

ACTION TRANSMITTAL – 2020-08

DATE: February 6, 2020

TO: Transportation Advisory Board

FROM: Technical Advisory Committee

PREPARED BY: Elaine Koutsoukos, TAB Coordinator (651-602-1717)
Joe Barbeau, Senior Planner (651-602-1705)

SUBJECT: Program Year Extension Request: Dakota County CSAH 86 Reconstruction

REQUESTED ACTION: Dakota County requests a program year extension for its CSAH 86 reconstruction (SP# 019-686-018) from fiscal year 2020 to fiscal year 2021.

RECOMMENDED MOTION: That the Transportation Advisory Board approve Dakota County's program year extension request to move its CSAH 86 reconstruction (SP# 019-686-018) from fiscal year 2020 to fiscal year 2021.

BACKGROUND AND PURPOSE OF ACTION: Dakota County received \$4,200,000 from the 2016 Regional Solicitation to reconstruct and widen the shoulders along CSAH 86 (280th St) in Eureka, Greenvale, Castle Rock, and Waterford Townships for program year 2020. The County is requesting an extension of the program year to 2021 following schedule delays related to working with the railroad.

RELATIONSHIP TO REGIONAL POLICY: The Transportation Advisory Board (TAB) adopted the Program Year Policy in April 2013 and updated it in August 2014 to assist with management and timely delivery of transportation projects awarded federal funding through the TAB's Regional Solicitation. The policy includes a procedure to request a one-year extension based on extenuating circumstances within certain guidelines.

STAFF ANALYSIS: Based on the score on the attached worksheet, staff recommends approval of the program year extension to 2021. An extension of the program year does not guarantee federal funding will be available in that year. The project sponsor is responsible for completing the project in the new program year and covering the federal share of the project until federal funding becomes available. At this time the project would be in line for 2024 reimbursement of federal funds, though an earlier reimbursement may occur if funding becomes available. The program year change will be administered in the annual Transportation Improvement Program (TIP) update and does not require a separate TIP amendment.

COMMITTEE COMMENTS AND ACTION: At its January 16, 2020, meeting, the Funding & Programming Committee voted unanimously to recommend approval of the program year extension request to move Dakota County's CSAH 86 reconstruction from fiscal year 2020 to fiscal year 2021.

At its February 5, 2020, meeting, the Technical Advisory Committee voted unanimously to recommend approval of the program year extension request to move Dakota County's CSAH 86 reconstruction from fiscal year 2020 to fiscal year 2021.

ROUTING

TO	ACTION REQUESTED	DATE COMPLETED
TAC Funding & Programming Committee	Review & Recommend	1/16/2020
Technical Advisory Committee	Review & Recommend	2/5/2020
Transportation Advisory Board	Review & Accept	



December 12, 2019

Mr. Paul Oehme
Chair, TAC Funding and Programming Committee
Metropolitan Council
390 Robert Street North
St. Paul, MN 55101-1805

Physical Development Division
Steven C. Mielke, Director

Dakota County
Western Service Center
14955 Galaxie Avenue
Apple Valley, MN 55124-8579

952.891.7000
Fax 952.891.7031
www.dakotacounty.us

Environmental Resources
Environmental Initiatives
Groundwater Protection
Land Conservation
Vermillion River Watershed
Water Resources
Waste Regulation

Office of Planning

Parks, Facilities and Fleet
Parks
Facilities Management
Fleet Management

Transportation
Highway
Surveyor's Office
Transit Office

RE: PROGRAM YEAR EXTENSION REQUEST
SP 019-686-018
CSAH 86 Reconstruction
Castle Rock, Eureka, Greenvale and Waterford Townships
Dakota County, Minnesota

Dear Mr. Oehme,

Dakota County respectfully requests that the Funding and Programming Committee consider a program year extension for the above referenced project. The project's current program year is 2020 and includes the reconstruction of 3.7 miles of County State Aid Highway (CSAH) 86 from CSAH 23 east to Trunk Highway (TH) 3 through the Village of Castle Rock. The project also includes the replacement of the Canadian Pacific (CP) Railroad Bridge, No. BR 319.57 Albert Lea Subdivision, located on the east edge of the Village of Castle Rock.

Dakota County has worked diligently with Canadian Pacific (CP, rail owner) and Union Pacific (UP, rail operator) to coordinate the replacement of the aging trestle bridge. To date, the County has received approval of the 30% plans from CP/UP and has gone through iterations of Memorandum of Understanding (MOU) language and intends to request approval from the Dakota County Board of Commissioners at the January 21, 2020 board meeting. It is in the best interest of all parties that the roadway project includes the replacement of the railroad bridge.

During the Project Memorandum development, MnDOT Cultural Resources Unit (CRU) flagged the project for Architectural and Archaeological Review due to potential findings within proximity to the project corridor. Due to the timing of the request and availability for CRU to secure contracts to perform the reviews, the results of the studies may not be finalized prior to the June 2020 program year deadline.

A program year extension is necessary to allow adequate time for right of way, railroad coordination and archaeological review. The requested one-year time extension is needed to work through CP/UP's review and approval process. Based on the County's experience working with both Canadian Pacific and Union Pacific, an executed agreement between the County and CP/UP by the June 2020 authorization may not be feasible. The one-year extension will also ensure the Architectural and Archaeological review findings are completed and necessary mitigation (if needed) is included in the plans.

Dakota County's desire for SP 019-686-018 is to start construction in early 2021 at the latest as it is expected to be a full 2-year construction. The one-year program extension will allow for completion of all project tasks, while still allowing for the construction schedule to stay as desired. We therefore request the Funding and Programming Committee's support for extending Dakota County's project program year to 2021. If additional information is needed, please contact me at (952) 891-7104 or by email at jacob.chapek@co.dakota.mn.us.

Sincerely,

Jake Chapek, PE
Dakota County Project Manager

Enclosure

Cc: Scott Eue, MnDOT State Aid
Colleen Brown, MnDOT State Aid

REQUEST FOR PORGRAM YEAR ENTENSION

For

SP 019-686-018

RECONSTRUCTION OF CSAH 86 FROM CSAH 23 TO TH 3
CASTLE ROCK, EUREKA, GREENVALE AND WATERFORD TOWNSHIPS
DAKOTA COUNTY, MN

REQUESTED BY:

JAKE CHAPEK

DAKOTA COUNTY PROJECT MANAGER

PHONE: 952-891-7104

EMAIL: JACOB.CHAPEK@CO.DAKOTA.MN.US

1. PROJECT BACKGROUND

a. Project Name:

CSAH 86 Reconstruction

b. Location Map

Reconstruction of CSAH 86 from 800 feet east of CSAH 32 to TH 3 in Castle Rock, Eureka, Greenvale and Waterford Townships within Dakota County. **See Figure 1 – Location Map** and **Figure 2 – Project Area Map** for the project location and adjacent roadways. The County is planning to construct the CSAH 86 in 2021 and 2022.

