

Action Transmittal

Transportation Advisory Board



Meeting Date: February 1, 2023

Date: January 25, 2023

Action Transmittal: 2023-09

Program Year Extension Request: Hennepin County Vernon Avenue Bridge Replacement

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 replacement of the CSAH 158 (Vernon Avenue) bridge over the Canadian Pacific Railway (SP# 027-758-006) from fiscal year 2023 to fiscal year 2024.

Recommended Motion

That the Technical Advisory Committee recommend that TAB approve Hennepin County's requested extension of its CSAH 158 (Vernon Avenue) bridge over the Canadian Pacific Railway (SP# 027-758-006) from fiscal year 2023 to fiscal year 2024.

Summary

Hennepin County was awarded \$7M in the 2018 Regional Solicitation to replace its CSAH 158 (Vernon Avenue) Bridge over the Canadian Pacific Railway. The county is requesting a program year extension from 2023 to 2024 to better align with the timing of an interchange project the City of Edina will be completing in the area to reduce construction impacts on travelers.

Background and Purpose

In the 2018 Regional Solicitation, Hennepin County was awarded a \$7M contribution towards its replacement of the CSAH 158 (Vernon Avenue) Bridge over the Canadian Pacific Railway. The project was, and remains, programmed for fiscal year 2023. Following the 2022 Regional Solicitation award of the City of Edina's Trunk Highway 100/Vernon Avenue/50th Street interchange project, the county is requesting that its project be extended to fiscal year 2024 to align its development with development of the city's project.

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, a minimum score of 7 is needed to be eligible for an extension. This process helps assess whether the project is in position to be able to be obligated with the one-year extension and is not a reflection on the sponsor's rationale for needing an extension. The request obtained a score of 8. Therefore, staff recommends approval of the request.

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 2028 reimbursement of federal funds, though an earlier reimbursement may occur if funding becomes available.

Committee Comments and Action

At its January 19, 2023, meeting, the TAC Funding & Programming Committee voted unanimously to recommend adoption of Hennepin County's requested extension of its CSAH 158 (Vernon Avenue) bridge over the Canadian Pacific Railway (SP# 027-758-006) from fiscal year 2023 to fiscal year 2024.

Routing

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



HENNEPIN COUNTY

MINNESOTA

December 22, 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 027-758-006, SP 2734-56
CSAH 158 (Vernon Avenue) Over CP Railway Bridge Replacement Project

Dear Mr. Thompson:

Hennepin County (County) was awarded \$7,000,000 in federal funding as part of the 2018 Metropolitan Council Regional Solicitation to replace the existing CSAH 158 (Vernon Avenue) Bridge #4510 over the Canadian Pacific (CP) Railway in the City of Edina. Federal Funds were awarded for program year 2023.

Over the past few years, County staff has advanced project development with the intent of obtaining federal authorization by the required deadline. In March 2022, the City of Edina (City) notified Hennepin County of their interest in federal funding as part of the 2022 Metropolitan Council Regional Solicitation to improve the TH 100 / Vernon Avenue / 50th Street interchange and corresponding multimodal transportation facilities.

In October 2022, the City was notified that the initial application scoring was likely to receive federal funding. Subsequently, in November 2022, the City began a compatibility study of the Vernon Avenue Bridge Replacement Project and the City's Interchange Project, both of which have independent utility. The compatibility study reviewed the roadway geometry overlap between the two projects, performed a load rating analysis of Bridge #27102 over TH 100, collected input from public agencies, and developed a summary memorandum with recommendations on how the two projects should move forward through project development. The study recommended that the county's Vernon Avenue Bridge Replacement Project request a Program Year Extension so that the design and construction phases of both projects could occur concurrently in the best interest of the public. The geometric review determined that significant incidental re-work would occur if each project was completed separately due to the anticipated logical tiedown points. Construction under one contract would allow both agencies to utilize the available federal funding in the most fiscally responsible manner. Constructing under one contract will also allow construction to occur simultaneously and reduce both the frequency and duration of traffic impacts to the community.

Attached please find information regarding this request. Please contact me with any questions by phone at 612-596-0371 or by email at Jason.Staebell@hennepin.us.

Sincerely,



Jason Staebell, P.E.
Principal Project Manager
Hennepin County Transportation Project Delivery

CC: Colleen Brown, MnDOT State Aid
Carla Stueve, Hennepin County Engineer
Nariman, Vanaki, Hennepin County

Jessa Trbojevich, Hennepin County
Chad Ellos, Hennepin County
Jason Pieper, Hennepin County



REQUEST FOR PROGRAM YEAR EXTENSION

SP 027-758-006, SP 2734-56

CSAH 158 (VERNON AVENUE) OVER CP RAILWAY BRIDGE REPLACEMENT

1. Project Progress

a. Progress Schedule

Please See [Attachment 1](#).

b. Right of Way Acquisition

Offers for permanent highway easements and temporary construction easements have been extended. Permanent easements are necessary to support the ownership, maintenance, and operations of the pedestrian and noise wall facilities associated with the project. Temporary easements are necessary to support temporary occupancy to construct the project.

Please see [Attachment 2](#) for locations and the types of easements being acquired. Acquisitions will be complete by May, 2023, however with this extension request, the timeline may be extended accordingly.

c. Plans

Final 90% roadway plans were completed on December 16, 2022 and final 95% bridge plans will be completed December 30, 2022. Plan production is paused while next steps are taken in combining the two projects.

d. Permits

Anticipated permits on this project include the following:

- NPDES
- Watershed District
- MnDOT Short Form
- Limited Use Permit/Cooperative Agreement

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 Edina.

A draft of the environmental document (Categorical Exclusion) has been review by MnDOT Metro State Aid and will need final approval by Hennepin County and MnDOT State Aid.

f. Funding/Expenditures

To date, Hennepin County has spent approximately \$1,370,000 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 \$125,000 in internal 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 complete by a consultant, are anticipated to cost an additional \$300,000.



2. Justification for Extension Request

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

Please see Attachment 3 for the original layout that illustrates the proposed area of work for the CSAH 158 (Vernon Avenue) over CP Railway Bridge Replacement Project that was included in the county's funding application. As preliminary design progressed, a scope change was needed due to the profile raise for minimum vertical clearance requirements at the bridge. Project impacts due to the profile raise include: increased project length, removal of the channelized right-turn island, reconstruction of the southbound TH 100 ramps, and construction of a noise wall east of TH 100. See Attachment 4 for the revised layout. The scope change was requested and approved as part of Action Transmittal 2022-03.

Project development is on schedule to obtain federal authorization through the FHWA by the necessary deadline for program year 2023. However, the likelihood of the proposed adjacent City of Edina TH 100 / Vernon Avenue / 50th Street Interchange Project (Attachment 5) receiving funding and the anticipated extent of incidental re-work (Attachment 6) is a significant concern.

