (501(c)(3)), non-state aid cities, and townships hire a consulting engineer to provide these services. MnDOT State Aid for Local Transportation is open to this type of arrangement as long as the selected consultant has experience working with State Aid, developing State Aid plans, and administering and inspecting construction projects. Applicants are advised to use State Aid experience as a prerequisite in their request for proposals (RFP). In this case, the county or state aid city would assist the registered non-profit (501(c)(3)), non-state aid city, or township with development of the RFP and selection of a qualified consultant. We would also ask that the county or state aid city act as a technical resource for the consultant and review the plans before they are submitted to the District State Aid Engineer.

Since many townships, non-state aid cities, and registered non-profits (501(c)(3)) have very limited experience advertising, letting, and administering construction contracts, State Aid requires that the county or state aid city hold the construction contract. If the township, non-state aid city, or registered non-profits (501(c)(3)) hires a qualified consultant as described above, the consultant can provide inspection and much of the day-to-day construction administration.

In all cases, the county or state aid city will be required to request the State Aid Project (SAP) number and submit State Aid Pay Requests during construction. It is acceptable for the consultant to develop draft Pay Requests for the county or state aid city's review and submittal.

16. Which entity will need to execute a grant agreement for projects that require a project sponsor?

The grantee (as the ultimate owner of the infrastructure improvement) will need to execute a grant agreement, <u>not</u> the project sponsor. The agreement must be between MnDOT and the ultimate owner of the infrastructure that will be constructed with AT funds. However, if the grantee and project sponsor would prefer to have the project sponsor execute the grant agreement, there may be options available to allow this.

Once funding is awarded, it is recommended that a formal Joint Powers Agreement be executed between the applicant entity and project sponsor outlining the roles and responsibilities for the specific project. See <u>sample joint powers agreement</u> (Word), which can be modified to fit the specific circumstances of the project.

17. Does MnDOT have a template resolution of support for the applicant entity?

Resolutions are not required from Tribal applicants. For all other applicants, we do not have a standard template. However, local entities can consider the following in creating a customized resolution.

Include WHEREAS statements that describe some or all of the following:

- Up to \$12.502 million in Active Transportation funding is available, with a minimum of \$50,000 and cap of \$1,000,000 for each project
- Acknowledgement that AT funds can be used to reimburse construction costs on AT eligible items, and that construction costs above the AT infrastructure grant amount will need to have alternate funding sources
- Project limits and safety hazards to walking or biking
- How the project will address the safety hazards and boost health benefits
- Pedestrian counts, safety history and statistics, number of residents living within 1 mile of the project area (if available)
- Previous non-motorized transportation plans or other planning documents that identify the project
- Which parties and number of users that will benefit from the project
- Whether the project will benefit people walking and biking across multiple entities
- The construction cost estimate and planned year of construction
- Whether and which type of other funding sources have been secured

- For registered non-profits (501(c)(3)), non-state aid cities, and townships, discuss coordination efforts with the project sponsor
- Any other information that the local entity deems relevant

THEREFORE, BE IT RESOLVED THAT:

- 1. The town board, city council, or county board supports the construction of the project and agrees to maintain such improvements
- 2. The town board, city council, or county board supports submittal of the AT infrastructure application
- 3. The township, city, or county assures that the township, city, or county will pay all costs associated with the project beyond the AT infrastructure grant amount
- 4. In the case of registered non-profits (501(c)(3)), non-state aid cities, and townships, that the town board, or city council seeks the support by resolution of the county or state aid city to act as project sponsor for the project should the registered non-profit (501(c)(3)), non-state aid city, or township be selected to receive AT infrastructure funds, and that such project sponsorship shall include the following responsibilities:
 - Serve as the fiscal agent on behalf of the community
 - Request an SAP/SP number for the project
 - Ensure the project meets milestones and dates for scheduled completion
 - Assist local agency/community in execution of any grant agreement
 - Develop, review, and approve the construction plan project
 - Ensure that any required environmental documents and permits are received, and requirements are followed
 - Submit plan, engineers estimate, and proposal to the DSAE
 - Advertise/let/award the project in accordance with State Aid and/or Federal Aid procedures
 - Submit the State Aid Pay Requests to the DSAE
 - Communicate progress and updates with the DSAEs and State Aid Active Transportation Engineer
 - Ensure that the project receives adequate supervision and inspection to ensure that project is completed in conformance with approved plans and specifications
 - Assist with project close out and final contract documents
 - Retain project documents in accordance with document retention schedule

18. Does MnDOT have a template resolution of support for the sponsoring county or state aid city?

We do not have a standard template. However, local entities can consider the following in creating a customized resolution agreeing to act as project sponsor.