c. Sponsoring Agency:

Dakota County

d. Other Participating Agencies:

MnDOT and FHWA

e. Project Description:

The proposed project will reconstruct 3.7 miles of County State Aid Highway (CSAH) 86 from 800 feet west of CSAH 23 to Trunk Highway (TH) 3 within Castle Rock, Eureka, Greenvale and Waterford Townships. The proposed improvements include reconstructing the existing (60+ year) two-lane roadway, adding 8' shoulders, flattening side slopes/ditches, adding turn lanes at major intersections and bypass lanes at "T" intersections. The unincorporated town of Castle Rock will be improved with an urban 3-lane typical section to increase safety and access through town. The Canadian Pacific (CP) Railroad Bridge, No. BR 319.57 Albert Lea Subdivision, located on the east edge of Castle Rock will be replaced to correct vertical clearance deficiency and bring to Minnesota Rule 8820.9956 requirements for a minimum vertical clearance of 16 feet, 4 inches for a highway crossing under a railroad bridge.

f. Funding Category:

The project is funded with Surface Transportation Block Grant Program (STBG) funds.

g. Federal Funds Allocated:

Federal Funds in the amount of \$4,200,000 have been secured for Fiscal Year 2020.

2. PROJECT PROGRESS

a. Project Schedule:

The schedules below detail the progress of the project to date and how the schedule has been modified to account for extended coordination and review time. The final schedule shows the expected dates if a program year extension is granted.

a.1 - Schedule presented at initial Open House – November 14, 2018

SP 019-686-018 Kick-Off Schedule	
Preliminary Design Layout	October, 2018
Community Engagement Open House #1	November 14, 2018
30% Roadway Plan	March, 2019
30% Bridge Plan	March, 2019
30% Bridge Plan Railroad Review (CP/UP)	April, 2019
Determine Right Of Way Limits	April, 2019
Draft Project Memorandum	June, 2019
Draft Project Memorandum Submittal	August, 2019
Easement Acquisition Negotiation	June – November, 2019
60% Bridge Plan	July, 2019
60% Bridge Plan Railroad Review (CP/UP)	September, 2019
60% Roadway Plan	September, 2019
90% Roadway Plan	November, 2019
100% Bridge Plan	November, 2019
100% Bridge Plan Railroad Review (CP/UP)	December, 2019
100% Roadway Plan	December, 2019
UP/CP Railroad Executed Agreement	December, 2019
Construction Plan Approval	January, 2020
Project Letting	March, 2020
Project Construction	April 2020 – December 2021
Program Year Sunset Date	June 30, 2020

a.2 - Below is a schedule intended to meet Program Year after ongoing coordination with Canadian Pacific (CP) / Union Pacific (UP) over ownership and maintenance of the proposed bridge began to interrupt original schedule. This schedule is no longer achievable as ongoing Memorandum of Understanding negotiation with CP/UP regarding ownership and maintenance of proposed railroad bridge has surpassed the scheduled dates. Time loss could be made up if the right of way schedule is aided by friendly acquisitions in a timely manner. Additionally, the results from the upcoming Archaeological Review scheduled for Spring, 2020 would require favorable weather and no significant findings to fit within the program year.

SP 019-686-018 Modified Schedule - Program Year 2020	
Preliminary Design Layout	October 2018 (Complete)
Community Engagement Open House #1	November 14, 2018 (Complete)
30% Roadway Plan	March 2019 (Complete)
30% Bridge Plan	May 2019 (Complete)

Community Engagement Open House #2	May 2019 (Complete)
30% Bridge Plan Railroad Review (CP/UP)	June 2019 (Complete)
Determine Right Of Way Limits	June 2019 (Complete)
Draft Project Memorandum	October 2019 (Complete)
60% Roadway Plan	November 2019 (Complete)
60% Bridge Plan	October 2019
Easement Acquisition Negotiation	October – March 2019
60% Bridge Plan Railroad Review (CP/UP)	November 2019
Draft Project Memorandum Submittal	November 2019 (Complete)
90% Roadway Plan	March 2020
100% Bridge Plan	April 2020
100% Bridge Plan Railroad Review (CP/UP)	May 2020
100% Roadway Plan	May 2020
UP/CP Railroad Executed Agreement	June 2020
Construction Plan Approval	June 2020
Project Letting	August 2020
Project Construction	October 2020 – December 2022

a.3 – The final schedule below depicts proposed dates for a program year extension. Dakota County believes this is a full two-year construction commitment to complete the 3.7-mile reconstruction and proposed railroad bridge. The County is committed to maintaining construction in 2021-2022 and does not intend to utilize a full year extension if granted.

SP 019-686-018 Modified Schedule – Program Year 2021	
Preliminary Design Layout	October 2018 (Complete)
Community Engagement Open House #1	November 14, 2018 (Complete)
30% Roadway Plan	March 2019 (Complete)
30% Bridge Plan	May 2019 (Complete)
Community Engagement Open House #2	May 2019 (Complete)
30% Bridge Plan Railroad Review (CP/UP)	June 2019 (Complete)
Determine Right Of Way Limits	June 2019 (Complete)
Draft Project Memorandum	November 2019 (Complete)
60% Roadway Plan	November 2019 (Complete)
Draft Project Memorandum Submittal	November 2019 (Complete)
Easement Acquisition Negotiation	January – March, 2020
60% Bridge Plan	February, 2020
60% Bridge Plan Railroad Review (CP/UP)	March/April, 2020
90% Roadway Plan	April, 2020
100% Bridge Plan	June 2020
100% Bridge Plan Railroad Review (CP/UP)	June-July 2020
100% Roadway Plan	July 2020
UP/CP Railroad Executed Agreement	August 2020
Construction Plan Approval	September 2020
Project Letting	November 2020 (See Note 1 Below)
Project Construction	April 2021 – December 2022

(1) – Pending results of the Archaeological Survey and completion of the CP/UP Railroad Construction Agreement, Dakota County is moving forward with November 2020 as the project letting date. If findings from survey require corrective action, the County has ability to push Project Letting back to February 2021 to still accomplish construction start of April 2021.

b. Right of Way Acquisition:

Permanent and temporary easement needs have been identified for 56 parcels (**Table 1– Easement Parcel Table**). See **Figure 4 – ROW Exhibit** for graphic representation of parcels requiring easement acquisition for roadway improvements and railroad bridge construction.

Dakota County had prepared first right of way offers to go to board in November 2019 to meet program year but due to ongoing railroad coordination regarding the Memorandum of Understanding (MOU), the decision was made to delay offers until this agreement is reached. The MOU has been resubmitted to CP/UP and Dakota County is intending to go for County Board approval on January 21, 2020, pending railroad coordination. Without the program year extension, Dakota County will not be able to provide the necessary durations for the remainder of the right of way process, unless all are friendly acquisitions, to successfully have title and possession by sunset date.

c. Plans:

The preliminary roadway plans are past the 60% development stage internally within Dakota County. These 60% plans include the final construction limits that are utilized for right of way acquisition. The 60% plans were submitted to MnDOT State Aid with the Draft Project Memorandum on November 29, 2019.