A program year extension of one year is being requested to provide the necessary time for the Interchange Improvements Project to be developed in parallel with the Vernon Avenue Bridge Replacement Project. This would allow the construction of both projects to be completed under one construction contract, therefore, significantly minimizing rework and impacts to the community. Please see Attachment 7 for a letter of support from the City of Edina.

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

The Hennepin County Vernon Avenue Bridge Replacement project is on schedule to obtain federal authorization by its current deadline of June 30, 2023. If the project were delayed due to the City of Edina Project, \$7,000,000 in federal funds would be forfeited. In addition, approximately \$1,750,000 in anticipated Local Bridge Replacement Program funds may be in jeopardy. As a result, additional local funds would be required from Hennepin County and City of Edina contingent on County Board and City Council approval, respectively.

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

There are two scenarios that would occur if the project did not obtain the requested extension and is combined with the City project.

One scenario is that the Vernon Avenue Bridge Replacement Project would move forward as currently designed and obtain federal authorization by its current deadline of June 30, 2023. If the Interchange Improvement Project moves forward with 2024 federal authorization and constructed separately, approximately \$2,500,000 in work completed as part of the Vernon Avenue Bridge Replacement Project would need to be redesigned and reconstructed. That overlap work would not be eligible to use federal funding. In addition, the duration of roadway construction activities along Vernon Avenue / 50th



HENNEPIN COUNTY

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Street would extend at least an additional year compared to the one year if the projects were combined.

The second scenario would be that the Vernon Avenue Bridge Replacement Project's construction would be delayed and built concurrently with the Interchange Improvement Project. There would be a substantial funding gap due to the forfeiture of the \$7,000,000 in federal funds and would need to be covered by local funds to meet the 2024 federal authorization of the City project. In addition, the approximately \$1,370,000 in expenses to date would be 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 the City of Edina and MnDOT will occur to ensure the combined projects will be completed by the anticipated deadline of June 2024. Hennepin County will proceed with obtaining federal authorization through FHWA in June 2024, followed by project bidding and construction there afterwards.



Attachment 1

PROGRESS SCHEDULE FOR PROGRAM YEAR EXTENSION

Attachment 2

RIGHT OF WAY PARCEL EXHIBITS

Attachment 3

ORIGINAL APPLICATION LAYOUT

Attachment 4

PROPOSED LAYOUT WITH SCOPE CHANGE

Attachment 5

CITY OF EDINA APPLICATION LAYOUT

Attachment 6

PROJECT OVERLAP EXHIBIT

Attachment 7

SUPPORT LETTER FROM CITY OF EDINA



Attachment 1

Regional Program Year Policy

TAB Adopted: April 17, 2013

Administrative Modifications: August 20, 2014

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 June 2024
If prior to June 30 of the program year, enter 1. 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 June 2024
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. 2
Date December 20, 2022

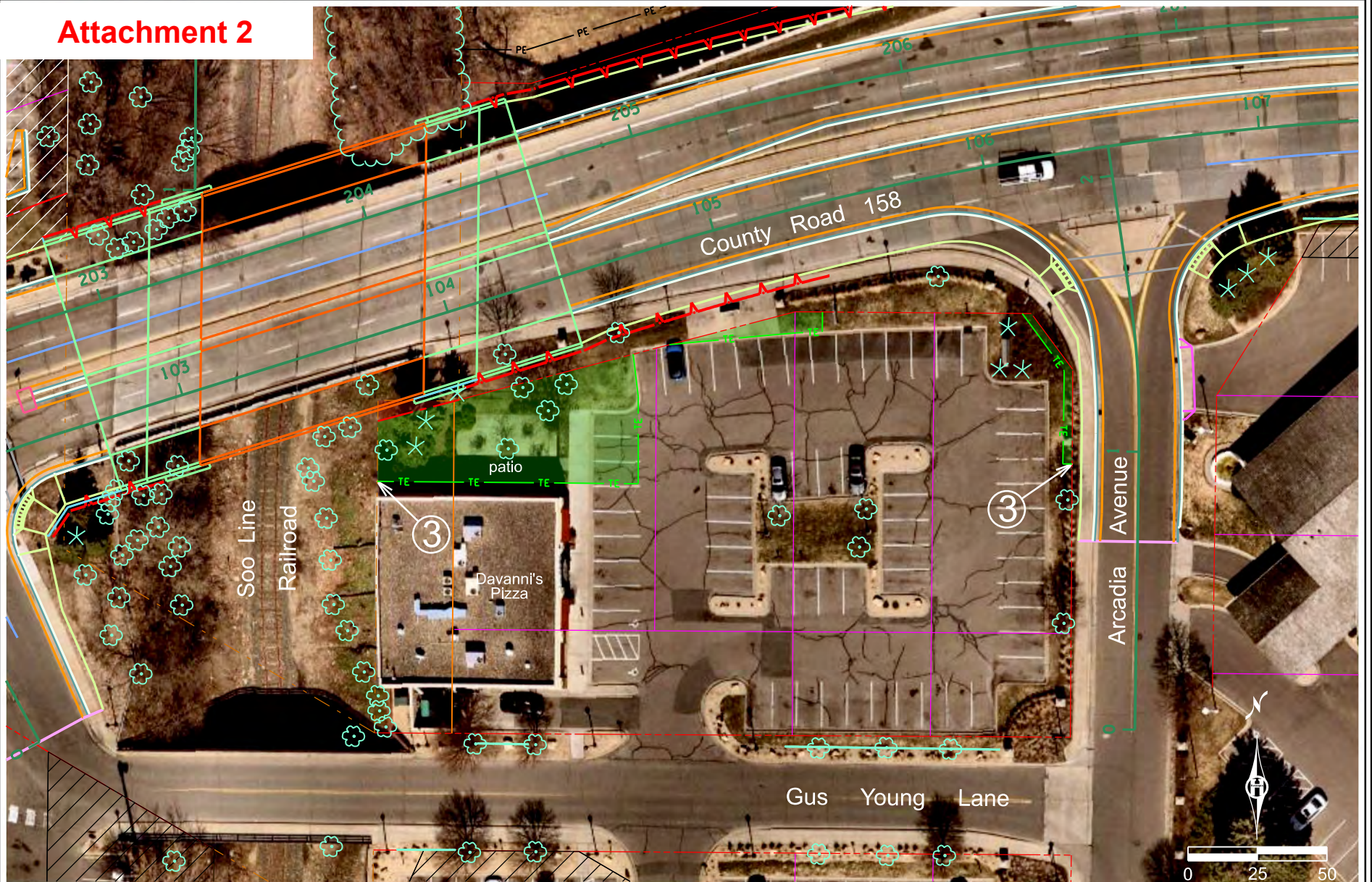
Not Complete
Anticipated Date of Completion _____
If prior to December 31 of the year following the original program year, enter 1. _____

