Action Transmittal

Transportation Advisory Board



Meeting Date: June 1, 2022 Date: May 25, 2022

Action Transmittal: 2022-26

Program Year Extension Request: Hennepin County University Avenue / 4th St. Bikeway

To: Technical Advisory Committee

From: TAC Funding & Programming Committee

Prepared By: Joe Barbeau, Senior Planner, phone 651-602-1705

Requested Action

Hennepin County requests a program year extension for its University Avenue and 4th Street Bikeway (SP# 027-636-012) from fiscal year 2022 to fiscal year 2023.

Recommended Motion

That the Funding & Programming Committee recommend that TAB approve Hennepin County's program year extension request to move its University Avenue and 4th Street Bikeway (SP# 027-636-012) from fiscal year 2022 to fiscal year 2023.

Background and Purpose

Hennepin County received \$5,500,000 from the 2018 Regional Solicitation to improve bicycling access and safety on University Avenue from the I-35W Bridge to Oak Street SE in Minneapolis in program year 2022. The county is requesting an extension of the program year to 2023. This requested is being made because the project, which interacts with six potential E Line arterial bus rapid transit stations, cannot be granted federal authorization until environmental documentation is completed for the E Line.

MnDOT Metro District State Aid is able to use the released 2022 funding to for earlier reimbursement of advanced construction.

Relationship to Regional Policy

The Transportation Advisory Board (TAB) adopted the Program Year Policy in April 2013 (updated 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

Per the Program Year Policy's progress assessment (attached) a minimum score of 7 is needed to be eligible for an extension. The county scored 9 for this request, indicating that it will be able to be obligated within the 2023 program year.

The only part of the Program Year Policy not met by the request is the due date of December 31 of the program year (December 21, 2021, in this case). Staff still supports the granting of the request because there are projects able to absorb the 2022 funding, rendering approval minimally

impactful on TAB's program, while denial would serve to remove the project for reasons out of the applicant's control.

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 2026 reimbursement of federal funds, though an earlier reimbursement may occur if funding becomes available due to the recent increase in federal funds or if other projects withdraw.

Committee Comments and Action

At its May 19, 2022, meeting the TAC Funding & Programming Committee voted unanimously to recommend approval of Hennepin County's program year extension request to move its University Avenue and 4th Street Bikeway from fiscal year 2022 to fiscal year 2023.

Routing

То	Action Requested	Date Completed
TAC Funding & Programming Committee	Review & Recommend	May 19, 2022
Technical Advisory Committee	Review & Recommend	June 1, 2022
Transportation Advisory Board	Review & Adopt	June 15, 2022

HENNEPIN COUNTY

MINNESOTA

May 17, 2022

Mr. Michael Thompson, P.E. Chair, TAC Funding and Programming Committee Metropolitan Council 390 Robert Street North St. Paul. MN 55101

Re: Program Year Extension Request for SP 027-636-012, SP 027-637-005

CSAH 36 (University Avenue SE)/CSAH 37 (4th Street SE) Bikeway Project

Dear Mr. Thompson:

Hennepin County was awarded \$5,500,000 in federal funding as part of the 2018 Metropolitan Council Regional Solicitation to improve safety and mobility for people biking along County State Aid Highways (CSAHs) 36 and 37, also known as University Avenue SE and 4th Street SE, from the I-35W Bridge to Oak Street SE in the City of Minneapolis. Federal funds were awarded for program year 2022.

Over the past few years, county staff have advanced project development with the intent of obtaining federal authorization by the required deadline. Of critical note, is Metro Transit's planned E Line arterial bus rapid transit (BRT) service that is anticipated to operate along both CSAH 36/CSAH 37 with six potential BRT stations located within the project limits for the county's bikeway project. Recognizing an opportunity for these two projects to complement one another, county staff have worked closely with the City of Minneapolis, University of Minnesota, and Metro Transit staff to coordinate the location, placement, and design of BRT stations to promote transit service as an attractive transportation option.

As currently proposed, the construction of the temporary flatwork for the six potential BRT stations were planned to be constructed as part of the county's bikeway project. However, county staff recently learned that it would not be granted federal authorization through FHWA since the environmental documentation for the E Line Project was still underway through FTA. As a result, Hennepin County is requesting that the TAC Funding and Programming Committee consider a program year extension from 2022 to 2023 to allow for completion of the environmental documentation for the E Line Project through the FTA. County staff acknowledge that this request for an extension is past the deadline of December 31, 2021; however, county staff are requesting that an exception be considered given that it was only recently learned that federal authorization through FHWA was not feasible.

Please refer to the enclosed documentation and attachments for additional information regarding this request. I invite you to contact me with any questions at 612-596-0365 or by email at kelly.Agosto@hennepin.us.

Sincerely,

Kelly Agosto, P.E. Senior Project Manager

Hennepin County Transportation Project Delivery

CC: Colleen Brown, MnDOT State Aid

Carla Stueve, Hennepin County Engineer Nariman, Vanaki, Hennepin County

Hennepin County Transportation Project Delivery 1600 Prairie Drive | Medina, MN 55340 hennepin.us Jessa Trboyevich, Hennepin County Chad Ellos, Hennepin County Jason Pieper, Hennepin County



REQUEST FOR PROGRAM YEAR EXTENSION

SP 027-636-012, SP 027-637-005

CSAH 36 (University Avenue SE)/CSAH 37 (4th Street SE) Bikeway Project



HENNEPIN COUNTY

MINNESOTA

1. Project Progress

a. Progress Schedule

Please see Attachment 1.

b. Right of Way Acquisition

Permanent highway easements and temporary construction easements have been acquired on this project. Permanent easements are necessary to support the ownership, maintenance, and operation of bikeway, pedestrian, and transit facilities associated with the project. Temporary easements are necessary to support temporary occupancy to construct the project.

Please see <u>Attachment 2</u> for locations and the types of easements being acquired. Acquisitions will be complete by May 19, 2022.

c. Plans

Final 100% plans were submitted to MnDOT State Aid on May 8, 2022.

d. Permits

Anticipated permits on this project include the following:

- NPDES
- MnDOT Short Form Permit

Permits will be obtained and approved prior to project letting.

e. Approvals

In addition to the permit approvals noted above, plan approval will be required from MnDOT, MnDOT State Aid, Hennepin County, and the city of Minneapolis.

f. Funding / Expenditures

To date, Hennepin County has spent approximately \$1,400,000 on consulting fees for public engagement, preliminary engineering, environmental documentation (Project Memorandum), and final design for this project. In addition, Hennepin County has incurred approximately \$100,000 in staff costs related to project management and consultant oversight. These costs to date have been financed solely by Hennepin County. Remaining final design and project procurement, to be completed by a consultant, are anticipated to cost an additional \$700,000.



2. Justification for Extension Request

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

Project development for the overall CSAH 36 (University Avenue SE)/CSAH 37 (4th Street SE) Bikeway Project is on schedule to obtain federal authorization through FHWA by the necessary deadline for program year 2022. However, the inclusion of temporary flatwork for six potential bus rapid transit (BRT) stations as part of the county's project is of concern to FHWA since the environmental documentation for the overall E Line BRT Project is still underway through FTA.

A program year extension of one year is being requested to provide the necessary time for the environmental documentation to be completed for the E Line BRT Project which is anticipated for Spring 2023.

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

Since its unlikely that the project will obtain federal authorization by the necessary deadline for program year 2022, \$5,500,000 in federal funds would be forfeited. As a result, additional local funds would be required within Hennepin County's five-year Capital Improvement Program (CIP) contingent on County Board approval.

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

If the project does not obtain the requested extension, the timeline for construction activities is uncertain given the substantial funding gap due to the forfeiture of \$5,500,000 in federal funds. In addition, the approximately \$1,400,000 in expenses to date are in jeopardy of being ineligible for state aid reimbursement if construction activities do not progress.

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

Continued coordination with Metro Transit to increase the likelihood that the environmental documentation through FTA for the E Line BRT Project is completed by the anticipated deadline of Spring 2023. Hennepin County will proceed with obtaining federal authorization through FHWA in Spring 2023, followed by project bidding and construction there afterwards.



ATTACHMENT 1

PROGRESS SCHEDULE FOR PROGRAM YEAR EXTENSION



Regional Program Year Policy TAB Adopted: April 17, 2013

Administrative Modifications: August 20, 2014

Attachment 1: Progress Schedule for Program Year Extension

Enter request date

INSTRUCTIONS:

Program Year 2023

- 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 NOTE: PM pending final signature at the time of the Anticipate final signature May/June 2022.		ate.
X Reviewed by State Aid Date of approval Not approved as of 5/16/22	If checked enter 4.	
Completed/Approved Date of approval	If checked enter 5.	
EA Completed/Approved Date of approval	If checked enter 2.	
EITHERNot Complete Anticipated Date of Completion If prior to	n o January 31 of the program year, enter 1	
OPPORTUNITY FOR PUBLIC HEARING (no Completed	ot necessary for project memorandum)	
Date of Hearing	If checked enter 2.	
Not Complete Anticipated Date of Completion If prior to February	n ary 28 of the program year, enter 1	
FINAL ENVIRONMENTAL ASSESSMENT (nCompleted/FONSI Approved Date of approval_	If checked enter 2.	
Not Complete Anticipated Date of Completion If prior to	no March 31 of the program year, enter 1.	
STUDY REPORT (required for Environmenta Complete/Approved Date of Approval	If checked enter 1.	
Not Complete Anticipated Date of Completio		

Regional Program Year Policy

TAB Adopted: April 17, 2013

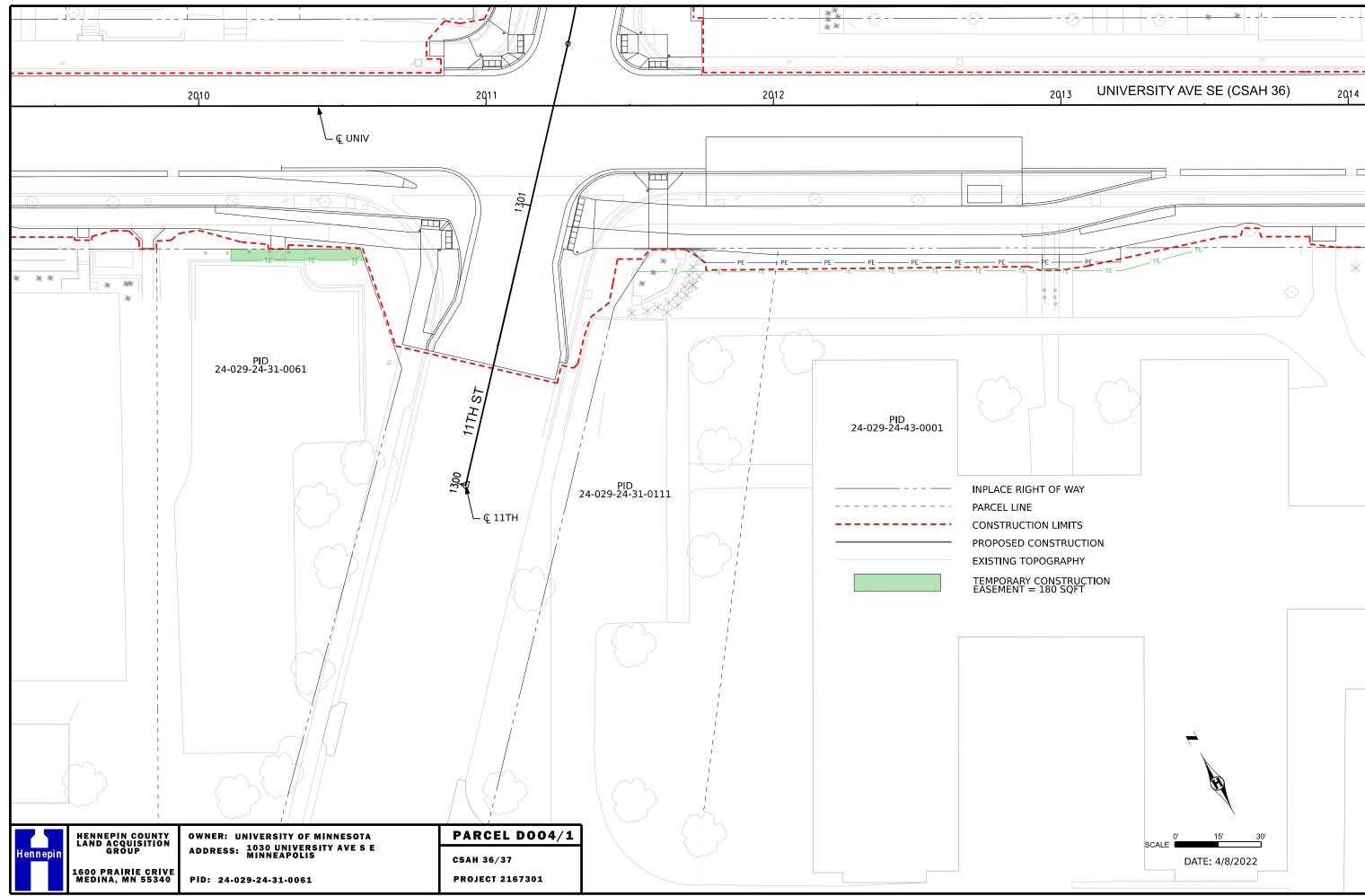
Administrative Modifications: August 20, 2014

