

MN Active Transportation (AT) Program 2022 Infrastructure Solicitation Frequently Asked Questions

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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 2022 program guide and additional AT resources:

- [Active Transportation Infrastructure Program Webpage](#)
- [AT Infrastructure Program Guide](#)

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

Important dates for the solicitation are shown below. Check the [Active Transportation Infrastructure Program Webpage](#) for more updates.

- **Monday, September 12th, 2022** –Active Transportation Infrastructure program solicitation kick-off. Open letter of intent period
- **Friday, October 14th, 2022** – Deadline for applicants to submit letters of intent
- **Friday, October 28th, 2022** – Deadline for MnDOT to review of letters of intent. Recommendation to proceed forward with full application sent to applicants
- **Monday, October 31st, 2022** – Opening date for full application submittals
- **Friday, December 30th, 2022** – Deadline for applicants to submit full applications
- **Friday, March 24th, 2023** – Project selection finalized, and award letters distributed to selected projects

3. I've heard there are a lot of rules associated with grant funds. What restrictions are placed on AT infrastructure grants?

The AT 2022 infrastructure solicitation is funded with state general funds. These funds do not carry the same restrictions of bond funds, and awarded 2022 AT projects will not need to follow bond restrictions.

However, grant awards will only cover constructions costs. 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 or sponsoring agency staff time or personnel costs.

Construction also may only be on city or county owned streets or right-of-way. Work on trunk highways (owned by the State of Minnesota) and private property or right-of-way is not eligible for construction with AT grant funds.

4. Why is state aid city or county sponsorship required for township, small city, and non-profit projects?

State aid cities and counties can provide expertise and resources that townships, small cities, and registered non-profits (501(c)(3)) may not have. State aid cities and counties generally have more experience procuring engineering and design contracts and executing and administering construction contracts. In addition, counties have extensive experience working with MnDOT's district and central office state aid staff and are familiar with processes. State Aid cities and counties may also have experience applying for, securing, and

administering grant funds. Finally, state aid cities and counties have existing mechanisms in place that allows state aid to issue project related payments. These mechanisms do not exist for townships, small cities, and non-profits. Additionally, non-profits generally are not transportation facility owners, and the project must be sponsored by the owner, whether it is a state aid city or county.

It is typical that state aid cities or counties require townships and small 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, state aid city or county sponsorship helps mitigate the risk of funds expiring before the project is constructed or being used improperly.

5. \$3.5 million is available in AT funds. How much will go to townships, small cities, state aid cities, and counties, and when can I receive the funds?

MnDOT intends to award AT grants to townships, small cities, state aid cities, counties, and registered non-profits (501(c)(3)), throughout the state. MnDOT will attempt to award grants with an eye towards geographic equity and agency equity. Final awards by MnDOT district and by agency type will depend on 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, small city, and non-profit grantees will need to work with their county engineer to submit the state aid pay request on their behalf.

6. If my agency is awarded AT funds, what other costs might my agency 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, sidewalks, and pathways that are separated from a roadway.
- On-road facilities: bicycle lanes, bicycle boulevards and cycle tracks
- Traffic control devices: signs, bicycle and pedestrian activated signals, flexible bollards, and pavement markings *Note: Electronic devices must be permanent - **not** mobile.*

Landscaping planters, benches, bike racks, decorative fences, ornamental lighting, 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. Additionally, work on trunk highways, on trunk highway right-of-way, or on

private right-of-way is not eligible. Projects that serve only a recreational or leisure purpose are also not eligible for the AT program.

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

7. Can AT funds be used on private property or private roadways?

No. AT funds can only be used on publicly 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 agency can demonstrate an ownership over that right-of-way for no less than 125% of the useful life of the improvement.

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

Yes. It is expected that the AT funds are set to expire June 30, 2025. Accordingly, the AT solicitation guide states that projects should be ready for construction in 2023 or 2024. This creates some float in the schedule in case there are unforeseen delays.