AUTHORIZED

Anticipated Letting Date June 25, 2024.
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 8

Attachment 2



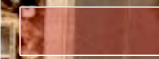
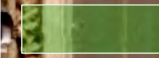
**HENNEPIN COUNTY
LAND ACQUISITION
GROUP**

**1600 Prairie Drive
Medina, MN 55340**

OWNER: CSM Investors Inc
ADDRESS: 5101 Gus Young Lane
Edina
PID: 28-117-21-31-0067

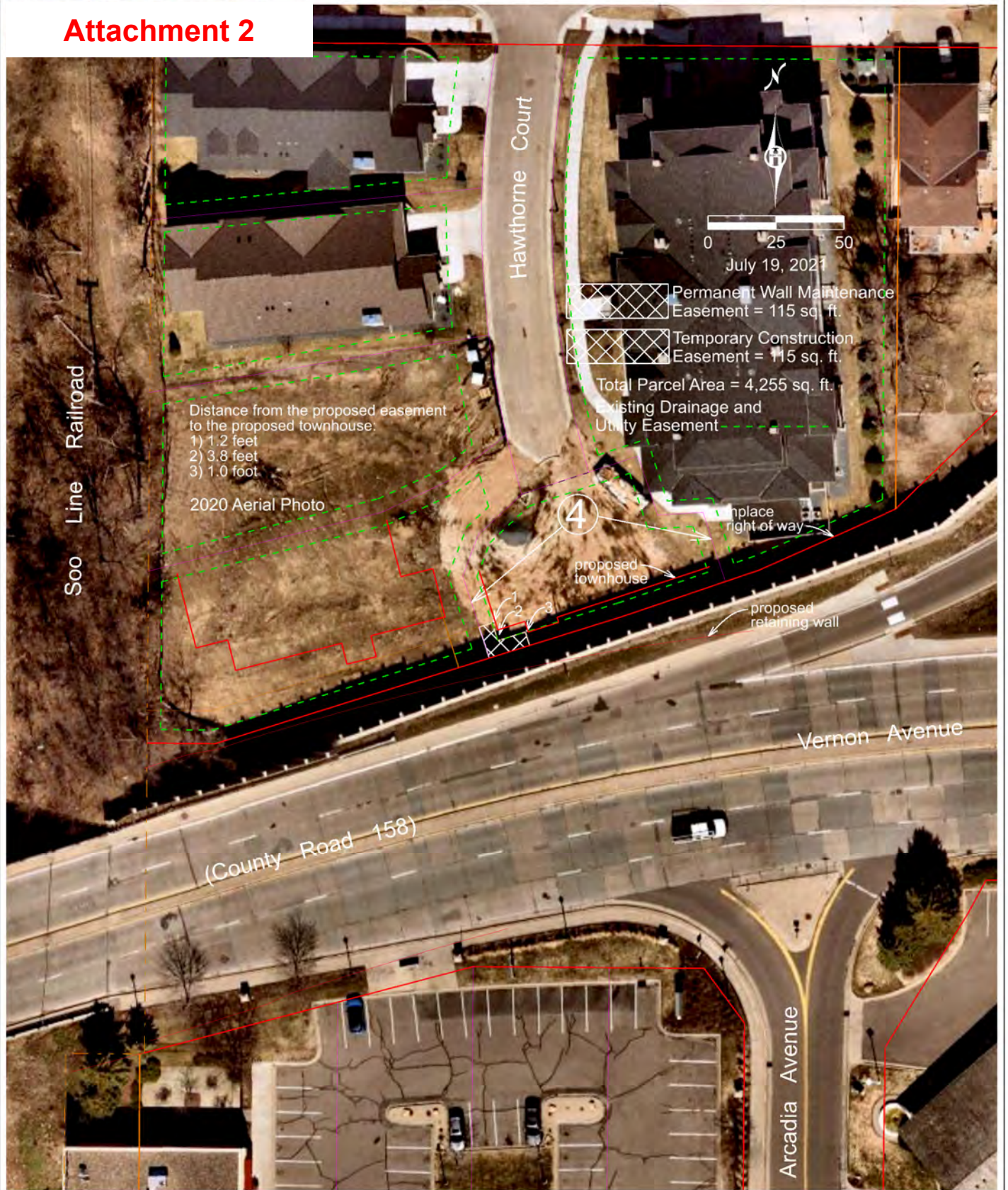
PARCEL 3

CSAH 158
PROJECT 217660

 Permanent Highway Easement = 103 sq. ft.
 Temporary Construction Easement = 3,630 sq. ft.