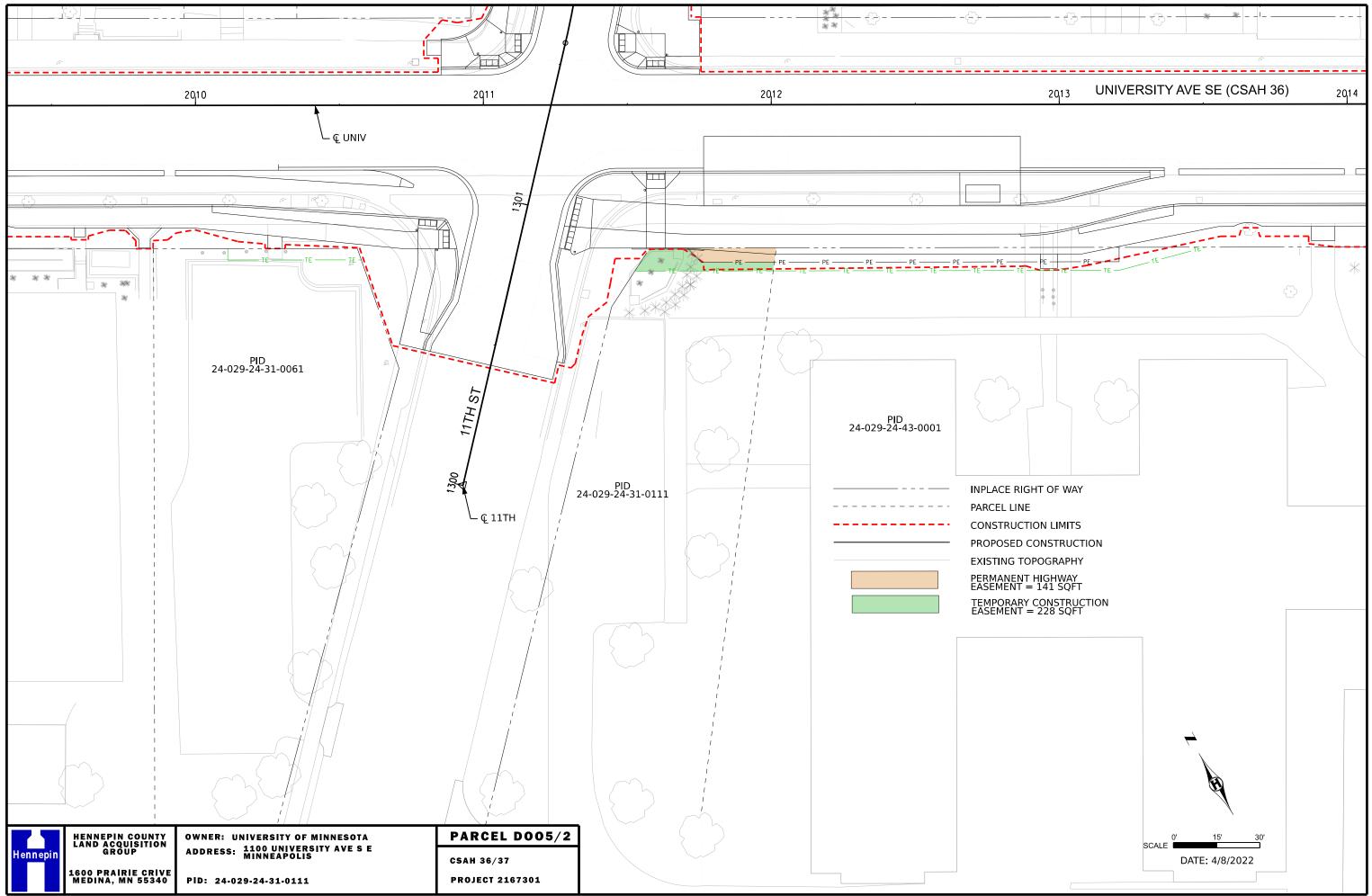
CONSTRUCTION PLANS	g,,
Completed (includes signature of District State Aid Engineer	
Date If checked enter	
Completed (approved by District State Aid as to SA Standards but not sign	
Date 5/8/22 If checked enter	· 2. <u> </u>
Not Complete	
Anticipated Date of Completion If prior to June 30 of the program year, enter	1
if prior to durie go of the program year, enter	
DIGUT OF MAY ASSURED IN	
RIGHT OF WAY ACQUISITION	alcad autau O
Completed (includes approval of R/W Cert. #1 or #1A) If che Date	cked enter 2.
× Not Complete	
Anticipated Date of Completion May 19, 2022	
If prior to December 31 of the year following the original program year, ente	er 1 1
in prior to bootinger or or the your following the original program your, onto	
ENGINEERS ESTIMATE OF COSTS	
X Completed If checked	ed enter 2. 2
Date May 7, 2022	
Not Complete	
Anticipated Date of Completion	
If prior to December 31 of the year following the original program year, enter	₂r 1
AUTHORIZED	
Anticipated Letting Date June 6, 2023	
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	9
TOTAL FOINTS	•

