

**ACTION TRANSMITTAL No. 2019-10**

**DATE:** January 24, 2019  
**TO:** Technical Advisory Committee  
**FROM:** TAC Funding & Programming Committee  
**PREPARED BY:** Joe Barbeau, Senior Planner (651-602-1705)  
**SUBJECT:** Program Year Extension Request: Carver County TH 5 Regional Trail  
**REQUESTED ACTION:** Carver County requests a program year extension for its TH 5 Regional Trail project (SP# 010-090-008) to 2020.  
**RECOMMENDED MOTION:** That the Technical Advisory Committee recommend to TAB approval of the program year extension request to move Carver County's TH 5 Regional Trail project (SP# 010-090-008) to 2020.

**BACKGROUND AND PURPOSE OF ACTION:** Carver County received \$1,192,147 from the 2014 Regional Solicitation to fund its Trunk Highway (TH) 5 Regional Trail from Minnewashta Parkway to Century Boulevard in program year 2019. The County is requesting an extension of the program year to 2020 following the request from MnDOT's Office of Environmental Stewardship for completion of a Phase I archaeological survey, which uncovered the need for a Phase II survey.

**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 2020. It is important to note that 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. In that case the program year change would 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 17, 2019, meeting, the Funding & Programming Committee voted unanimously to recommend approval of Carver County's program year extension request to move its TH 5 Regional Trail project to 2020.

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**ROUTING**

<b>TO</b>	<b>ACTION REQUESTED</b>	<b>DATE COMPLETED</b>
TAC Funding & Programming Committee	Review & Recommend	1-17-2019
Technical Advisory Committee	Review & Recommend	
Transportation Advisory Board	Review & Approve	



**Carver  
County  
Parks**

11360 Highway 212 West, Suite 2  
Cologne, MN 55322

December 27, 2018

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

RE: PROGRAM EXTENSION REQUEST FOR SP 010-090-008  
TRUNK HIGHWAY 5 REGIONAL TRAIL FROM MINNEWASHTA PARKWAY TO CENTURY BOULEVARD

Dear Mr. Oehme:

In 2017, Carver County was awarded federal funding as part of the Metropolitan Council Regional Solicitation to construct 1.9 miles of multi-use regional trail along the south side of Trunk Highway (TH) 5, extending from the existing pedestrian underpass at Minnewashta Parkway to Century Boulevard through the Minnesota Landscape Arboretum. The trail project also includes a box culvert pedestrian underpass at TH 41, retaining walls and stormwater management improvements.

During the agency review process of the Project Memorandum, the Cultural Resources Unit of MNDOT's Office of Environmental Stewardship requested a Phase I archaeological survey for the trail segment through the Landscape Arboretum, which was completed this fall. The survey identified several locations that require a Phase II survey that cannot be started until spring 2019. Carver County requests that the TAC Funding and Programming Committee consider a program year extension to 2020, which will allow for the Phase II archaeological study work to be completed. Extending the program year to 2020 will allow Carver County to fully document the historical sites within the trail corridor.

Please refer to the enclosed documentation and attachments for additional information regarding this request and please contact me with any questions at 952-466-5252, or by email at [mwalsh@co.carver.mn.us](mailto:mwalsh@co.carver.mn.us).

Sincerely,

Martin Walsh, Director  
Carver County Parks

CC: Lyndon Robjent, Public Works Director

**REQUEST FOR PROGRAM EXTENSION  
for  
SP 010-090-008**

TRUNK HIGHWAY 5 REGIONAL TRAIL FROM MINNEWASHTA PARKWAY TO CENTURY  
BOULEVARD  
in the  
CITY OF CHANHASSEN, MINNESOTA

REQUESTED BY:  
MARTIN WALSH, DIRECTOR  
CARVER COUNTY PARKS  
952-466-5252  
[mwalsh@co.carver.mn.us](mailto:mwalsh@co.carver.mn.us)

## Materials and Narrative to Aid in Determination of Requested Program Year Extension

### **1. Project Progress**

#### **a. Project Schedule**

The following project schedule demonstrates the project progress, to-date, and actions taken by Carver County to advance the development of the TH 5 Regional Trail between Minnewashta Parkway and Century Boulevard. A progress schedule for future actions is included as Attachment 1.

September 2015	TH 5 Regional Trail from Minnewashta Parkway to Century Boulevard included in the 2016-2019 STIP for fiscal year 2019
October 2016	Carver County Contracts with SRF to create TH 5 Regional Trail Master Plan and run public input and review process
October 2017	Draft TH 5 Regional Trail Master Plan completed for agency approval processes
November 2017	Carver County contracts with SRF for preliminary trail design
December 2017	SRF begins design development and site survey
February 2018	Carver County passes resolution and approves the TH 5 Regional Trail Master Plan
June 2018	Metropolitan Council approves TH 5 Regional Trail Master Plan
July 2018	Carver County submits requests for review to MnDOT CRU, OES, and CMMT as part of the Project Memorandum
October 2018	MnDOT CRU responds to Carver County with request to conduct Phase I archeology survey as part of the 80/20 MnDOT contracting process
November 2018	Florin Cultural Resource Services conducts Phase I field work
December 2018	MnDOT CRU notifies Carver County that a Phase II survey is needed in spring, after the ground thaws
December 2018	Carver County requests program year extension to provide time for Phase II archaeological survey

#### **b. Right-of-Way Acquisition and Agreements**

Carver County has completed a Memorandum of Understanding with the City of Chanhassen for construction of the regional trail and a second Memorandum of Understanding with the University of Minnesota for the construction of the trail on the Landscape Arboretum property. Carver County is working on a permanent easement with Life Time Fitness for the segment of trail that will be on their property west of TH 41 and an easement with MnDOT for the portion of trail east of TH 41 that will be in TH 5 right-of-way. Acquisitions will be complete by June 15, 2019.