Include WHEREAS statements that describe some or all of the following:

- Up to \$12.502 million in AT funding is available, with a minimum of \$50,000 and cap of \$1,000,000 for each project
- Non-state aid cities, townships, and registered non-profits (501(c)(3)) must have a project sponsor

- City, township, or registered non-profit (501(c)(3)), has requested sponsorship for this project by Resolution XX-XX
- Project limits, and the non-state aid city, township, or registered non-profit (501(c)(3)) that is
 responsible
- Discuss coordination efforts with the registered non-profit (501(c)(3)), city, or township
- The city, township, or registered non-profit (501(c)(3)) understands that it will be responsible for all
 costs not covered by AT including but not limited to consultant engineering, right-of-way acquisition,
 construction administration and inspection, utility construction, as well as construction costs above the
 AT infrastructure grant amount
- The city, township, or registered non-profit (501(c)(3)) has agreed to maintain such improvements for the lifetime of the improvements.
- Any other information that the county or state aid city deems relevant

THEREFORE, BE IT RESOLVED THAT:

- The city or county agrees to act as project sponsor for the project should the non-state aid city or township selected to receive AT funds, and that such sponsorship shall include the following responsibilities:
- Serve as the fiscal agent on behalf of the community
- Request an SAP/SP number for the project
- Ensure the project meets milestones and dates for scheduled completion
- Assist local agency/community in execution of any grant agreement
- Develop, review, and approve the construction plan project
- Ensure that any required environmental documents and permits are received, and requirements are followed
- Submit plan, engineers estimate, and proposal to the DSAE
- Advertise/let/award the project in accordance with State Aid and/or Federal Aid procedures
- Submit the State Aid Pay Requests to the DSAE
- Communicate progress and updates with the DSAEs and State Aid Active Transportation Engineer
- Ensure that the project receives adequate supervision and inspection to ensure that project is completed in conformance with approved plans and specifications
- Assist with project close out and final contract documents
- Retain project documents in accordance with document retention schedule

19. To whom should the letters of support be addressed?

Letters of support should be addressed to the applicant. The applicant will attach letters of support to the AT application.

20. How will projects be scored and compared with each other?

In scoring the applications, we will consider all of those elements identified on the application, some of which include:

- 1. Eligibility: Applicant must acknowledge that they can comply with all eligibility requirements stated in the program application to be considered for scoring. Applicants can confirm compliance with program requirements by submitting a program Letter of Intent (LOI).
- 2. Project Improvements & Safety: Existing safety concerns should be identified in the application and project improvements proposed must demonstrate enhancements to safety and comfort for infrastructure users.
- 3. Planning & Public Engagement: Engagement with public and other stakeholders must be noted to demonstrate need and support for the infrastructure improvements. Existing documents and policies that encourage and promote active transportation should be listed and described.
- 4. Equity Score: Applicant will be asked to describe how equity will be advanced and how priority populations will be served by construction of this project. Additional equity scoring based on the project location will be gathered by the program-specific equity tool referenced in the question below.
- 5. Project Readiness: We want to fund projects that have a high degree of certainty of being constructed in 2025 or 2026, with little controversy or potential for the project to be delayed or abandoned.
- 6. Attachments: Applicants must produce several attachments for an application to be considered complete and eligible for selection consideration.
 - a. Applicant Entity Resolution of Support
 - b. Impacted Entity Resolution of Support
 - c. Engineer's Estimate
 - d. Project Timeline/Schedule
 - e. Project Map
 - f. Project Sponsor Resolution of Support (if required)
 - g. District Engineer Letter of Support (if required)

21. How can Tribal, registered non-profit (501(c)(3)), township, or non-state aid city projects compete against larger city or county applications?

MnDOT intends to select AT infrastructure grants for townships, non-state aid cities, state aid cities, counties, Federally Recognized Indian Tribes, and registered non-profits (501(c)(3)). In determining AT infrastructure grant selections, MnDOT will consider geographic equity and also equity across the various entity types, including utilizing <u>MnDOT's Active Transportation Equity scoring tool</u>. Projects from similar types of communities will be scored among each other. Applicant projects will be categorized into three selection pools, based on the type of community in which the project will be constructed. Note that these selection pools are <u>not</u> based on the type of entity submitting the application.

The selection pools are listed below:

• Greater MN Counties & State Aid Cities (including Chisago County, State Aid Cities in Chisago County & the State Aid Cities of New Prague and Northfield)

- Greater MN Non-State Aid Cities & Townships (including Non-State Aid Cities and Townships within Chisago County & the Non-State Aid Cities of Cannon Falls, Hanover and Rockford)
- Greater MN Federally Recognized Indian Tribes

22. When will project selections be announced?

We anticipate project selections will be announced by April 30, 2025, concurrently via the program website and notification of selection or non-selection letters to each applicant.

