

Agenda

TAB Technical Advisory Committee



Meeting Date: June 7, 2023

Time: 9:00 AM

Location: Virtual

Public participation:

If you have comments, we encourage members of the public to email us at public.info@metc.state.mn.us.

You may pre-register to speak at a virtual public meeting of the TAB Technical Advisory Committee by emailing us at public.info@metc.state.mn.us.

Call to Order

- 1) Approval of the Agenda (Agenda is approved without vote unless amended)
- 2) Approval of the May 3, 2023, TAB Technical Advisory Committee Minutes

Public Comment on Committee Business

TAB Report

Committee Reports

- 1) Executive Committee (Jeni Hager, Chair)
 - a) 2023-35: Streamlined 2023-2026 TIP Amendment – Two New Projects (Joe Barbeau)
 - b) 2023-36: Streamlined 2023-2026 TIP Amendment – Two Project Cost Increases (Joe Barbeau)
- 2) Planning Committee/TPP Technical Working Group (Scott Mareck, Chair)

No Items
- 3) Funding & Programming Committee (Michael Thompson, Chair)
 - a) 2023-30: Program Year Change Request: Highway 252 Projects (Steve Peterson, MTS)
 - b) 2023-31: Program Year Change Request: Brooklyn Park's CSAH 103 Reconstruction (Steve Peterson, MTS)
 - c) 2023-32: Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) funding allocation options for FY 2025-2027 (Steve Peterson, MTS)
 - d) 2023-33: Draft 2024-2027 Transportation Improvement Program (TIP) (Joe Barbeau, MTS)

Information

- 1) Transportation System Performance Evaluation (Jonathan Ehrlich and Liz Roten, MTS)

Other Business

Adjournment

Council Contact:

Joe Barbeau, Senior Planner

Joseph.Barbeau@metc.state.mn.us

651-602-1705

Minutes

TAB Technical Advisory Committee



Meeting Date: May 3, 2023

Time: 9:00 AM

Location: Council Chambers

Members Present:

- Jenifer Hager, Chair, Minneapolis
- Joe MacPherson, Anoka Co
- Lyndon Robjert, Carver Co
- Gina Mitteco, Dakota Co
- Brian Isaacson, Ramsey Co
- Chad Ellos, Hennepin Co
- Craig Jenson, Scott Co
- Lyssa Leitner, Washington Co
- Andrew Witter, 7W

- Karl Keel, Bloomington
- Charlie Howley, Chanhassen
- Robert Ellis, Eden Prairie
- Jim Kosluchar, Fridley
- Paul Oehme, Lakeville
- John Hagen, Maple Grove
- Ross Beckwith, West Saint Paul
- Michael Thompson, Plymouth
- Kelsey Fogt, Minneapolis
- Nick Peterson, Saint Paul
- Bill Dermody, Saint Paul

- April Crockett, MnDOT
- Steve Peterson, Council MTS
- Michael Larson, Council CD
- Elaine Koutsoukos, TAB
- Innocent Eyoh, MPCA
- Bridget Rief, MAC
- Matt Fyten, STA
- Adam Harrington, Metro Transit
- Shelly Meyer, Freight
- Colleen Eddy, DEED
- Vacant, MN DNR
- Kyle Sobota, Bicycle
- Mackenzie Turner Bargaen, Pedestrian
- Josh Pearson, FHWA (ex-officio)

= present

Call to Order

A quorum being present, Committee Chair Hager called the regular meeting of the TAB Technical Advisory Committee at about 9:00 a.m.

Approval of Agenda

The agenda was approved with no changes. Therefore, no vote was needed.

Approval of Minutes

It was moved by Isaacson and seconded by Koutsoukos to approve the minutes of the April 5, 2023, regular meeting of the TAB Technical Advisory Committee. **Motion carried.**

Public Comment on Committee Business

None.

TAB Report

Koutsoukos reported on the April 19, 2023, Transportation Advisory Board meeting.

Information (1)

1. [MSP Airport Long-Term Plan and Stakeholder Engagement Update](#) (Eric Gilles and Dana Nelson, MAC)

Eric Gilles and Dana Nelson from the Metropolitan Airports Commission (MAC) provided the presentation. Isaacson asked about the landside access. Gilles said that there will be spinoff preliminary design-level projects for Terminals 1 and 2, both of which have curbside congestion issues. Eyoh asked how many projects meet the requirement for environmental analysis. Gilles replied that an environmental assessment will occur in 2025.

Business – Committee Reports

Executive Committee (Jenifer Hager, Chair)

Hager reported that the TAC Executive Committee met prior to the meeting and discussed the agenda items and in-person versus virtual meetings. Barbeau will follow up with a survey for members.

1. [2023-28: Streamlined 2023-2026 TIP Amendment – New Projects](#)

Barbeau said that the requested action involves two actions adding projects to the 2023-2026 TIP:

1. MnDOT requests addition of a post-project traffic study consultant service. This is a follow-up to a reconstruction project on Minnesota Highway 316 in Dakota County.
2. Council staff requests the addition of 17 projects selected in the 2022 Regional Solicitation. The attached 17 projects are programmed for fiscal year 2024, which begins on July 1, 2023. Because the 2024-2027 TIP, which is currently in development, will likely not be approved until roughly November 1, 2023, staff suggests placing the 2022 Regional Solicitation projects programmed for 2024 into the 2023-2026 Regional Solicitation to prevent the need for individual time-sensitive requests over the next several months.

Mitteco asked whether the follow-up to the MN 316 project was planned. Nobody at the meeting was certain.

Motion by MacPherson and seconded by Mitteco to recommend adoption of an amendment to the 2023-2026 TIP to add new projects. **Motion carried.**

2. [2023-29: Streamlined 2023-2026 TIP Amendment – Fare Collection Equipment Cost Increase](#)

Barbeau said that This amendment is needed to increase funds for fare collection equipment. Metro Transit is implementing a cubic fare collection system upgrade, which costs well more than the 2023 funds anticipated to be spent at the time the original TIP was drafted.

Motion by Harrington and seconded by Isaacson to recommend adoption of an amendment to the 2023-2026 TIP to increase the cost of Metro Transit’s bus and rail fare collection capital equipment project. **Motion carried.**

Planning Committee/TPP Technical Working Group (Scott Mareck, Chair)

Mareck provided an update on the TAC Planning Committee and the TPP Work Group.

Funding & Programming (Michael Thompson, Chair)

1. [2023-20: Scope Change Request for Hennepin County CSAH 153 \(Lowry Avenue NE\) Reconstruction](#)

Thompson reported that the requested scope change involves removing improvements at the MN 65 intersection of Hennepin County’s CSAH 153 reconstruction project so they can be completed with another project. The Funding & Programming Committee recommended approval without a federal funding reduction. Chad Ellos, Hennepin County, added that it is less impactful to the community to construct the project in one, as opposed to two, projects. Hager said that the Funding & Programming Committee has been asked to review the Scope Change Policy.

