

Action Transmittal

Transportation Advisory Board



Committee Meeting Date: May 1, 2024

Date: April 24, 2024

Action Transmittal: 2024-20

Program Year Extension Request: Washington County's CSAH 17 (Lake Elmo Ave) and MN 36 Intersection Improvement Project

To: Technical Advisory Committee
From: TAC Funding and Programming Committee
Prepared By: Robbie King, Planner, 651-602-1380

Requested Action

Washington County requests a program year extension for its CSAH 17 (Lake Elmo Ave) and MN 36 intersection improvement project from 2025 to 2026.

Recommended Motion

That the Technical Advisory Committee recommend that TAB approve the program year extension request for Washington County's CSAH 17 (Lake Elmo Ave) and MN 36 intersection improvement project from 2025 to 2026.

Background and Purpose

Washington County was awarded \$10,000,000 in the 2020 Regional Solicitation in the Strategic Capacity category for its CSAH 17 (Lake Elmo Ave) and MN 36 interchange project for program year 2025. Beginning in 2021, several efforts to engage the community and work through potential alternatives were initiated. In their request, Washington County staff have outlined a series of landmarks that still need to be completed prior to bid letting. Given the landmarks yet to be reached, Washington County staff do not believe they can begin bid letting until January 2026, outside of the current program year. These factors combined result in their request to extend the program year from 2025 to 2026.

Relationship to Regional Policy

The Transportation Advisory Board (TAB) adopted the Program Year Policy in April 2013 (updated in August 2014) to assist with management and timely delivery of transportation projects awarded federal funding through the TAB's Regional Solicitation. The policy includes a procedure to request a one-year extension based on extenuating circumstances within certain guidelines.

Staff Analysis

Per the Program Year Policy's progress assessment, a minimum score of 7 is needed to be eligible for an extension. This process helps assess whether the project is in position to be able to be obligated with the one-year extension and is not a reflection on the sponsor's rationale for needing an extension. The request obtained a score of 5. This request could therefore be viewed as an exception to the Program Year Policy.

Washington County staff have provided a concise project schedule to outline the tasks that will be completed so that the project can be let in program year 2026. Additionally, this request is being submitted nine months prior to the December 31, 2024, deadline for extension requests with an original program year of 2025. MnDOT State Aid and Metropolitan Council staff concur that the required score of 7 would be attained if the request were to be submitted in December 2024. Given this, staff and MnDOT State Aid believe early approval is best for the region. Approving a program year extension at this time would enable funding to be added to the 2028 program year for the 2024 Regional Solicitation as opposed to pushing it to program year 2030 within the 2026 Regional Solicitation. Further, this enables MnDOT State Aid to balance Regional Solicitation funding in the upcoming 2025-2028 TIP to \$0. Waiting until the project can obtain its seven points would require this balance to happen in winter of 2025, which is more likely to lead to suboptimal reallocation (i.e., reallocating funding to existing projects).

Committee Comments and Actions

At its March 21, 2024, meeting, the TAC Funding and Programming Committee voted unanimously to recommend approval of Washington County’s CSAH 17 (Lake Elmo Ave) and MN 36 intersection improvement project from 2025 to 2026.

Routing

To	Action Requested	Date Completed (Date Scheduled)
TAC Funding & Programming Committee	Review & Recommend	April 18, 2024
Technical Advisory Committee	Review & Recommend	May 1, 2024
Transportation Advisory Board	Review & Adopt	May 15, 2024





PUBLIC WORKS

Wayne Sandberg, P.E., Director, County Engineer
Frank D. Ticknor, P.E., Deputy Director

March 8, 2024

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

Re: Program Year Extension Request for SP 082-596-008,
Lake Elmo Avenue and TH 36 Intersection Improvement Project

Dear Mr. Thompson:

Washington County (County) was awarded \$10,000,000 in federal funding as part of the 2020 Metropolitan Council Regional Solicitation to partially fund the removal of an existing at-grade signalized intersection with a grade separated interchange. Benefits of this project will include the improvement of regional accessibility and efficiency by relieving congestion and travel delays on Trunk High (TH) 36, improvement of corridor safety through reduction of conflict point and crash potential, improvement of multi-modal routes for cyclists and pedestrians crossing TH 36 at County Highway 17, and improvement to TH 36 and County Highway 17's role in the regional transportation network and economy. Federal Funds were awarded for program year 2025.