May 16, 2022

Attachment 2

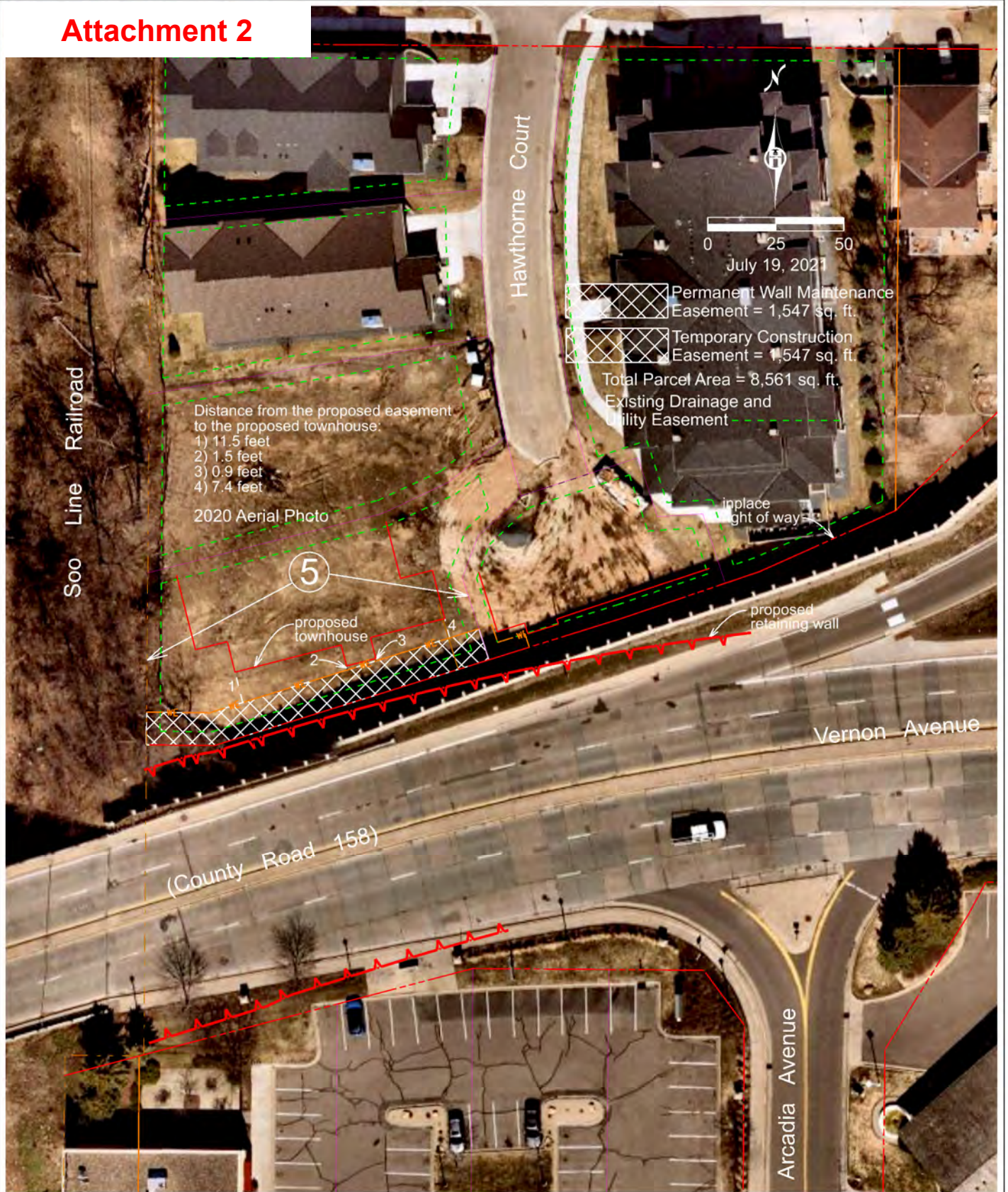


Hennepin
HENNEPIN COUNTY
LAND ACQUISITION
GROUP
 1600 Prairie Drive
 Medina, MN 55340

OWNER: Hawthorne Place Edina, LLC
ADDRESS: 4916 Hawthorne Court
 Edina
PID: 28-117-21-31-0073

PARCEL 4
CSAH 158
PROJECT 2176600

Attachment 2



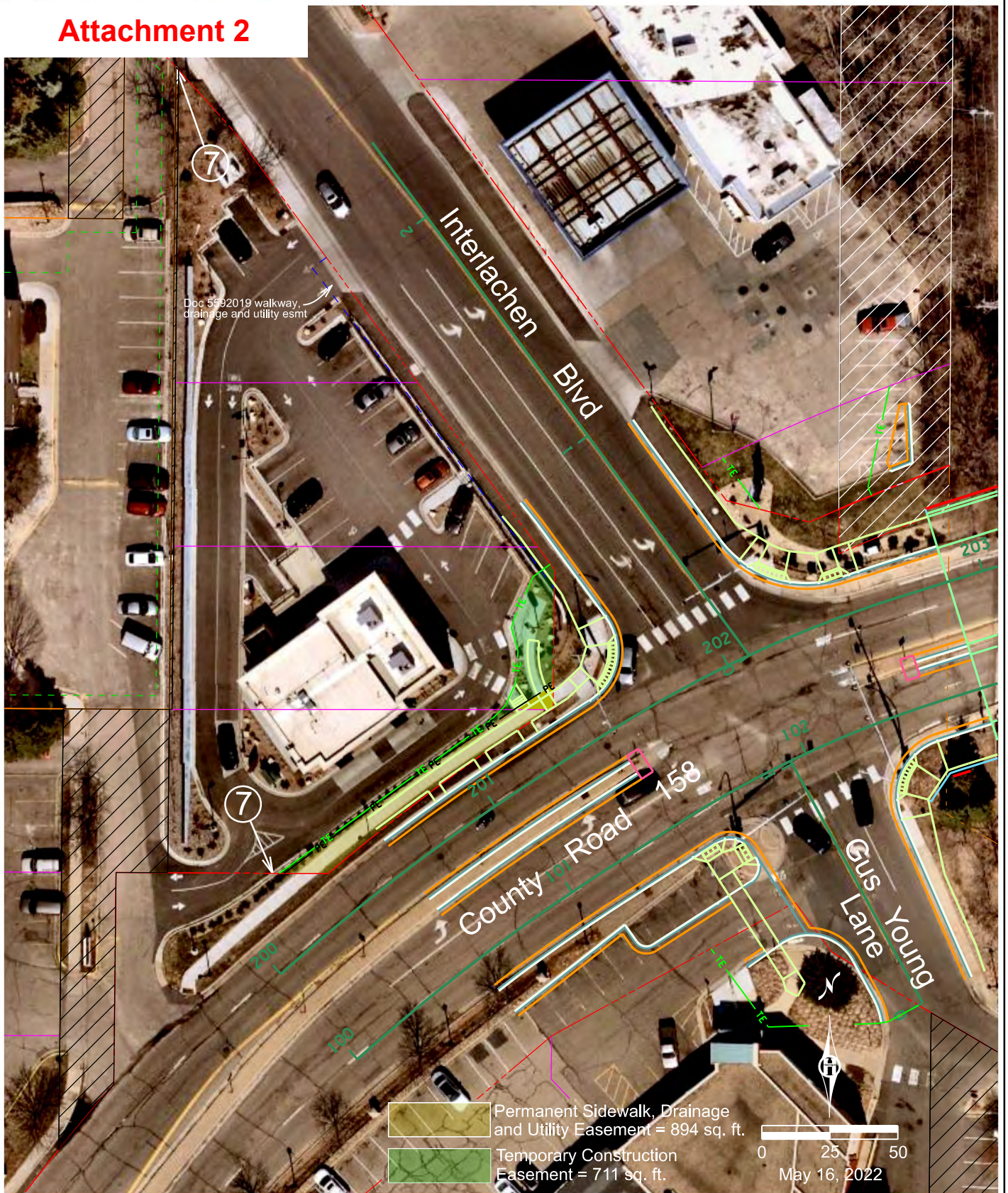
**HENNEPIN COUNTY
LAND ACQUISITION
GROUP**
1600 Prairie Drive
Medina, MN 55340

OWNER: Hawthorne Place Edina, LLC
ADDRESS: 4912 Hawthorne Court
Edina
PID: 28-117-21-31-0072

