

ACTION TRANSMITTAL No. 2013-09

DATE: January 30, 2013
TO: Technical Advisory Committee
FROM: TAC Funding and Programming Committee
PREPARED BY: Heidi Schallberg, Senior Planner (651-602-1721)
SUBJECT: Sunset Date Extension Request from Minneapolis for the St. Anthony Bridge
REQUESTED ACTION: The City of Minneapolis requests a sunset date extension to move the St. Anthony Bridge project (SP# 141-454-001) to 2014.
RECOMMENDED MOTION: Recommend that the Technical Advisory Committee approve the sunset date extension request to move the St. Anthony Bridge (no. 90664) over the Burlington Northern Santa Fe Northtown Yard in Minneapolis (SP# 141-454-001) to 2014.

BACKGROUND AND PURPOSE OF ACTION: The City of Minneapolis received \$8,960,000 in federal Bridge funds for 2012 in the 2007 regional solicitation for the St. Anthony Bridge (no. 90664) over the Burlington Northern Santa Fe Northtown Yard. The project's sunset date is March 31, 2013. The city is requesting a one-year sunset date extension to move to 2014 in consideration of the extended process they have had in addressing requests from the Federal Highway Administration and the State Historic Preservation Office as part of the NEPA process. The city's request and supporting documentation are attached.

RELATIONSHIP TO REGIONAL POLICY: Since the first regional solicitation in 1993, the Transportation Advisory Board (TAB) has had a sunset date provision in place that applied to all projects awarded funding by the TAB. The sunset date is the date when the federal funds are no longer available to the project sponsor. The sunset date policy includes a procedure to request a one-year extension based on extenuating circumstances.

STAFF ANALYSIS: Based on the city's sustained work on the project and the documentation provided, staff recommends approval of the sunset date extension to March 31, 2014.

It is important to note that approval of the sunset date extension request to move this project to 2014 does not guarantee federal funding will be available in that year. Due to funding level changes with MAP-21, the new federal transportation legislation, balancing the regional program has not yet been resolved.

COMMITTEE COMMENTS AND ACTION: At its January 17, 2013, meeting, the TAC Funding and Programming Committee unanimously approved a motion to recommend this sunset date extension to the TAC for approval.

ROUTING

TO	ACTION REQUESTED	DATE COMPLETED
TAC Funding & Programming Committee	Review & Recommend	January 17, 2013
Technical Advisory Committee	Review & Approve	
Transportation Advisory Board	Information	