Since learning of the award of federal funding in February of 2021, County staff began working through the intersection study and environmental documentation phase of this project. This phase, among other things, included a Goal Setting Meeting, a series of Public Open Houses, Project Management Team (PMT) Meetings, Local Advisory Committee (LAC) Meetings, and numerous one-on-one meetings with area property owners. Through this process, the project team, working closely with FWHA, MnDOT, and our local cities, and working through the NEPA process, have identified and dismissed over 20 possible alternatives for this intersection. Currently, 3 remaining alternatives are still being considered. The team expects to conclude the intersection study and environmental documentation phase within the next couple of months and will move forward the identified preferred alternative into the final design phase of this project.

Our current project schedule includes:

- Final approval of the Geometric Layout in August 2024
- Final approval of the Phase II Environmental Site Assessment (ESA) in August 2024
- Noise Analysis completed in November 2024
- Final approval of the Categorical Exclusion (CATEX) document in June 2025
- Completion of final plans in September of 2025
- Final Right-of-Way Certificate in January of 2026
- Authorization to Bid in January of 2026
- Bid Letting in January of 2026

Based on our current project schedule, bid letting is anticipated to be outside the 2025 FY, therefore we are requesting a one-year extension on the federal funding.

Attached please find additional information regarding this request. Please contact me with any questions at (651)-430-4336 or andrew.giesen@co.washington.mn.us.

Sincerely,



Andrew Giesen, PE
Engineer III
Washington County Public Works

Cc: Colleen Brown, MnDOT Federal Aid
Wayne Sanderg, Public Works Director & County Engineer (Washington County)
Frank Ticknor, Deputy Director of Public Works (Washington County)
Cory Slagle, Assistant County Engineer (Washington County)
Kevin Peterson, Design Engineer (Washington County)

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REQUEST FOR PROGRAM YEAR EXTENSION

FOR SP 082-596-008

LAKE ELMO AVENUE AND TH 36 INTERSECTION IMPROVEMENT PROJECT

WASHINGTON COUNTY

REQUEST BY:

Andrew Giesen, PE
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1. Project Progress

a. Project Schedule

The list below outlines the project schedule from initialing of the intersection study to construction start. The dates highlight current project status and upcoming milestones for the project. Future activity dates anticipate program year extension.

Completed/In Progress

- Consultant Contract Awarded – July 2021
- Data Collection – Summer/Fall 2021
- Goal Setting Workshop – October 2021
- Public Open House – November 2021
- Phase 1 Environmental Site Assessment Approved – December 2021
- Begin Development of Formal Project Purpose and Need – December 2021
- FHWA Review of Purpose and Need and Evaluation Criteria Matrix – Spring 2022
- Formal Project Purpose and Need Open for Public Comment – June 2022
- FHWA Concurrence of Formal Project Purpose and Need – July 2022
- Begin Alternative Screening Step 1 – July 2022
- Begin Alternative Screening Step 2 – September 2022
- Public Open House – April 2023
- Begin Alternative Screening Step 3 – May 2023
- Agency Stakeholders Update Meeting – July 2023
- One-on-One Project Owner Meetings – September 2023
- Agency Stakeholders Update Meeting – November 2023
- Public Open House – January 2024
- Identify Preferred Alternative – February 2024