The proposed railroad bridge plans are past the 30% development stage and have been submitted to both Canadian Pacific Railway and Union Pacific Railroad in July 2019. Comments were received from the railroad companies and incorporated in the design as it advances towards 60% stage. The 60% bridge plans are currently scheduled for February 2020.

d. Permits:

Table 2 – Permits Required

Permits Required			
Agency	REQ'D	Status / Date Received	Attached
USACE Section 404	Y	To be obtained.	N
Coast Guard	N	N/A	N
DNR--Water	N	N/A	N
DNR--Public Waters	N	Project being conducted in accordance with 103E, permit not needed	N
MPCA--NPDES	Y	Permit will be obtained prior to construction. SWPPP will be prepared as part of construction plans.	N
MPCA--Section 401	N	N/A	
Watershed District	N	N/A	
Wetland Conservation Act / BWSR	Y	To be obtained.	
Railroad	Y	Canadian Pacific / Union Pacific have approved of 30% plan. MOU is being finalized and construction agreement will be started at 60% design approval	N
Other	N	N/A	N

e. Approvals:

The following is a list of agencies with approval authority and status of each approval:

Agency	Approval Required	Status
Federal Highway Administration	Project Memorandum	Not yet submitted to FHWA. Draft to State Aid Nov. 2019 with Final August, 2020
	Net Benefit 4(f) Evaluation	Not yet submitted. August, 2020
	Section 106 Historic Archaeological Determination	Not yet submitted. August, 2020
	Final Plan Approval	Not yet submitted, Sept., 2020
MnDOT	Project Memorandum	State Aid review Dec. 2019 with Final August, 2020
	Net Benefit 4(f) Evaluation	Not yet submitted. August, 2020
	Section 106 Historic Archaeological Determination	Not yet submitted. August, 2020
	Final Plan Approval	Not yet submitted. Draft Dec. 2019, Final Sept. 2020
Dakota County	Preliminary Layout	Completed
	Final Plan Approval	Not yet submitted. 60% Plans completed, Final August 2020
Canadian Pacific / Union Pacific Railroad Authority	Preliminary Bridge Layout	Completed June 2019
	Construction Agreement	Not yet submitted. August 2020
	Final Bridge Plan Approval	Not yet submitted. Final July 2020

f. Identified Funds Spent to Date on Project:

To date, the County has spent approximately \$900,000 on preliminary/final roadway design, preliminary/final bridge design, right of way services and preparation of the project memorandum documents.

3. JUSTIFICATION FOR EXTENSION

a. What is unique about this project that requires an extension of the program year?

The existing railroad trestle bridge within Castle Rock (Unincorporated) was constructed in 1930 and creates a barrier for both vehicle and pedestrian traffic along the County State Aid Highway (CSAH) 86 corridor. The structure has vertical clearance deficiencies at 14.1 feet eastbound and 14.3 westbound, short of the 16'4" height required by Minnesota Rule 8820.9953 for a highway crossing under a railroad bridge. This creates an obstacle for the future principal arterial roadway that also serves as a regional tier 2 truck corridor. In addition to vertical deficiency, the horizontal clearance is limited by the existing center pier and proximity of exterior supports (See **Figure 5 – Existing Railroad Bridge**). The existing bridge also creates a barrier for bicycle and pedestrian traffic as it is limited to a single lane in each direction without paved shoulders. Canadian Pacific (bridge owner) has no plan to replace the bridge as it currently meets the requirements for their freight needs.

Due to the reasoning above, Dakota County has approached Canadian Pacific (owner) and Union Pacific (operator) with the desire to replace the dated bridge with the upcoming CSAH 86 reconstruction. There has been a difference in opinion surrounding whom should maintain ownership of the proposed bridge and how future maintenance/replacement responsibilities will be determined. Below is a timeline of coordination that has been had relating to the efforts to replace the bridge:

- November 2017 – Dakota County meets with Canadian Pacific (CP) & Union Pacific (UP) to discuss CSAH 86 roadway reconstruction and determine if there is a plan to replace bridge. No proposed bridge replacement is planned and CP indicates if bridge were to be replaced with CSAH 86 reconstruction project, Dakota County would have to fund and own future bridge.
- December 2017 to April 2018 – Dakota County researches railroad ownership on recent bridge replacements and meets with MnDOT to discuss precedence. Understanding is bridge ownership may fall on Dakota County if an agreement cannot be determined with railroads. Ongoing conversations with CP/UP consistent that railroad will not replace bridge and any replacement of will require ownership by Dakota County.
- April 24, 2018 – Dakota County hires HDR Engineering, Inc. for bridge design and their expertise in railroad relations.

- May 2018 to November 2018 – Dakota County advances bridge replacement discussions and completes concept for bridge replacement. Bridge alternatives and temporary shoofly designs completed and shared with CP/UP. CP/UP maintain ownership stance but willing to work with Dakota County on replacement of bridge. Determination of utilizing embankment shoofly vs. temporary bridge shoofly.
- November 2018 to January 16, 2019 – Ongoing discussions with CP/UP and internal Dakota County lead to Memorandum of Understanding (MOU) being drafted to determine ownership, maintenance and liability of proposed bridge. Canadian Pacific accepts template of MOU on January 16, 2019.
- March 4, 2019 – Fully executed agreement for preliminary engineering with Union Pacific Railroad company
- March 14, 2019 – Dakota County Board of Commissioners asked to authorize the execution of a joint Memorandum of Understanding with Canadian Pacific Railway and Union Pacific Railway company to replace the existing railroad bridge on County Project 86-34 (CSAH 86 Reconstruction). Dakota County Board of Commissioners does not grant authorization due to ownership and maintenance language issues. Dakota County not interested in taking on full ownership and all long-term maintenance responsibilities.
- June 11, 2019 – 30% Bridge Plans send to Canadian Pacific Railway
- June 17, 2019 – 30% Bridge Plans sent to Union Pacific Railroad
- August 9, 2019 – Dakota County sends letter to Canadian Pacific Railway requesting that CP consider supporting this project by agreeing to maintain ownership of future bridge that carries railroad tracks over the County State Aid Highway. Dakota County maintains stance that the County will fund bridge replacement if done in conjunction with CSAH 86 reconstruction.
- September 18, 2019 – Meeting with Canadian Pacific Railway at the Canadian Pacific Plaza (Minneapolis). CP agrees to own the proposed railroad bridge, pending agreement of the Memorandum of Understanding language. Dakota County still assuming cost burden of proposed bridge as part of the CSAH 86 reconstruction.
- October 21, 2019 – Dakota County sends revised MOU to CP based on September coordination meeting.
- November 22, 2019 – Canadian Pacific Railway submits revised version of MOU to Dakota County. Dakota County has concerns over language regarding future replacement of bridge costs, liability of maintenance and maintenance agreement language.
- December 9, 2019 – Dakota County submits revised version of MOU to Canadian Pacific Railway and Union Pacific Railroad Company.
- January 21, 2020 (Future date pending agreement with CP/UP) – Dakota County staff to present MOU to Dakota County Board of Commissioners requesting authorization to finalize MOU with CP/UP. This would signify advancement of

railroad bridge plans to 60% and move bridge replacement along on same schedule as roadway reconstruction (2021/2022).