ATTACHMENT 2

RIGHT OF WAY PARCEL EXHIBITS





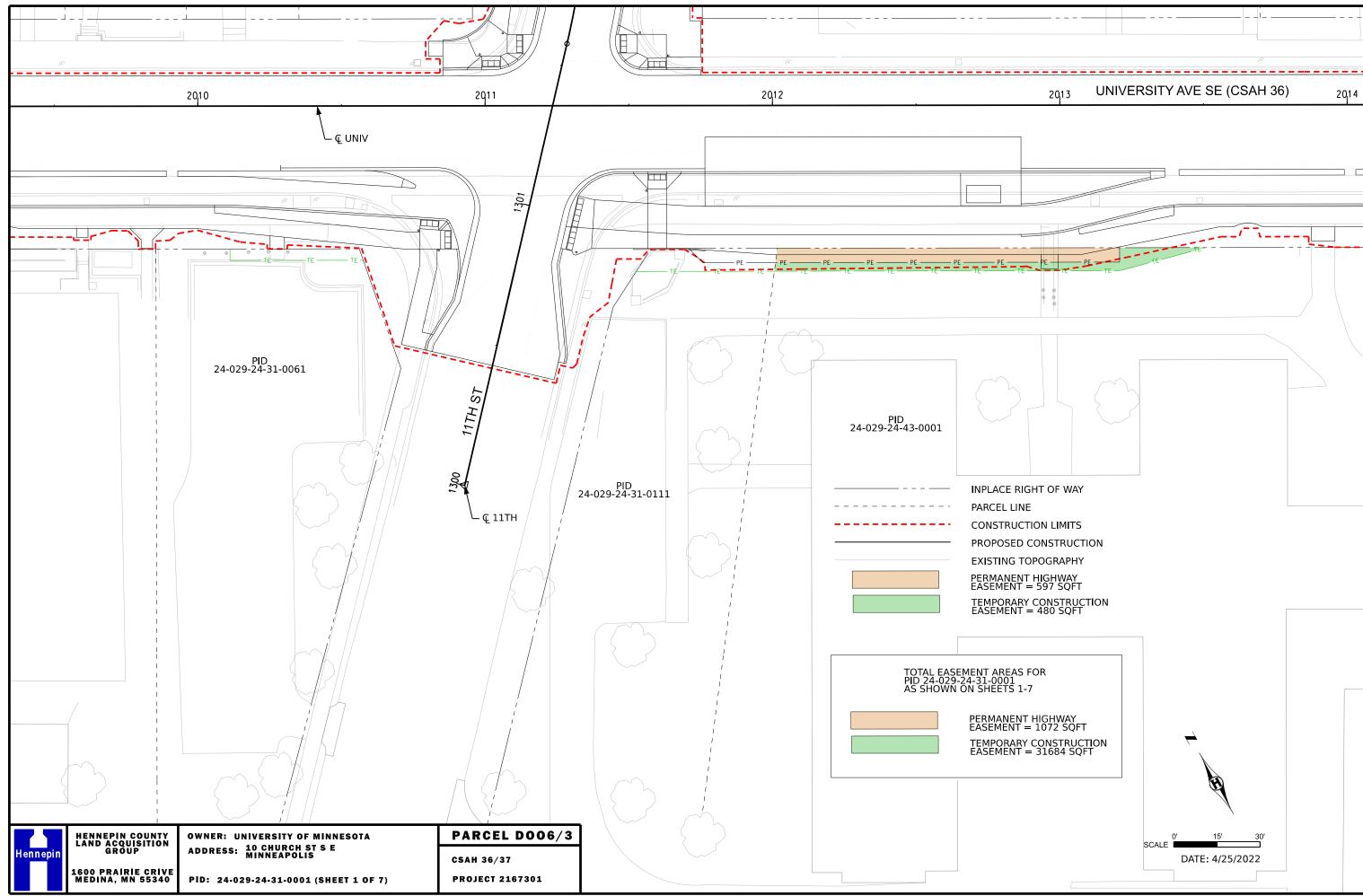


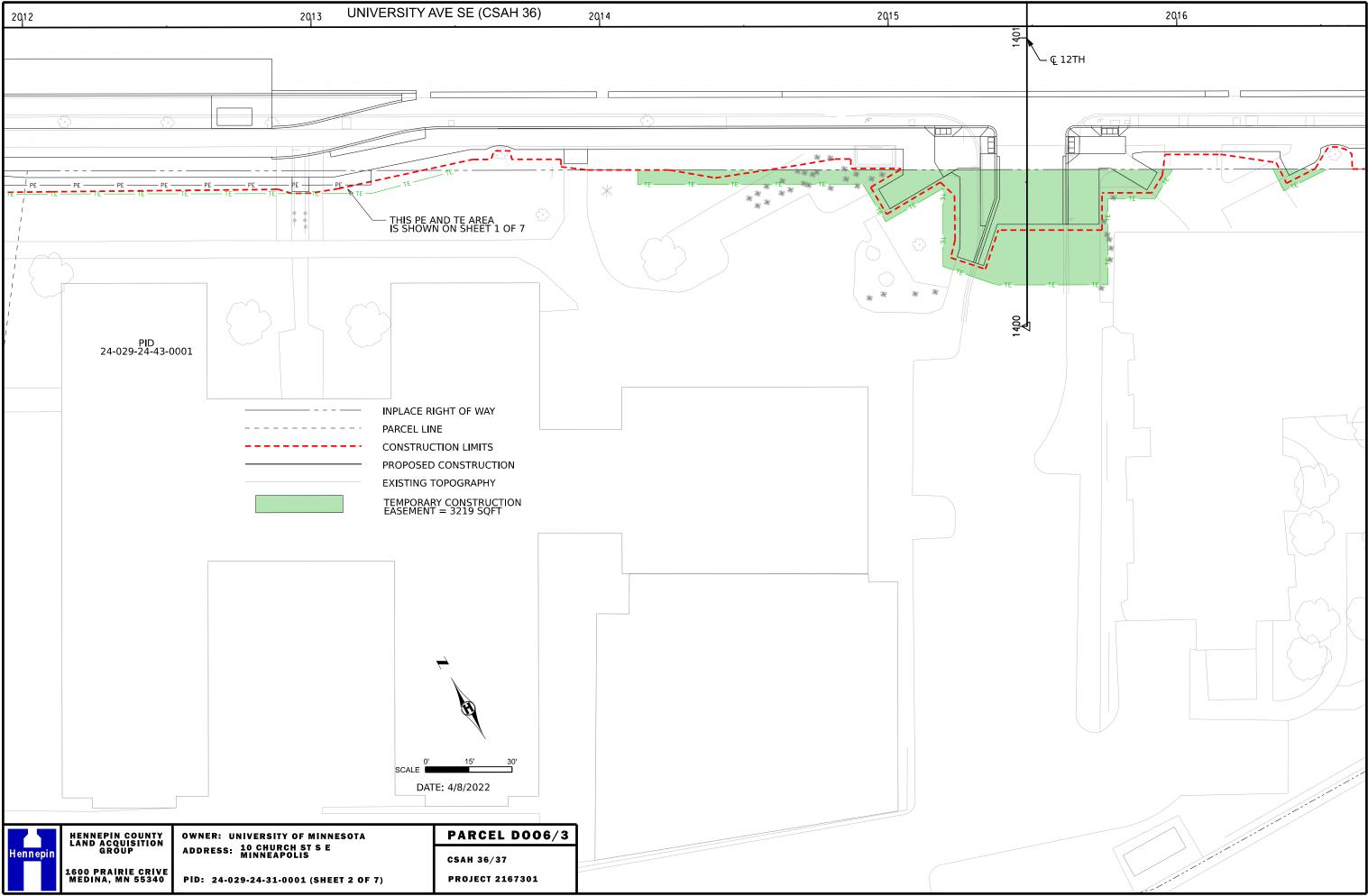
PID: 24-029-24-31-0111

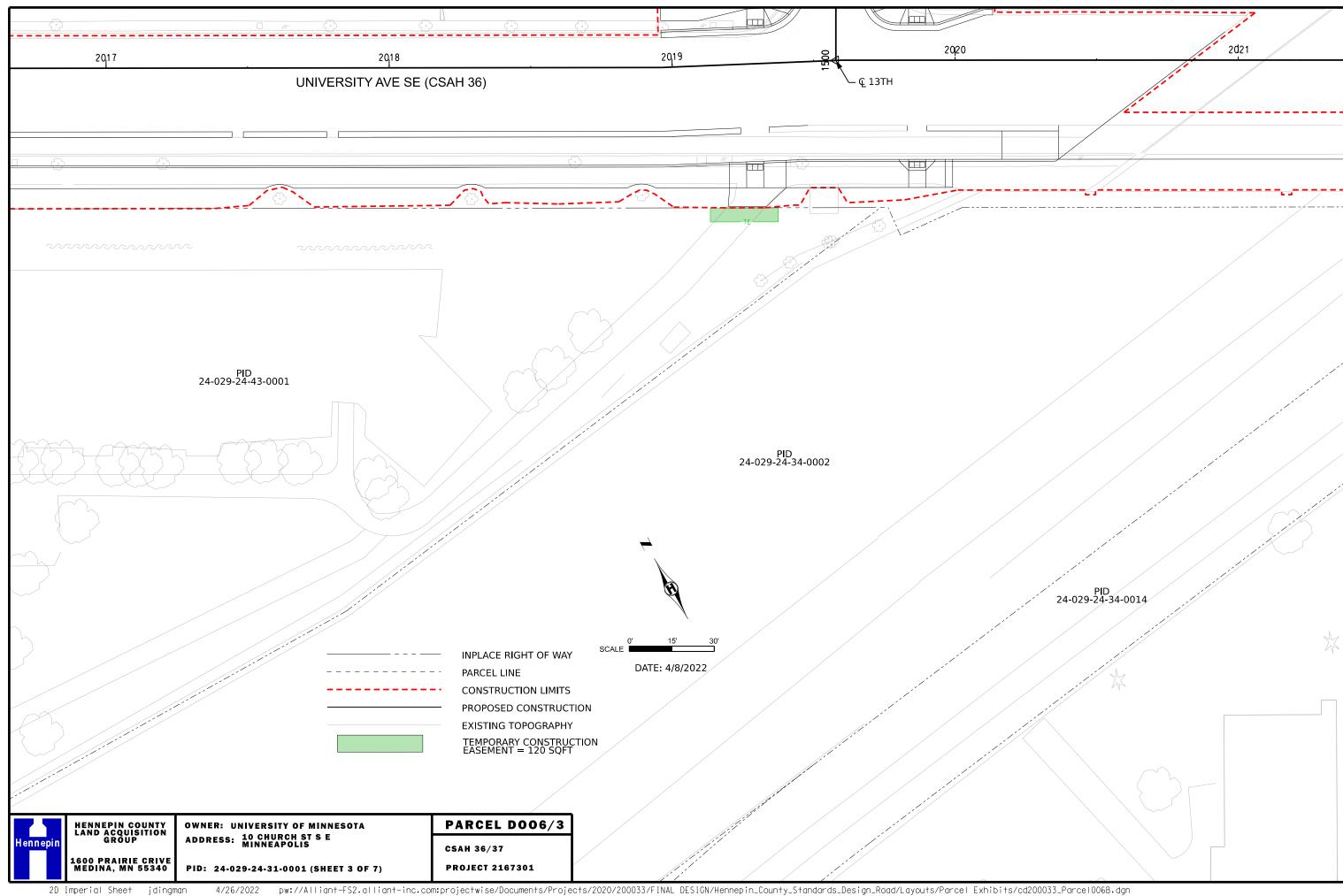
Abstract Property

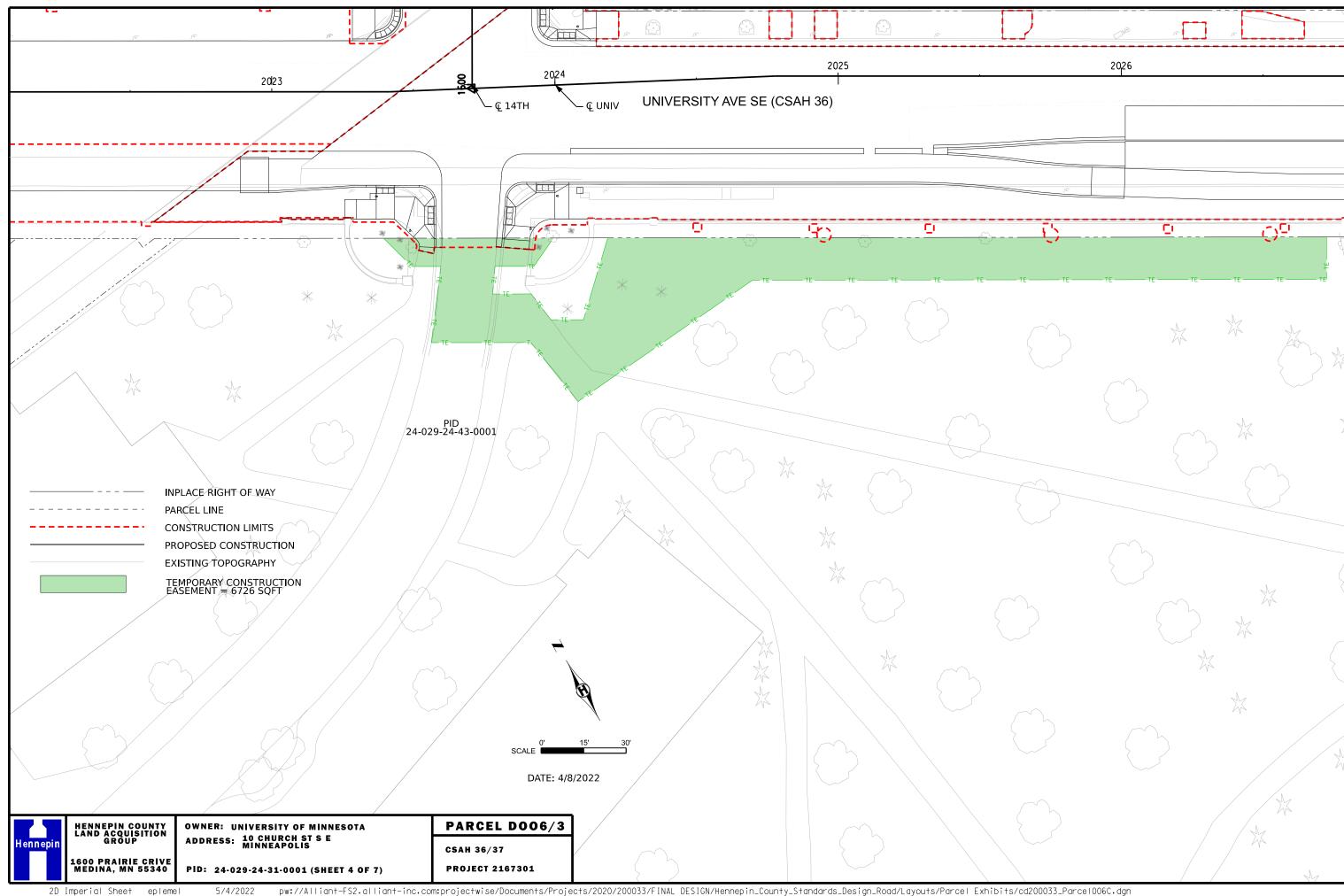
A permanent easement for highway purposes over, under, and across those parts of Block 1, MILL COMPANY'S ADDITION TO THE TOWN OF ST. ANTHONY FALLS, according to the recorded plat thereof, Hennepin County, Minnesota, and of vacated 11th Avenue Southeast, per Doc. No. 1662207, said county, lying northerly of the following described line:

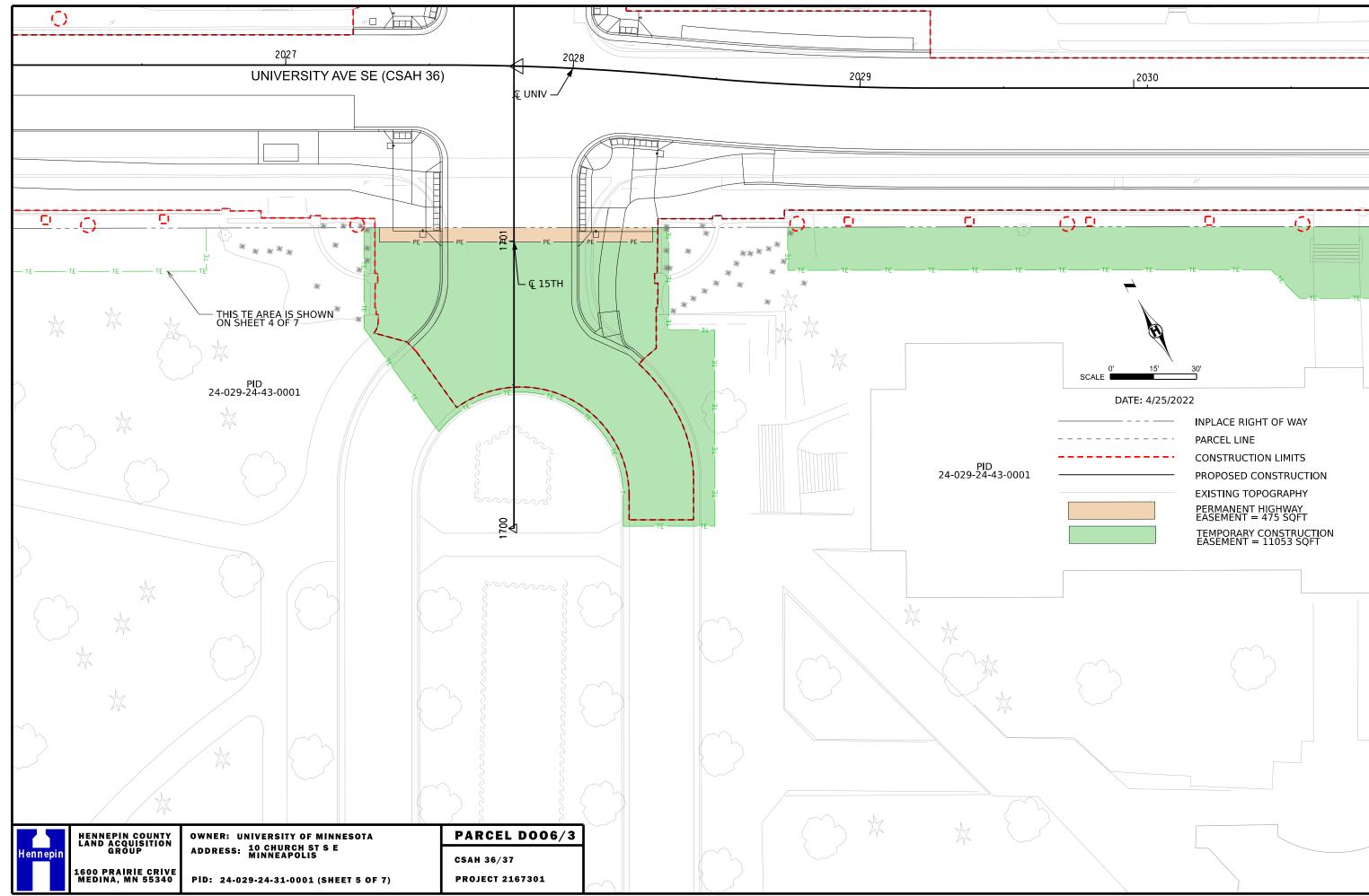
Commencing at the south quarter corner of Section 24, Township 29, Range 24, said Hennepin County; thence North 00 degrees 04 minutes 34 seconds West, assumed bearing along the north-south quarter line of said Section 24, a distance of 984.95 feet to the point of beginning of the line to be described; thence North 60 degrees 47 minutes 39 seconds West 1046.84 feet; thence North 15 degrees 47 minutes 39 seconds West 7.07 feet to the southerly line of University Avenue SE, and said line there terminating.