Motion by Ellos and seconded by MacPherson to recommend approval of Hennepin County’s

scope change request to remove the MN 65 intersection improvements from its CSAH 153 reconstruction project with no federal funding reduction. **Motion carried.**

2. [2023-21: Highway Safety Improvement Program HSIP](#)

Thompson said that staff recommends approval of the draft 2024 Highway Safety Improvement Program (HSIP) Solicitation, which shows minimal change from 2022.

MacPherson asked about the impetus for adding language about the rationale for applicants apply for projects. Steve Peterson said many applications included this language and MnDOT decided to have it included by all. MacPherson suggested removing the following sentence: “To meet the intent of HSIP, we want to ensure agencies are selecting projects with the greatest safety benefits rather than responding to public or political pressure.”

Motion by MacPherson and seconded by Robjent to recommend approval of the draft 2024 Highway Safety Improvement Program (HSIP) application for release for public comment with removal of the following sentence “to meet the intent of HSIP, we want to ensure agencies are selecting projects with the greatest safety benefits rather than responding to public or political pressure.” **Motion carried.**

3. [2023-22: Regional Solicitation – Criteria and Weighing](#)

Thompson said the Funding & Programming Committee recommends a 100-point safety increase on all categories aside from the Transit categories. MacPherson noted that all 100 points in Bridges are assigned to the multi-modal measure and suggested putting half of the points towards bridge conditions.

Motion by Leitner and seconded by MacPherson to recommend approval of the weighting of the criteria and measures for the 2024 Regional Solicitation with the following adjustments from 2022: a) Adding 100 points to safety-related criteria for all application categories except Transit Expansion and Transit Modernization and b) Distribution of the additional 100 safety points based on current measure weighting within the safety criterion in the Roadway categories, except for Bridges, for which 50 points go to National Bridge Inventory Condition Rating and 50 points go to Multimodal Elements and Existing Connections. **Motion carried.**

4. [2023-23: Regional Solicitation – Minimum and Maximum Awards](#)

Thompson said Funding & Programming Committee members had various opinions on which if any categories should have increases to the maximum awards and that ultimately it was decided to recommend no change and to address the issue going into the 2026 Regional Solicitation.

Harrington stated that while it makes sense to leave the amounts alone this time, in the long run whether to fund more smaller projects or fewer larger projects is important because fewer larger projects can be better from an administrative standpoint. Robjent asked whether the amount of funding for the 2024 Regional Solicitation is known. Steve Peterson replied that it should be around \$250 million plus overprogramming. Isaacson said that there are more programs than ever, and consideration should be given to focusing on larger priorities. He also expressed concern that there may be a diminishing demand for applications.

Leitner said there are two separate philosophies to why federal maximum funding amounts could be raised: to reflect inflation and focus on fewer high-priority projects. She suggested that while the former is worth discussing, the latter is probably a long-term issue for discussion in the review process. Harrington suggested that that the impetus for the discussion was for inflation and that an inflation adjustment could be considered now.

Motion by MacPherson and seconded by Koutsoukos to recommend adoption of the minimum and maximum federal funding amounts with no changes for the 2024 Regional Solicitation and to revisit the issue going into the 2026 Regional Solicitation. **Motion carried.**

5. [2023-24: Regional Solicitation – Mode Splits](#)

Thompson said that the Funding & Programming Committee recommended no changes to the modal funding ranges. Isaacson requested a history of where within the ranges programs from previous Regional Solicitations fell.

Motion by Isaacson and seconded by Robjent to recommend no changes to the modal funding ranges. **Motion carried.**

6. [2023-25: Regional Solicitation – Policies, Qualifying Criteria, and Eligibility](#)

Thompson said that the Funding & Programming Committee recommended tiebreaker option 2, which favors the tied project with the higher score in the most valuable criterion in each category. It further enables a sponsor with two tied projects in the selected category to pick which project is favored. The Funding & Programming Committee recommended moving the Bus Rapid Transit (BRT) total federal funding maximum to \$39M. Steve Peterson said that the rationale for this change is based on the increased total funding relative to when the rule was established.

Mitteco said that high-scoring projects have been skipped due to the BRT rule and that funding was moved out of Transit because of the rule in 2022. She added that that BRT projects are often sponsored by local agencies. Leitner said that the rationale for the rule was to enable smaller projects to compete. Thompson said that the Transit Working Group recommended no changes. Harrington suggested that some transit applications could apply in other categories.

Leitner suggested separating actions within the topic.

Steve Peterson said that, based on the likely funding availability, there would be about \$29 million available for non-BRT competitive transit projects.

Fyten suggested not changing the rule given the confusion around it and the potential for transit funding to come through the legislature.

Hager asked whether there had been consideration for creating a BRT category. Steve Peterson said it was considered but the rule was selected as a temporary measure to work within the existing structure. Harrington suggested that the evaluation is an opportunity to consider a different focus, using microtransit as an example. Leitner suggested that ridership isn't going to be the dominant consideration for how to fund transit.

MOTION 1: Motion by Isaacson and seconded by MacPherson to recommend use of tie breaker Option 2. **Motion 1 carried.**

MOTION 2: Motion by Leitner and seconded by Fyten to keep the BRT maximum at \$32M. **Motion 2 carried.**

Thompson said a TAB member had asked whether applicants can submit a roadway application that includes a trail and a separate application for the trail alone. Koutsoukos clarified that an identical application could not be provided to multiple categories.

Koutsoukos said that currently a letter confirming snow removal is required for Multiuse Trails and Bicycle Facilities but that the Funding & Programming Committee recommended requiring it for bicycle and pedestrian elements of all applications.

MOTION 3: Motion by Isaacson and seconded by Thompson to require letters from the operator of the facility confirming that they will remove snow and ice for year-round bicycle and pedestrian use for any bicycle or pedestrian facility, including in roadway projects. Jensen suggested that this is going to be difficult to enforce and will create extra work in the application process. He suggested that a checkbox be used instead of a letter. Turner Barga expressed comfort with the checkbox, adding that ADA requires a certain amount of snow and ice removal. Isaacson suggested changing the words in the checkbox to set expectations. Robjent suggested that some multimodal elements are recreational. Leitner asked whether using a checkbox instead of a letter would also be reflected in Multiuse Trails and Bicycle Facilities. She added that all facilities are transportation facilities. Kosluchar added that there are other outdoor facilities, such as transit



facilities that are not discussed. Dermody expressed concern about whether a portion of a trail that cannot yet be maintained would be ineligible. Turner Bargen said that if pedestrians are going to use facilities, the ADA requires they be maintained all year. Hager asked whether an agency could have the option to create a detour rather than remove snow. Isaacson said that some people do not want to maintain facilities, which is counter to the ADA. MacPherson said that the need to maintain in the winter can impact prioritization. Leitner said that Washington County does not apply for trails in cities that will not maintain facilities in the winter.

Hager suggested that the discussion was leading toward preference for a checkbox that says facilities will be maintained without defining how, who, or to what level of service; it is simply a commitment. She then asked Isaacson to reiterate his motion, to which he replied that her suggestion summarized it.

Motion 3 carried.