As detailed above, Dakota County worked continually with CP/UP to find the solution to replace the aging railroad bridge that does not service the County State Aid Highway effectively. Had Canadian Pacific Railway not agreed to maintain ownership (August 2019) over the proposed structure, Dakota County would have modified design for the CSAH 86 Reconstruction to omit the bridge replacement and adjust the roadway design accordingly. The County would have continued to work towards the replacement of the bridge but at a later date as a separate project. This was not the preferred alternative considering the barrier the existing bridge creates for both vehicle and pedestrian/bicycle traffic. A federal extension will allow for Dakota County to continue to work with both CP/UP and include the proposed bridge replacement as part of the CSAH 86 reconstruction.

An additional item that would benefit from the approval of a federal extension would be MnDOT's Office of Environmental Stewardship (OES) request for Archaeological and Architectural review on the CSAH 86 reconstruction corridor. During the development of the Project Memorandum by Dakota County's consultant (HDR Engineering), OES sent a July 2019 notice to the tribal representatives within proximity of the project. The results of this coordination indicated that potential burial sights exist within the parcels that may be affected by right of way acquisition. This finding triggered the OES project request for Architectural and Archeological Review for the proposed CSAH 86 reconstruction Corridor.

MnDOT OES's standard process is for OES to handle the hiring and contracts for consultants to perform the Architectural and Archaeological Reviews and asks that the County's share 20% of the contract costs (80% MnDOT/20% County). Due to volume of current contracts and changes within OES's funding and contracts processes, Renee Barnes indicated that it may be more efficient to have Dakota County hire consultants to perform these services. This would require that Dakota County cover 100% of the costs and hold all contracts associated. See **Figure 6 – Letter from OES**.

The Architectural and Archeological Review is not a project requirement that Dakota County has previous experience with. Consideration to the project efforts was reviewed internally and considering it was new project scope item, it required approval from the Dakota County Board of Commissioners to advance with a consultant contract. Due to the time associated with approving a contract for consultant services and when this work could have been performed, it would not have left adequate room for the field archaeological work to be performed within the 2019 year, pending weather. Due to this risk, it was determined that the County did not want to take on the full contract amount if the work would not have been done until Spring 2020, same time-table as a MnDOT OES held contract (80/20 Split).

b. What are the financial impacts if the project does not meet its current program year?

If the federal funds are surrendered, Dakota County will have to consider how the portion of federal funds are replaced to maintain the construction schedule of 2021/2022. Consideration would be given for phasing of the replacement of the railroad bridge to occur after the roadway reconstruction as the federal funds are not applicable to the bridge replacement costs. Removal of the bridge replacement from the proposed plan would allow for nearly all the federal funds lost to be backfilled for the roadway reconstruction costs. Dakota County has spent approximately \$900,000 on the design of the roadway, bridge replacement and right of way efforts to date.

The federal funds secured for the CSAH 86 reconstruction are in the amount of \$4,200,000. The total estimated costs for the project are as follows:

Roadway Reconstruction: \$5,500,000
Railroad Bridge Construction: \$3,500,000
Right of Way: \$1,200,000

The County feels strongly that this is a high priority reconstruction segment as this is the last remaining portion of CSAH 86 that does not have adequate shoulders, bypass lanes or turn lanes to accommodate the vehicle movements. Replacement of the railroad bridge for the future principle arterial and tier 2 truck route is also high priority for the County.

c. What are the implication if the project does not obtain the requested extension

As shown in Project Progress/Project Schedule section above, the County is at risk for delivering the project within the program year due to ongoing railroad coordination and the pending results of the archaeological survey. In order for the project to meet the original program year, it will require timely railroad coordination, friendly right of way acquisition and a no significant findings determination from the archaeological survey. The survey results are dependent on favorable spring 2020 weather that will allow MnDOT OES's consultant to perform the necessary field investigations.

The financial impacts of delivering the project within its current year include increased right of way costs related to settlements and attorney fees and potentially releasing the federal funding. The project costs would likely increase to due shorter right of way negotiation time in efforts for friendly acquisition. There would also be financial risk potential for the County to release the federal funding due to ongoing coordination with Canadian Pacific Railway / Union Pacific Railroad and if significant findings are discovered during archaeological survey that would require extended investigation. The program year extension would provide opportunity to work with the railroad

companies, allow adequate time for archaeological survey results and maintain the federal funding.

d. What actions will the agency take to resolve the problem facing the project in the next three to six months?

Dakota County will continue to work closely with Canadian Pacific Railway and Union Pacific Railroad to complete the Memorandum of Understanding and advance the bridge design. The County feels that have reached a milestone with the railroad companies regarding the language within the agreement that will result in the acceptance from both the rail and the Dakota County Board in January 2020.

In efforts to maintain the 2021/2022 construction schedule, Dakota County has determined to take the risk associated with acquiring of temporary and permanent right of way prior to the results of the archaeological and architectural survey are complete. This is a calculated risk that may result in the County owning rights to portions of property that may require mitigation or may not be acceptable to utilize. The right of way first offers are going for approval from the Dakota County Board of Commissioners at the same board meeting as the railroad MOU. First offers are anticipated to be in sent to the property owners on January 21, 2020 pending approval.

