

# Action Transmittal

Transportation Advisory Board



**Meeting Date:** February 15, 2023

**Date:** February 8, 2023

## Action Transmittal: 2023-12

Scope Change Request for Saint Paul Fish Hatchery Trail Stabilization and Reconstruction

**To:** Transportation Advisory Board  
**From:** Technical Advisory Committee  
**Prepared By:** Joe Barbeau, Senior Planner, 651-602-1705

### Requested Action

The City of Saint Paul requests a scope change to remove slope stabilization from its Fish Hatchery Trail stabilization and reconstruction project (SP # 164-090-017).

### Recommended Motion

That the Transportation Advisory Board approve Saint Paul's scope change request to remove slope stabilization from its Fish Hatchery Trail stabilization and reconstruction project (SP # 164-090-017).

### Summary

This requested scope change involves removing slope stabilization from the City of Saint Paul's Fish Hatchery Trail stabilization and reconstruction project. The need for this removal is that further stabilization is going to occur along the adjacent highway by MnDOT in a future highway project.

### Background and Purpose

Saint Paul was awarded \$2,216,800 in Surface Transportation Block Grant (STBG) Program funds for 2023 in the 2018 Regional Solicitation. The award was to fund the stabilization and reconstruction of the Fish Hatchery Trail from Battle Creek Regional Park to Warner Road near Fish Hatchery Road.

Roughly half of the 1.375-mile trail is located beneath the embankment of US Highway 10/61, which was to be stabilized as part of the project scope. A slope failure on that embankment has damaged much of the trail. Since the time of the award, MnDOT has determined that erosion and embankment stability is a considerable concern for the highway and is budgeting for a slope correction in 2027 or 2028. MnDOT recommended that the city request a scope change to remove the slope stabilization from the city's project.

### Relationship to Regional Policy

Projects that receive funding through the Regional Solicitation and HSIP Solicitation processes are subject to the regional scope change policy. The purpose of this policy is to ensure that the project is designed and constructed according to the plans and intent described in the original application. The scope change policy allows project sponsors to adjust their projects as needed while still providing substantially the same benefits described in their original project applications.

## Staff Analysis

Approval/Denial of the Scope Change: Table 1 shows a scoring analysis. The project's original score of 819 left it ranked 4<sup>th</sup> out of the 40 applications in the Multiuse Trails and Bicycle Facilities category. Eleven applications were funded. The highest-scoring unfunded application scored 782 points. Staff believes it is unlikely that the project as now proposed would have scored fewer than 783 points and therefore supports approval of the request.

**Table 1: Scoring Analysis**

Measure	Max Score	Original Score	Scope Change	Notes
1. RBTN	200	200	0	No change
2A. Population/Employment	150	44	0	No change
2B. Snow/Ice Removal	50	50	0	No change
3A. Equity	50	70	0	Very unlikely to change
3B. Housing	30	70	0	No change
4A. Gaps/Barriers	100	95	0	No change
4B. Safety Deficiency	150	120	0	Unlikely to change; measure primarily related to crashes
5. Multimodal	100	83	0	Very unlikely to change
6. Risk Assessment	130	111	0	Very unlikely to change
7. Cost Effectiveness	100	16	0	N/A
<b>TOTAL</b>	<b>1,100</b>	<b>819</b>	<b>0</b>	Likely minimal scoring change

0 = no change

+ = small improvement, ++ = moderate improvement, +++ = large improvement

- = small diminishment, -- = moderate diminishment, --- = large diminishment

Funding: Removal of a portion of the original project scope will result in a reduction in the original budget. The original application and current cost estimates are shown in Table 2, below.

**Table 2: Federal and Local Costs**

	Application Budget	Current Budget
Federal Funding Amount	\$2,216,800	\$2,216,800
Local Contribution	\$554,200	\$1,400,000
Total Cost	\$2,771,000	\$3,616,800
Slope Stabilization Removal (federal; 80%)	\$324,000 (\$259,200)	\$324,000 (\$259,200)
80% Federal	\$259,200	\$259,200
Revised Project Cost	\$2,447,000	\$3,292,800

Recent history shows that retention of the full federal award is typical when removed elements are being completed by other another project. MnDOT will complete any necessary stabilization, albeit four to five years later, when it completes its US 10/61 project. MnDOT will also repair any damage done to the trail while constructing the highway project.