9. How can township, registered non-profit, or small city projects compete against larger city or county applications?

MnDOT intends to award AT infrastructure grants to townships, small cities, state aid cities, counties, and registered non-profits (501(c)(3)). In determining AT grant awards, MnDOT will consider geographic equity and also equity across the various agency types, including utilizing [MnDOT's Active Transportation Equity scoring tool](#). Projects from similar types of communities will be scored among each other. Applicant projects will be categorized into five selection pools, based on the type of community in which the project will be constructed. Note that these selection pools are not based on the type of agency submitting the application.

For an application to be considered for the "Federally Recognize Tribe" pool, the project must be located partially or wholly within a recognized tribal reservation, and a letter of support from the respective tribe must be submitted with the application. The selection pools are listed below:

- MN Cities of the First Class (Minneapolis, Saint Paul, Rochester, & Duluth)
- Metro District Communities (excluding Minneapolis & Saint Paul)
- Greater MN State Aid Cities (excluding Duluth & Rochester)
- Greater MN non-State Aid Cities & Townships
- Federally Recognized Tribes (grant recipient must be township, city, or county within a reservation)

10. Can federally recognized tribes submit an application for an Active Transportation grant?

No, tribes cannot submit an application for Active Transportation grant funds. As defined by Minnesota State law, a grant agreement for this program cannot be executed with a tribe. However, tribes may submit a letter of support for a project that will be constructed either partially or wholly within the boundaries of their federally recognized reservation. The grant recipient must be a city, county, or township located partially or wholly within the reservation. This type of project would be categorized under “Federally recognized tribe” in the selection pools listed above.

11. Does MnDOT have a template resolution of support for the submitting agency?

MnDOT does not have a standard template. However, local agencies can consider the following in creating a customized resolution.

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

- \$3.5 million in Active Transportation funding is available, with a minimum of \$50,000 and cap of \$500,000 for each project
- Acknowledgement that Active Transportation funds can be used to reimburse construction costs on Active Transportation eligible items, and that construction costs above the Active Transportation grant award 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 pedestrian or bicycle plan 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 agencies
- 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)), small cities, and townships, discuss coordination efforts with the county
- Any other information that the local agency 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 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 grant award
4. In the case of registered non-profits (501(c)(3)), small cities, and townships, that the town board, or city council seeks the support by resolution of the state aid city or county to act as project sponsor for the project should the registered non-profit (501(c)(3)), small city, or township be awarded AT funds, and that such sponsorship shall include the following responsibilities:

- Be the fiscal agent on behalf of the community and have funds flow from MnDOT to the state aid city or county to the contractor
- Request SAP/SP number for the project
- Ensure the project meets milestones and dates
- Assist local agency in execution of a grant agreement
- Develop, review and/or approve the plan
- Submit plan, engineers estimate, and proposal to the District State Aid Engineer (DSAE)
- Advertise, let, and award the project
- Submit pay requests to State Aid
- Communicate progress and updates with the DSAEs and State Aid State Programs Engineer or Active Transportation Engineer
- Ensure that the project receives adequate supervision and inspection
- Assist with project close out

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

We do not have a standard template. However, local agencies 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:

- \$3.5 million in Active Transportation funding is available, with a minimum of \$50,000 and cap of \$500,000 for each project
- Non-state aid cities, townships, and registered non-profits (501(c)(3)) must have a state aid city or county sponsor
- City, township, or registered non-profit (501(c)(3)), has requested sponsorship for this project by Resolution XX-XX
- Project limits, and the small city, township, or registered non-profits (501(c)(3)) that is responsible
- Discuss coordination efforts with the registered non-profit (501(c)(3)), city, or township
- The city, township, registered non-profit (501(c)(3)) understands that it will be responsible for all costs not covered by Active Transportation including but not limited to consultant engineering, right-of-way acquisition, construction administration and inspection, utility construction, as well as construction costs above the Active Transportation grant award
- 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 state aid city or county deems relevant

THEREFORE, BE IT RESOLVED THAT:

1. The city or county agrees to act as project sponsor for the project should the small city or township awarded Active Transportation funds, and that such sponsorship shall include the following responsibilities:
 - Be the fiscal agent on behalf of the community and have funds flow from MnDOT to the city or county to the contractor
 - Request SAP/SP number for the project
 - Ensure the project meets milestones and dates
 - Assist local agency in execution of a grant agreement
 - Develop, review and/or approve the plan
 - Submit plan, engineers estimate, and proposal to the DSAE
 - Advertise, let, and award the project
 - Submit pay requests to State Aid
 - Communicate progress and updates with the DSAEs and State Aid Programs Engineer
 - Ensure that the project receives adequate supervision and inspection
 - Assist with project close out

13. I have a project schedule for 2023 construction. Can I begin construction before the awards are announced and be reimbursed after being awarded?

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

14. When will awards be announced?

Projects awards will be announced by March 24, 2023.

15. Can agency 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 [Minnesota Statute 471.345](#) Subdivision 3. This applies to all AT funded projects, even if the total contract amount is less than \$175,000.

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

16. 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 follow all criteria identified in the *Application Eligibility* section of this document, including the criteria outlined the *Funding Eligibility* and *Lead Agency Sponsor* subsections.
2. Safety Concerns: Identified risks to safety for citizens walking or biking throughout the community and potential pedestrian and bicycle counts of those who may continue to make these trips on foot or bicycle even though these risks are present.
3. Full Project Description: All improvements are identified including the improvement location and any project maps or design exhibits
4. Project Improvements: Project improvements address the safety risks and hazards identified, mitigate safety concerns, and boosts health benefits
5. Community engagement & transportation policies: Adoption of pedestrian or bicycle plans or full complete streets policies as well as development of activities or policies that encourage or promote walking and biking
6. AT-PAWS Score: Priority Areas for Walking Study score, modified for the AT program, which was developed by MnDOT to identify priority locations for people walking. More information can be found in the [Active Transportation equity scoring tool](#).

17. 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. Having a good, accurate cost estimate is in everybody's best interest. For applicants that are selected for AT 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 grant award.

18. What roles are required of state aid cities or counties that are sponsoring township, small city, or non-profit applications?

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

- Be the fiscal agent on behalf of the community and have funds flow from MnDOT to the state aid city or county to the contractor
- Request SAP/SP number for the project
- Ensure the project meets milestones and dates
- Assist local agency in execution of a grant agreement

- Develop, review and/or approve the plan
- Submit plan, engineers estimate, and proposal to the DSAE
- Advertise, let, and award the project
- Submit pay requests to State Aid
- Communicate progress and updates with the DSAEs and State Aid State Programs Engineer or Active Transportation Engineer
- Ensure that the project receives adequate supervision and inspection
- Assist with project close out

However, there is no expectation that the state aid city or county would design, inspect, and construct the project with in-house staff or hire and pay a consultant with state aid city or county funds. In many cases, state aid cities or counties require that registered non-profits (501(c)(3)), small 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 state aid city or county would assist the registered non-profit (501(c)(3)), small city, or township with development of the RFP and selection a qualified consultant. We would also ask that the county 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, small cities, and registered non-profits (501(c)(3)) have very limited experience advertising, letting, and administering construction contracts, State Aid requires that the state aid city or county hold the construction contract. If the township, small 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 state aid city or county 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 state aid city or county's review and submittal.

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. I didn't submit a letter of intent. Can I still apply for 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 2023 or 2024 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 agency coordination (registered non-profit (501(c)(3)), township, & county, etc. coordination) and previous work completed on the project up to now.

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

Yes. Work on County State Aid Highways and Municipal State Aid Streets are subject to all of the requirements in the state aid rules.

For projects on county roads, municipal streets, and township roads, the District State Aid Engineer will determine the appropriate design standards. This could be design standards from the state aid rules, MnDOT Bicycle Facility Design Manual, or other design standards.

Applicants can contact their [District State Aid Engineer](#) to discuss design standard assumptions during the application process if desired.