Future Activity

- FHWA Concurrence of Preferred Alternative – April 2024
- Begin Development of Geometric Layout – April 2024
- Geometric Layout Approved – August 2024
- Phase II Environmental Site Assessment Approved – August 2024
- Noise Analysis Completed – November 2024
- 60% Plans Completed – November 2024
- 90% Plans Completed – April 2025
- 95% Plans Completed – June 2025
- Categorical Exclusion Document Approved – June 2025
- Permits Obtained – August 2025
- Final Plans Completed and Approved – September 2025
- Right-of-Way Certificate – January 2026
- Authorization to Bid – January 2026
- Bid Letting – January 2026
- Bid Opening – February 2026
- Bid Award – March 2026

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b. Right of Way Acquisition

The County began conducting its Real Estate activities in 2022, clarifying land ownership (title work) and existing property rights upon the 30 parcels that are potentially affected by project activities.

The County is on track to acquire all necessary easements by fall 2025 and to submit Right of Way Certificate #1 in January 2026, supporting a January 2026 project authorization date and bidding activities shortly following authorization.

A layout that shows the three remaining alternatives being considered, with approximate construction limits, is included as an attachment to this narrative.

c. Plans

As the project is currently in the preliminary design phase, a preferred alternative has yet to be determined.

A layout that shows the three remaining alternatives being considered is included as an attachment to this narrative.

d. Permits

Anticipated permits for this project include the following:

Permitting Agency	Permit(s)	Status
Valley Branch Watershed District	Erosion Control and Stormwater Management Permit	Plan to obtain permit in Summer 2025
Minnesota Pollution Control Agency	NPDES Construction Storm Water Permit	Plan to obtain permit in Summer 2025
Minnesota Board of Water and Soil Resource / U.S Army Corps of Engineers	Authorization to fill into wetlands under Regional General permits	Plan to obtain authorization in Summer 2025
MnDOT	Limited Use Permit/Cooperative Agreement	Plan to execute permit/agreement in Summer 2025

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e. Approvals

Anticipated approvals for this project include the following:

Agency for Approval	Requirement	Status
Minnesota Department of Transportation	Geometric Layout	Scheduled for approval on 08/2024
	CATEX Document	Scheduled for approval on 03/2025
	Final Plans	Scheduled for approval on 09/2025
Met. Council – Metro Freeway	CATEX Document	Scheduled for approval on 06/2025
Federal Highway Administration	Concurrence of Env. Document Decision Memo	Approved 11/2021
	Concurrence of Purposed and Need Document	Approved 07/2022
	Concurrence of Selected Preferred Alternative	Scheduled for approval on 04/2024
	CATEX Document	Scheduled for approval on 03/2025
City of Lake Elmo	Geometric Layout	Scheduled for approval on 08/2024
	Final Plans	Scheduled for approval on 08/2025
City of Grant	Geometric Layout	Scheduled for approval on 08/2024
	Final Plans	Scheduled for approval on 08/2025
Washington County	CATEX Document	Scheduled for approval on 03/2025
	Final Plans	Scheduled for approval on 08/2025

f. Funding/Expenditures

To date, Washington County has spent approximately \$850,000 on consulting fees for public engagement, preliminary engineering, and environmental documentation for this project. These costs to date have been financed solely by Washington County. The remaining preliminary engineering services, including completion of the geometric layout and noise analysis, to be completed by a consultant, are anticipated to cost an additional \$200,000.

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2. Justification for Extension Request

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

i. **Border of Two Cities with Different Goals/Priorities**

The project is located on the border of two cities, with differing goals and priorities. Whereas the City of Grant is an established rural residential community committed to retaining its rural character and the City of Lake Elmo is one of the fastest growing communities in the Twin Cities metropolitan area over the past decade—with the majority of growth planned in areas designated by the Metropolitan Council as Emerging Suburban Edge. While parts of the City of Lake Elmo have rural characteristics they wish to preserve, the City acknowledges that development patterns are changing and urbanization has accelerated in recent years, necessitating infrastructure that can accommodate increasing traffic volumes.

