

**Department of Transportation****Proposed Permanent Rules Governing the Public Transit Participation Program****8835.0250 APPLICATION FOR FINANCIAL ASSISTANCE.**

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

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

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

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

- A. resolves to provide public transit;
- B. ~~authorizes two~~ indicates the person or persons authorized by title to execute a contract with the department and all amendments to the contract; and
- C. authorizes funds for the local share of financial assistance, if applicable.

**8835.0320 CAPITAL ASSISTANCE.**

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

Subp. 4. **Program deviation from allocation formula.** Under the discretion provided to the commissioner in Minnesota Statutes, section 174.24, subdivision 3c, the department may establish a capital assistance allocation formula that deviates from the formula established in subpart 3. In setting this formula, the department must consider all relevant

conditions relating to funding the ~~annual~~ public transit participation program ~~and must announce the formula to recipients by July 1 for the following calendar year.~~

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

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

~~B. a revised five-year capital plan for the public transit system that addresses the exceptional circumstance that is the basis of the written request; and~~

~~C.~~ B. a resolution from the governing body ~~certifying~~ that the request is due to an exceptional circumstance.

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

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

### **8835.0330 CONTRACT FOR FINANCIAL ASSISTANCE.**

Subpart 1. **Content.** The financial assistance contract is a cost reimbursement contract that is based on the total operating cost in part 8835.0280. The contract must specify the maximum amount of financial assistance to be awarded to the recipient by the department and state the terms and conditions of assistance. ~~For recipients receiving payment under the method described in Minnesota Statutes, section 174.24, subdivision 5, the contract is~~

~~effective for no more than one year. The term of the contract may be extended by amendment for capital assistance. The final application, including the management plan,~~ must be incorporated into the contract as a legal part of the contract document. A resolution by the governing body, as provided in part 8835.0250, subpart 5, must be included with the contract.

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