7. [2023-26: Regional Solicitation – Measures and Scoring Criteria](#)

Thompson said that the Funding & Programming Committee recommended approval of the measures and scoring criteria and highlighted the following:

- Shifting transit ridership and route coverage from 2019 to 2022. In the 2022 Regional Solicitation, 2019 data was used because of uncertainty early in the COVID-19 pandemic. The Transit Technical Working Group recommends using 2022 data.
- Clarifying that a Safe Routes to School Plan does not have to be MnDOT sponsored.
- Allowing applications for Bridge Rehabilitation/Replacement projects on collectors to ensure that the bridges with the worst condition on the transportation system are being funded regardless of functional classification.

Steve Peterson said that allowing bridge projects on collectors leads to a question on whether to allow Measure 1A, Distance to Nearest Parallel Bridge, currently required to be on an A-minor or principle arterial, to include collectors. Peterson said that staff recommends this change.

Motion by Steve Peterson and seconded by Isaacson to recommend adoption of the measures and scoring guidance for the 2024 Regional Solicitation with allowance for barrier crossings at any federal aid eligible roadway in Measure 1A, Distance to Nearest Parallel Bridge in the Bridge category. **Motion carried.**

8. [2023-27: Regional Solicitation – Release for Public Comment](#)

Motion by Thompson and seconded by Eyoh to recommend approval of the draft 2024 Regional Solicitation (inclusive of the approvals made in Action Transmittals 2023-22 through 2023-27) for release for public comment. **Motion carried**

Information

1. [PROTECT](#) (Steve Peterson, MTS)

Steve Peterson presented on the topic.

Leitner suggested that the Reallocation Policy does not apply since this is new funding. Koutsoukos replied that the policy covers all new funding that needs to be allocated.

Regarding Option 2, Leitner said that the Solicitation is not designed to fund PROTECT projects. She added that all three projects highlighted in this option have PROTECT-eligible elements, even though the Carver County project is more obviously related. She said that the other applicants should have the opportunity to share how much of their projects are PROTECT eligible. Robjent asked whether there is enough funding to fund more than one of the projects. Steve Peterson replied that there is another \$5.1M available. Jenson said that the Federal Funds Reallocation Policy is not responsible for distributing funding from other



sources. Robjert stated that if the newer money was on the table at the time of programming the Regional Solicitation the Carver County project would have been funded.

Kosluchar said that projects can be entirely PROTECT-funded, contradicting language that states otherwise.

2. [Transitway Advancement Policy TPP Modification](#) (Charles Carlson, MTS)

Charles Carlson presented on the topic. Ellos said that while it is important to identify risks, benefits need to be acknowledged, as well.

Other Business

Eyoh said that the Environmental Protection Agency (EPA) announced the availability of \$400 million to improve school buses, which could include buying new buses or taking measures to reduce emissions. He said he would send Barbeau information to distribute.

Adjournment

The meeting adjourned.

Committee Contact:

Joe Barbeau, Senior Planner

Joseph.Barbeau@metc.state.mn.us

651-602-1705



Action Transmittal

Transportation Advisory Board



Committee Meeting Date: June 7, 2023

Date: May 31, 2023

Action Transmittal: 2023-35

Streamlined 2023-2026 TIP Amendment: Two New Projects

To: Transportation Advisory Committee

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

Requested Action

Sherburne County and the Minnesota Valley Transit Authority (MVTA) request an amendment to the 2023-2026 TIP to add two new projects.

Recommended Motion

That the Technical Advisory Committee recommend that TAB recommend adoption of an amendment to the 2023-2026 TIP to add two projects.

Background and Purpose

The following projects are proposed for addition to the 2023-2026 TIP:

1. Sherburne County requests the addition of a project to reconstruct a 2.7-mile portion of CSAH 33 (Sherburne Ave) in Elk River (SP # 071-633-002). This is funded with Surface Transportation Block Grant Program (STBGP) funds. (Page 3).
2. Minnesota Valley Transit Authority (MVTA) requests the addition of the expansion of its Burnsville Bus Garage (SP # TRF-TCMT-22AI). This project is funded with Federal Transit Administration (FTA) Section 5339 funds. (Page 4).

Neither of these projects are funded through the Regional Solicitation.

Relationship to Regional Policy

Federal law requires that all TIP amendments meet the following tests: fiscal constraint; consistency with the adopted regional transportation plan; and opportunity for public input. It is the TAB's responsibility to recommend TIP amendments to the Council for adoption, provided these requirements are met.

The streamlined TIP amendment process allows projects that meet certain conditions to be streamlined, which entails forgoing the TAC Funding & Programming Committee review and results in saving a month of process time.

Staff Analysis

The two TIP amendment requests meet fiscal constraint because the state, federal, and local funds are sufficient to fully fund the projects. This amendment and the two projects contained herein are consistent with the Metropolitan Council Transportation Policy Plan, adopted by the Metropolitan Council on November 18, 2020, with FHWA/FTA conformity determination

established on December 4, 2020. Public input opportunity for this amendment is provided through the TAB's and the Council's regular meetings.

Routing

To	Action Requested	Date Scheduled / Completed
Technical Advisory Committee	Review & Recommend	<i>June 7, 2023</i>
Transportation Advisory Board	Review & Recommend	June 21, 2023
Metropolitan Council Transportation Committee	Review & Recommend	<i>June 26, 2023</i>
Metropolitan Council	Review & Adopt	<i>June 28, 2023</i>



Please amend the 2023-2026 Transportation Improvement Program (TIP) to include this project. This project is being submitted with the following information:

PROJECT IDENTIFICATION:

Seq #	State Fiscal Year	ATP / Dist	Route System	Project Number (S.P. #)	Agency	Description
TBD	2024	3	CSAH 33	071-633-002	Sherburne County	Reconstruct Sherburne CSAH 33 from Auburne St to CSAH 13 in Elk River and CSAH 13 from 400' N of CR 34 to 1500' S of CR 34 in Elk River

Miles	Prog	Type of Work	Prop Funds	Total \$	FHWA \$	Other \$
2.7	RC	Grade and Surface	STBGP	9,000,000	2,500,000	6,500,000

PROJECT BACKGROUND:

1. Briefly describe why amendment is needed (e.g., project in previous TIP but not completed; illustrative project and funds now available; discretionary funds received; inadvertently not included in TIP).

This formal amendment is to add the project into the 2023-2026 TIP.

2. How is Fiscal Constraint Maintained as required by 23 CFR 450.216 (check all that apply)?

- New Money
- Anticipated Advance Construction
- ATP or MPO or MnDOT Adjustment by deferral of other projects
- Earmark or HPP not affecting fiscal constraint
- Other

X

There are no new federal funds for this project, therefore fiscal constraint has been maintained. The additional funds are all local funds.

CONSISTENCY WITH MPO LONG RANGE PLAN:

This amendment is consistent with the Metropolitan Council Transportation Policy Plan, adopted by the Metropolitan Council on November 18, 2020, with FHWA/FTA conformity determination established on December 4, 2020.