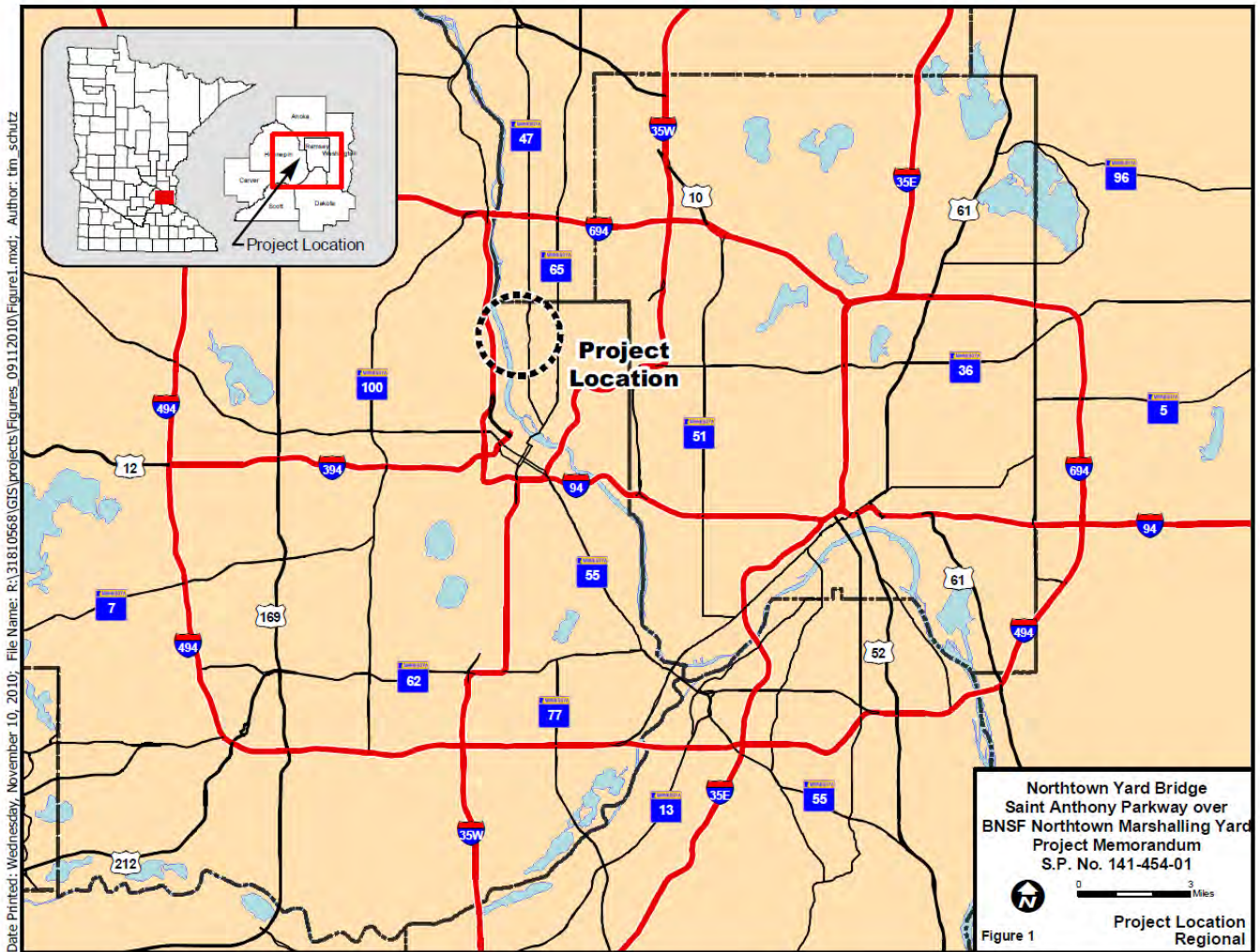
City of Minneapolis

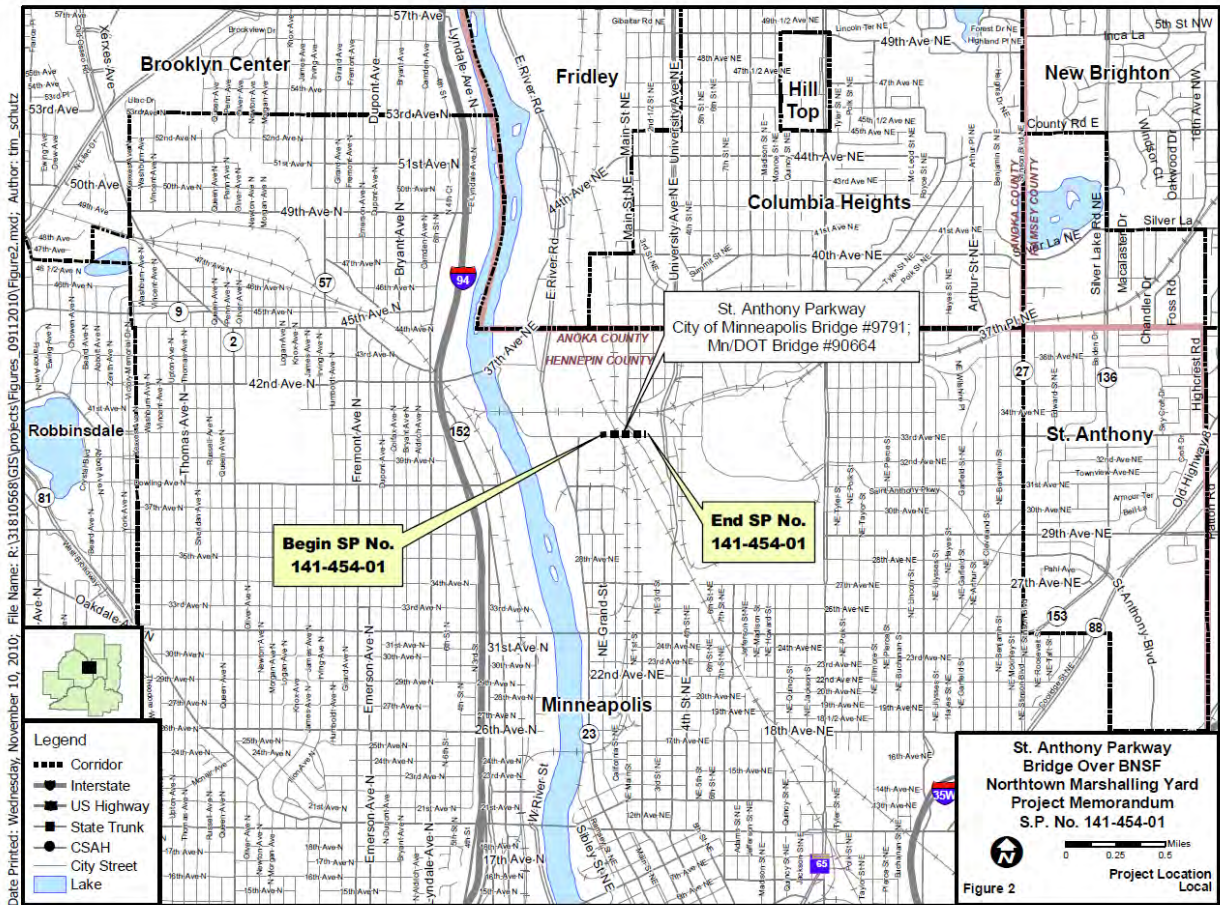
Project Background

a) Project Name

Saint Anthony Parkway Bridge over the Burlington Northern Santa Fe Northtown Yard
(SP.141-454-01) Bridge #90664

b) Location Maps





c) **Sponsoring Agency:** City of Minneapolis

d) **Other Participating Agencies:** N/A

e) **Project Description:** The primary purpose of the project is to provide a structurally-sound crossing over the BNSF railyard for non-motorized, motorized, and rail users.

f) **Funding Category:** BIR

g) **Federal Funds Allocated:** \$8,960,000

h) **Local Share and Source:**

State: SG-2009-072:	\$ 600,000
State Bonding:	\$7,000,000
City:	\$5,415,000
City MSA:	\$5,125,000

i) **Fiscal Year Programmed:** 2012

Project Progress

a) Complete attached progress schedule with actual dates.

See attached

b) Right of way acquisition - provide map showing status of individual parcels.

We have been advised by FHWA that should not begin right of way acquisition until a final Categorical Exclusion (e.g., Project Memorandum [P.M.]) is approved for the project. The attached provides the known parcels that may require temporary and/or permanent acquisitions. These property owners are aware of the project and have indicated a willingness to work with the City for the project.

c) Permits - provide a list of permitting agencies, permits needed and status.

MPCA – Phase II NPDES Permit for Construction

BNSF Railroad – Permit for Construction

Minneapolis Park and Recreation Board – Construction Permit

d) Approvals - provide a list of agencies with approval authority and approval status.