PARCEL 5

CSAH 158
PROJECT 2176600

Attachment 2



**HENNEPIN COUNTY
LAND ACQUISITION
GROUP**

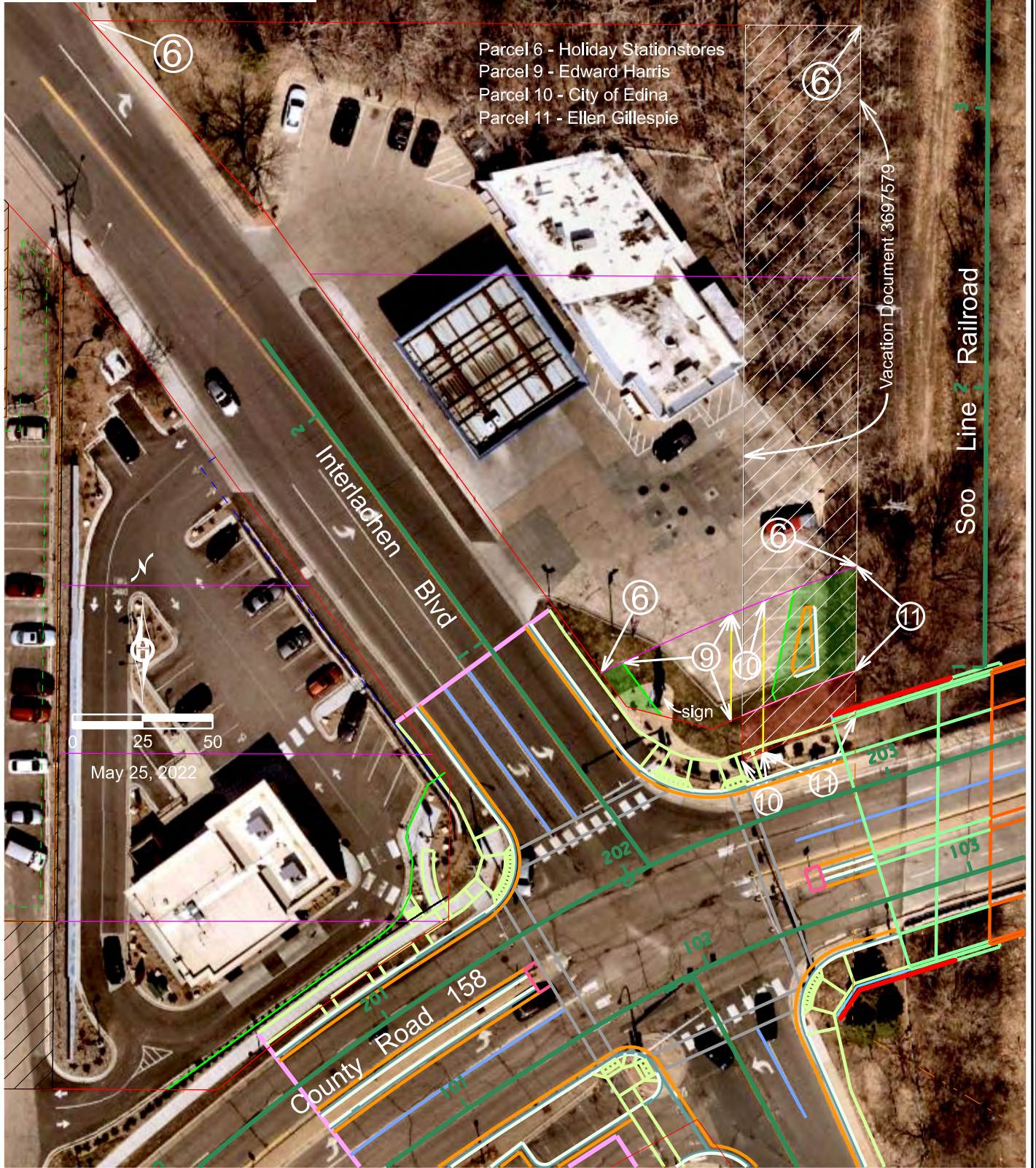
1600 Prairie Drive
Medina, MN 55340

OWNER: Orion Investments Edina III, LLC
ADDRESS: 5000 Vernon Ave
Edina
PID: 28-117-21-31-0027

