

7819.3000 CONSTRUCTION PERFORMANCE BOND.

Subpart 1. **Authority to require performance bond.** At the time of application for an excavation permit, the local government unit may require a right-of-way user who elects to restore the right-of-way to post a construction performance bond, as defined in part 7819.0100, subpart 6.

A local government unit does not need to provide a construction performance bond to ensure the restoration of streets following its own excavation.

Subp. 2. **Amount.** The security provided by a construction performance bond must cover an amount reasonably estimated to restore the right-of-way to the condition that existed before the excavation, and may also include reasonable, directly related costs that the local government unit estimates will be incurred if the right-of-way user fails to perform under the bond. Litigation costs and attorney fees are not direct costs to be included in calculating the amount of the bond.

Subp. 3. **Term.** If, 24 months after completion of the restoration of the right-of-way, the representative of the local government unit determines that the right-of-way has been properly restored, the surety on the construction performance bond must be released.

Statutory Authority: *MS s 237.163*

History: *23 SR 2004*

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