Please amend the 2023-2026 Transportation Improvement Program (TIP) to add this project into fiscal year 2024. This project is being submitted with the following information:

PROJECT IDENTIFICATION: PROJECT IDENTIFICATION:

Seq #	State Fiscal Year	ATP / Dist	Route System	Project Number	Agency	Description
TBD	2024	M	Transit	TRF-TCMT-22AI	MVTA	SEC 5339: Burnsville bus garage renovation/expansion Phase III- North apron expansion, maintenance area mechanical feature, add-on for state of good repair, additional expansion and implementation of energy efficiency improvements

Miles	Prog	Type of Work	Prop Funds	Total \$	FHWA \$	Other \$
0.0	BB	Transit Grant Capital Improvement	FTA 5339	6,200,000	4,960,000	1,240,000

PROJECT BACKGROUND:

- Briefly describe why amendment is needed (e.g., project in previous TIP but not completed; illustrative project and funds now available; discretionary funds received; inadvertently not included in TIP).

This amendment is needed to bring these funds into state fiscal year 2024. These 2021 Bus and Bus Facilities Projects discretionary funds were not originally in the TIP in 2024 due to uncertainty as to when these funds would be utilized. See <https://www.transit.dot.gov/funding/grants/fiscal-year-2021-buses-and-bus-facilities-projects>.

This will be reflected in the final 2024-2027 TIP.

- How is Fiscal Constraint Maintained as required by 23 CFR 450.216 (check all that apply)?
 - New Money X *
 - Anticipated Advance Construction
 - ATP or MPO or MnDOT Adjustment by deferral of other projects
 - Earmark or HPP not affecting fiscal constraint
 - Other

*These are new discretionary funds from 2021. Therefore, fiscal constraint is maintained.

CONSISTENCY WITH MPO LONG RANGE PLAN:

This amendment is consistent with the Metropolitan Council Transportation Policy Plan, adopted by the Metropolitan Council November 18, 2020, with FHWA/FTA conformity determination established on December 4, 2020.

Action Transmittal

Transportation Advisory Board



Committee Meeting Date: June 7, 2023

Date: May 31, 2023

Action Transmittal: 2023-36

Streamlined 2023-2026 TIP Amendment: Two Project Cost Increases

To: Transportation Advisory Committee

Prepared By: Joseph Barbeau, Senior Planner 651-602-1705

Requested Action

MnDOT requests an amendment to the 2023-2026 TIP to amend the cost of two projects including the scope of one.

Recommended Motion

That the Technical Advisory Committee recommend that TAB recommend adoption of an amendment to the 2023-2026 TIP to amend the scope and increase the cost of one project and increase the cost of another.

Background and Purpose

The following projects are proposed for amendment in the 2023-2026 TIP:

1. MnDOT requests a cost increase to its Stone Arch Bridge repair project (SP # 2726-81). This change will also be reflected in the 2024-2027 TIP. This project is funded by Surface Transportation Block Grant Program (STBGP) funds. (Page 3-4).
2. MnDOT requests a cost increase and the replacement of an additional bridge to its MN 65 bridge replacement project in Spring Lake Park and East Bethel (SP # 0208-165). This project is funded by National Highway Performance Program (NHPP) funds and the requested amendment would Bridge Funding Program funds. (Pages 5-6).

Neither of these projects are funded through the Regional Solicitation.

Relationship to Regional Policy

Federal law requires that all TIP amendments meet the following tests: fiscal constraint; consistency with the adopted regional transportation plan; and opportunity for public input. It is the TAB's responsibility to recommend TIP amendments to the Council for adoption, provided these requirements are met.

The streamlined TIP amendment process allows projects that meet certain conditions to be streamlined, which entails forgoing the TAC Funding & Programming Committee review and results in saving a month of process time.

Staff Analysis

The two TIP amendment requests meet fiscal constraint because the state, federal, and local funds are sufficient to fully fund the projects. This amendment and the two projects contained

Action Transmittal

Transportation Advisory Board



Committee Meeting Date: June 7, 2023

Date: May 31, 2023

Action Transmittal: 2023-30

Program Year Shift Request: Highway 252 Projects

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 Center, City of Brooklyn Park, Hennepin County, and MnDOT jointly request a program year (PY) shift for four projects to move Regional Solicitation grant funding from 2026 to 2029.

Recommended Motion

That the Technical Advisory Committee recommend approval of the request to move the following four Highway 252 related Regional Solicitation grants from 2026 to 2029 with the technical comments described below in Table 2.

- Brooklyn Center's MN Highway 252 at 66th Avenue grade separation (109-010-007 and 109-010-007F).
- Brooklyn Center's MN Highway 252 at 70th Avenue pedestrian improvements (109-090-002).
- Brooklyn Park's MN Highway 252 at Brookdale Drive grade separation (110-010-010).
- Hennepin County's MN Highway 252 at 85th Avenue grade separation (027-709-029).

Background and Purpose

Based on extraordinary circumstances, the City of Brooklyn Center, City of Brooklyn Park, Hennepin County, and MnDOT are requesting an exception to TAB's Program Year Policy (attached). The project partners would like to move four awarded Regional Solicitation projects from 2026 to 2029 to align with construction of the larger MnDOT-led Highway 252/I-94 project.

Over the course of three Regional Solicitation cycles, three different agencies have applied for and been awarded Regional Solicitation for four separate projects in the Highway 252 corridor (see Table 1). In 2018 MnDOT received \$119 million in Corridors of Commerce funding to convert Highway 252 to a freeway and add a MnPASS lane to Highway 252/I-94 from Highway 610 to Dowling Avenue. All the individual projects selected through the Regional Solicitation were incorporated into the larger Corridors of Commerce project as part of the environmental process.

This consolidation of projects was required because all the projects were considered connected actions by federal environmental law. Connected actions are defined as actions that trigger other actions; actions that cannot or will not proceed unless other actions are taken previously or simultaneously; actions are interdependent parts of a larger action and depend on the larger action

for justification. All the individual projects are now considered connected actions in the environmental document's purpose and need statement. Therefore, despite regional funding policy, the local agencies could not get Federal Highway Administration (FHWA) approval to construct their projects at this time even if they wanted to do so.

In the fall of 2019, due to emerging environmental issues, MnDOT, in coordination with FHWA, changed the project environmental assessment to an environmental impact statement, which are only used on a few select projects (e.g., Rethinking I-94, Mall of America construction, and other projects that may have major environmental impacts). This change was to ensure a more extensive review of environmental, health and equity impacts as well as the inclusion of transit in the environmental analysis. At the time, the change to an EIS delayed the larger Highway 252/I-94 project to 2026. Three of the Regional Solicitation projects were granted an extension in 2021 to align with the larger construction project.

The Environmental Impact Statement process has further delayed the project to 2029 due to the Scoping Decision Document development, data analysis, review and coordination with partner agencies and additional engagement. For instance, three Equity and Health Assessment Reports (EHA) have been produced as part of the environmental document. The assessment involved residents from historically underserved and overburdened populations, through targeted public engagement to elevate equity and health information in the evaluation and development of Hwy 252/I-94 project alternatives. The Hwy 252/I-94 EHA enhances MnDOT's use of equity and health information during the environmental review.

To coordinate the four Regional Solicitation projects with the larger Highway 252/I-94 project an exception to the Program Year Policy would be necessary.

