

Transportation Committee

For the Metropolitan Council meeting of March 23, 2022

Subject: Bus Rapid Transit (METRO Purple Line) Rights of Entry, Resolution 2022-7

Proposed Action

That the Metropolitan Council adopt Resolution 2022-7 that authorizes access to properties for survey, environmental testing, geotechnical investigations including subsurface utility engineering, and archeological investigations in accordance with Minnesota Statutes Chapters 473.129, Subd. 9 and 117.041.

Summary of Committee Discussion/Questions

Business Item 2022-69 was on consent. No discussion held.

Motion by Sterner, seconded by Zeran to approve the consent item.

Transportation Committee

Meeting date: March 14, 2022

For the Metropolitan Council meeting of March 23, 2022

Subject: Bus Rapid Transit (METRO Purple Line) Rights of Entry, Resolution 2022-7

District(s), Member(s): District 11 (Vento), District 13 (Lee), District 14 (Fredson)

Policy/Legal Reference: Minnesota Statutes sections 117.041 and 473.129

Staff Prepared/Presented: Wes Kooistra, General Manager, 612-349-7510

Nick Thompson, Deputy General Mgr. Capital Programs, 612-349-7507

Craig Lamothe Senior Project Manager – BRT Projects, 651-602-1978

Division/Department: Metro Transit BRT Projects – METRO Purple Line Project Office

Proposed Action

That the Metropolitan Council adopt Resolution 2022-7 that authorizes access to properties for survey, environmental testing, geotechnical investigations including subsurface utility engineering, and archeological investigations in accordance with Minnesota Statutes Chapters 473.129, Subd. 9 and 117.041.

Background

The METRO Purple Line project is currently in FTA New Starts Project Development. During this phase, staff and consultants require access to certain properties along the proposed alignment to conduct survey activities and to complete environmental testing and geotechnical and archeological investigations. This work is required to determine the physical characteristics of parcels expected to be required for project construction.

Project staff continue efforts to obtain necessary rights-of-entry from property owners on a voluntary basis, but in some cases the Council may need to pursue court orders to complete these activities, as allowed by Minnesota statutes. The requested resolution delegates authority to the project director to seek entry to perform required activities in these cases.

Rationale

Entry onto properties is necessary and proper to complete project design activities. The proposed resolution delegates authority to the project director to seek entry through processes prescribed by law.

Thrive Lens Analysis

Investment in high-quality transportation options will advance Prosperity by making the region more economically competitive through increased workers' access to employment and providing support to employers by increasing available workforce with affordable, convenient transportation.

The Project advances Equity and Livability by distributing transit resources throughout the region and investing in quality transit service that serves diverse communities. More than half of the corridor population identify as Black, Indigenous, or people of color ("BIPOC"). There are approximately 18,000 zero car households in the corridor and nearly 20 percent of households living below the poverty level.

Investing in a frequent, fast, and reliable transit option improves access to jobs, financial opportunities, educational opportunities, and services.

Funding

No specific cost to delegate Council authority. Project activities are funded by state and local project partner funds included in project 61109 as authorized in the Council's Authorized Capital Program.

Small Business Inclusion

There are no direct impacts to small business inclusion associated with the action.

METROPOLITAN COUNCIL

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RESOLUTION NO. 2022-7
RESOLUTION AUTHORIZING ACCESS TO PROPERTIES
METRO TRANSIT PURPLE LINE PROJECT

WHEREAS, the Council requires access to properties along the Purple Line Project for purposes of conducting survey, environmental testing, geotechnical investigations including subsurface utility engineering, and archeological investigations; and

WHEREAS, under Minnesota Statutes section 473.129, subdivision 9, when necessary and proper to the performance of its duties, the Council is authorized to enter any premises for the purpose of making any reasonably necessary or proper investigations or examinations; and

WHEREAS, Minnesota Statutes section 117.041 authorizes the Council before eminent domain proceedings to enter property for the purpose of making surveys and examinations, environmental testing, and geotechnical investigations.

NOW, THEREFORE, BE IT RESOLVED:

1. That access to properties along the Purple Line are necessary to conduct surveys, environmental testing, geotechnical investigations including subsurface utility engineering, and archeological investigations; and
2. That the Council authorizes the Purple Line Project Office to proceed with entry onto properties in accordance with Minnesota Statutes Chapters 473 and 117 in those circumstances where the project director determines it is necessary to access specifically identified properties for the development of the project; and
3. That if entry is denied, notification and entry will be in accordance with Minnesota Statutes Chapters 473.129, subdivision 9 and 117.041, as applicable.

Adopted this 23rd day of March 2022.

Charlie Zelle, Chair

Liz Sund, Recording Secretary