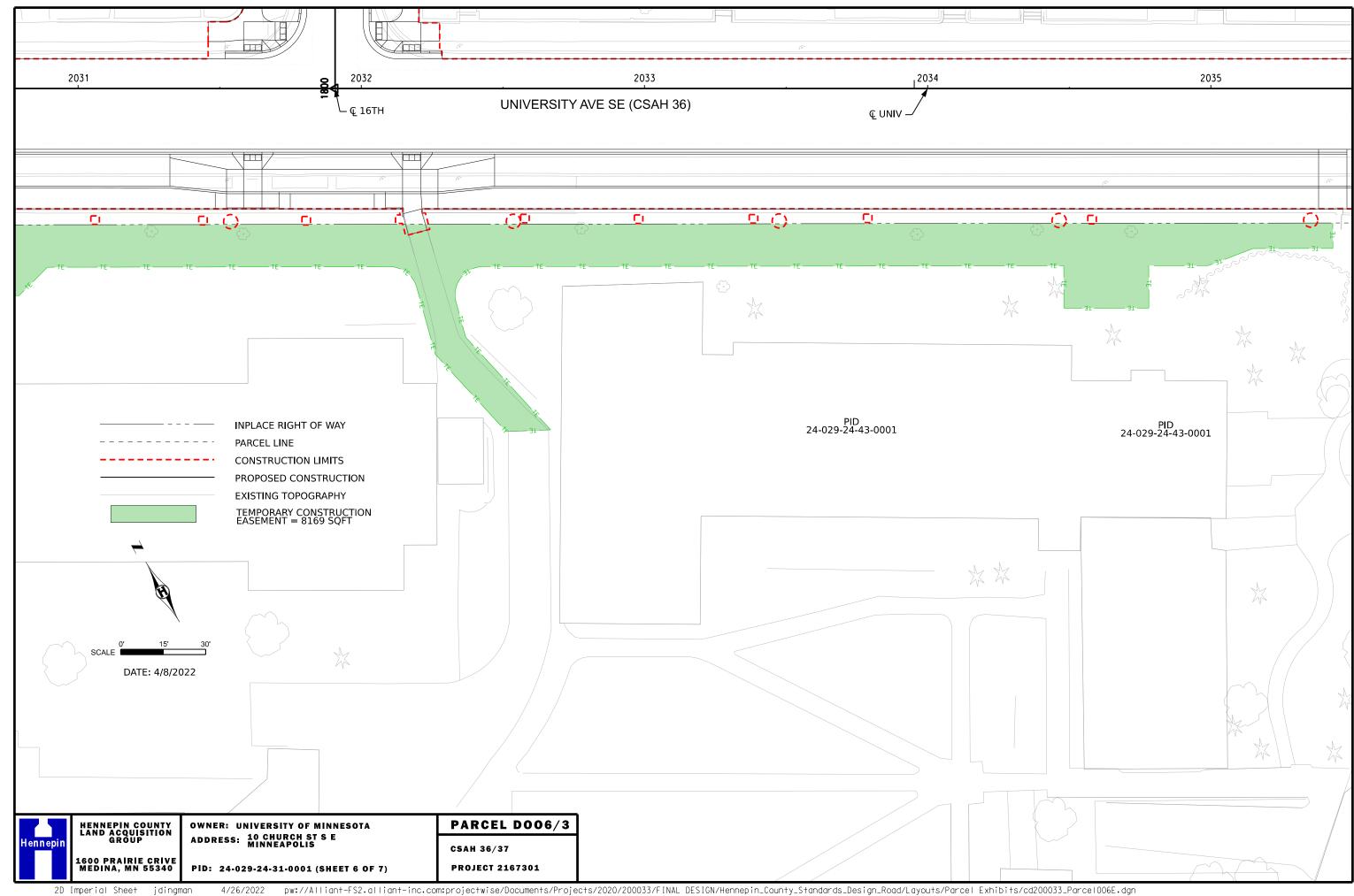


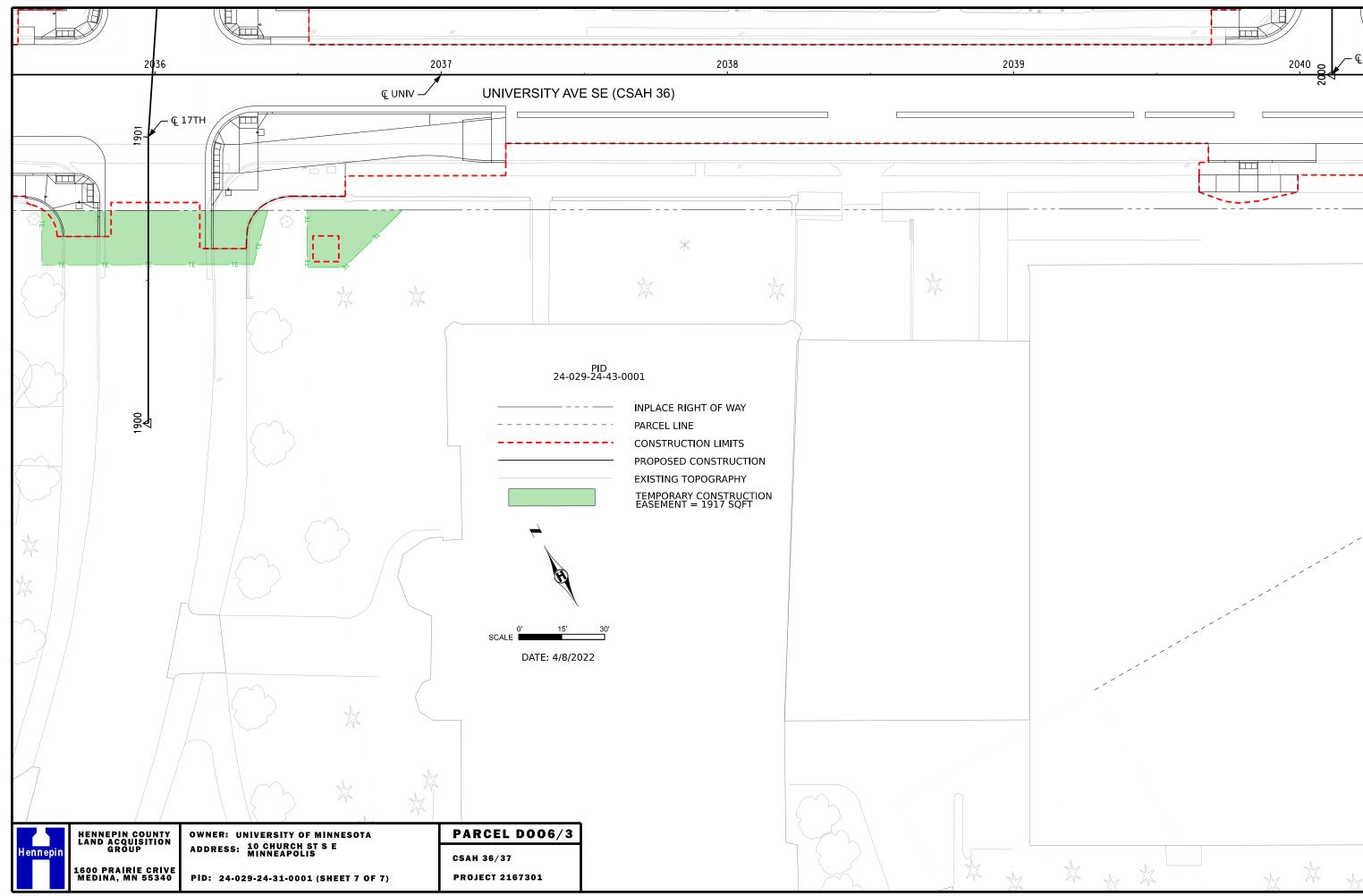












Abstract Property

PID: 24-029-24-43-0001

A permanent easement for highway purposes over, under, and across that part of Section 24, Township 29, Range 24, Hennepin County, Minnesota, lying southerly of University Avenue SE, easterly of Block 1, MILL COMPANY'S ADDITION TO THE TOWN OF ST. ANTHONY FALLS, according to the recorded plat thereof, said county, northeasterly of a line hereinafter described Line 1, and northwesterly of a line hereinafter described as Line 2.

Line 1 is described as commencing at the south quarter corner of said Section 24; thence North 00 degrees 04 minutes 34 seconds West, assumed bearing along the north-south quarter line of said Section 24, a distance of 984.95 feet to the point of beginning of the line to be described; thence North 60 degrees 47 minutes 39 seconds West 901.84 feet to a point hereinafter described as Point A; thence continuing North 60 degrees 47 minutes 39 seconds West 119.74 feet to the easterly line of said Block 1, MILL COMPANY'S ADDITION TO THE TOWN OF ST. ANTHONY FALLS, and said line there terminating.

Line 2 is described as beginning at the aforementioned Point A; thence North 29 degrees 12 minutes 21 seconds East 5.00 feet to the southerly right-of-way line of said University Avenue SE, and said line there terminating.

Abstract Property

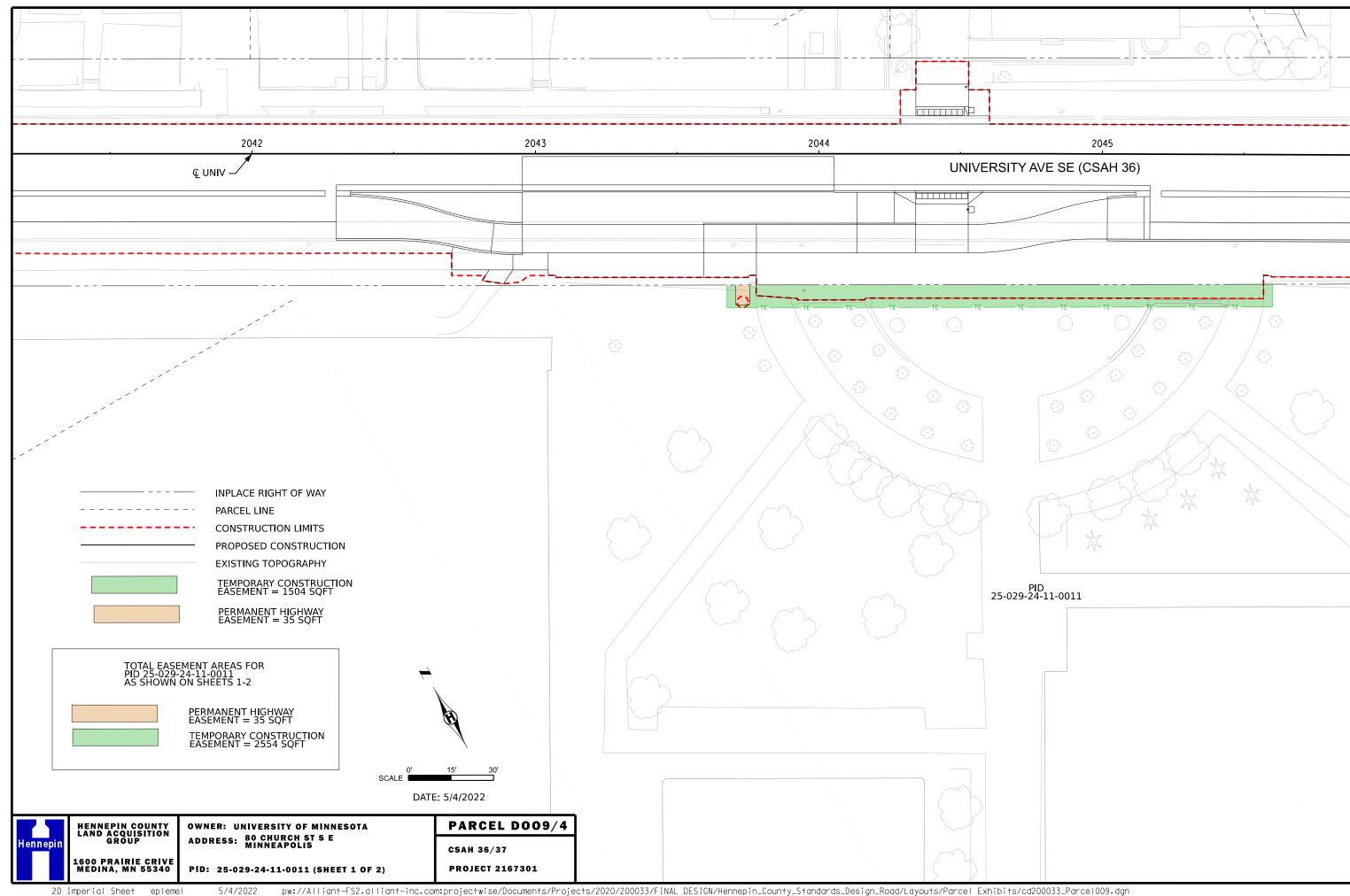
PID: 24-029-24-43-0001

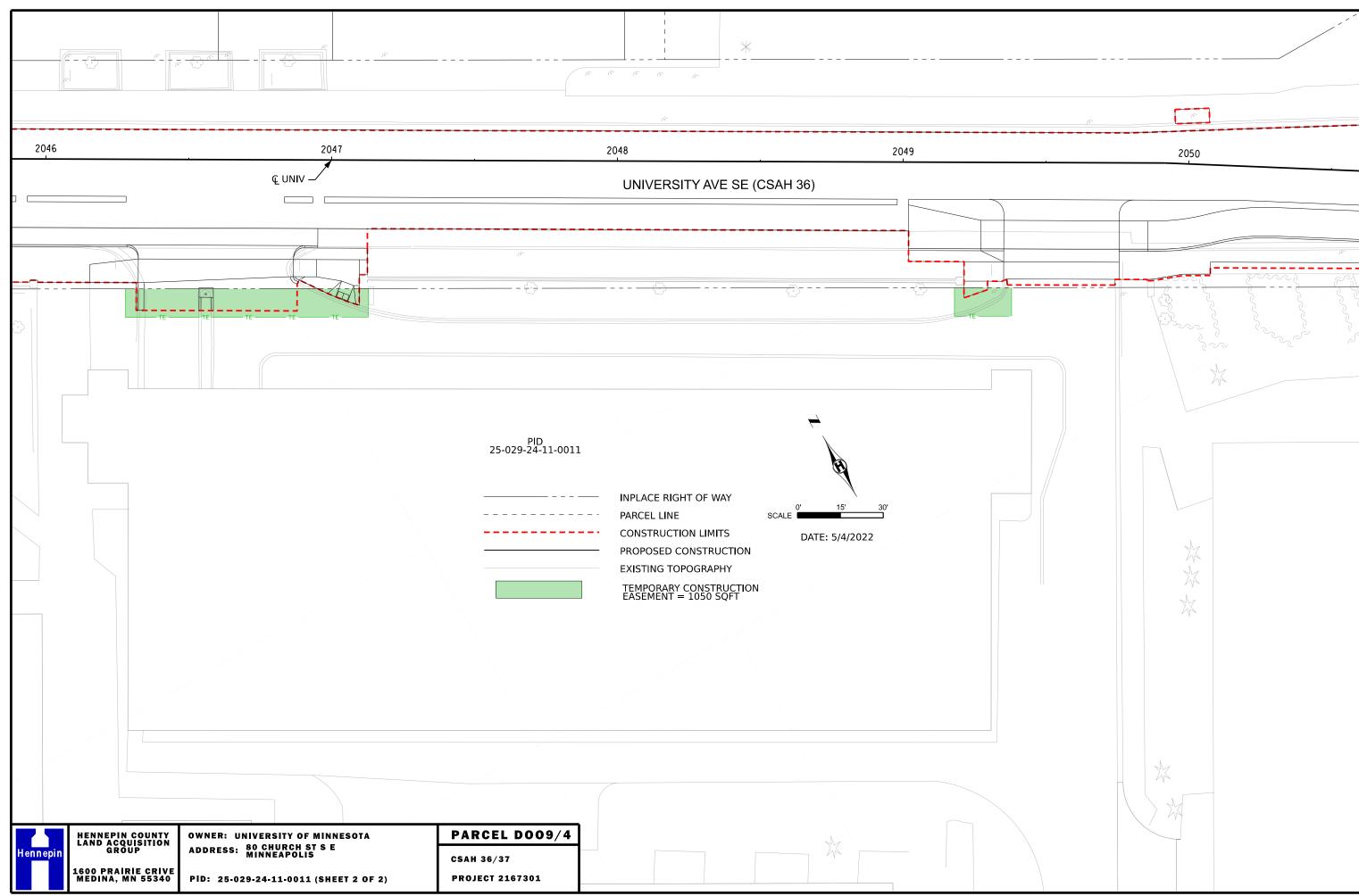
A permanent easement for highway purposes over, under, and across that part of Block 1, THATCHER'S ADDITION TO ST. ANTHONY, according to the recorded plat thereof, Hennepin County, Minnesota, lying northeasterly of a line hereinafter described as Line 1, southeasterly of a line hereinafter described as Line 2, and northwesterly of a line hereinafter described as Line 3.

Line 1 is described as commencing at the south quarter corner of Section 24, Township 29, Range 24, said Hennepin County; thence North 00 degrees 04 minutes 34 seconds West, assumed bearing along the north-south quarter line of said Section 24, a distance of 984.95 feet to the point of beginning of the line to be described; thence South 60 degrees 47 minutes 39 seconds East 509.78 to a point hereinafter described as Point A; thence continuing South 60 degrees 47 minutes 39 seconds East 95.00 feet, and said line there terminating.

Line 2 is described as beginning at the aforementioned Point A; thence North 29 degrees 12 minutes 21 seconds East 5.00 feet to the northeasterly line of said Block 1, THATCHER'S ADDITION TO ST. ANTHONY, and said line there terminating.