Attachment 1: PROGRESS SCHEDULE FOR PROGRAM YEAR EXTENSION

December 17, 2019

INSTRUCTIONS:

1. Check status of project under each major heading.
2. Enter dates as requested for each major heading.
3. Enter points as suggested by each applicable response.
4. Total points received in the TOTAL POINTS line on the last page. **The minimum score to be eligible to request an extension is seven points.**

ENVIRONMENTAL DOCUMENTATION

PROJECT MEMORANDUM

Reviewed by State Aid
Date of approval _____ If checked enter 4. 4

Completed/Approved
Date of approval _____ If checked enter 5. _____

EA
 Completed/Approved
Date of approval _____ If checked enter 2. _____

EITHER
 Not Complete
Anticipated Date of Completion _____
If prior to January 31 of the program year, enter 1. _____

OPPORTUNITY FOR PUBLIC HEARING (not necessary for project memorandum)

Completed
Date of Hearing August 20, 2019 If checked enter 2. 2

Not Complete
Anticipated Date of Completion _____
If prior to February 28 of the program year, enter 1. _____

FINAL ENVIRONMENTAL ASSESSMENT (not required for project memorandum)

Completed/FONSI Approved
Date of approval _____ If checked enter 2. _____

Not Complete
Anticipated Date of Completion _____
If prior to March 31 of the program year, enter 1. _____

STUDY REPORT (required for Environmental Assessment Only)

Complete/Approved If checked enter 1. _____
Date of Approval _____
 Not Complete
Anticipated Date of Completion _____

CONSTRUCTION PLANS

Completed (includes signature of District State Aid Engineer)
Date _____ If checked enter 3. _____
 Completed (approved by District State Aid as to SA Standards but not signed)
Date November 29, 2019 If checked enter 2. 2
 Not Complete
Anticipated Date of Completion _____
If prior to June 30 of the program year, enter 1. _____

RIGHT OF WAY ACQUISITION

Completed (includes approval of R/W Cert. #1 or #1A) If checked enter 2. _____
Date _____
 Not Complete
Anticipated Date of Completion September, 2020
If prior to December 31 of the year following the original program year, enter 1. 1

ENGINEERS ESTIMATE OF COSTS

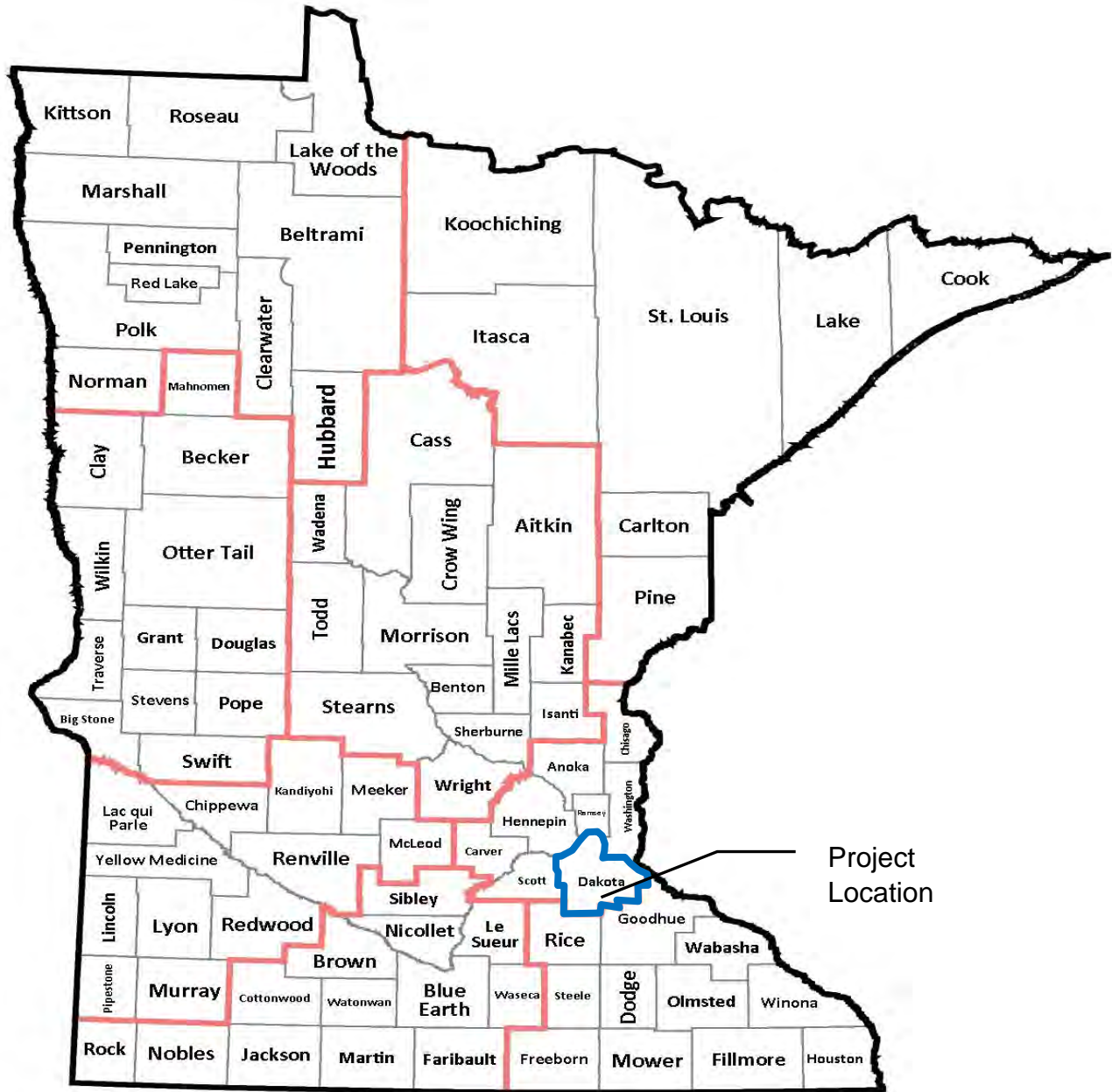
Completed If checked enter 2. _____
Date _____
 Not Complete
Anticipated Date of Completion April, 2020
If prior to December 31 of the year following the original program year, enter 1. 1

AUTHORIZED

Anticipated Letting Date November, 2020.
Anticipated letting date must be prior to June 30
in the year following the original program year,
so that authorization can be completed prior to
June 30 of the extended program year.