Table 1: Regional Solicitation Awards for the Highway 252 Corridor

Funding Cycle	Applicant	Project	Award Amount	Original PY	Current PY	Requested PY
2016	Brooklyn Center	TH 252/66 th Ave intersection improvements	\$7,000,000	2023	2026	2029
2016	Brooklyn Center	TH 252/70 th Ave pedestrian overpass	\$1,902,640	2023	2026	2029
2018	Hennepin County	TH 252/85 th Ave intersection improvements	\$7,000,000	2023	2026	2029
2020	Brooklyn Park	TH 252/Brookdale Dr intersection improvements	\$10,000,000	2025	2026	2029

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 the applicants are requesting an exception to the policy to align all coordinated projects into the same year.

Staff Analysis

While the Program Year Policy only allows for a one-year, one-time program year extension, this is a unique circumstance. MnDOT is constructing the project and the local applicants are bound to MnDOT's timelines and the federally required environmental process. The more in-depth environmental process will allow for greater levels of public involvement and project input, including Equity and Health Assessment Reports, which are activities that TAB values. In addition, the timeline delay and longer environmental process will result in a project that provides positive improvements and eliminates, mitigates, or reduces overall negative impacts on stakeholders and the environment.



From a programming perspective, the shift of funds can be managed given the high amount of overprogramming in 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 more detailed environmental process, which is causing the delay, will provide greater input opportunities for the public and stakeholders. Given the population of people of color in the area (40%), the increased public involvement is a valuable activity, especially the Equity and Health Assessment Reports.	There is time for local agencies to reapply next funding cycle for at least some of the funding again (rules may restrict funding all three adjacent interchanges in the same cycle).
Pulling the funding may result in one or more of the projects not being included in the larger project or other project elements not being included in order to stay within the budget.	The approach is not consistent with how TAB deals with other program year extension requests, although several exceptions have been made in recent years.
Pulling the funding places financial burden on local agencies, especially Brooklyn Center and Brooklyn Park, to come up with additional local match for the larger project.	
Due to the Corridors of Commerce funding and expanded project area, local agencies cannot get approval to deliver the project until MnDOT's environmental process is complete.	
Would enable successful completion of one of the largest highway projects planned in the region in the next decade.	
Limited financial impact to the overall Regional Solicitation program.	
Combining projects is better for the traveling public due to minimization of construction impacts.	
The project is making good progress toward selecting a preferred alternative through the environmental process.	

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 following four Highway 252 related Regional Solicitation grants from 2026 to 2029:

- Brooklyn Center's MN Highway 252 at 66th Avenue grade separation (109-010-007 and



109-010-007F).

- Brooklyn Center’s MN Highway 252 at 70th Avenue pedestrian improvements (109-090-002).
- Brooklyn Park’s MN Highway 252 at Brookdale Drive grade separation (110-010-010).
- Hennepin County’s MN Highway 252 at 85th Avenue grade separation (027-709-029).

Staff reported that despite the large amount of funding being moved out of 2026, no hardship would occur regarding balancing program years. Members also discussed that the Program Year Policy’s purpose is meant to assure delivery of projects that have been delayed and these projects are not being delayed due to concerns about deliverability.

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>



HENNEPIN COUNTY

MINNESOTA

April 13, 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 109-010-007/109-010-007F – Brooklyn Center: MN Hwy 252 at 66th Avenue Grade Separation
SP 109-090-002 – Brooklyn Center: 70th Avenue Pedestrian Improvements
SP 027-709-029 – Hennepin County: MN Hwy 252 at 85th Avenue Grade Separation
SP 110-010-010 – Brooklyn Park: Brookdale Drive Grade Separation

Mr. Hovland,

The Cities of Brooklyn Center and Brooklyn Park, Hennepin County and MnDOT respectfully request support from the TAB Executive Committee for a program year change to the year 2029 for the above referenced projects located along Highway 252, that were previously awarded federal funds through various cycles of the Regional Solicitation.

Following is a brief history of these projects:

- Brooklyn Center was awarded funding for their two projects in program year 2021 as part of the 2016 Regional Solicitation.
- Brooklyn Center, Brooklyn Park, MnDOT and Hennepin County jointly began a Highway 252 freeway conversion study.
- FHWA suggested initiation of an Environmental Assessment (EA) for Highway 252.
- During the EA analysis it was determined that it would be beneficial to include I-94 from Dowling Avenue to Highway 252.
- Hennepin County was awarded funding for the 85th Avenue project in program year 2023 as part of the 2018 Regional Solicitation.
- MnDOT was awarded Corridors of Commerce (COC) funding for the Met Council submitted scope for the Highway 252/I-94 mobility project in program year 2023.
- Brooklyn Center was granted a program year extension for their projects to align with the COC project.

Hennepin County Public Works
1600 Prairie Drive | Medina, MN 55340
612-596-0356 | hennepin.us

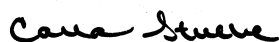


- Brooklyn Park was awarded funding for the Brookdale Drive project in program year 2025 as part of the 2020 Regional Solicitation.
- The environmental assessment pivoted from the EA to an Environmental Impact Statement (EIS) to ensure a more extensive review of environmental, health and equity impacts as well as the inclusion of transit in the environmental analysis.
- Due to the EIS change it was determined that the COC project would not likely be delivered until 2026.
- An extension was granted for all of the referenced projects to program year 2026.

Hennepin County understands that Metropolitan Council's policy is to only grant one program year extension. However, due to the complex, intertwined nature of these projects, their regional significance, sensitivity in completing an extensive environmental review and the benefits of tying the projects together, the project team is requesting an exception to the program year policy. Some of the reasons these projects have pushed back from 2026 to 2029 is due to the Scoping Decision Document development, data analysis, 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 corridor has progressed from a study to an Environmental Assessment (EA) and finally to an Environmental Impact Statement (EIS), all partners have continued to support the project. Additionally, Met Council submitted the project for Corridors of Commerce funding, signifying the importance of the project. Based on this, the cities of Brooklyn Center and Brooklyn Park, Hennepin County and MnDOT request support to change all of the projects identified to program year 2029. Please contact us if additional information is needed.

Sincerely,



Carla Stueve, P.E.
Hennepin County Engineer



Elizabeth Heyman
Brooklyn Center Public Works Director



Jesse Struve, P.E.
Brooklyn Park City Engineer

Mark Lindeberg, P.E.
MnDOT West Area Manager

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.

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:

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 _____

herein are consistent with the Metropolitan Council Transportation Policy Plan, adopted by the Metropolitan Council on November 18, 2020, with FHWA/FTA conformity determination established on December 4, 2020. Public input opportunity for this amendment is provided through the TAB's and the Council's regular meetings.