Line 3 is described as beginning at the point of terminus of the aforementioned Line 1; thence North 29 degrees 12 minutes 21 seconds East 5.00 feet to the northeasterly line of said Block 1, THATCHER'S ADDITION TO ST. ANTHONY, and said line there terminating.





Both Abstract and Torrens Property

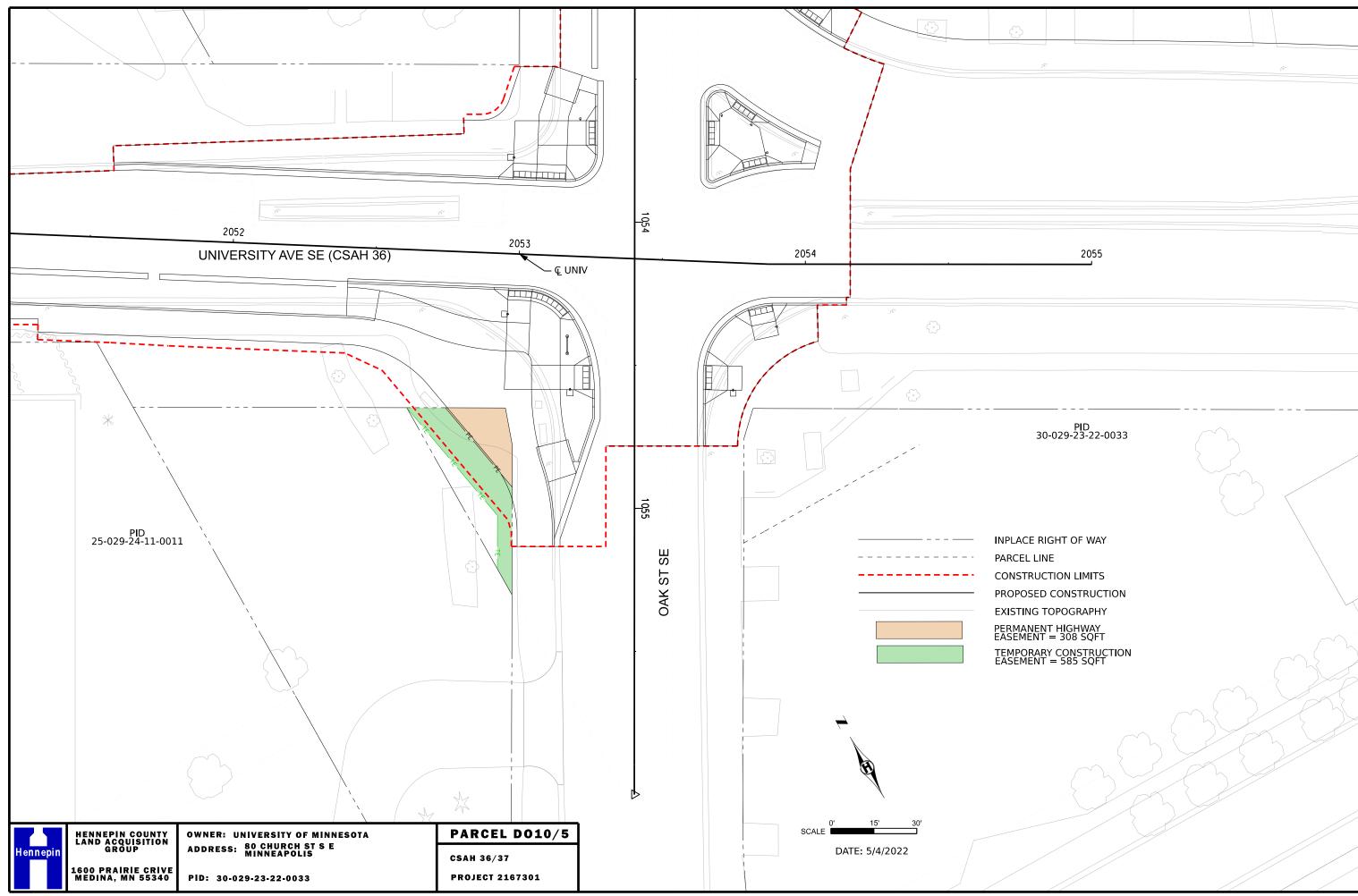
PID: 25-029-24-11-0011

A permanent easement for highway purposes over, under, and across that part of Block 2, ST. ANTHONY CITY, according to the recorded plat thereof, Hennepin County, Minnesota, lying northeasterly of a line hereinafter described as Line 1, southeasterly of a line hereinafter described as Line 2, and northwesterly of a line hereinafter described as Line 3.

Line 1 is described as commencing at the north quarter corner of Section 25, Township 29, Range 24, said Hennepin County; thence North 89 degrees 33 minutes 54 seconds East, assumed bearing along the north line of the Northeast Quarter of said Section 25, a distance of 1733.04 feet to the point of beginning of the line to be described; thence South 60 degrees 47 minutes 39 seconds East 159.52 feet to a point hereinafter referred to as Point A; thence continuing South 60 degrees 47 minutes 39 seconds East 5.00 feet, and said line there terminating.

Line 2 is described as beginning at the aforementioned Point A; thence North 29 degrees 12 minutes 21 seconds East 7.00 feet to the northeasterly line of said Block 2, ST. ANTHONY CITY, and said line there terminating.

Line 3 is described as beginning at the point of terminus of the aforementioned Line 1; thence North 29 degrees 12 minutes 21 seconds East 7.00 feet to the northeasterly line of said Block 2, ST. ANTHONY CITY, and said line there terminating.

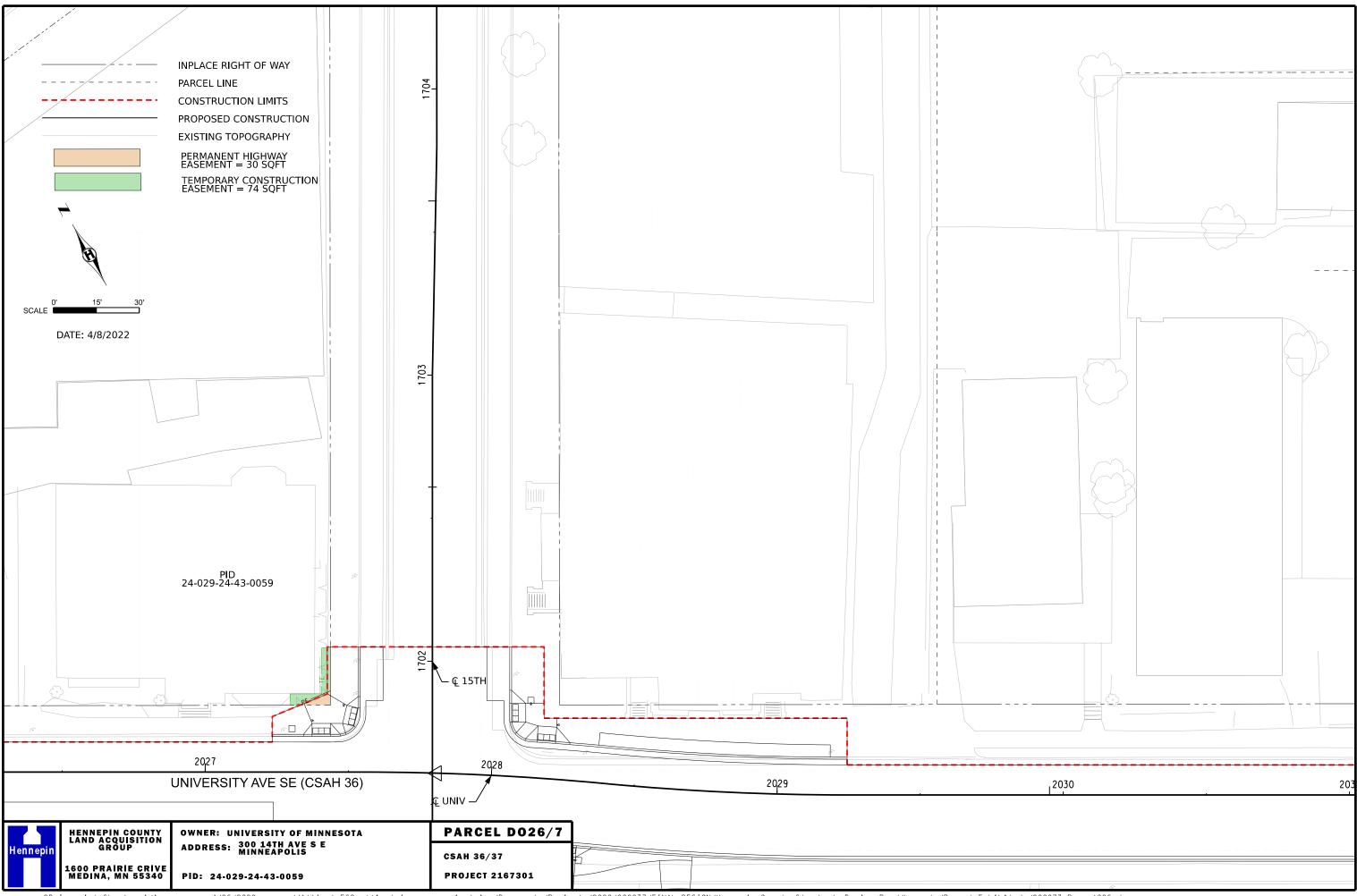


Both Abstract and Torrens Property

PID: 30-029-23-22-0033

A permanent easement for highway purposes over, under, and across those parts of Lots 1 through 4, inclusive, Block 1, ROTH'S REARRANGEMENT OF LOTS 6 and 7, BLOCK 1, JONES' REARRANGEMENT OF LOT 1, BLOCK 21, REGENTS' ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying southwesterly of University Avenue SE, northwesterly of Oak Street SE, and easterly of the following described line:

Commencing at the northwest corner of Section 30, Township 29, Range 23, said Hennepin County; thence South 00 degrees 03 minutes 19 seconds East, assumed bearing along the west line of the Northwest Quarter of said Section 30, a distance of 477.29 feet to the point of beginning of the line to be described; thence South 10 degrees 45 minutes 19 seconds East 99.59 feet to the northwesterly right-of-way line of Oak Street SE, and said line there terminating.