MNDOT/FHWA – no project approvals obtained to date

e) Identify funds and other resources spent to date on project.

The City has spent approximately \$1.5M in project delivery to date. The majority of this has been City funds and \$600K has been from a State of MN grant.

Justification for Extension Request

a) What is unique about this project that requires an extension of the sunset?

To date, the City has prepared two P.M.'s and have responded to numerous requests for re-evaluation and additional project studies that have extended the time required to comply with the NEPA documentation as outlined below:

August 2008 City requests MNDOT-CRU assistance with the 106 review process and begins first P.M.

October 2009 First P.M. final draft submitted to SALT for approval

November 2009 FHWA District Office recommends more development due to complexity of historical issues

May 2010 City, FHWA, MNDOT-SALT and CRU form a technical advisory committee(TAC) to facilitate development of a new P.M. The TAC meets 10 times in 2010 and twice in 2011.

November 2010 Second P.M. final draft is submitted.

December 2010 CRU determination letter to SHPO concurring with P.M. preferred replacement alternative.

January 2011 SHPO does not concur with replacement determination and requests further evaluation of rehabilitation alternatives.

February 2011 FHWA District Office requests, based on SHPO input, a comprehensive rehabilitation study be completed for the bridge

August 2011 Draft URS Bridge Rehabilitation Study Report circulated to the TAC for comments

October 2011 Load rating analysis determines lower posting warranted. City notifies Metro Transit of lower posting and buses are detoured.