Routing

To	Action Requested	Date Scheduled / Completed
Technical Advisory Committee	Review & Recommend	<i>June 7, 2023</i>
Transportation Advisory Board	Review & Recommend	<i>June 21, 2023</i>
Metropolitan Council Transportation Committee	Review & Recommend	<i>June 26, 2023</i>
Metropolitan Council	Review & Adopt	<i>June 28, 2023</i>



Please amend the 2023-2026 and the 2024-2027 Transportation Improvement Program (TIP) to change this project in program year 2024. This project is being submitted with the following information:

PROJECT IDENTIFICATION:

Seq #	State Fiscal Year	ATP / Dist	Route System	Project Number	Agency	Description
1882	2024	M	Local Streets	2726-81	MNDOT	Stone Arch Bridge over Mississippi River in Mpls – Repair ped/bike Bridge 27004 (amount in Other is MRSI funds; \$1.39M of federal is soft match)

Miles	Prog	Type of Work	Prop Funds	Total \$	FHWA \$	Other \$ (MRSI)	Other \$ (Leg. Bond)
0.0	BI	Bridge Repair	STP Statewide-C	13,200,000 <u>26,238,000</u>	11,950,000 <u>20,990,400</u>	1,250,000	<u>3,997,600</u>

PROJECT BACKGROUND:

1. Briefly describe why amendment is needed (e.g., project in previous TIP but not completed; illustrative project and funds now available; discretionary funds received; inadvertently not included in TIP).

This amendment is needed to increase the total project cost from \$12,200,000 to \$25,238,000. The scope remains the same. This will also be reflected in the final 2024-2027 TIP.

2. How is Fiscal Constraint Maintained as required by 23 CFR 450.216 (check all that apply)?

- New Money
- Anticipated Advance Construction
- ATP or MPO or MnDOT Adjustment by deferral of other projects
- Earmark or HPP not affecting fiscal constraint
- Other X

The total project cost is increasing from \$13,200,000 to \$25,238,000. This project received \$3,997,600 bond funds from legislation and additional Non-Transportation MNDOT STP Statewide District C funds. Therefore, fiscal constraint is maintained.

CONSISTENCY WITH MPO LONG RANGE PLAN:

This amendment is consistent with the Metropolitan Council Transportation Policy Plan, adopted by the Metropolitan Council on November 18, 2020 with FHWA/FTA conformity determination established on December 4, 2020.

Please amend the 2023-2026 Transportation Improvement Program (TIP) to change this project in program year 2024. This project is being submitted with the following information:

PROJECT IDENTIFICATION:

Seq #	State Fiscal Year	ATP / Dist	Route System	Project Number	Agency	Description
1871	2024	M	MN 65	0208-165	MnDOT	**BFP** : MN65 (Central Ave), from CSAH 10 (mounds view Blvd) in <u>Spring Lake Park</u> to 217th Ave in East Bethel – <u>Medium mill and overlay</u> , replace Bridges 6817 (new Bridge #02X06) and 9417 (new Bridge #02X07) over Coon Creek, <u>replace box culvert Bridge 9465</u> , ADA, signal replacement (Associate to 0208-165S)

Miles	Prog	Type of Work	Prop Funds	Total \$	FHWA \$	State \$	Other \$
19.31	RS	Mill and Overlay	NHPP BFP	<u>33,124,770</u> <u>38,015,000</u>	<u>26,368,494</u> <u>30,368,846</u> <u>(29,554,646(NHPP)</u> <u>814,200(BFP))</u>	<u>6,017,276</u> <u>6,930,154</u>	<u>739,000</u> <u>716,000</u>

BACKGROUND:

1. Briefly describe why amendment is needed (e.g., project in previous TIP but not completed; illustrative project and funds now available; discretionary funds received; inadvertently not included in TIP).

This amendment is needed for a scope change to include an additional bridge and cost increase.

2. How is Fiscal Constraint Maintained as required by 23 CFR 450.216 (check all that apply)?

- New Money
- Anticipated Advance Construction
- ATP or MPO or MnDOT Adjustment by deferral of other projects
- Earmark or HPP not affecting fiscal constraint
- Other X

The total project cost increases from 33,124,770 to 38,015,000 an increase of \$4,890,230 (4,000,352 NHPP/BFP federal funds). Because this is a 2024 project, it will be included in the Met Council 2024-2027 TIP and Metro District will program the project in the 2024-2027 final STIP and will align its program to meet MnDOT 2024-2027 STIP funding guidance. Therefore, fiscal constraint is maintained.

CONSISTENCY WITH MPO LONG RANGE PLAN:

This amendment is consistent with the Metropolitan Council Transportation Policy Plan, adopted by the Metropolitan Council on November 18, 2020 with FHWA/FTA conformity determination established on December 4, 2020.

Action Transmittal

Transportation Advisory Board



Committee Meeting Date: June 7, 2023

Date: May 31, 2023

Action Transmittal: 2023-32

Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) funding allocation options for FY 2025-2027

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

Distribute \$14,518,800 of regional Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) funding for fiscal years (FY) 2025 through 2027.

Recommended Motion

That the Technical Advisory Committee recommend distribution of \$14,518,800 of PROTECT funding for fiscal years 2025 through 2027 along with \$2,481,200 in 2026 STP funding to fully fund the federal requests for the Highway 5 Carver County Lake Minnewashta & Arboretum and Washington County CR 19A/100th Street projects from the 2022 Regional Solicitation cycle.

Background and Purpose

The 2021 Infrastructure Investment and Jobs Act (IIJA) established the Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) funding program to help make surface transportation more resilient to natural hazards, including climate change, flooding, and extreme weather events through support of resilience improvements. MnDOT provided 30 percent of formula PROTECT funds for regional distribution, including the funds to the Met Council and TAB shown in Table 1. MnDOT anticipates that this funding program will continue beyond the end of IIJA with funding levels for 2028 and beyond being similar to 2027 levels (approximately \$3.5M per year).

Table 1: PROTECT Funding Allocations to the Metropolitan Council and TAB

Year	PROTECT Funding
2024	\$6,278,400
2025	\$6,278,400
2026	\$4,708,800
2027	\$3,531,600
2028-2029	2024 Regional Solicitation Cycle
2023-2031	2026 Regional Solicitation Cycle

Unlike the other federal funding programs that are used in the Regional Solicitation, PROTECT typically funds specific elements within a larger project instead of the entire project. PROTECT has strict and narrow eligibility that includes, but is not limited to, storm sewer, ponding, erosion control, retaining walls, and lifting/realigning transportation infrastructure out of floodplains.

Due to the short deadlines and narrow eligibility, the 2024 allocation was applied to eligible elements within existing projects selected in past Regional Solicitation cycles. This action focuses on the \$14,518,800 of PROTECT funds available for 2025-2027.

For 2028 and 2029 PROTECT funds, additional language has been added to the draft 2024 Regional Solicitation application materials for project sponsors to identify PROTECT-eligible items. The 2028 and 2029 PROTECT funding years will line up with the years for the other federal programs making PROTECT funds easier to utilize.

As part of the Regional Solicitation Evaluation, the selected consultant will identify the best and most appropriate way to use the PROTECT funds, including changes to the 2026 Regional Solicitation cycle (program years 2030 and 2031). Potential changes may include the creation of a separate application category for projects that address resiliency, for example. The Regional Solicitation Evaluation, which begins in August, will be the best opportunity to focus on what the region wants to do with the new funding source.

Relationship to Regional Policy

The Transportation Advisory Board manages the annual program of projects programmed by the Regional Solicitation.