#### **c. Plans**

Construction plans are well underway. The preliminary plan set is included as Attachment 2. Final plans are anticipated to be complete by February 28, 2019.

**d. Permits**

Anticipated permits on this project include the following:

- Section 404/Wetland Conservation Act
- DNR Public Waters Work Permit
- MPCA National Pollutant Discharge Elimination System (NPDES)
- Minnehaha Creek Watershed District Erosion Control Permit
- Riley Purgatory Creek Watershed District Permit

Permits will be obtained and approved prior to project letting.

**e. Approvals**

In addition to the permit approvals listed in d. above, plan approval will be required from Carver County and MnDOT.

**f. Funds and Resources**

Carver County anticipates spending about \$100,000 by the end of 2018 to complete survey, preliminary engineering and design, and the Project Memorandum. Final design and project procurement is anticipated to cost an additional \$142,000.

## **2. Justification for Project Year Extension**

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

Design development for the TH 5 Regional Trail has been moving ahead on schedule. It was unforeseen by all parties, including the Landscape Arboretum and Carver County that a Phase I archaeology survey would be required for the trail project. The timing of the request for the survey, which was made in October 2018, provided time for field work before freeze-up this fall. The field work identified three pre-contact period sites and three segments of historic road that may be part of a mid-1800s roadway identified on the 1855 General Land Office survey map. These findings precipitated a request for a Phase II survey. However, by the time the request for the Phase II survey was made in December, the window of opportunity for additional field work this season had passed.

The Phase II archaeological survey is scheduled for the earliest possible timeframe in spring 2019. It is anticipated that one month will be needed to complete the field work and to prepare the Phase II report. The report will be sent to SHPO for review and approval, which is a process that takes up to 30 days to complete. The timeframe to complete the archaeology surveys, reports and agency reviews may push the project past the deadline for Project Memorandum approval.

Carver County is committed to delivering the project as soon as possible, and anticipates all approvals for the Project Memorandum by the end of June 2019, unless further archaeology analysis is required. The County anticipates approval for bidding by summer 2019 and construction is expected to begin in the fall of 2019.

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

If the project does not meet its current program year, federal funding would be lost and the project would be left competing for funding amongst other needs in Carver County's Capital Improvement Program (CIP).

**c. What are the implications of the project does not obtain the requested extension?**

If the project does not obtain the requested extension, Carver County would likely not be able to deliver the project by the current program year deadline. Specifically, the County would not be able to complete the requested Phase II archaeological study in-time to receive approval from the State Historic Preservation Office (SHPO) and then receive final approval for the Project Memorandum.

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

Carver County is coordinating with MnDOT CRU to have a consultant conduct the Phase II archaeological study as soon as the ground is unfrozen in the spring of 2019. The field work and concurrent review by MnDOT CRU and SHPO is anticipated to take up to eight weeks from the time the ground is thawed. Carver County will have completed the construction documents and project specifications for the trail project and will be ready for review and approval for bidding, pending any modifications that may be needed based on the findings of the Phase II archaeological study. Carver County will be in a position to proceed with project bidding and construction in Project Year 2020.

## **ATTACHMENT 1**

PROGRESS SCHEDULE FOR PROGRAM YEAR EXTENSION



**Attachment 1: PROGRESS SCHEDULE FOR PROGRAM YEAR EXTENSION**

Enter request date

**2020**

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 If checked enter 4. **4**  
Date of approval **01/31/2019**

\_\_\_\_\_ Completed/Approved If checked enter 5. \_\_\_\_\_  
Date of approval \_\_\_\_\_

\_\_\_\_\_ EA  
\_\_\_\_\_ Completed/Approved  
Date of approval \_\_\_\_\_

EITHER  
\_\_\_\_\_ Not Complete  
Anticipated Date of Completion \_\_\_\_\_

**NOTE: PM PENDING FINAL SIGNATURE AT THE TIME OF THIS STATUS UPDATE. ANTICIPATE FINAL SIGNATURE MAY 2019.**

If prior to January 31 of the program year, enter 1. \_\_\_\_\_

OPPORTUNITY FOR PUBLIC HEARING (not necessary for project memorandum)

\_\_\_\_\_ Completed  
Date of Hearing \_\_\_\_\_ If checked enter 2. \_\_\_\_\_

**N/A** 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 If checked enter 2. \_\_\_\_\_  
Date of approval \_\_\_\_\_

**N/A** 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 \_\_\_\_\_  
 N/A 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 \_\_\_\_\_ If checked enter 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   
If prior to December 31 of the year following the original program year, enter 1.

ENGINEERS ESTIMATE OF COSTS

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

AUTHORIZED

Anticipated Letting Date   
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