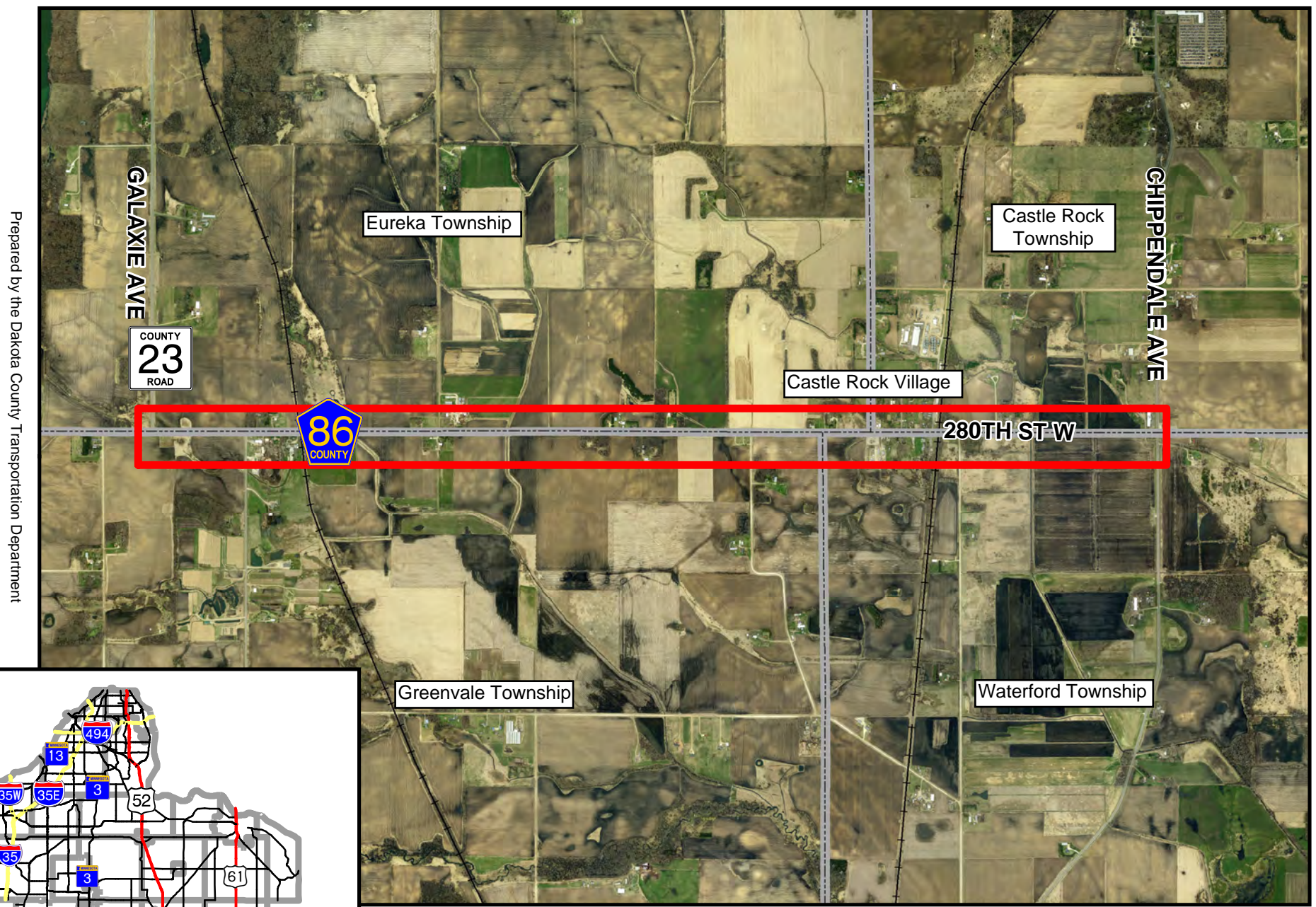
TOTAL POINTS 10

Figure 1 - Location Map

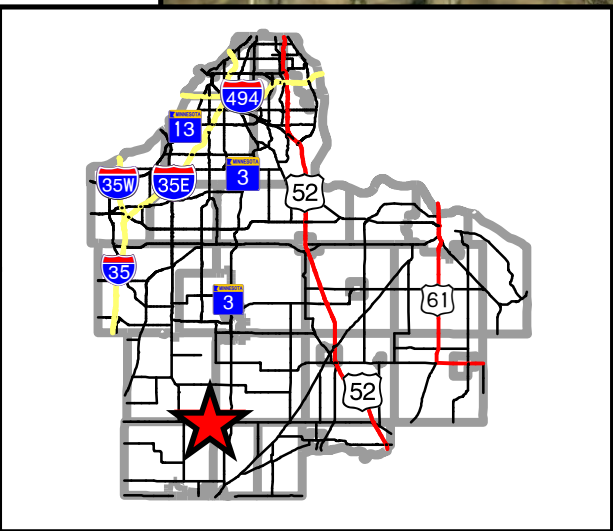


STATE MAP

Figure 2 - Project Area Map



Prepared by the Dakota County Transportation Department

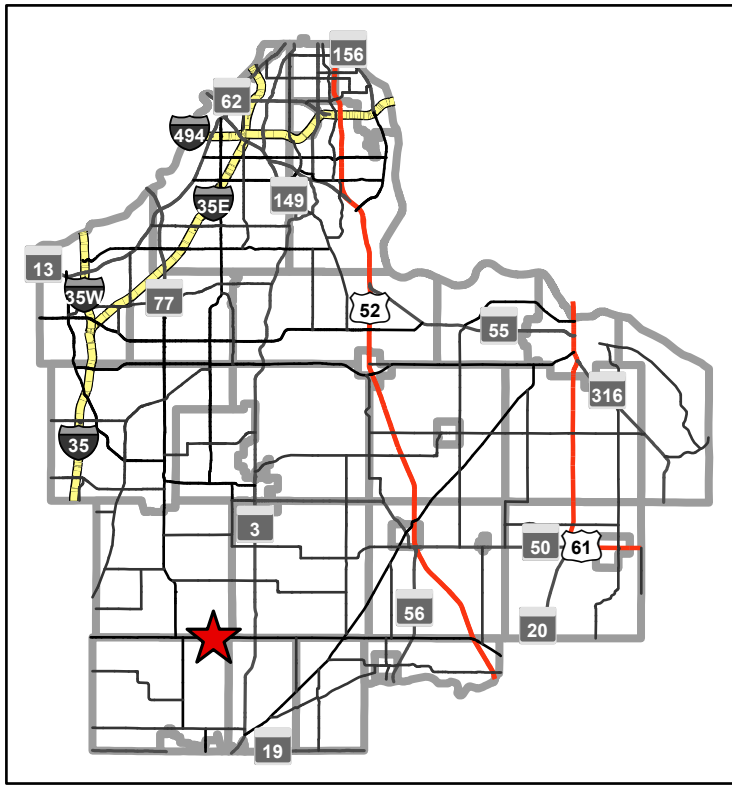


County Project 86-34 Project Area Map

Table 1 - Easement Parcel Table

SP 019-686-018					
County Project 86-34 - CSAH 86 Reconstruction					
Table 1 - Easement Parcel Table					
Parcel No.	Owner	Address	Perm. Easement (SF)	Temp. Easement (SF)	Drainage Easement (SF)
1	Alan R. Storlie And Joan M. Storlie	6897 255th St W	6,596		
2	Edith Gayle Wirth, Salley Robinson & Daniel Fredrickson	XXX North Side of 280th St	1,465		
3	Robert L. Lenzen	6525 280th St W	891		
4	Wayne P. Hallcock And Candace F. Hallcock	5975 280th St W	45,816	1,820	
4A	Wayne P. Hallcock And Candace F. Hallcock	5975 280th St W	49,211		
5	Paul A. Hallcock And Nicole A. Hallcock	6155 280th St W	11,155		
6	Dilley Eureka Properties, L.L.P.	8485 Bechtel Ave	25,340		
7	Jacqueline Lucking	5191 280th St W	3,696		
8	Wayne P. Hallcock And Candace F. Hallcock	5975 280th St W	32,632		
9	John A. Hallcock	4625 280th St W	5,676		
10	Jonathan R. Hoes And Catherine D. Hoes	4623 280th St W	1,320		
11	Jeffrey A. Annexstad	12396 Cedar Ct	11,462		
12	Ronald B. Collins, Jr.	PO BOX 472	6,160		
13	Perry A. Collins And Mary C. Collins	PO BOX 514	1,382	2,893	
14	David Villarreal And Katie Carroll	4439 280th St W		510	
15	Mark S. Detlie And Margaret L. Detlie	31293 Dahomey Ave		588	
16	Charles L. Pryor	903 Highland Ave	459	254	
17	Dean Burton	1549 18th Ave NW	285	204	
18	Gregory M. Mccracken And Holly C. Mccracken	PO BOX 453	368	588	
19	Northern States Power Company, A Minnesota Corporation	414 NICOLLET MALL		1,066	
20	David E. Olson And Deborah J. Olson	22004 Blaine Ave		893	
22	Donald W. Nihart, Jr., & Susan Nihart	4301 280th St W		Total Take	
23	Farmers Mill & Elevator, Inc.	PO BOX 488	4,441	247	
25	Joel W.A. Barsness And Ritva H.M. Barsness	4073 280th St W	6,952		
25A	Joel W.A. Barsness And Ritva H.M. Barsness	4074 280th St W	16,967	9,715	
26	Andrew M. Collins	4221 280th St W	1,738	10,120	
27	James J. Scott And Dorothy I. Scott, Trustees Of The Scott Family Revocable Living Trust	3925 280th St W	7,348		
