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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **870**

02/08/2021

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The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act
1.2 relating to transportation; establishing the metropolitan area active transportation
1.3 program; transferring money; amending Minnesota Statutes 2020, section 174.38,
1.4 subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 473.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 174.38, subdivision 2, is amended to read:

1.7 Subd. 2. **Program established.** Subject to available funds, the commissioner must
1.8 establish a program to support active transportation outside of the metropolitan area, as
1.9 defined in section 473.121, subdivision 2.

1.10 Sec. 2. [473.248] METROPOLITAN AREA ACTIVE TRANSPORTATION
1.11 PROGRAM.

1.12 Subdivision 1. **Definition.** For purposes of this section, "active transportation" means
1.13 bicycling, pedestrian activities, and other forms of nonmotorized transportation.

1.14 Subd. 2. **Program established.** Subject to available funds, the council must establish a
1.15 program to support active transportation within the metropolitan area.

1.16 Subd. 3. **Metropolitan area active transportation account.** A metropolitan area active
1.17 transportation account is established in the special revenue fund. The account consists of
1.18 funds provided by law and any other money donated, allotted, transferred, or otherwise
1.19 provided to the account. Money in the account must be expended only on projects receiving
1.20 financial assistance under this section.

1.21 Subd. 4. **Program administration.** (a) The council must establish active transportation
1.22 program requirements, including:

- 2.1 (1) assistance eligibility, subject to the requirements under subdivision 5;
2.2 (2) a solicitation and application process that minimizes the burden on applicants; and
2.3 (3) procedures to award and pay financial assistance.

2.4 (b) The council must annually conduct a solicitation for active transportation projects
2.5 under the program.

2.6 (c) The council must make reasonable efforts to publicize each application solicitation
2.7 among all eligible recipients. The council must assist applicants to create and submit
2.8 applications, with an emphasis on providing assistance in communities that are historically
2.9 and currently underrepresented in local or regional planning, including communities of
2.10 color, low-income households, people with disabilities, and people with limited English
2.11 proficiency.

2.12 (d) The council may provide grants or other financial assistance for a project.

2.13 (e) The council is prohibited from expending more than one percent of available funds
2.14 in a fiscal year under this section on program administration.

2.15 Subd. 5. **Eligibility.** An eligible recipient of financial assistance under this section
2.16 includes:

2.17 (1) a political subdivision; and

2.18 (2) a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code, as
2.19 amended.

2.20 Subd. 6. **Use of funds.** The council must determine permissible uses of financial
2.21 assistance under this section, which are limited to:

2.22 (1) construction and maintenance of bicycle, trail, and pedestrian infrastructure, including
2.23 but not limited to safe routes to school infrastructure and bicycle facilities and centers; and

2.24 (2) noninfrastructure programming, including activities as specified in section 174.40,
2.25 subdivision 7a, paragraph (b).

2.26 Subd. 7. **Project evaluation and selection.** The council must establish a project
2.27 evaluation and selection committee. The chair of the council must appoint one city council
2.28 member or mayor from each council district to serve on the committee. The committee must
2.29 establish a process to select projects that are competitive, criteria-based, and objective. The
2.30 process must include criteria and prioritization of projects based on:

3.1 (1) the project's inclusion in a municipal or regional nonmotorized transportation system
3.2 plan;

3.3 (2) the extent to which policies or practices of the political subdivision encourage and
3.4 promote complete streets planning, design, and construction;

3.5 (3) the extent to which the project supports connections between communities and to
3.6 key destinations within a community;

3.7 (4) identified barriers or deficiencies in the nonmotorized transportation system;

3.8 (5) identified safety or health benefits;

3.9 (6) geographic equity in project benefits, with an emphasis on communities that are
3.10 historically and currently underrepresented in local or regional planning; and

3.11 (7) the ability of a grantee to maintain the active transportation infrastructure following
3.12 project completion.

3.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.14 Sec. 3. **TRANSFER.**

3.15 \$..... in fiscal year 2022 and \$..... in fiscal year 2023 are transferred from the general
3.16 fund to the active transportation account created in section 174.38, subdivision 3.

3.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.