Staff Analysis

PROTECT is a new federal funding program created by IJJA. MnDOT is providing a portion of the state's formula PROTECT funds to the Metropolitan Council for distribution. With PROTECT's strict and narrow eligibility, there are challenges with spending the money in the near-term, especially in the first four years (2024-2027). For the 2024 funding allocation, funding was applied to eligible elements within already programmed projects and inserted into the draft 2024-2027 TIP.

Based on PROTECT program constraints, Council staff have developed options for the Funding and Programming committee to consider and provide recommendations to TAC and TAB. The total PROTECT funds available for 2025-2027 is \$14,518,800.

Option 1: Use on existing projects/reduce overprogramming

Similar to the approach for 2024, use the PROTECT funding on eligible project elements within recently selected Regional Solicitation projects.

Table 2: Option 1: Use on Existing Projects/Reduce Overprogramming

	2025	2026*	2027*
Overall Regional Solicitation Starting Balance by Year	(\$11,077,234)	(\$15,233,627)	(\$19,442,095)
PROTECT Funding by Year: Total of \$14,518,800 Total over Three Years	\$6,278,400	\$4,708,800	\$3,531,600
Use PROTECT on Eligible 2022 Project Elements Reduces Overprogramming: End Regional Solicitation Balance by Year:	(\$4,798,834)	(\$10,524,827)	(\$15,920,495)

**There is also \$8M of Carbon Reduction Program funds in 2026 and \$6.5M in 2027 that have not been programmed.*



TAC Funding & Programming recommended approval of both program year shifts (i.e., 2023-30 and 2023-31), thereby making Option 1 less viable. The impact of the program year shifts would create additional funding available in both 2025 and 2026, so there would be no overprogramming to pay down. Available funding of \$2.2M in 2025 and \$8.4M in 2026 would result with Option 1. If the program year shifts are approved, then new projects/spending is needed in 2025 and 2026.

Option 2: Use on new projects

At the March 16, 2023, meeting, the TAC Funding and Programming Committee requested options that could utilize the 2025 through 2027 PROTECT funds by selecting unfunded projects from the last Regional Solicitation. Council staff identified that the next unfunded project from two of the 12 application categories in the 2022 Regional Solicitation had eligible PROTECT elements and were also interested in this funding source (i.e., Hennepin County staff indicated at TAC F&P that their potential Spot Mobility and Safety project was not a good fit for the PROTECT program). These next two unfunded projects are shown in Table 3.

Table 3: 2022 Regional Solicitation Next Unfunded Projects List from Each of the Two Application Categories with Eligible Project Elements and Interest in the Funds

Application Category	Project	Eligible Elements	PROTECT Eligible Costs	Total Federal Request
Strategic Capacity	Carver County Highway 5 Lake Minnewashta and Arboretum Access and Mobility Project	Raising roadway out of the floodplain & reconnecting aquatic habitats	\$10,000,000	\$10,000,000
Roadway Reconstruction	Washington County CR 19A/100 th Street Realignment	Storm sewer	\$7,000,000	\$7,000,000
Totals				\$17,000,000

If the two program year shifts are approved, this creates a surplus of \$3,669,013 in 2026 after shifting out the Highway 252 projects and paying down overprogramming (see Table 4). These remaining funds would be considered “Future Program Year Funds” in TAB’s Federal Funds Reallocation Policy (see attached). Options include:

- Selecting 2026 program year projects in the 2024 Regional Solicitation cycle. While this is the first option in the policy, the policy suggests moving to other options when not feasible to push to a future solicitation. MTS staff believe the lack of time to develop new federal projects necessitates moving to other options in the policy. The 2024 Regional Solicitation cycle, which will not be finalized until the 2025 program year, will prevent many projects from being able to deliver a 2026 federal project.
- Moving already selected projects forward from 2027 to 2026 (to date, no project sponsors were interested in moving up from 2027 to 2026 when recently asked), or
- Selecting an unfunded project from the most recent Regional Solicitation (i.e., the 2022 Regional Solicitation) that could be delivered within the required timeframe. One advantage of reallocating the funds now to unfunded projects from the 2022 cycle is that it provides project sponsors enough time to develop a new project in the federal process.

When combining the \$14,518,800 of PROTECT with the \$3,669,013 of surplus funding in 2026, then there is up to \$18,187,813 available. There is enough funding available to fund both project requests in Table 3 (i.e., Carver County and Washington County), which requested a total of \$17,000,000. The addition of two new roadway projects would slightly shift the modal balance of

the 2022 funding cycle upwards for roadways by about one to two percent from 53 percent to 54 or 55 percent with a proportionate percentage decrease for the other modes.

If the committee would like to push the \$3,669,013 funds to the next solicitation, it would leave up to \$14,518,000 of PROTECT that could be distributed to projects in Table 3. Carver County’s entire \$10M project request and Washington County’s \$7,000,000 request can both be funded with PROTECT given their eligibility. However, only \$14,500,000 would be available for \$17,000,000 of requests for these two projects.

Table 4: Option 2 Use on New Projects

	2025	2026	2027
Overall Regional Solicitation Starting Balance by Year	(\$11,077,234)	(\$15,233,627)	(\$19,442,095)
Impact of Program Year Shifts, if they are both Approved	+\$7,000,000	\$(7,000,000) +\$25,902,640	No Changes
Overall Regional Solicitation Starting Balance After Program Year Shifts	(4,077,234)	\$3,669,013	\$(19,442,095)
PROTECT Funding by Year: Total of \$14,518,800 Available	\$6,278,400	\$4,708,800	\$3,531,600
Use PROTECT on New Projects and \$2,481,200 of STP in 2026: End Regional Solicitation Balance by Year	(4,077,234)	\$1,187,813 if use surplus on 2 new projects	\$(19,442,095)

**There is also \$8M of Carbon Reduction Program funds in 2026 and \$6.5M in 2027 that have not been programmed.*

Committee Comments and Actions

At its May 18, 2023, meeting, the TAC Funding & Programming Committee recommended providing the \$14,518,800 of PROTECT funding to the Carver County and Washington County projects along with \$2,481,200 of available 2026 STP funding. This combination of funds will fully fund the federal requests for these two projects, which total \$17M.

Discussion included that the Federal Funds Reallocation Policy favors providing funding to a future Regional Solicitation for the available 2026 STP funds created with the program year shifts. However, since the next Solicitation will be awarded in fiscal year 2025, the use of 2026 funds is a major timing concern that will limit options and the number of project sponsors able to deliver a new project within the federal process.

Given the limited amount of project development time for 2026 funds, staff suggest investing the remaining \$1,187,813 of STP funds as part of this action. One option for TAC to consider is to fully fund the next multiuse trail project federal request from the 2022 funding cycle, which is a Three Rivers Park District Shingle Creek Regional Trail: Noble Parkway in Brooklyn Park. This project sponsor requested \$1,254,000. One of the four Highway 252 projects that created the available funds in 2026 was a multiuse trail project, so providing some of this funding to this modal area makes sense.