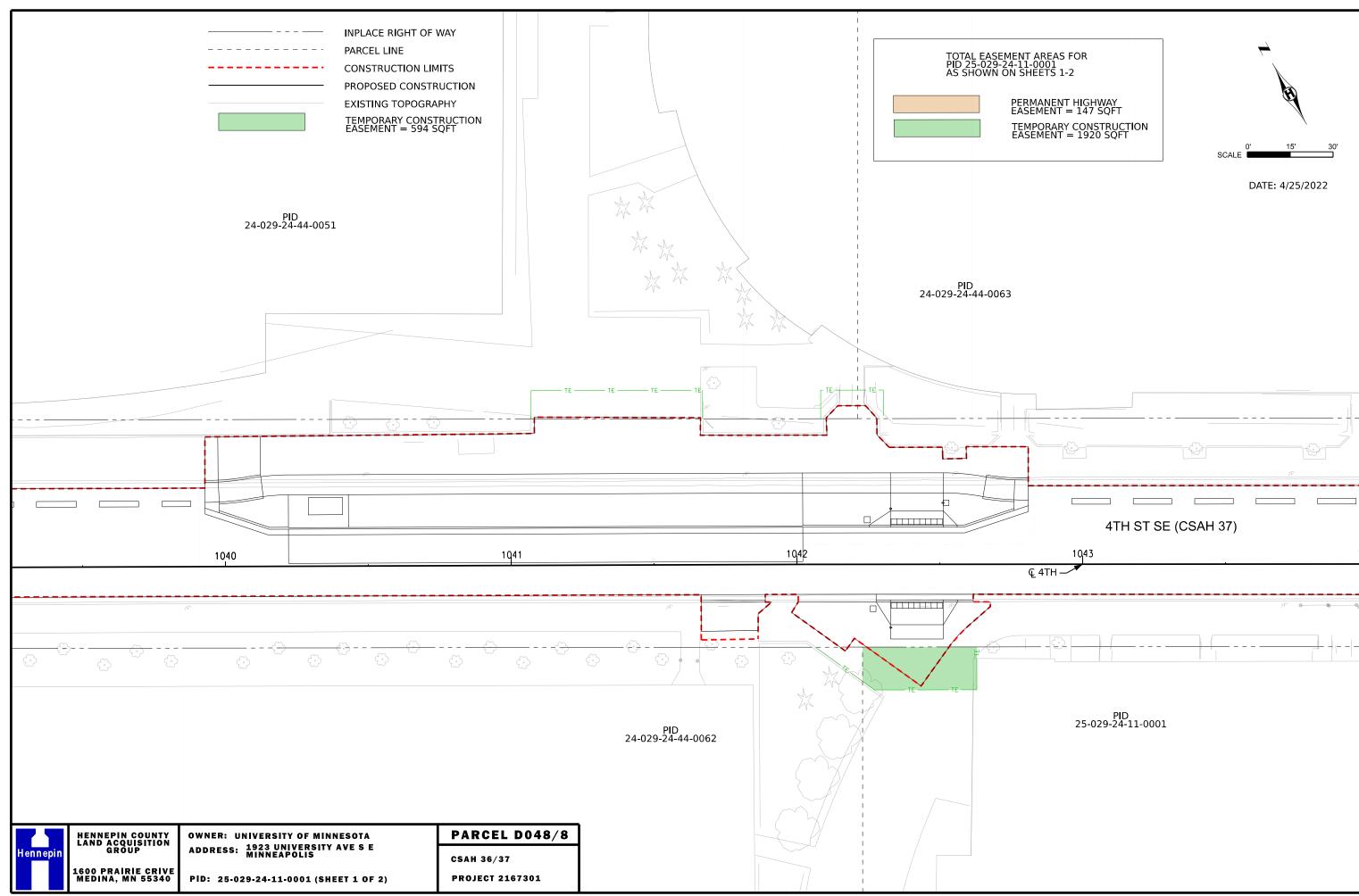


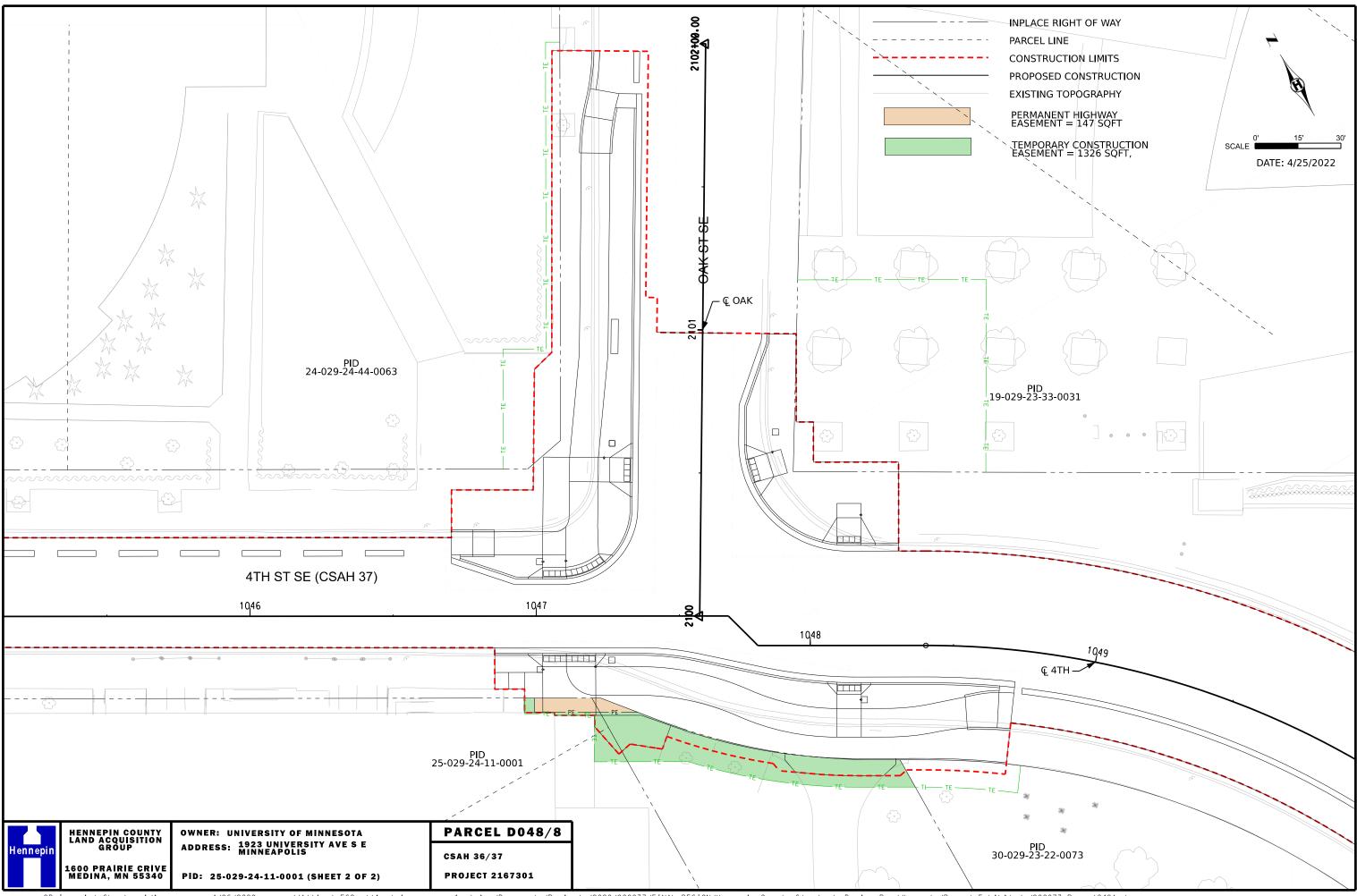
Abstract Property

PID: 24-029-24-43-0059

A permanent easement for highway purposes over, under, and across that part of Lot 10, Block D, TUTTLE'S ADDITION TO SAINT ANTHONY, according to the recorded plat thereof, Hennepin County, Minnesota, lying southerly of the following described line:

Commencing at the south quarter corner of Section 24, Township 29, Range 24, said Hennepin County; thence North 00 degrees 04 minutes 34 seconds West, assumed bearing along the north-south quarter line of said Section 24, a distance of 866.89 feet to the point of beginning of the line to be described; thence South 83 degrees 24 minutes 28 seconds East 501.88 feet to the southeasterly line of said Lot 10, and said line there terminating.