PARCEL 7

CSAH 158
PROJECT 2176600

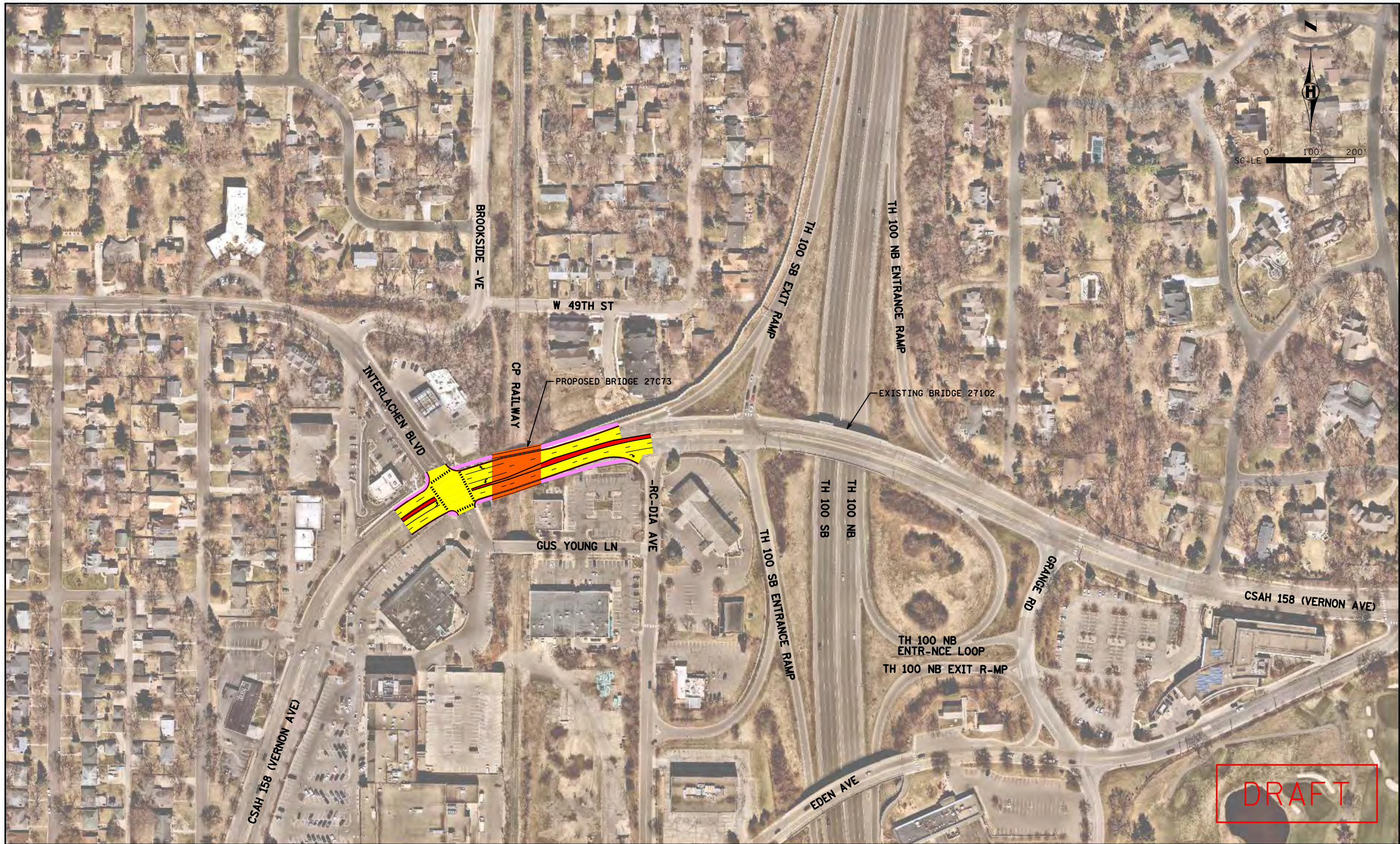
Attachment 2



**HENNEPIN COUNTY
 LAND ACQUISITION
 GROUP**
 1600 Prairie Drive
 Medina, MN 55340

OWNER:
ADDRESS: 5200 Interlachen Blvd
 Edina
PID: 28-117-21-31-0004

PARCEL 6, 9, 10, 11
CSAH 158
PROJECT 2176600



Attachment 3

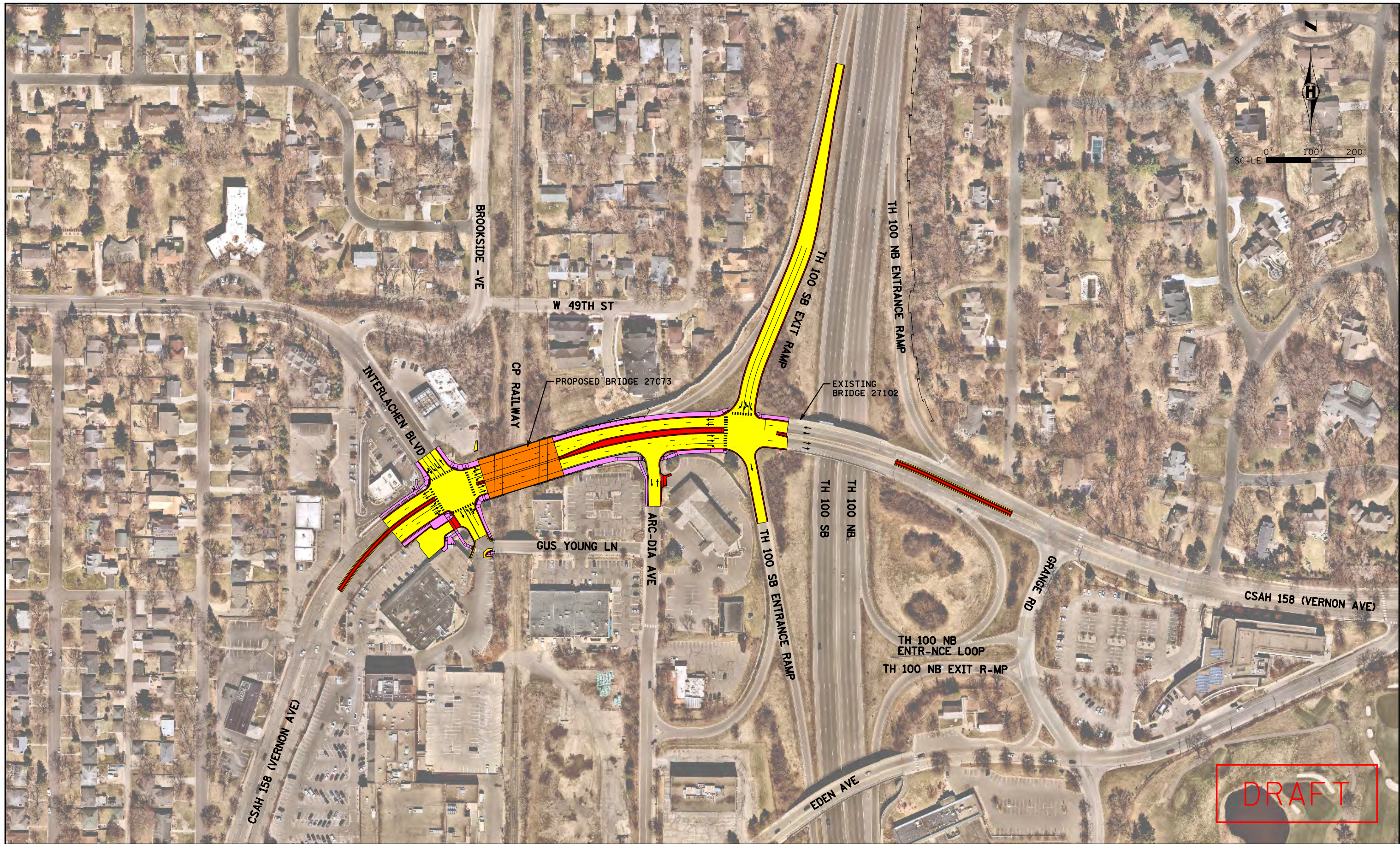
DESIGN BY: _____
 CAD BY: _____
 CHECKED BY: _____
 LAST REVISION: _____



ORIGINAL APPLICATION LAYOUT

SHEET

CSAH 158 / HENNEPIN COUNTY PROJECT 2176600
 BRIDGE 27C73, SP 027-758-006, SP 2734-56 (TH 100)