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 & Approve	<i>June 21, 2023</i>
Transportation Committee	Review & Recommend	<i>July 17, 2023</i>
Met Council	Review & Concur	<i>July 26, 2023</i>



Projects awarded federal funds by the Transportation Advisory Board (TAB) as part of the Regional Solicitation or Highway Safety Improvement Program (HSIP) can be advanced or deferred based on TAB policy, project deliverability and funding availability, provided fiscal balance is maintained. The process assumes some projects will be deferred, withdrawn, or advanced. This process establishes policy and priority in assigning alternative uses for federal transportation funds when TAB-selected projects in the Transportation Improvement Program (TIP) are deferred, withdrawn, or advanced. This process also addresses the distribution of the limited amount of federal funds available to the region at the end of the fiscal year, known as "August Redistribution." This process does not address how to distribute new federal dollars available through larger, specific programs. TAB will make separate decisions specific to those kinds of programs and timing.

Current Program Year Funds

For funding that is available due to project deferrals or withdrawals, the funds shall be reallocated as shown in the below priority order. When there is insufficient time to go through the TAB committee process, TAB authorizes staff (Minnesota Department of Transportation (MnDOT) Metro District State Aid or Metropolitan Council Grants Department, as appropriate), working with the TAB Coordinator, to reallocate funds to projects that have been selected through the regional solicitation per the below priorities on TAB's behalf.

Reallocation priorities¹ for available funding programmed for the current fiscal year:

1. Regionally selected projects in the same mode slated for advanced construction/advanced construction authority (AC/ACA)² payback that have already advanced because sponsors were able to complete them sooner. If more than one project is slated for AC/ACA payback, the projects using the smallest amount of federal funding will be funded first. Partial AC/ACA payback can be paid on a project up to available levels of funds.
2. Projects in the same mode slated for AC/ACA payback that have been moved due to previous deferrals. If more than one project is slated for AC/ACA payback, the projects using the smallest amount of federal funding will be funded first. Partial AC/ACA payback can be paid on a project up to available levels of funds.
3. Regionally selected projects in the same mode that are able to be advanced.
4. Regionally-selected project(s) from another mode to pay back or advance using steps 1-3 above. Should this action be used, TAB shall consider the amount when addressing modal distribution in programming the next regional solicitation.
5. Regionally-selected projects programmed in the current program year in the same mode up to the federally allowed maximum. If more than one project can accept additional federal funds, the project needing the smallest amount of funds to achieve full federal participation³ based on the latest engineer's estimate will be funded first

¹ Regional Solicitation and HSIP funds should be considered separately for purposes of this policy.

² Note: Advanced construction (AC) is used for Federal Highway Administration-funded projects. Federal Transit Administration-funded projects use advanced construction authority (ACA).

³ Up to 80% of eligible project costs paid for with the federal funds, except in the case of HSIP, which funds up to 90% of eligible costs with federal funds.

up to the federal maximum, followed by the project needing the second smallest amount of federal funds, and so on.

Future Program Year Funds

While history shows that most deferrals and withdrawals will be in the current program year, even current year withdrawals can affect future year funding by advancing a project from a future year into the current year. For future-year funds, the TAB Coordinator will work with MnDOT Metro State Aid and/or Metro Transit Grants staff, Metropolitan Council staff and project sponsors to provide a set of options to be considered by the Technical Advisory Committee (TAC) Funding & Programming Committee, TAC, and TAB.

The first priority for use of future-year funds will be to include the funds in a future TAB solicitation process if at all possible. When not possible, TAB should first consider items 1-3 and 5 from the above list. It can also consider other options such as selecting an unfunded project from the most recent solicitation⁴ that could be delivered within the required timeframe. Other options could include setting up a special solicitation, depending on the amount of funds and time available, or other measures as TAB deems appropriate to address unique opportunities. TAB will consider the established “Guiding Principles” in making its decisions.

⁴ Note that projects must be selected prior to December 1 of the program year.

Action Transmittal

Transportation Advisory Board



Meeting Date: June 7, 2023

Date: May 31, 2023

Action Transmittal: 2023-33

Adoption of the Draft 2024-2027 Transportation Improvement Program (TIP), pending public comment

To: Technical Advisory Committee
From: TAC Funding and Programming Committee
Prepared By: Joe Barbeau, Senior Planner, 651-602-1705

Requested Action

The Metropolitan Council staff requests adoption of the draft 2024-2027 Transportation Improvement Program (TIP).

Recommended Motion

That the Technical Advisory Committee recommend that TAB adopt the draft 2024-2027 Transportation Improvement Program (TIP).

Summary

The Transportation Improvement Program (TIP) is a four-year list of federally funded transportation projects required for all metropolitan planning organizations (MPOs). The TIP must include all projects funded with federal transportation funds along with all regionally significant projects. Federal regulations require that a TIP be developed at least every four years. The Metropolitan Council revises its TIP every year in conjunction with the Minnesota Department of Transportation's State Transportation Improvement Program (STIP). The draft 2024-2027 TIP and its development process will meet applicable federal requirements once the public input process is complete. The public comment period is scheduled to run from May 19 to July 3.

The 2024-2027 TIP approval schedule is as follows:

- May 17, 2023 – TAB releases draft TIP for public review
- June 20, 2023 – TIP public meeting
- July 3, 2023 – Public review/comment period ends
- August 16, 2023 – TAB considers public comments, recommends potential changes in response to the comments and recommends approval of the final TIP to the Metropolitan Council
- August 28, 2023 – Transportation Committee recommends approval of the TIP to the Metropolitan Council
- September 13, 2023 – Metropolitan Council approves the TIP
- September/October 2023 – MnDOT inclusion of metro area TIP into State Transportation Improvement Program (STIP)
- November 2023 – USDOT approves Minnesota STIP

The 2024-2027 TIP includes projects valued at approximately \$6.4 billion for highway, freight transit, bicycle, and pedestrian projects. Roughly 19% of federal funding is from the Regional Solicitation. The sources of funds over the four years are summarized as follows:

- Total – \$6.4 Billion
 - Federal Highway – \$1.8 Billion
 - Federal Transit – \$1.7 Billion
 - Property Tax and State Taxes – \$2.0 Billion
 - Trunk Highway Funds – \$897 Million

Relationship to Regional Policy

Federal law requires that all transportation projects that will be partially- or fully funded with federal funds must be in an approved Transportation Improvement Program and meet the following four tests: fiscal constraint; consistency with the adopted regional transportation plan; air quality conformity; and opportunity for public input. It is the Metropolitan Council’s responsibility to adopt and amend the TIP according to these four requirements.

Committee Comments and Actions

At its May 18, 2023, meeting, the TAC Funding & Programming Committee recommended adoption of the draft 2024-2027 Transportation Improvement Program (TIP). This included the addition of a multi-use trail project in District 3 that was added to the program after the draft TIP was shared with the committee. This project will be included in the draft TIP as it is advanced to TAC and included in the version released for public review.

Routing

To	Action Requested	Date Scheduled / Completed
TAC Funding & Programming Committee	Review & Recommend	5/18/2023
Technical Advisory Committee	Review & Recommend	6/7/2023
Transportation Advisory Board	Review & Recommend	8/16/2023
Transportation Committee	Review & Recommend	8/28/2023
Metropolitan Council	Review & Adopt	9/13/2023