28	Boudreau Farm, Inc.	4310 290th St W	22,766		
29	Stephan Caspers And Michelle Caspers	3655 280th St W	16,849		
30	Castle Rock Properties L.L.C., A Limited Liability Company	19015 Blaine Ave	8,184		
31	Erin Wipf, Christina Perrone, Steven Crombie, Scott Crombie, Michael Crombie And Brian Crombie	512 Wilson Ct	750		
32	Dale Francis Kaufman	9251 185th St E	35,468		
33	Dale Francis Kaufman	9251 185th St E	61,990		
34	L And B Schweich Properties, L.P., A Minnesota Limited Partnership	PO BOX 1214	6,864		
34A	L And B Schweich Properties, L.P., A Minnesota Limited Partnership	PO BOX 1215	21,622		
35	Peggy R. Runge	1903 Aspen Ct	1,973	7,369	
36	Robert J. Theisen	1401 106th St W		2,233	
37	Tawny L. Carlson	4320 280th St W		1,087	
38	James D. Hendrickson	4344 280th St W		2,851	
39	Joseph James Dill	4386 280th St W		1,774	
40	Evan Bolton And Patricia Youngkrantz	4436 280th St W		6,403	
41	Edmund Peter Brunette And Barbara Jean Brunette, As Trustees Of The Edmund Peter Brunette And Barbara Jean Brunette Trust	4444 280th St W		924	
42	Michael B. Schroeder And Ruth Ann Schroeder	PO BOX 471		532	
43	S.D.M. Properties, Llc	22080 Chippendale Ave		623	
44	Powder Creek Properties, Llc	4476 280th St W		2,702	
44A	Station 86, Llc, A Limited Liability Company Under The Laws Of Minnesota	4476 280th St W		4,738	
45	Dilley Greenvale Properties, L.L.P.	8485 Bechtel Ave	45,613		88,121
46	The Trustees Of The McKinley Chapel Methodist Episcopal Church	27890 Delft Ave, PO Box 525	2,320	1,565	
47	William F. Johnson Ii And Elizabeth Johnson	22908 Anderson Rd	79,681	6,653	
48	Wayne P. Hallcock And Candace F. Hallcock	5975 280th St W	46,350	8,153	
49	Darrell G. Wiese And Arlys A. Wiese	6498 280th St W	3,488		
50	David Roehl And Cynthia Roehl	28218 Foliage Ave	3,854	1,752	
51	David J. Mittelstaedt And Deborah M. Mittelstaedt	28010 Foliage Ave	2,063		
52	Patrick Mccarthy	1275 Deerwood Dr	9,087	28,574	
53	Joy Kempenich, Leeann Singleton, And Chet Olinger, As Trustees Of The Olinger Family Irrevocable Trust "A"	180 Fox Hollow Dr	21,293	11,419	
59	Boudreau Farm, Inc.	4310 290th St W		14,300	22,535
64	Dianne Olson	26455 Dodd Blvd	3,557		