Attachment 4

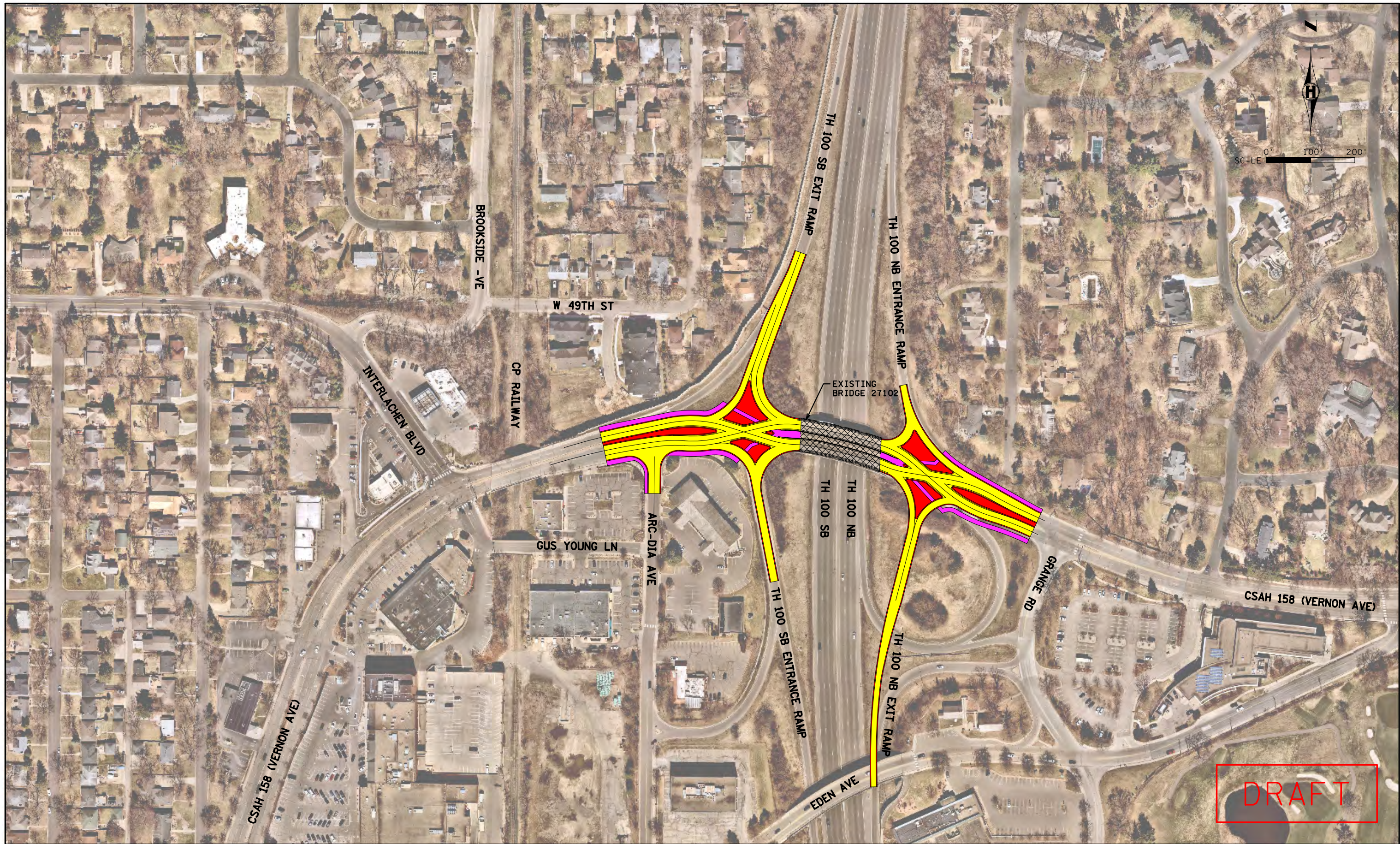
DESIGN BY: _____
 CAD BY: _____
 CHECKED BY: _____
 LAST REVISION: _____



PROPOSED LAYOUT WITH SCOPE CHANGE

CSAH 158 / HENNEPIN COUNTY PROJECT 2176600
 BRIDGE 27C73, SP 027-758-006, SP 2734-56 (TH 100)