## Committee Comments and Action

At its January 19, 2023, meeting, the TAC Funding & Programming Committee voted unanimously to recommend adoption of Saint Paul's scope change request to remove slope stabilization from its Fish Hatchery Trail stabilization and reconstruction project.

At its February 1, 2023, meeting, the Technical Advisory Committee unanimously recommended approval of Saint Paul's scope change request to remove slope stabilization from its Fish Hatchery Trail stabilization and reconstruction project.

## Routing

To	Action Requested	Date Completed (Scheduled)
TAC Funding & Programming Committee	Review & Recommend	January 19, 2023
Technical Advisory Committee	Review & Recommend	February 1, 2023
Transportation Advisory Board	Review and Adopt	<i>February 15, 2023</i>





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

December 28, 2022

RE: Scope Change request to Fish Hatchery Trail Stabilization and  
Reconstruction project (SP 164-090-017)  
REMOVE SLOPE STABILIZATION

Dear Mr. Thompson

The City of St. Paul Department of Parks and Recreation respectfully requests that the Funding and Programming Committee consider the attached Scope Change request for the Fish Hatchery Trail Stabilization and Reconstruction project.

**Background:**

The City of St. Paul Department of Parks and Recreation (City) applied for and was awarded 2023 Surface Transportation Block Grant Program (STBGP) funding for the stabilization and reconstruction of the Fish Hatchery Trail between Battle Creek Regional Park and Fish Hatchery Road/Warner Road in St. Paul, shown in Attachment A. Roughly half of the 1<sup>3</sup>/<sub>8</sub> mile long trail lies on the embankment of US Highway 10/61. A localized slope failure on a portion of the embankment damaged a section of the Fish Hatchery Trail. The scope of the project included stabilization of the slope where the failure occurred.

**Project Development**

At the time of application, the root cause of the failure was not well understood. Therefore, the City included stabilization via retaining walls in the application. Since the original application was submitted, a thorough analysis of the slope has been completed finding that the underlying cause of the failure is due to deep soils beneath the



embankment, eliminating the viability of most stability measures, including retaining walls. During a 30% design plan review, MnDOT noted erosion and embankment stability was a broader issue through the corridor and was not isolated to the short section of failure on the trail project. MnDOT is currently budgeting for a larger drainage and slope correction project along the adjacent section of US Highway 10/61 to occur in approximately State FY2027/FY2028. After extensive coordination, the determination was that any viable correction measure included in the trail reconstruction project would not meet the long-term needs of MnDOT, however, the future US Highway 10/61 project performed by MnDOT would cover this broader issue. MnDOT recommended the City pursue a project Scope Change to remove the slope stabilization from the trail project to ensure MnDOT has adequate time and funding to address the broader stabilization work in a way that meets the needs of the corridor at large.

## Funding

The City is requesting to remove all work and costs associated with Slope Stabilization for the Trail reconstruction project. A summary of the overall project cost and reduction for the proposed scope change is summarized below.

Federal Funding Amount in STIP	\$ 2,216,800.00
Estimated Project Cost	\$ 3,616,800.00
Project cost to be covered by local funds	\$ 1,400,000.00
Removal of Slope Stabilization (Retaining walls)	\$ 324,000.00
Change in project costs	\$ (324,000.00)
80% Federal	\$ 259,200.00
20% Local	\$ 64,800.00
Revised project cost	\$ 3,292,800.00
Revised Federal Amount	\$ 1,957,600.00
Revised Local Amount	\$ 1,335,200.00

## Summary

Removing the slope stabilization from the trail project makes sense because the source of the problem will be addressed in a broader erosion, drainage, and slope stability project by MnDOT in the near future. The modified scope still achieves the project goals of providing the critical connection between the Battle Creek Trail and the Samuel H. Morgan Regional Trail.