Figure 4 - ROW Exhibit



C.P. 86-34 C.S.A.H. 86 (280th St W) Acquisition Map

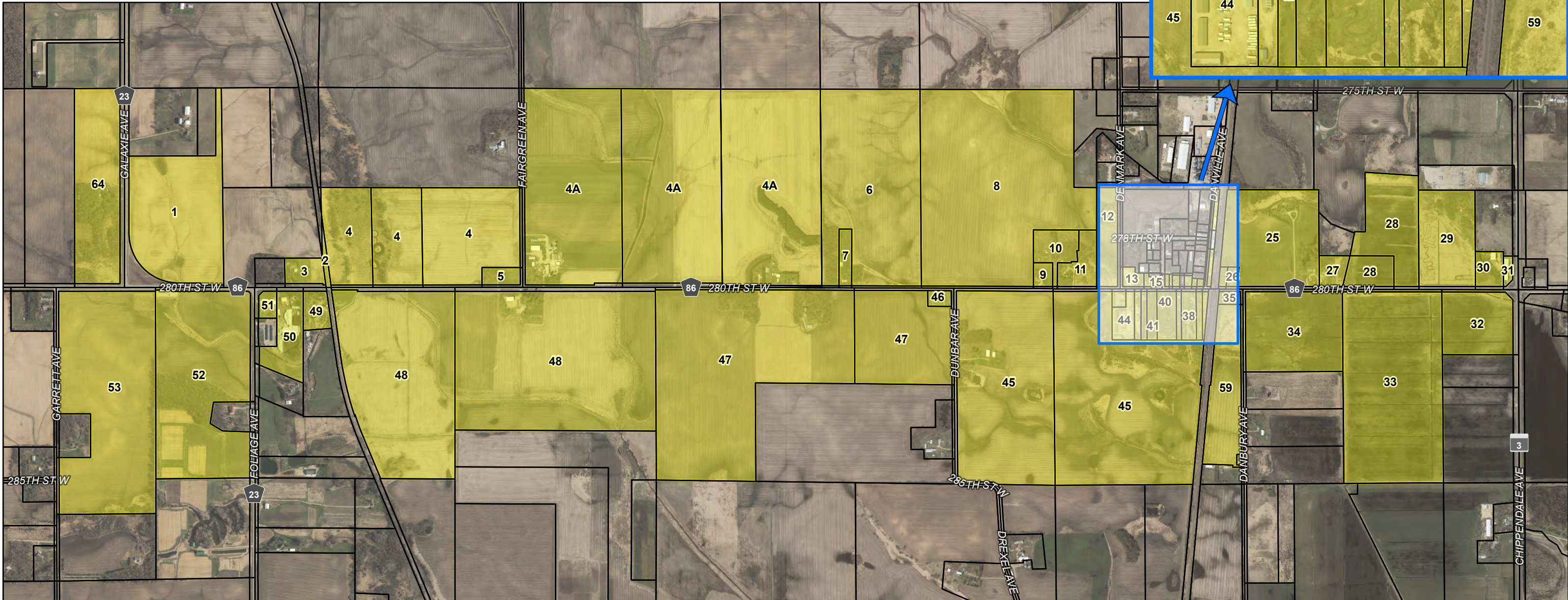
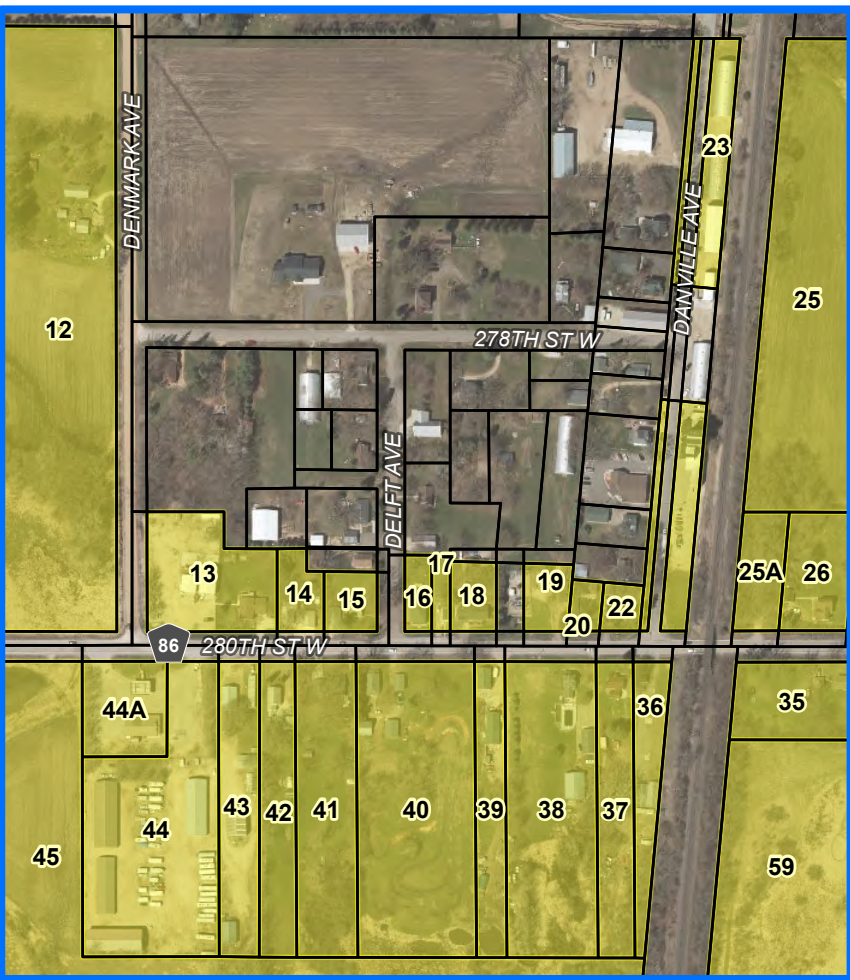


Figure 5

CSAH 86 Existing Railroad Bridge
No. BR 319.57 Albert Lea Subdivision



Office of Environmental Stewardship

Mail Stop 620
395 John Ireland Boulevard
St. Paul, MN 55155-1899

Office Tel: (651) 366-4291

Jake Chapek, PE, Senior Project Manager
Dakota County Transportation Department

October 14, 2019

RE: SP 019-686-018 (CP 86-34), CSAH 86, Castle Rock, Dakota County

Mr. Chapek,

Because this project is receiving federal funds, we have reviewed the above-referenced undertaking pursuant to our FHWA-delegated responsibilities for compliance with Section 306108 (formerly known as Section 106 of the National Historic Preservation Act [54 USC 300101 et. seq.] and its implementing regulations, 36 CFR 800, and as per the terms of the 2015 Section 106 Programmatic Agreement between the FHWA and the Minnesota State Historic Preservation Office (SHPO). MnDOT is not responsible for compliance with the Minnesota Historic Sites Act (MS 138.665-.666) since we are not funding or permitting the project, or for compliance with the Field Archaeology Act of Minnesota (MS 138.40) and the Private Cemeteries Act (MS 307.08) on this project, since MnDOT does not control the said lands, however we did consult with the Minnesota Indian Affairs Council (MIAC) and the Office of State Archaeologist (OSA) on the behalf of the county.

We have determined that there are some areas of concern for Cultural Resources, which includes archaeology and standing structures. Since the road will be widened and additional right-of-way of 44 feet will be acquired there is potential to impact these resources. We recommend an archaeology survey of the proposed right-of-way and an architectural history survey of the first tier of parcels to determine if any sites or structures of National Register eligibility are within this proposed project area of potential effects. Three archaeological sites have been identified within the CSAH 86 corridor. It needs to be determined if these sites still existing within the existing ROW or within the proposed ROW. Additionally, the proximity to water increases the likelihood that other unknown sites are within the area. The architectural survey is recommended because of the acquisition of land from properties that are 50 years or older, could be an impact to an eligible property, if any exist.

If during investigations, any sites or properties are found to be eligible for listing in the National Register, our office would determine if the project scope will have adverse effects to those sites or properties. If we determine there are adverse effects, we would work with your office to avoid or minimize those effects. Which could be done by design changes or limiting ROW purchase within the property or site, to name two examples. If the effects cannot be minimized we would work to mitigate them by performing additional documentation or some other forms of mitigation that we would work out in coordination with the State Historic Preservation Office or the Office of the State Archaeologist.

As we have discussed in previous phone conversations, there are two options for getting this work done. Dakota County could work with the current contract they have with HDR to have their professionals perform this work, which would require the county to pay 100 percent of the costs. Or MnDOT CRU

could execute a contract with a pre-qualified consultant to perform the work, in this case the County would pay for 20 percent of the cost while MnDOT covers 80 percent. The downside of this second option is that we cannot execute a contract in time to plan turn-in dates. If Dakota County would adjust their current contract with HDR that work could be completed quickly and allow for all dates to be met.

Per recent discussions, the county has decided to do the 80/20 cost split with MnDOT CRU running the contract. We will move forward with these contracts.

Sincerely,

A handwritten signature in black ink that reads "Renée Hutter Barnes". The signature is written in a cursive style with a long horizontal flourish at the end.

Renée Hutter Barnes, Historian
Cultural Resources Unit Supervisor
renee.barnes@state.mn.us