

Action Transmittal

Transportation Advisory Board



Committee Meeting Date: June 7, 2023

Date: May 31, 2023

Action Transmittal: 2023-31

Program Year Shift Request: Brooklyn Park's CSAH 103 Reconstruction

To: Technical Advisory Committee
From: TAC Funding and Programming Committee
Prepared By: Steve Peterson, Senior Manager of Highway Planning and TAB/TAC Process
(Steven.Peterson@metc.state.mn.us)

Requested Action

The City of Brooklyn Park requests a program year (PY) shift for the CSAH 103 roadway project from 2025 to 2026 to better align with the Blue Line Light Rail Transit (LRT) Extension.

Recommended Motion

That the Technical Advisory Committee recommend approval of the request to move the City of Brooklyn Park's CSAH 103 Regional Solicitation grant (110-020-041) from 2025 to 2026 with the technical comments described below in Table 2.

Background and Purpose

Due to delays associated with the Blue Line LRT extension, the City of Brooklyn Park is requesting an exception to TAB's Program Year Policy (attached). The City would like to move the CSAH 103 reconstruction project to align with construction of the Blue Line LRT extension.

In the 2018 Regional Solicitation, Brooklyn Park was awarded a roadway project with LRT running down the center median (refer to Table 1). The Blue Line extension was originally scheduled to begin construction in 2019 but that has been delayed until 2026 due to railroad negotiations and additional environmental documentation requirements.

Table 1: Brooklyn Park's Regional Solicitation Projects related to Blue Line LRT Extension

Funding Cycle	Applicant	Project	Award Amount	Original PY	Current PY	Requested PY
2018	Brooklyn Park	CSAH 103 from 85 th Ave to 93 rd Ave	\$7,000,000	2022	2025	2026

Relationship to Regional Policy

The Transportation Advisory Board (TAB) manages the annual program of projects programmed by the Regional Solicitation. The request does not follow TAB's Program Year Policy which states that a project can request one program year extension one time. Due to extenuating circumstances and to align the projects with Blue Line Light Rail Transit (LRT) Extension construction.

Staff Analysis

The CSAH 103 project was originally programmed for 2022. In 2021, this project received a three-year extension to 2025. This delay occurred due to LRT-related BNSF railroad negotiations and project partners needing additional time to evaluate other options to advance the project without using the railroad property. The project is on the north end of the LRT alignment and the routing has not changed in this area.

The Blue Line LRT extension is currently working through a Supplemental Environmental Impact Statement process, with a draft expected in the fall of 2023 and a final document anticipated in 2024. The Blue Line LRT construction is expected to start in 2026. While the program year policy only allows for one-time, one-year program year extension, this remains a complex, regionally significant project that a coordinated approach to construction is valuable to minimize impacts to the public. For example, the roadway project will provide final grading for the Blue Line extension so coordinating timing is important.

Brooklyn Park also has two other Regional Solicitation projects related to Blue Line Extension (both in 2026), so approval of this request would put all three projects in the same program year, 2026.

Table 2 provides a list of pros and cons for the committees to consider.

Table 2: Pros/Cons of Granting Exception to Program Year Policy

Pros	Cons
The Blue Line LRT extension alignment is no longer on the BNSF right-of-way, lowering risk for change, provided the project moves forward.	There is risk that the Blue Line LRT extension is further delayed due to findings in the Supplemental Environmental Impact Statement currently in progress.
Limited financial impact to the overall Regional Solicitation program.	The approach is not consistent with the program year extension policy, although several exceptions have been made in recent years.
Would enable the successful completion of one of the largest transit expansion projects planned in the region in the next decade.	
Coordinating projects is better for the traveling public due to minimization of construction impacts.	
There is not time for the City of Brooklyn Park to reapply for the 2024 Regional Solicitation cycle for the CSAH 103 project since the program years for the next cycle are 2028 and 2029.	

Committee Comments and Actions

This issue was brought to the TAB Executive Committee on April 19, 2023, given the complexity of the issue relative to current TAB Policy. The Policy was written with stand-alone projects in mind, whereas how to treat a project that connects to a larger project is not adequately addressed. This circumstance is happening more often and is likely to continue. Other examples of past Regional Solicitation projects tied to larger projects include smaller projects tied to the Green Line Extension, Gold Line, and various Arterial Bus Rapid Transit projects, signify a need to reexamine the TAB policy.

At its May 18, 2023, meeting, the Funding & Programming Committee voted to recommend approval of the request to move the City of Brooklyn Park's CSAH 103 Regional Solicitation grant (110-020-041) from 2025 to 2026.



Staff clarified that the federal funding would shift from 2025 to 2026 because no other Regional Solicitation applicants have reported an interest in moving up into that year (2026).