January 2012 URS Bridge Rehabilitation Study Report finalized detailing requirements to rehabilitate the bridge to meet the project purpose and need. The second P.M. is also updated.

January 30, 2012 FHWA District Office issues a determination letter supporting bridge replacement and requests SHPO concurrence.

March 1, 2012 SHPO response to FHWA stating opposition to FHWA's preferred alternative and requesting third party involvement of the Advisory Council on Historic Preservation (ACHP)

July 25, 2012 Consulting Party Meeting held with ACHP. A request was made that all meeting participants receive the relevant project documents.

August 14, 2012 ACHP letter to FHWA finding the project documents adequate for meeting Section 800.11(e) documentation requirements and for FHWA to resolve adverse effects and develop a Memorandum of Agreement.

October 8, 2012 SHPO letter to FHWA outlining unresolved SHPO concerns about the URS rehabilitation report and disagreeing with the determination that all feasible rehabilitation alternatives have been examined.

December 13, 2012 FHWA response to SHPO transmitting the requested information and reiterating bridge replacement determination.

January 16, 2013 Second consulting parties meeting scheduled to discuss mitigation for adverse effect and a memorandum of agreement.

b) What are the financial impacts if this project does not meet its sunset date?

The City has secured funds to deliver a successful project. If the federal money is removed, there are not sufficient funds to deliver the project. Ongoing maintenance costs will continue to increase for the structure until a project is delivered. In addition, every year that passes before the crossing is upgraded has an operational cost of \$500K per year and an additional \$450K capital cost for an additional bus to Metro Transit who are detouring their buses due to load restrictions on the bridge.

c) How does this project implement regional policies?

St. Anthony Parkway is classified as an “A Minor Augmenter” from Marshall St. NE to University Avenue NE in the Metropolitan Council Functional Classification System. The project maintains this classification.

d) What are the implications if the project does not obtain the requested extension?

The City has spent \$1.5M in project delivery to date. If the project is cancelled or delayed some of these delivery efforts may need to be revisited adding to the overall project cost. If the project delay is significant, the bridge may need to be closed due to ongoing deterioration of the existing structure.

f) What actions will the agency take to resolve the problems facing the project in the next 3 to 6 months?

The City has worked aggressively to move the project forward in a timely manner. The review and input of other agencies as part of the NEPA process has been the predominant factor in requesting this extension. The City will hire a design firm to produce the plans, bidding documents and assist in right of way acquisition once the P.M. is approved.

PROGRESS SCHEDULE FOR SUNSET EXTENSION

ENVIRONMENTAL DOCUMENTATION ¹

EA PROJECT MEMORANDUM
 Completed/Approved
Date of approval _____
 Not Complete
Anticipated Date of Completion February 2013

OPPORTUNITY FOR PUBLIC HEARING (not necessary for project memorandum)

N/A Completed
Date of approval _____
 Not Complete
Anticipated Date of Completion _____

FINAL ENVIRONMENTAL ASSESSMENT (not required for project memorandum)

N/A Completed/FONSI Approved
Date of approval _____
 Not Complete
Anticipated Date of Completion _____

STUDY REPORT (required for Environmental Assessment Only)

N/A Complete/Approved
Date of Approval _____
 Not Complete
Anticipated Date of Completion _____

CONSTRUCTION PLANS ²

Completed (includes signature of District State Aid Engineer)
Date _____
 Not Complete
Anticipated Date of Completion March 2014