SHEET



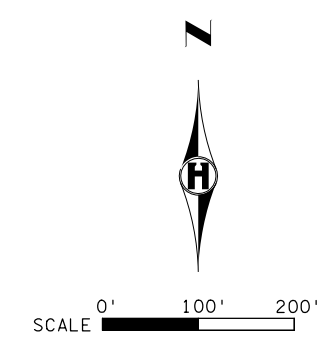
Attachment 5

DESIGN BY: _____
 CAD BY: _____
 CHECKED BY: _____
 LAST REVISION: _____

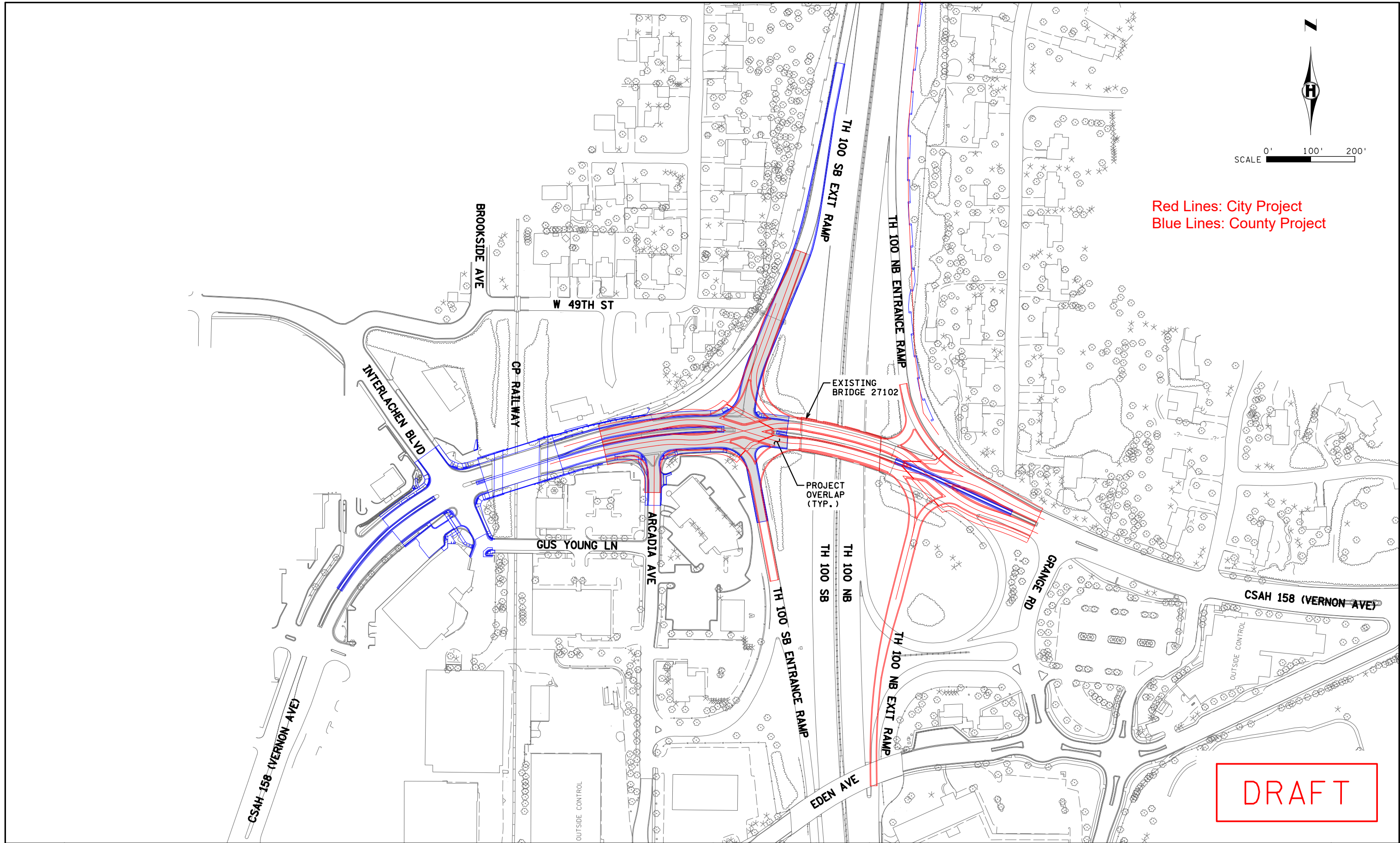


CITY OF EDINA APPLICATION LAYOUT

SHEET



Red Lines: City Project
Blue Lines: County Project



DRAFT

Attachment 6

DESIGN BY: _____
 CAD BY: _____
 CHECKED BY: _____
 LAST REVISION: _____



PROJECT OVERLAP EXHIBIT

SHEET

Attachment 7



December 15, 2022

Jason Staebell, P.E.
Principal Project Manager
Transportation Project Delivery - Design
1600 Prairie Drive
Medina, MN 55340

RE: Support for Regional Solicitation Program Year Change
Vernon Avenue (CSAH 158) Bridge #4510 Project over CP Rail

Dear Mr. Staebell:

The City of Edina hereby expresses its support for a program year change for the Hennepin County federal funded bridge project at CSAH 158 (Vernon Avenue) for Bridge #4510 over CP Rail to program year 2024. The City of Edina also has received federal funding for program year 2024 for an intersection improvement at Highway 100 Bridge #27102 in the form of a diverging diamond interchange.

This program year extension will allow both agencies an opportunity to combine the projects into one for economies of scale. Construction of a combined project will better utilize the public funding by reducing re-work and constructing both in 1-year to limit impacts to the traveling public and businesses.

The combined project will improve traffic operations, increase safety of pedestrians and cyclists, and rehabilitate and replace very important infrastructure.

Thank you for allowing us the opportunity to provide support. The city looks forward to working with you on this project.

Sincerely,

A handwritten signature in black ink that reads "Chad A. Millner".

Chad A. Millner, P.E.
Engineering Director
City of Edina

ENGINEERING DEPARTMENT

7450 Metro Boulevard • Edina, Minnesota 55439
www.EdinaMN.gov • 952-826-0371 • Fax 952-826-0392

Regional Program Year Policy

The Regional Program Year Policy is intended to manage the development and timely delivery of transportation projects awarded federal funds through the TAB's Regional Solicitation Process.

Project sponsors awarded federal funds through the regional solicitation process are expected to get their project ready for authorization in their program year.

The program year is July 1 to June 30 of the year in which the project is originally programmed in the Transportation Improvement Program (TIP).

By April 1 of the program year, the project must meet the criteria on the attached sheet.

Additionally, if a regionally selected project is not ready to request authorization by June 15 of its program year, the project will not be carried over into the new TIP unless the project sponsor receives a program year extension from the TAB.

Project sponsors that have made significant progress but are delayed by circumstances that prevent them from delivering their projects on time must submit a request for a program year extension to the TAB Coordinator by December 31 of the project's program year.

The maximum length of a program year extension is one year. Projects are eligible for only one program year extension request.

If a program year extension is granted, funding the project will be contingent on the availability of federal funds. A project sponsor is responsible for funding the project until federal funding becomes available.

Projects receiving program year extensions will not receive an inflationary cost increase in their federal cost caps.

"Procedure to Request a Program Year Extension" is provided as Attachment 1.

Criteria for Meeting Program Year

Construction Projects through the FHWA Process:

- Environmental document approved – April 1
 - *Environmental Documentation draft submittal due December 1*
- Right of way certificate approved – April 1
 - *Condemnation proceedings formally initiated by February 28 with title and possession by June 1.*
- Final construction plans submitted and reviewed for standards, eligibility, funding and structural design – April 1
- Engineer's estimate – April 1
- Utility relocation certificate – April 1
- Permit applications submitted – April 1

Construction Projects through the FTA Process

- Environmental document completed; project plans complete and reflect the project that was selected
- Letting date can be set within 90 days
- FTA notification that grant approval imminent

Right of Way Only Projects through FHWA Process

- Environmental document approved – April 1
- OCPPM/SALT authorization to proceed – June 1

Right of Way Only Projects through FTA Process

- Environmental document completed
- Appraisals over \$250,000 approved by FTA; under \$250,000 reviewed by Right of Way Section
- FTA notifies that grant approval is imminent
- OCPPM transfers funds
- Offers made/condemnation initiated if offers refused

Program Project

- Grant application submitted to FTA; includes work plan
- Notification from FTA that grant approval is imminent
- Work will begin within 90 days after grant approval
- Agreement executed between MnDOT and proposer once funds are transferred

PROCEDURE TO REQUEST A PROGRAM YEAR EXTENSION

If it appears that a project cannot meet the deadline for authorization within its program year and a program year extension is necessary, the project sponsor must demonstrate to the Funding and Programming Committee that significant progress has been made on the project and the program year criteria can be met within the requested one-year time extension. Projects may be granted only one program year extension. Requests for a program year extension must be submitted by December 31 of the project's program year.

The answers provided on the Progress Schedule for Program Year Extension on Attachment 1 will determine whether a project is **eligible** for a one-year extension. In addition to responding to the Progress Schedule for Program Year Extension, the project sponsor must submit the following materials to the Funding and Programming Committee so it can determine if a program year extension is reasonable:

- 1) Project Background (will be provided by TAB Coordinator).
- 2) Project Progress:
 - a) Complete attached progress schedule with actual dates.
 - b) Right of way acquisition - provide map showing status of individual parcels.
 - c) Plans - Provide layout and discussion on percent of plan completion.
 - d) Permits - provide a list of permitting agencies, permits needed and status.
 - e) Approvals - provide a list of agencies with approval authority and approval status.
 - f) Identify funds and other resources spent to date on project.
- 3) Justification for Extension Request:
 - a) What is unique about this project that requires an extension of the program year?
 - b) What are the financial impacts if this project does not meet its current program year?
 - c) What are the implications if the project does not obtain the requested extension?
 - d) What actions will the agency take to resolve the problems facing the project in the next three to six months?

PROCESS AND ROLES

The Funding and Programming Committee will hear all requests for extensions. The Committee's recommendation will be forwarded to the TAC and TAB for action. The requests will be presented to the TAB for action on its consent agenda. Staff for the Funding and Programming Committee will notify the applicant of the committee's decision.