We therefore request the Funding and Programming Committee's support for a scope change as described. If additional information is needed, please contact me at 651-266-6411 or by email at: [bryan.murphy@ci.stpaul.mn.us](mailto:bryan.murphy@ci.stpaul.mn.us)

Sincerely,

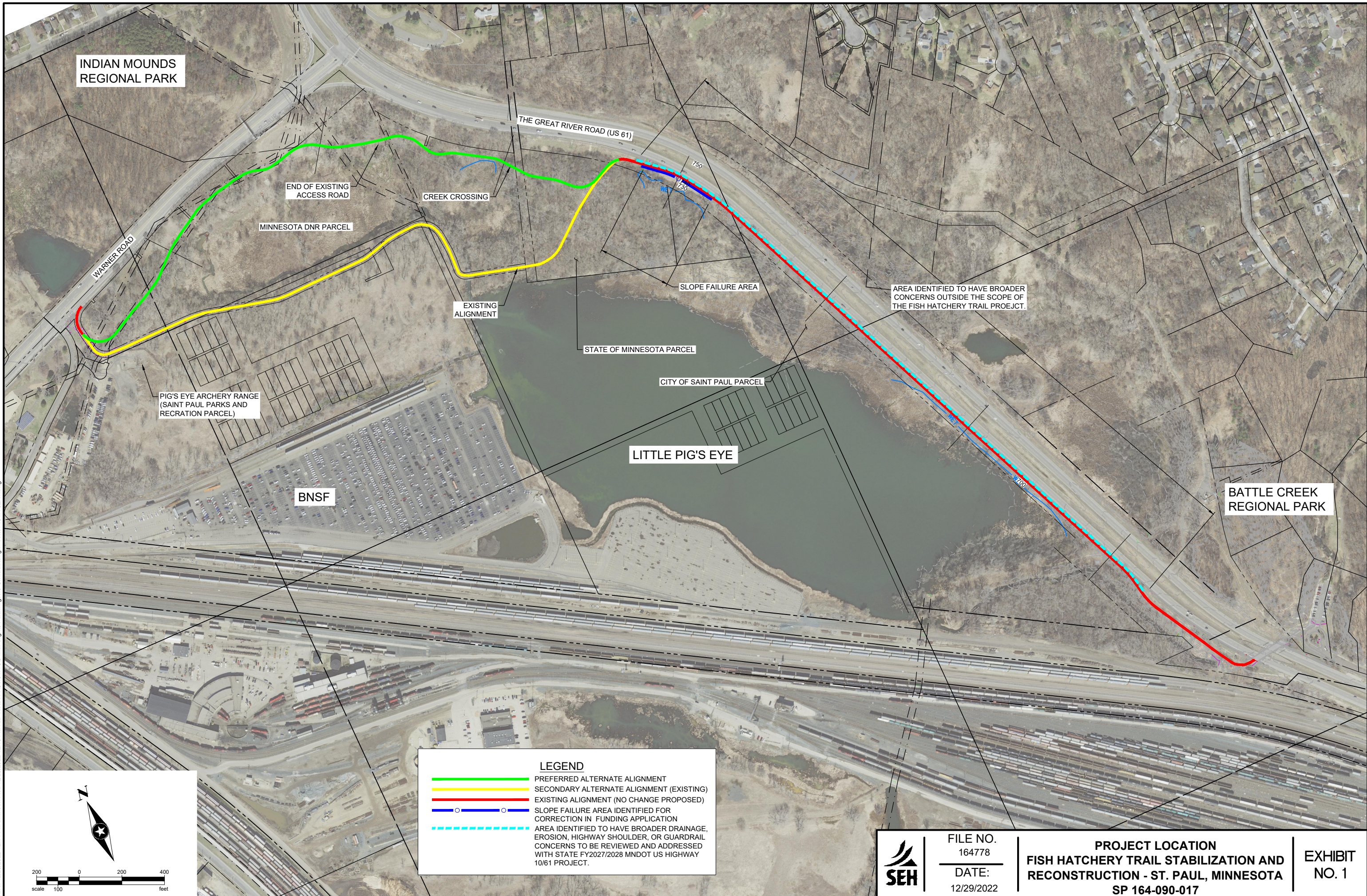


Bryan Murphy

Enc: Exhibit No. 1 – Project location overview map  
Exhibit No. 2 – MnDOT support letter

c: Alice Messer, Manager – Design and Construction  
Tom Hagel, Manager – Operations and Maintenance  
Sarah Sullivan – Assistant City Attorney  
Brett Hussong  
Paul Sawyer  
Blake Hansen, SEH Project Engineer  
Colleen Brown – MnDOT Federal Aid  
File # L21-01-10

Save: 12/29/2022 12:14 PM bhansen Plot: 12/29/2022 12:15 PM X:\PT\SS\STPAU\164778\5-final-dgn\51-drawings\10-Civil\cad\dwg\sheet\ST164778EX1.dwg



INDIAN MOUNDS REGIONAL PARK

THE GREAT RIVER ROAD (US 61)

END OF EXISTING ACCESS ROAD

CREEK CROSSING

MINNESOTA DNR PARCEL

WARNER ROAD

SLOPE FAILURE AREA

AREA IDENTIFIED TO HAVE BROADER CONCERNS OUTSIDE THE SCOPE OF THE FISH HATCHERY TRAIL PROEJCT.