RIGHT OF WAY ACQUISITION ³

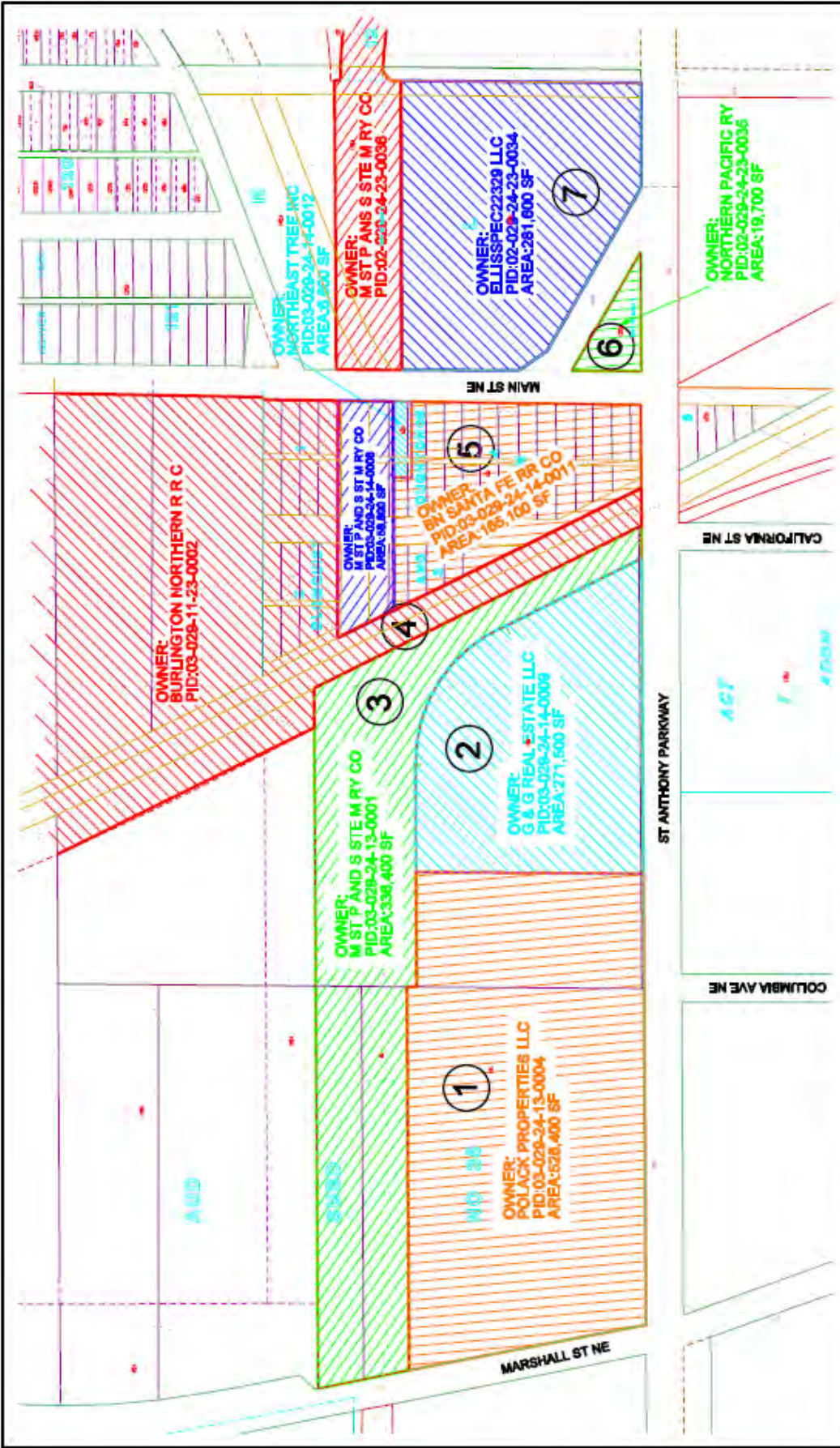
Completed (includes approval of R/W Cert. #1 or #1A)
Date _____
 Not Complete
Anticipated Date of Completion February 2014