ii. **Confined Business District**

One of the major challenges in the project area is the potential impact on the City of Grant's business district. Being that Grant is a small community, this business district represents a significant portion of the City's tax base. Moreover, because of land use designations, any business relocation would likely move business outside of city boundaries, thus impacts to any of the businesses are strongly disfavored by the City of Grant.

iii. **Significant and Varied Engagement**

With the concentration of businesses, as well as residential and institutional uses near the intersection of Highway 36 and Lake Elmo Avenue, this project demands extensive and varied engagement. The project team has coordinated many engagement activities with:

- Other agencies, such as MnDOT and FHWA, to ensure all project requirements are being met.
- 11 unique businesses and River Valley Christian Church, through multiple, individual meetings to understand their operations and how various scenarios may impact them.
- City staff and representatives to discuss how the project aligns with future city plans and community priorities.
- The general public through multiple open houses – to provide information on the project to those who live nearby and for those who travel regularly on Highway 36 or Lake Elmo Avenue.

iv. **No Silver Bullet**

Given the above factors, no single project layout will satisfy the desires of all stakeholders. The process of narrowing in on a preferred alternative has and continues to be methodical in reaching a solution that best responds to the given circumstances.

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

If the project is not delivered in its current program year, the existing \$10,000,000 of federal funds would be forfeited, resulting in a substantial project funding gap that could delay or jeopardize the implementation of this project.

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

If the project does not obtain the requested extension, the existing \$10,000,000 of federal funds would be forfeited, resulting in a substantial project funding gap that could delay or jeopardize the implementation of this project.

A delayed project would prolong congestion and travel delays on Trunk Highway (TH) 36, as well as corridor safety concerns related to conflict point and crash potential, and insufficient facilities for cyclists and pedestrians crossing TH 36 at County Highway 17.

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

Continued coordination with the City of Grant, City of Lake Elmo, MnDOT, and FHWA to:

1. Ensure that the project teams come together to select a preferred alternative
2. Complete the geometric layout
3. Complete the Phase II Environmental Site Assessment
4. Ensure that the project will be completed by the anticipated deadline of June 2026

ATTACHMENTS:

Attachment 1: Progress Schedule for Program Year Extension

Attachment 2: Remaining Alternatives

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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_____		
X EITHER		
Not Complete		
Anticipated Date of Completion June 2025		
	If prior to January 31 of the program year, enter 1.	1 _____

OPPORTUNITY FOR PUBLIC HEARING (not necessary for project memorandum)

____ Completed		
Date of Hearing _____	If checked enter 2.	_____
N/A Not Complete		
Anticipated Date of Completion _____		
	If prior to February 28 of the program year, enter 1.	_____

FINAL ENVIRONMENTAL ASSESSMENT (not required for project memorandum)

____ Completed/FONSI Approved	If checked enter 2.	_____
Date of approval_____		
N/A Not Complete		
Anticipated Date of Completion _____		
	If prior to March 31 of the program year, enter 1.	_____

STUDY REPORT (required for Environmental Assessment Only)

Complete/Approved If checked enter 1. _____
Date of Approval _____
N/A Not Complete
Anticipated Date of Completion _____

CONSTRUCTION PLANS

Completed (includes signature of District State Aid Engineer)
Date _____ If checked enter 3. _____
 Completed (approved by District State Aid as to SA Standards but not signed)
Date _____ If checked enter 2. _____
X Not Complete
Anticipated Date of Completion **September 2025**
If prior to June 30 of the program year, enter 1. **1**

RIGHT OF WAY ACQUISITION

Completed (includes approval of R/W Cert. #1 or #1A) If checked enter 2. _____
Date _____
X Not Complete
Anticipated Date of Completion **January 2026**
If prior to December 31 of the year following the original program year, enter 1. **1**

ENGINEERS ESTIMATE OF COSTS

X Completed If checked enter 2. **2**
Date **January 3, 2024**
 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 **February 17, 2026**
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 **5**