Routing

To	Action Requested	Date Scheduled / Completed
TAC Funding & Programming Committee	Review & Recommend	May 18, 2023
Technical Advisory Committee	Review & Recommend	<i>June 7, 2023</i>
Transportation Advisory Board	Review & Adopt	<i>June 21, 2023</i>



Brooklyn Park 
Operations & Maintenance

City of Brooklyn Park
Operations and
Maintenance
8300 Noble Ave N.
Brooklyn Park, MN 55443
763-493-8007
www.brooklynpark.org

April 17, 2023

James Hovland
Chair, TAB Executive Committee
Metropolitan Council
390 Robert Street North
St. Paul, MN 55101-1805

RE: Program Year Change Request for:
SP 110-020-041 – Brooklyn Park: Hennepin CSAH 103 Recon. & Expansion from CSAH 109 to
CSAH 30 (From 2025 to 2026)

Mr. Hovland,

The City of Brooklyn Park respectfully requests support from the TAB Executive Committee for a program year change to the year 2026 for the above referenced project located along Hennepin CSAH 103. This project is directly linked to the Blue Line Extension Light Rail Transit Project (BLRT) and was previously awarded federal funds through the Regional Solicitation process.

Following is a brief history of this project:

- Brooklyn Park was awarded funding for the project in program years 2022 as part of the 2018 Regional Solicitation.
- The BLRT Project was initially scheduled to begin construction in 2019 and be completed by 2023. The BLRT Project was delayed to an estimated 2024/2025 start and 2028 opening because of negotiations with the BNSF Railroad and then subsequent need to determine an alternative route through North Minneapolis, Robbinsdale and Crystal.
- The City of Brooklyn Park requested extension for the project in 2021 to Program Year 2025.
- Extensions were granted later in 2021.
- The project schedule was further delayed by the complexity associated with determining a new alignment through North Minneapolis, Robbinsdale and Crystal, additional engagement efforts and preparation and approval of an amended EIS.
- The BLRT Project is now expected to start construction in 2026.
- The City was also awarded Regional Solicitation funding for two other projects tied to the BLRT Project. These projects currently have program years of 2026.

The City of Brooklyn Park understands that Metropolitan Council's policy is to only grant one

program year extension. However, due to the complex, intertwined nature of the BLRT Project and the regional significance, sensitivity in completing an extensive environmental amendment and the benefits of tying multiple projects together, the project team is requesting an exception to the program year policy. Some of the reasons this project has been pushed back from 2025 to 2026 is due to the complex nature of the BLRT Project, review and coordination with partner agencies and additional engagement, including those underrepresented and overburdened by the project.

We recognize this is outside the typical process for a program year extension. However, while this regionally significant project has progressed, all partners have continued to support the project. Based on this, the City of Brooklyn Park and Hennepin County request support to change the above identified project to program year 2026. Please contact us if additional information is needed.

Sincerely,



Jesse Struve, P.E.
Brooklyn Park City Engineer



Daniel E. Soler, P.E.
Hennepin County
Director of Transit and Mobility

Project Summary

Project Name – West Broadway Avenue (CSAH 103) Roadway Expansion

Applicant – City of Brooklyn Park

Project Location – West Broadway Avenue from 85th Avenue to 93rd Avenue in the City of Brooklyn Park, Hennepin County



Image capture: Oct 2022 © 2023 Google

Project Description – West Broadway Avenue (County State Aid Highway 103) is primarily a rural, two-lane undivided, 60-year-old roadway classified as an A-Minor Expander (from 85th Avenue to 93rd Avenue) and an A-Minor Reliever (from 93rd Avenue to Trunk Highway (TH) 610) located in Hennepin County. The West Broadway Reconstruction project is directly related to the Bottineau Light Rail Transitway (BLRT) Project that will provide for transit improvements in the highly traveled northwest area of the Twin Cities. The proposed roadway improvements will widen West Broadway Avenue from a two-lane roadway to a four-lane roadway with turn lanes, upgrade traffic signals and lighting, and provide multi-use trails along both sides of West Broadway Avenue including ADA improvements and count down timers. The proposed project will also perform the grading for the future BLRT project.

Project Benefits – The proposed West Broadway Avenue Expansion project will provide the following benefits:

- Provide final grading throughout the project limits for the future track of the BLRT Project.
- Relocate all overhead electric assets to underground.
- Enhance safety and mobility for all users.
- Address aged pavement conditions
- Underserved residents will benefit from better access to the area's jobs and improved transit facilities/routes.

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.

Attachment 1: Progress Schedule for Program Year Extension

Enter request date

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. _____
Date of approval _____

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

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

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 _____ If checked enter 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 If checked enter 2. _____
Date of approval _____

_____ 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 _____

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 _____
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 _____