LETTING

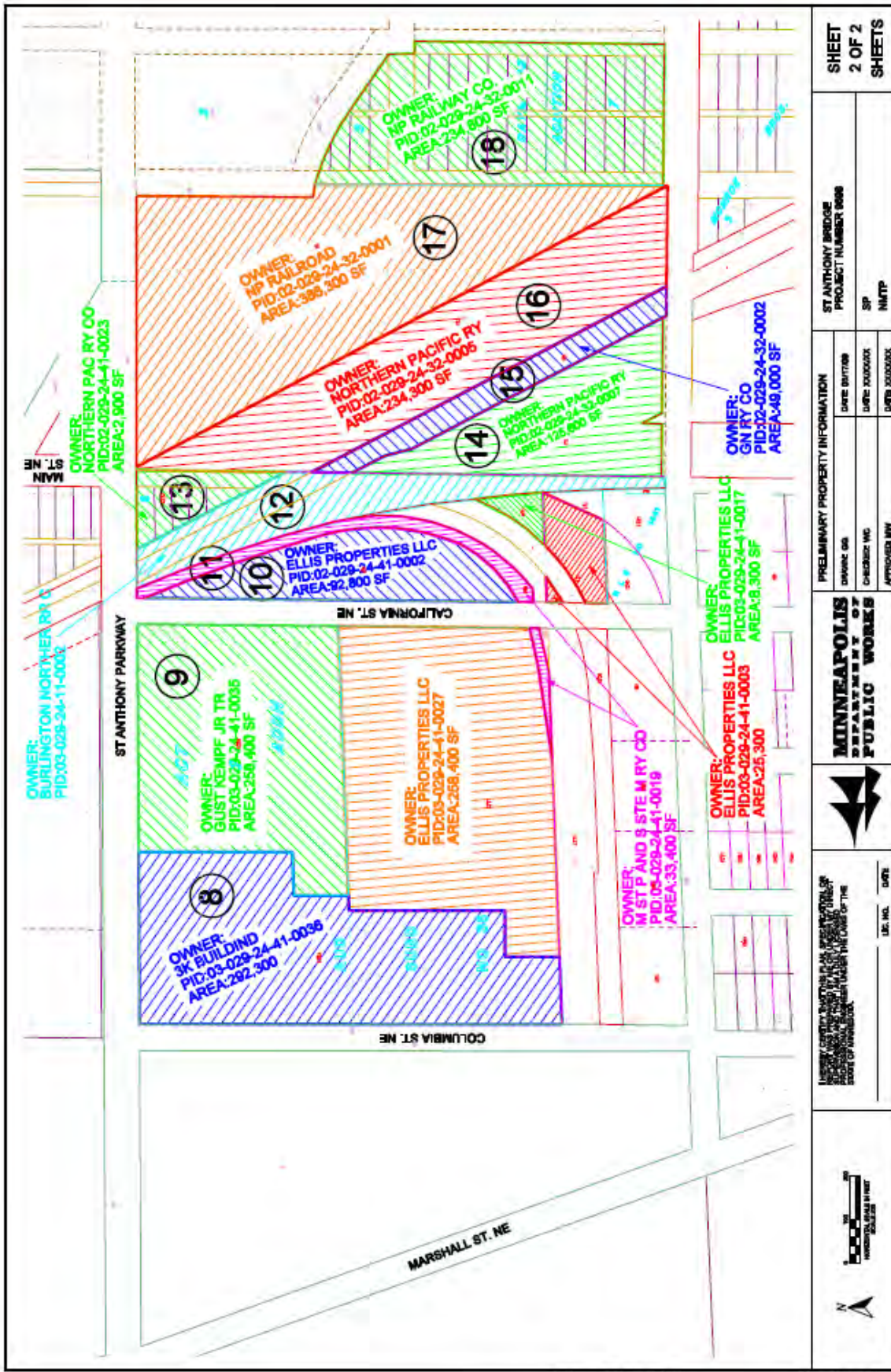
Anticipated Letting Date April 2014

Notes

- ¹ FHWA has reviewed the Project Memorandum; has concluded that replacement of the bridge is the only alternative that meets the project's purpose & need; and determined the project will result in a historic adverse effect. We are currently working with SHPO, FHWA and the other consulting parties to complete development of a MOA for the mitigation of the adverse effect.
- ² Per FHWA guidance, final design may not proceed until completion of Project Memorandum (e.g. Categorical Exclusion)
- ³ Per FHWA guidance, right of way acquisition should not proceed until completion of Project Memorandum.



				MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS			ST. ANTHONY BRIDGE PROJECT NUMBER 8808		SHEET 1 OF 2 SHEETS
				DATE: 08/11/2024	CHECKED BY:	APPROVED BY:	DATE: 08/11/2024	DATE: 08/11/2024	



				MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS	PRELIMINARY PROPERTY INFORMATION DATE: 08/11/2020 CHECKED BY: JACOBSON APPROVED BY:	ST ANTHONY PARKWAY PROJECT NUMBER: 1608	SHEET 2 OF 2 SHEETS
OWNER: GN DATE: 08/11/2020	CHECKER: JACOBSON	DATE: 08/11/2020	DATE: 08/11/2020				