EXISTING ALIGNMENT

STATE OF MINNESOTA PARCEL

CITY OF SAINT PAUL PARCEL

PIG'S EYE ARCHERY RANGE (SAINT PAUL PARKS AND RECREATION PARCEL)

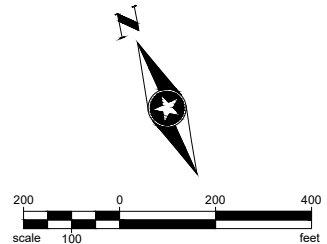
LITTLE PIG'S EYE

BNSF

BATTLE CREEK REGIONAL PARK

**LEGEND**

- PREFERRED ALTERNATE ALIGNMENT
- SECONDARY ALTERNATE ALIGNMENT (EXISTING)
- EXISTING ALIGNMENT (NO CHANGE PROPOSED)
- ○ — ○ SLOPE FAILURE AREA IDENTIFIED FOR CORRECTION IN FUNDING APPLICATION
- - - AREA IDENTIFIED TO HAVE BROADER DRAINAGE, EROSION, HIGHWAY SHOULDER, OR GUARDRAIL CONCERNS TO BE REVIEWED AND ADDRESSED WITH STATE FY2027/2028 MNDOT US HIGHWAY 10/61 PROJECT.



	FILE NO. 164778	<b>PROJECT LOCATION</b> <b>FISH HATCHERY TRAIL STABILIZATION AND RECONSTRUCTION - ST. PAUL, MINNESOTA</b> SP 164-090-017	<b>EXHIBIT NO. 1</b>
	DATE: 12/29/2022		

**From:** Ruranika, Malaki (DOT) <[malaki.ruranika@state.mn.us](mailto:malaki.ruranika@state.mn.us)>  
**Sent:** Friday, January 6, 2023 4:27 PM  
**To:** Bower, Christopher (DOT) <[Christopher.Bower@state.mn.us](mailto:Christopher.Bower@state.mn.us)>; Parent, Matthew (DOT) <[Matthew.Parent@state.mn.us](mailto:Matthew.Parent@state.mn.us)>  
**Cc:** Barnes, Melissa (DOT) <[melissa.barnes@state.mn.us](mailto:melissa.barnes@state.mn.us)>  
**Subject:** RE: 2023-01-04 Meeting to discuss Fish Hatchery Trail

Chris,

This is a follow-up to our conversation on January 04, 2023, regarding the future TH 61 work that will affect the Fish Hatchery Trail constructed and owned by the City of St. Paul.

Part of Section D of Agreement No. 63187, executed on April 4<sup>th</sup>, 1986, states that: *"If at any time it is necessary to relocate or replace any or all of the bike trails and /or the pedestrian bridge constructed under said state projects, it is hereby understood and agreed by that the City shall absolve the State from any cost or expense for relocation or replacement of said bike trails and pedestrian bridge and the City shall assume the complete responsibility for the relocation or replacement and maintenance of said bike trails and pedestrian bridge."*

However, Section II.C.3.e.2.ii. (Bikeways and Shared Use Paths) of the Cost Participation Manual (revised in 2016) includes the following language: *"MnDOT will be responsible for costs to reconstruct an existing bikeway or shared use path disturbed as a result of a project, with MnDOT participation being in the same ratio as MnDOT's participation in the work that disturbed the existing facility. MnDOT participation in reconstruction will be limited to the existing-width or standard-width, whichever is greater."*

I consulted with the Chief Counsel's office on January 3<sup>rd</sup>, 2023, to resolve the discrepancies between the agreement and the Cost Participation manual. As a result, we concluded that MnDOT has enough justification for paying 100% cost of the trail work disturbed by the FY 2027 TH 61 project as indicated in the Cost Participation manual. Further, the agreement will not be amended because St. Paul owns and maintains the facility.

Thanks,

Malaki

*Malaki M. Ruranika, PE*

Cooperative Agreements Engineer  
395 John Ireland Blvd, MS 682  
St. Paul, MN 55155  
(651) 366-4634

