

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Permanent Rules Governing the Public Transit Participation Program

AGENCY: Department of Transportation

REVISOR ID: R-4523

MINNESOTA RULES: Chapter 8835



The attached rules are approved for
filing with the Secretary of State



Kevin R. Behr
Assistant Revisor

200622

1.1 **Department of Transportation**

1.2 **Adopted Permanent Rules Governing the Public Transit Participation Program**

1.3 **8835.0250 APPLICATION FOR FINANCIAL ASSISTANCE.**

1.4 *[For text of subparts 1 and 2, see Minnesota Rules]*

1.5 Subp. 3. **Submission; deadline.** An applicant shall request financial assistance using
1.6 an application prescribed by the department. The department shall establish a deadline for
1.7 submission of applications for financial assistance and shall provide adequate notice of the
1.8 deadline to applicants. A complete application contains a management plan, a resolution
1.9 from the applicant's governing body, and other forms and certifications required by federal
1.10 or state law or regulation.

1.11 *[For text of subpart 4, see Minnesota Rules]*

1.12 Subp. 5. **Resolution.** An applicant shall submit with the application a resolution by
1.13 the governing body that:

1.14 A. resolves to provide public transit;

1.15 B. indicates the person or persons authorized by title to execute a contract with
1.16 the department and all amendments to the contract; and

1.17 C. authorizes funds for the local share of financial assistance, if applicable.

1.18 **8835.0320 CAPITAL ASSISTANCE.**

1.19 *[For text of subparts 1 to 3, see Minnesota Rules]*

1.20 Subp. 4. **Program deviation from allocation formula.** Under the discretion provided
1.21 to the commissioner in Minnesota Statutes, section 174.24, subdivision 3c, the department
1.22 may establish a capital assistance allocation formula that deviates from the formula
1.23 established in subpart 3. In setting this formula, the department must consider all relevant
1.24 conditions relating to funding the public transit participation program.

2.1 Subp. 5. **Individual exception to allocation formula.** The department may deviate
2.2 from the capital assistance allocation formula for an exceptional circumstance. A recipient
2.3 that seeks capital assistance from the public transit participation program in an amount
2.4 greater than the allocation formula, established under subpart 3 or 4, must make a written
2.5 request to the department that includes:

2.6 A. a detailed description of the exceptional circumstance that is the basis of the
2.7 written request; and

2.8 B. a resolution from the governing body that the request is due to an exceptional
2.9 circumstance.

2.10 The department shall consider a request for an individual exception to the allocation
2.11 formula after assessing the nature of the exceptional circumstance, balancing the request
2.12 against other requests from recipients for capital assistance, and considering the assurance
2.13 provided by the governing body that the circumstance that gave rise to the request is
2.14 exceptional.

2.15 *[For text of subparts 6 and 7, see Minnesota Rules]*

2.16 **8835.0330 CONTRACT FOR FINANCIAL ASSISTANCE.**

2.17 Subpart 1. **Content.** The financial assistance contract is a cost reimbursement contract
2.18 that is based on the total operating cost in part 8835.0280. The contract must specify the
2.19 maximum amount of financial assistance to be awarded to the recipient by the department
2.20 and state the terms and conditions of assistance. The management plan must be incorporated
2.21 into the contract as a legal part of the contract document. A resolution by the governing
2.22 body, as provided in part 8835.0250, subpart 5, must be included with the contract.

2.23 *[For text of subparts 2 to 4, see Minnesota Rules]*



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VIA EMAIL ONLY

Nancy Breems
Secretary of State, Elections Division
180 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, Minnesota 55155-1299
official.documents@state.mn.us

**Re: *In the Matter of the Proposed Permanent Rules of the Department of
Transportation Governing the Public Transit Participation Program*
OAH 8-9037-35989; R-4523**

Dear Ms. Breems:

Enclosed for filing is an electronic copy of the above-entitled adopted rules.

Please send the agency copy of the rules to:

Laura Nehl-Trueman
395 John Ireland Blvd
Mail Stop 430
Saint Paul, MN 55155

If you have any questions regarding this matter, please contact Ian Lewenstein at (651) 361-7857, ian.lewenstein@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

IAN LEWENSTEIN
Legal Assistant

Enclosures

cc: Laura Nehl-Trueman (via email)