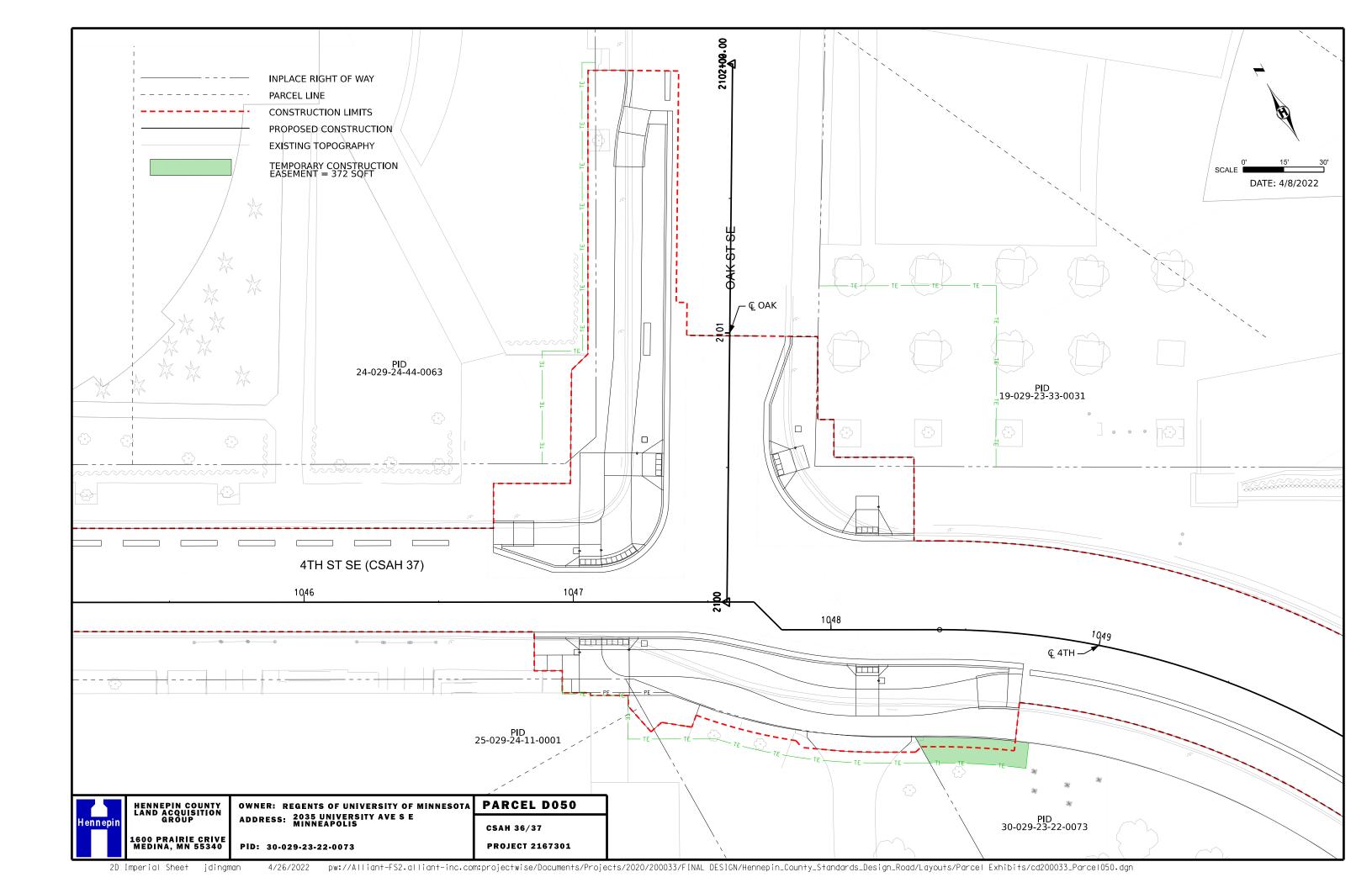
Both Abstract and Torrens Property

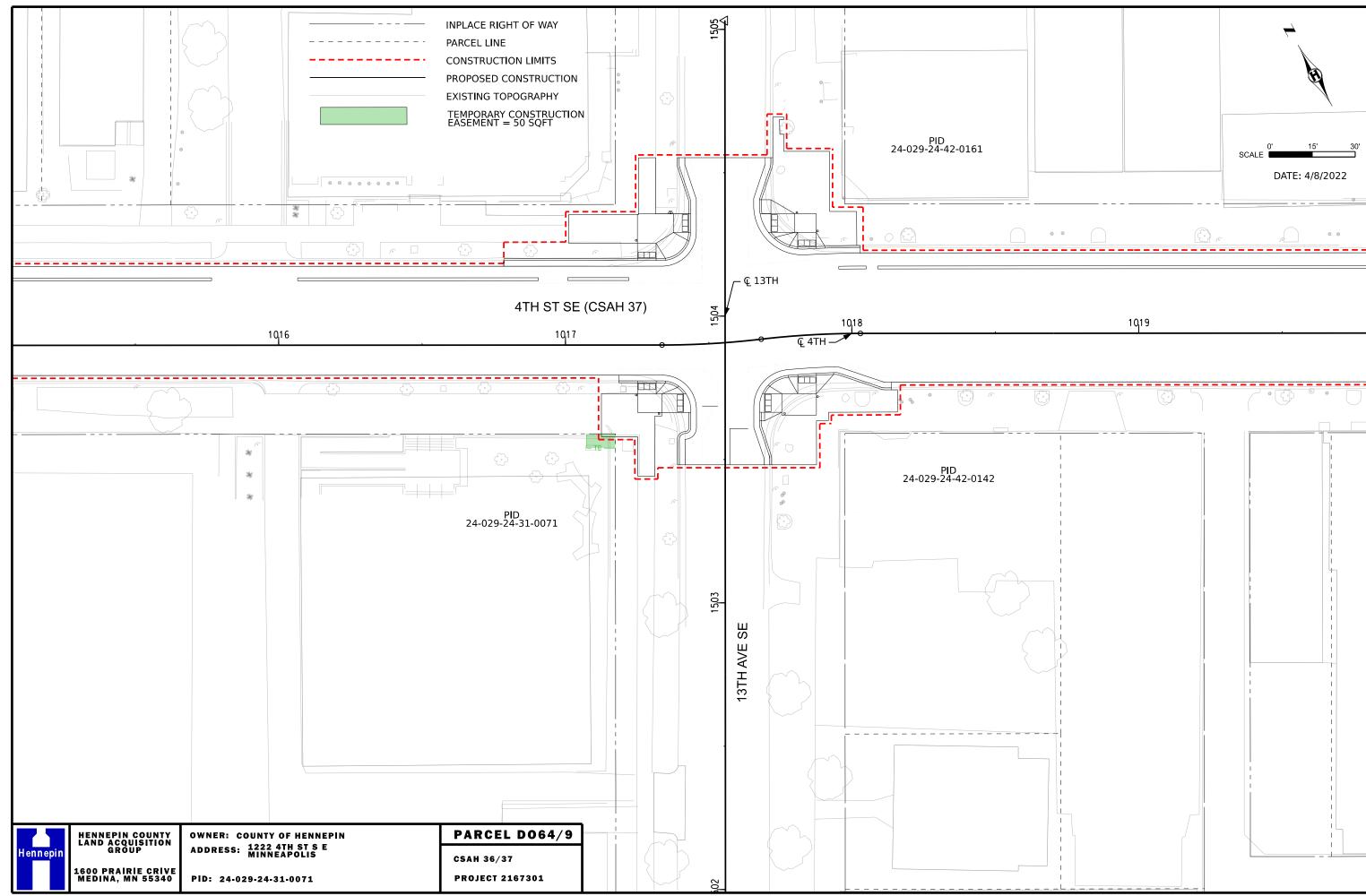
PID: 25-029-24-11-0001

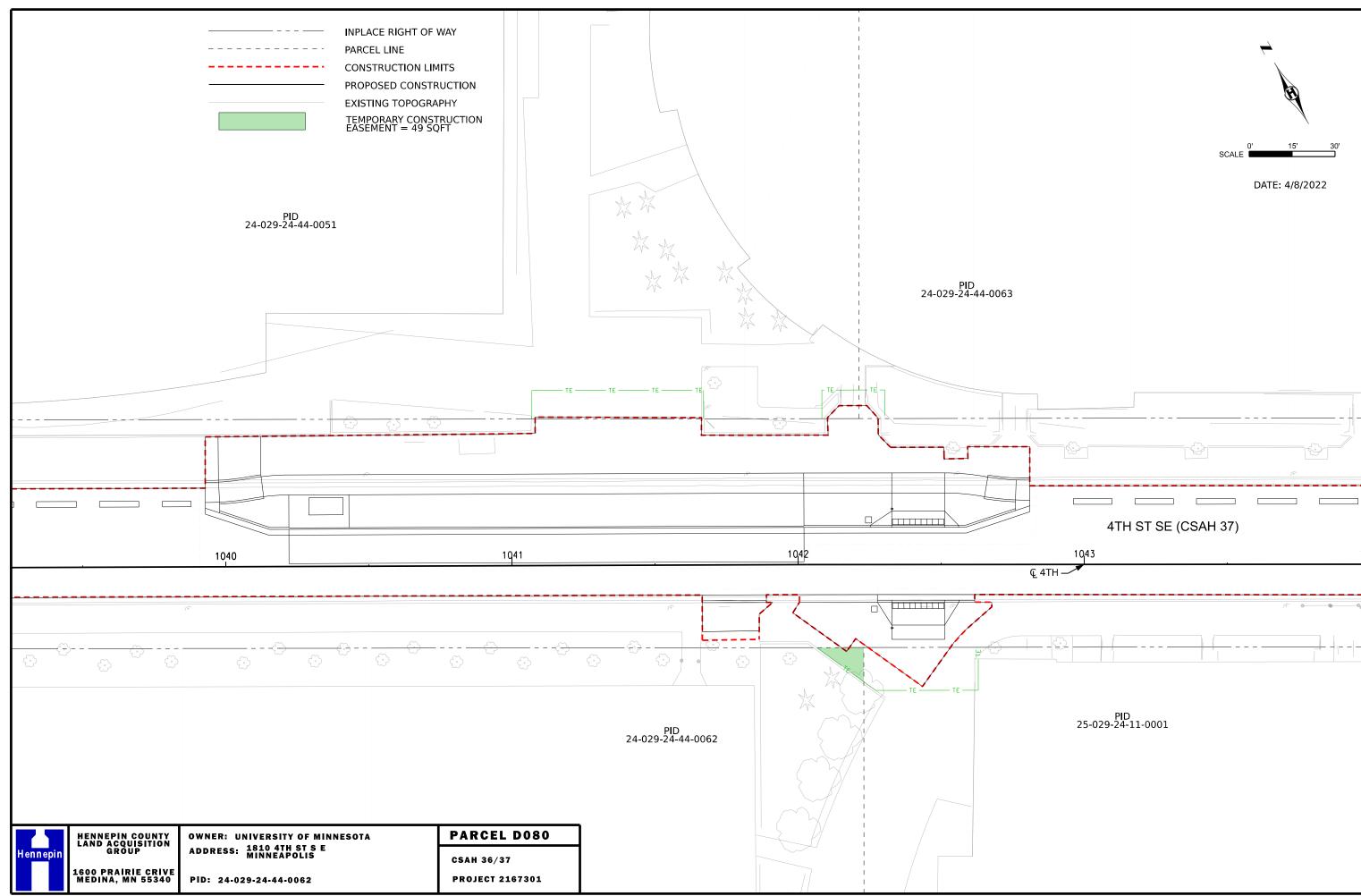
A permanent easement for highway purposes over, under, and across those parts of Block I, TUTTLE'S ADDITION TO SAINT ANTHONY, according to the recorded plat thereof, Hennepin County, Minnesota, and of vacated Oak Street SE per Doc. No. 10955246, said county, lying southwesterly of 4th Street SE, northeasterly of a line hereinafter described as Line 1, and southeasterly of a line hereinafter described as Line 2.

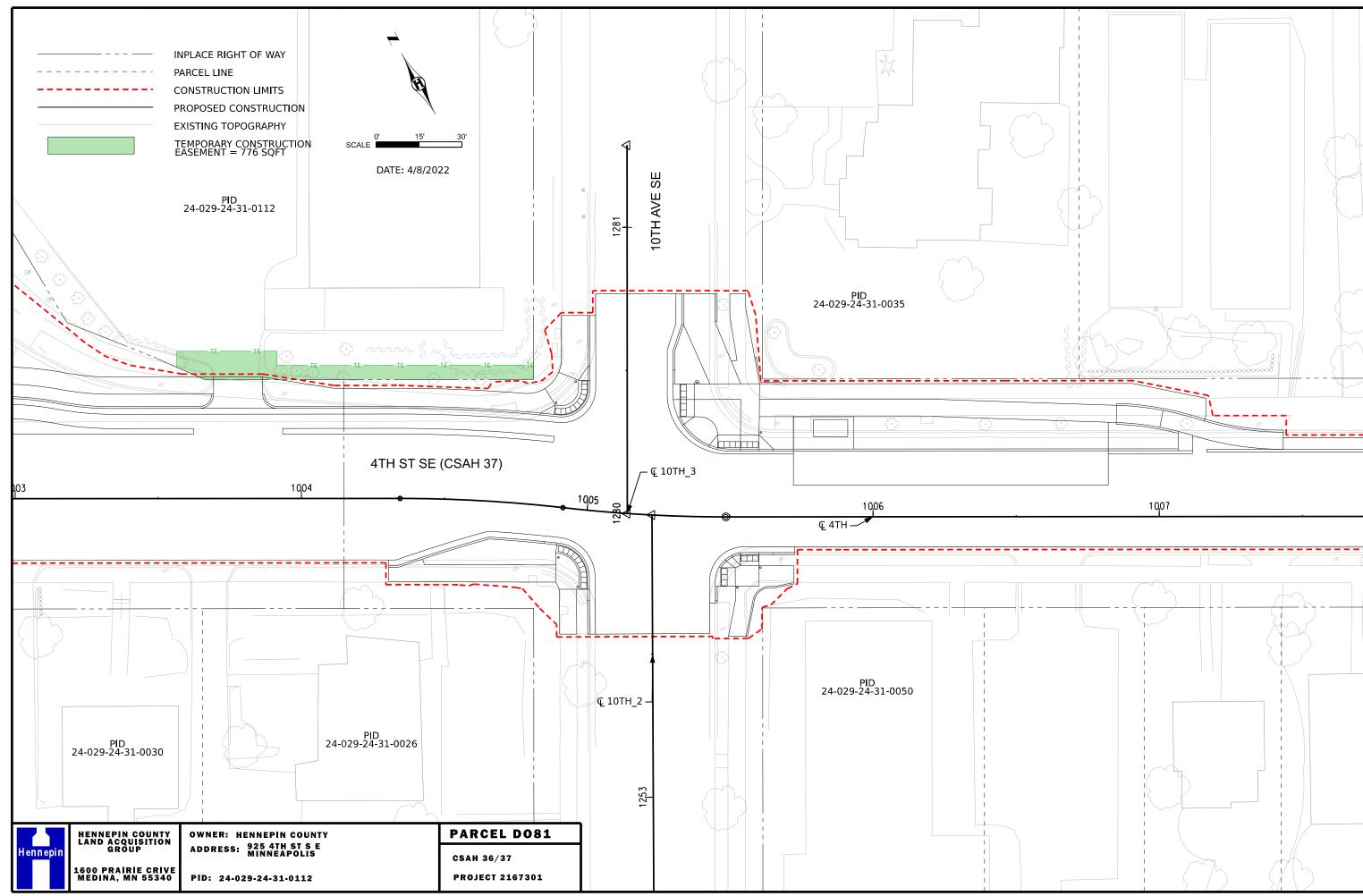
Line 1 is described as commencing at the northeast corner of Section 25, Township 29, Range 24, said Hennepin County; thence South 00 degrees 03 minutes 19 seconds East, assumed bearing along the east line of the Northeast Quarter of said Section 25, a distance of 41.12 feet to the point of beginning of the line to be described; thence North 60 degrees 47 minutes 39 seconds West 118.23 feet, and said line there terminating.

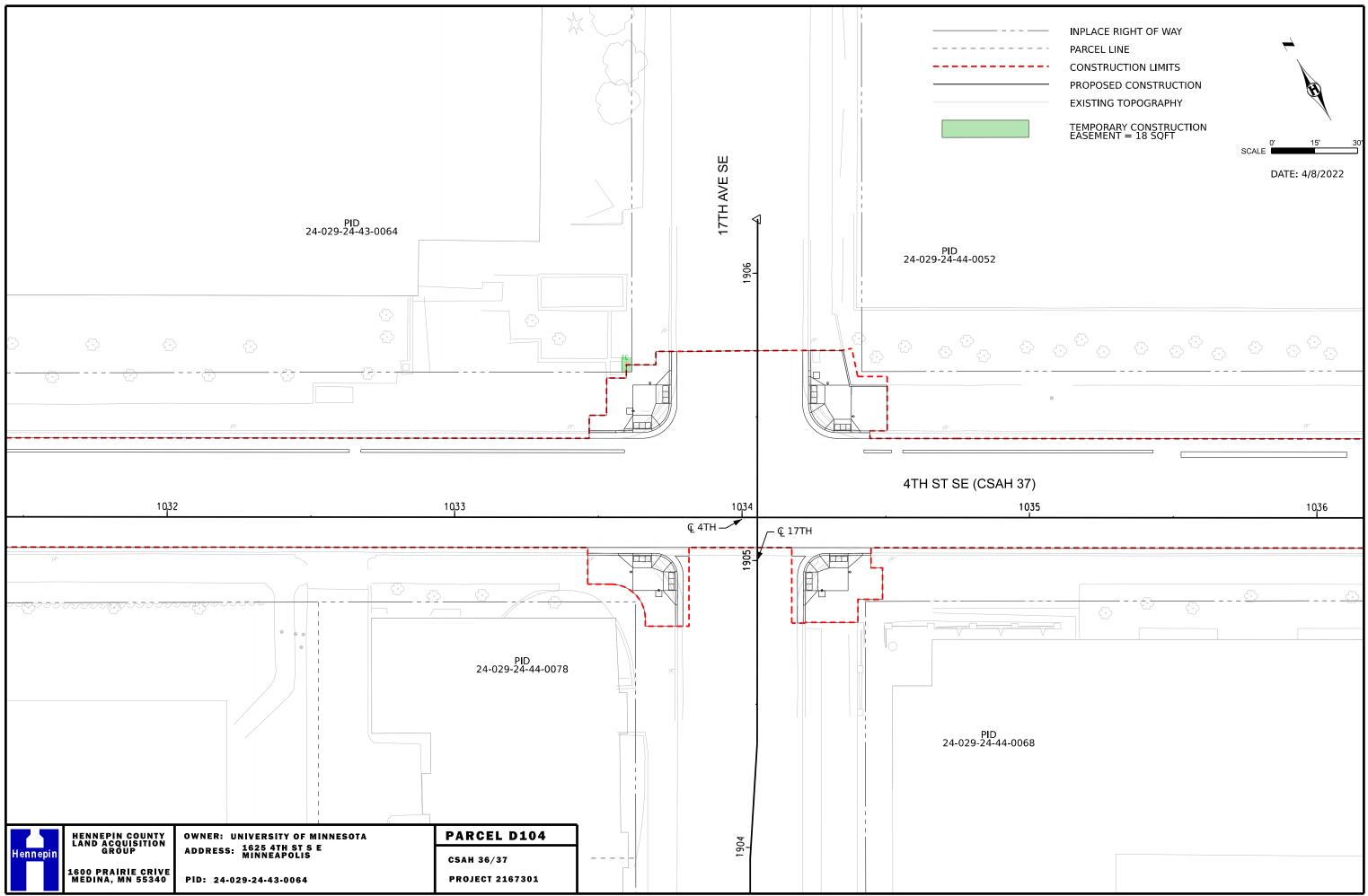
Line 2 is described as beginning at the terminus of the aforementioned Line 1; thence North 29 degrees 12 minutes 21 seconds East 5.00 feet to the northeasterly line of said Block I, and said line there terminating.