23. How can I find latitude and longitude for my project location?

Here is how to find your project location latitude and longitude:

- I. Browse to Google Maps (maps.google.com)
- II. Find your project location and right-click.
- III. A dropdown menu will appear with the latitude and longitude of the location listed at the top in decimal format. Left-click on the latitude and longitude to copy it to your clipboard.
- IV. Note that the latitude and longitude that you will copy to your clipboard are in the format latitude, longitude. You will need to separate the latitude and longitude to enter them in the application form.

24. I have a project scheduled for 2025 construction. Can I begin construction before the project selections are announced and be reimbursed after being selected?

No. The project cannot begin construction until a grant is executed between MnDOT and the applicant entity. Applicants whose projects are selected will first receive a selection letter. Following State Aid plan approval, the applicant entity will receive a funding letter from the MnDOT State Aid for Local Transportation (SALT) Active Transportation Engineer or State Programs Engineer. Finally, after the applicant entity receives and awards a bid to a contractor, then the grant may be executed. More instructions will be provided to grantees.

25. Does my project need to follow any design standards?

As usual, work on County State Aid Highways (CSAH) and Municipal State Aid Streets (MSAS) are subject to all of the requirements in the State Aid rules.

For projects off the State Aid system, the District State Aid Engineer (DSAE), state fund grant recipient, and project sponsor, if required, will determine the appropriate design standards. These projects generally will utilize either design standards documented in the State Aid Rules or those standards in the most current version of the American Association of State Highway and Transportation Official (AASHTO) A Policy on

Geometric Design of Highways and Streets. Other industry-accepted design standards may be approved by the DSAE on a case-by-case basis.

Please note that State Aid does have a process that can allow deviations from the identified design standards. Design deviations may be considered on a location-by-location basis. This process is similar to the <u>Variance</u> process, but uses a smaller, informal committee made up of representatives from district and central office State Aid instead of the formal Variance Advisory Committee.

Applicants can contact their <u>District State Aid Engineer</u> to discuss design standard assumptions during the application process if desired.

26. If my entity is selected to receive AT funds, what other costs might my entity be responsible for?

Items that are eligible for AT funds include reasonable elements associated with roadway construction, including basic landscaping and turf establishment. Eligible items generally include:

- Pedestrian and bicycle crossing improvements: pedestrian curb ramps, intersections or midblock crossings, median refuges, raised crossings, raised intersections, speed humps and curb extensions.
- Off-street bicycle and pedestrian facilities: exclusive multi-use bicycle and pedestrian trails, pedestrian bridges, sidewalks, and pathways that are separated from a roadway.
- On-road facilities: bicycle lanes, bicycle boulevards and cycle tracks
- Traffic control & safety devices: signs, bicycle and pedestrian activated signals, flexible bollards,
 pedestrian-scale lighting, and pavement markings Note: Electronic devices must be permanent <u>not</u> mobile.
- Maintenance-related work to existing active transportation facilities given that the improvements will provide 10 or more years of additional service life

Landscaping planters, benches, bike racks, decorative fences, ornamental lighting, wayfinding signs and other aesthetic treatments above the standard are generally not eligible. Other items that are not eligible include engineering, construction administration and inspection, right-of-way acquisition, water main, sanitary sewer, and private utility work. Applicants should consult the State Aid Funding Eligibility List in the State Aid Manual for additional guidance on construction item eligibility. Note that funding eligibility for Tribal projects may differ.

Work on trunk highways or trunk highway right-of-way may be allowed with a letter of support from the MnDOT District Engineer.

Projects that serve only a recreational or leisure purpose are also not eligible for the AT infrastructure program. The federal Transportation Alternatives (TA) grant program may be a better fit for these types of projects.

Any items that are not eligible for AT infrastructure funds will be the responsibility of the grantee.

27. Is there an expiration date for the AT funds?

The AT Letter of Intent and Application request that projects should be ready for construction in 2025 or 2026. We are looking for well-conceived and thoroughly committed projects that only need a funding boost to get built. If selected to receive an AT Infrastructure grant, a project should be readily designed and promptly constructed. We recognize that unforeseen delays can occur which why we offer a multiple year window for construction readiness. If you are uncertain of your construction schedule or know that it may be 2027 or beyond, then we would encourage you to postpone application for a future solicitation.

28. Can entity staff construct the project, and if so, can AT funds be used to pay for staff time?

No. The project must be advertised and awarded to a contractor, consistent with <u>Minnesota Statute 471.345</u> Subdivision 3. This applies to all AT infrastructure funded projects, even if the total contract amount is less than \$175,000.

And no, AT infrastructure funds cannot be used for entity staff costs.