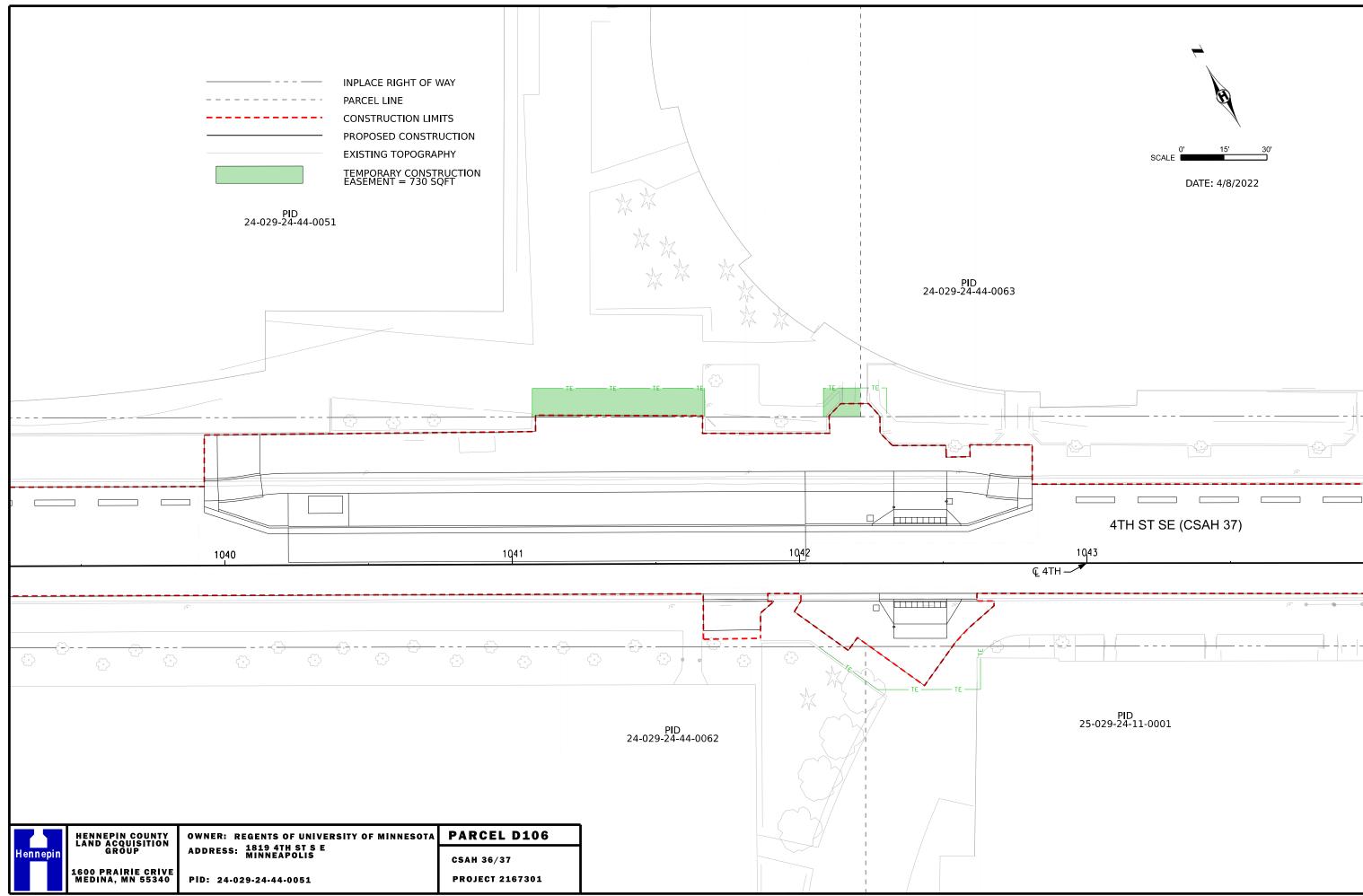


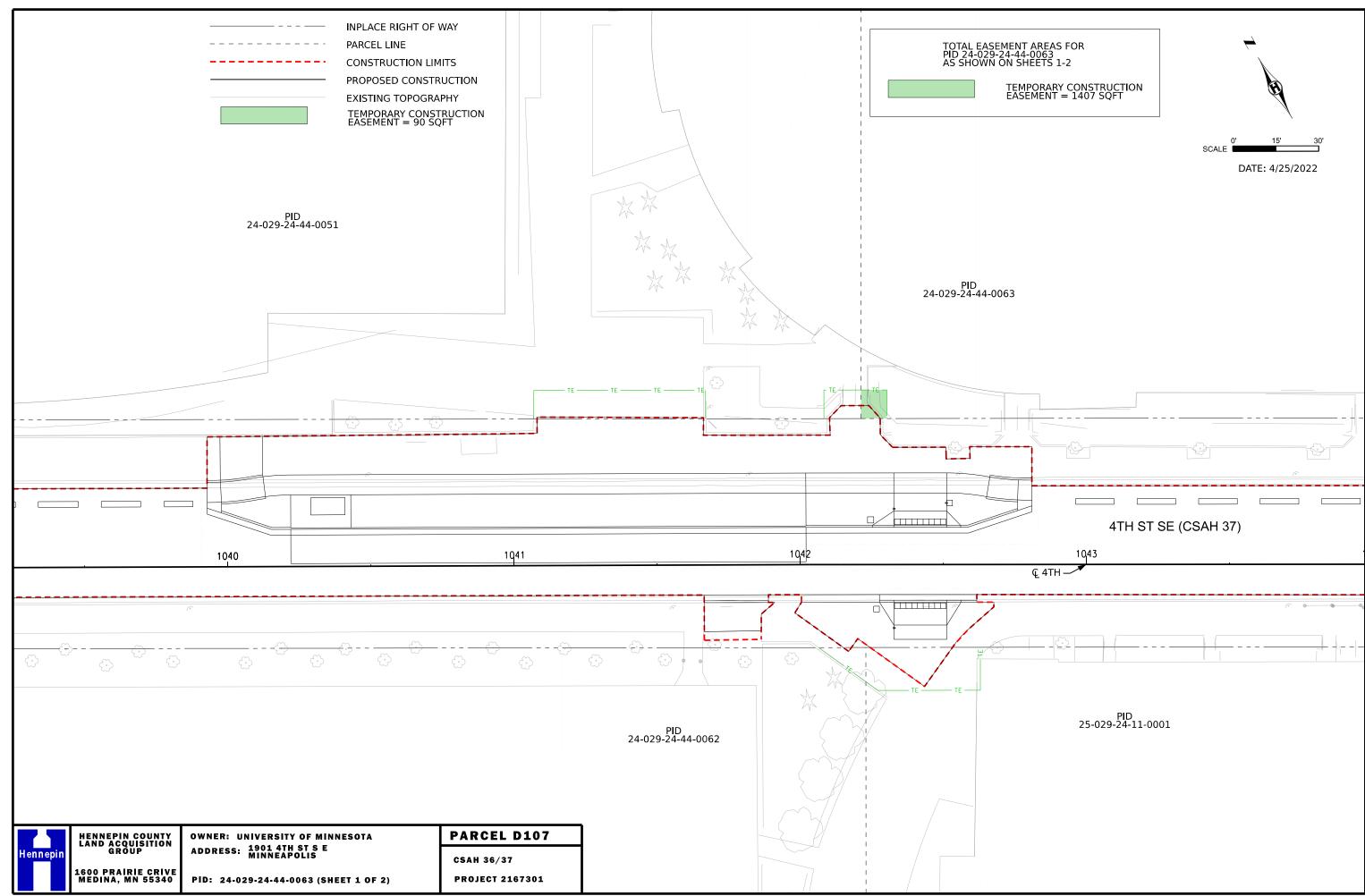


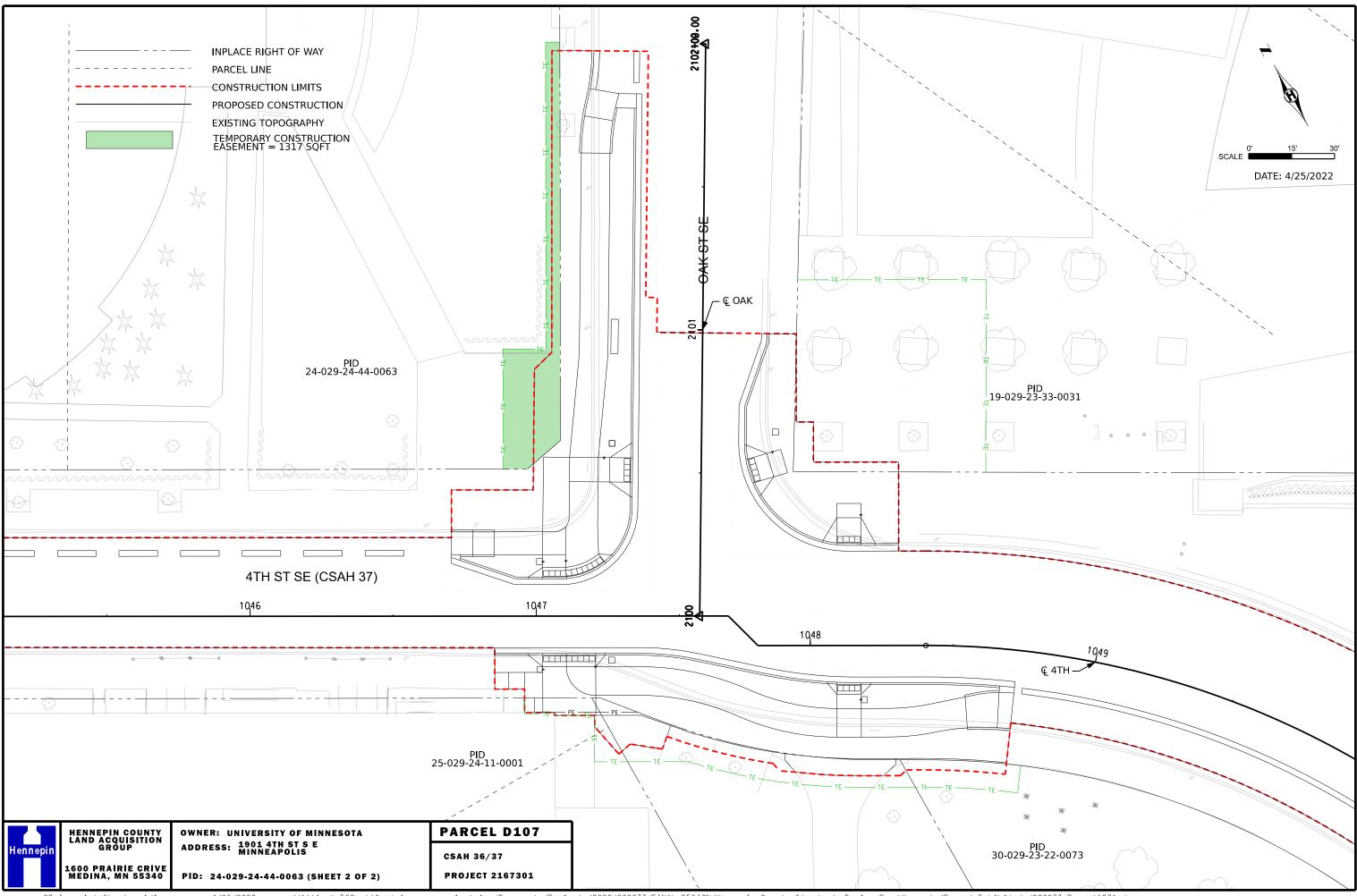


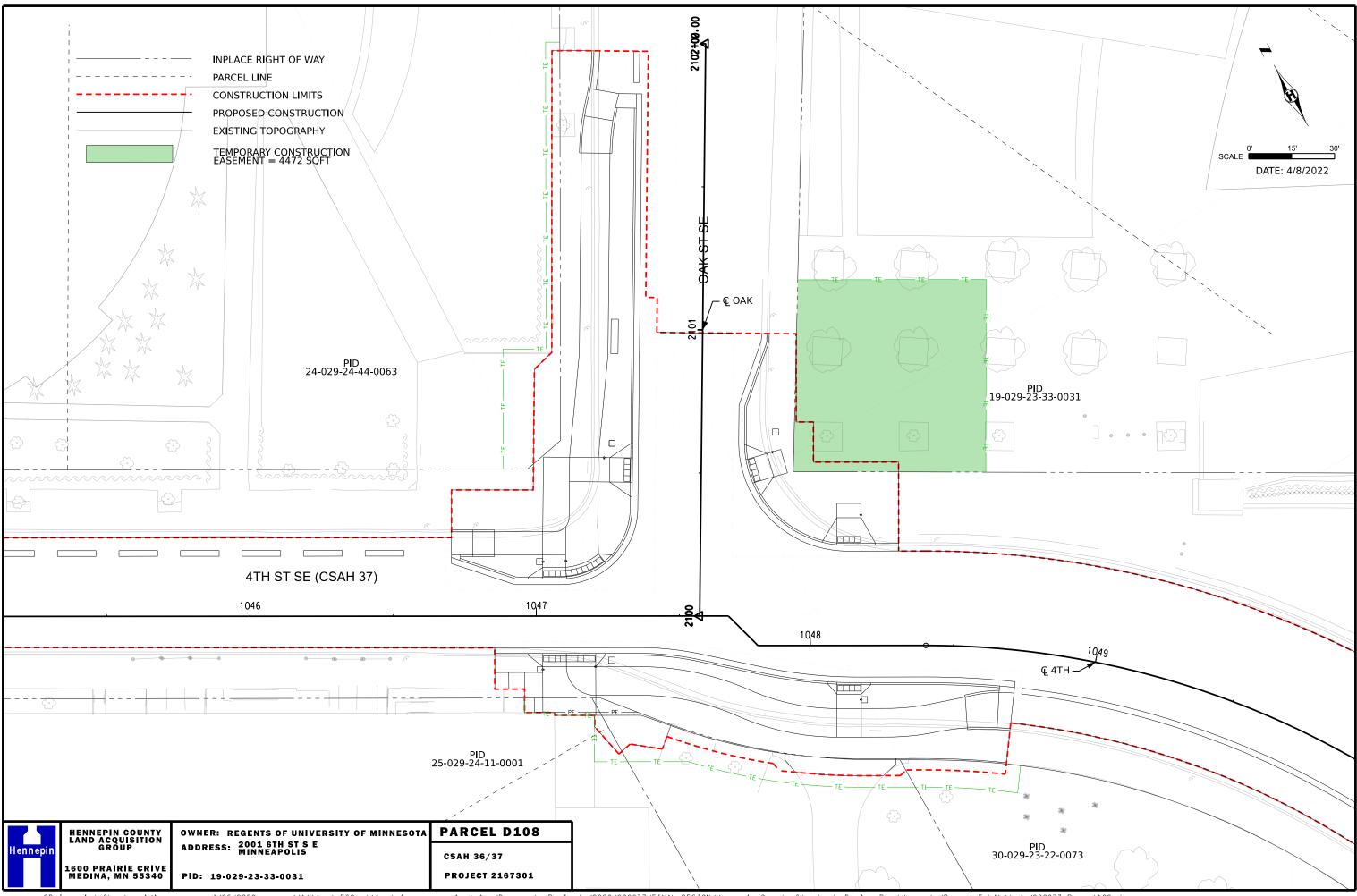














560 Sixth Avenue North Minneapolis, MN 55411-4398

May 16, 2022

Carla Stueve, P.E.
Director of Transportation Project Delivery and County Engineer
Hennepin County Public Works
1600 Prairie Drive
Medina, MN 55340

Dear Ms. Stueve:

Metro Transit presents this letter of understanding to Hennepin County regarding the county's CSAH 36 (University Avenue SE)/CSAH 37 (4th Street SE) Bikeway Project (SP 027-636-012), specifically regarding the six METRO E Line bus rapid transit (BRT) stations planned for delivery in coordination with the county's project.

It is understood that Hennepin County has received federal funding in program year 2022 to make improvements along University Avenue SE and 4th Street SE; and, the project was intended to obtain federal authorization through FHWA by the required deadline. It was recently learned that Hennepin County would not be granted federal authorization through FHWA because the environmental documentation for the overall E Line BRT Project through FTA remains underway. Therefore, it is further understood that Hennepin County is seeking a one-year program extension for its Project to provide the necessary time for completion of the environmental documentation for the E Line BRT Project.

It is acknowledged that Metro Transit is developing the E Line BRT Project with planned station construction along existing Route 6, which includes CSAH 36 (University Avenue SE)/CSAH 37 (4th Street SE). Hennepin County and Metro Transit have been coordinating the development of both projects, and mutually agreed on a preferred approach to support transit operations as part of the county's Project, without precluding the construction of the six E Line platforms within the project limits through a future Metro Transit-led effort.

In conjunction with the planned E Line Project, Metro Transit commits to continued coordination with Hennepin County to both minimize impacts to the local community and allow for the construction of exceptional intersection designs to accommodate people walking, using transit, biking, and driving through the area.

At this time, Metro Transit anticipates a completion date of April 2023 for the environmental documentation through FTA for the planned E Line Project. Therefore, Hennepin County's request for a program year extension will allow for the environmental documentation for both projects in this vicinity to be completed prior to federal authorization in June 2023.

Sincerely,

Katie Roth

Director, Arterial Bus Rapid Transit

Metro Transit

Equal Opportunity Employer