

TRANSPORTATION ADVISORY BOARD

Metropolitan Council, 390 Robert Street North, Saint Paul, Minnesota 55101

NOTICE OF A MEETING
of the
FUNDING AND PROGRAMMING COMMITTEE

Thursday, May 19, 2016
1:30 P.M. – Metropolitan Council, Room LLA
390 Robert Street N, Saint Paul, MN

AGENDA

- 1) Call to Order
- 2) Adoption of Agenda
- 3) Approval of the Minutes from the April 21, 2016 meeting*
- 4) TAB Report – Information Item
- 5) Draft 2017-2020 Transportation Improvement Program – Action Item 2016-35*
- 6) Policy and Process to Exchange Federal Funds Between Projects – Action Item 2016-25*
- 7) Other Business
- 8) Adjournment

*Attachments

Please notify the Council at 651-602-1000 or 651-291-0904 (TTY) if you require special accommodations to attend this meeting. Upon request, the Council will provide reasonable accommodations to persons with disabilities.

TRANSPORTATION ADVISORY BOARD
Metropolitan Council
390 N. Robert St., St. Paul, Minnesota 55101-1805

Minutes of a Meeting of the
FUNDING AND PROGRAMMING COMMITTEE
April 21, 2016

MEMBERS PRESENT: Tim Mayasich (chair, Ramsey County), Lynne Bly (MnDOT Metro), Colleen Brown (MnDOT Metro State Aid), Innocent Eyoh (MPCA), Mark Filipi (MTS), Anna Flintoft (Metro Transit), Jenifer Hager (Minneapolis), Jared Hubbard (Scott County), Jane Kansier (MVTA), Andrew Korsberg (MnDNR), Elaine Koutsoukos (TAB), Gina Mitteco (MnDOT Bike & Ped), Paul Oehme (Chanhassen), Ryan Peterson (Burnsville), Cory Slagle (Washington County), Carla Stueve (Hennepin County), Michael Thompson (Maplewood), Anne Weber (St. Paul), and Joe Barbeau (staff)

OTHERS PRESENT: Jacob Bronder (Hennepin County), Gayle Gedstad (MnDOT), Eriks Ludins (St. Paul), Carl Ohrn (MTS), Nick Peterson (Hennepin County) Amy Vennewitz (MTS)

1. Call to Order

The meeting was called to order just after 1:30 p.m.

2. Adoption of Agenda

MOTION: Thompson moved to adopt the agenda. Seconded by Bly. The motion was approved unanimously.

3. Approval of the Minutes from the March 17, 2016 Meeting

MOTION: Ryan Peterson moved to approve the minutes. Seconded by Koutsoukos. The motion was approved unanimously.

4. TAB Report – Information Item

Koutsoukos reported on the April 20, 2016 TAB meeting. She said that TAC Chair Steve Albrecht reported on additional information on DBE and environmental requirements in response to TAB's questions on the draft Federal Funds Exchange policy.

Four action items were approved:

1. 2016-26: Adopted the Functional Classification Map for the 2016 Regional Solicitation.
2. 2016-27: Recommended that the Metropolitan Council adopt the statewide ITS architecture through resolution.
3. 2016-28: Approved the scope change for St. Louis Park Beltline Station Park & Ride and federal funding reduction to \$6,453,054.
4. 2016-29: Approved the 2017-2020 TIP Implementation Schedule

Thompson asked whether the vote on 2016-28 was unanimous. Koutsoukos replied that it was not. Mayasich added that there was a lot of discussion.

5. 2016 HSIP Funding – Action Item

Barbeau said that the Highway Safety Improvement Program (HSIP) is a regional funding program delegated by TAB to MnDOT.

Gayle Gedstad said that for 2020 and 2021, the program will provide about \$8.4 million per year; 70% for reactive projects and 30% for proactive projects. Criteria changes are minimal.

Mayasich asked how funding amounts compare to previous HSIP Solicitations. Gedstad replied that recent amounts have been similar. He added that some additional funding may become available.

Gedstad said that MnDOT had wanted to follow the Metropolitan Council’s solicitation schedule but local entities suggested that applying for both programs simultaneously would be burdensome. Koutsoukos added that while the application periods do not coincide, projects will be awarded at the same time.

MOTION: Koutsoukos moved to recommend approval of the HSIP Solicitation program criteria for the Metro District and release of the solicitation for fiscal years 2020 and 2021. Seconded by Mitteco. The motion was approved unanimously.

6. Scope Change Request: Hennepin County CSAH 46 Bridge – Action Item

Barbeau said that Hennepin County is requesting a scope change for its replacement of the CSAH 46 Bridge over Godfrey Parkway. The scope change is needed because the project is adjacent to parkland and the bridge needs to be narrowed. The original application called for an eight-foot sidewalk and six-foot shoulder, the same cross-section as the Ford Bridge over the Mississippi River. The update combines bicycle and pedestrian access into one nine-foot-five-inch protected path. The project was originally funded by the Bridge Improvement and Replacement (BIR) program, for which the scoring was primarily on bridge condition, leaving the score on the project as newly proposed minimally reduced. Federal funding was removed from this project in a federal funds exchange but the scope change policy still applies.

Koutsoukos said that the bridge will also be longer than originally applied for. Jacob Bronder of Hennepin County said that the bridge is going to be longer because the structures are going to be moved to avoid bedrock. He then provided an overview of the project.

Nick Peterson of Hennepin County said that traffic-calming and bicycle accommodation does not exist today and the new cross-section protects bicyclists while respecting the Land and Water Conservation Fund (LAWCON) property. He added that the original application did not accommodate bicycles and that the County’s Bicycle Advisory Committee supports the proposed scope.

Ludins asked how the transition to the Ford Bridge will be accommodated. Nick Peterson replied that the transition will be addressed through a later project. The barrier will be transitioned and the curb will be modified on either end of the project.

Mayasich asked whether the Ford Bridge has been studied. Nick Peterson replied that it has not.

MOTION: Ryan Peterson moved to recommend the motion with no reduction in federal funding. Seconded by Robjent.

Thompson expressed support for the motion, as benefit is not being lost.

Ohrn pointed out that the original application separated bicycles from the sidewalk and asked whether all of 46th Street will be changed. Nick Peterson replied that it will change where there are no access points; the shoulder is “de-facto” bicycle accommodation and protected accommodation is better when possible.

The motion was approved unanimously.

7. Federal Funds Exchange – Information Item

Barbeau provided a brief history of the defederalization / federal funds exchange process. Some changes that have occurred include recognition that disadvantaged business enterprise (DBE) goals contribute to a larger statewide goal, which does not change, and replacing the term “defederalization” with “federal funds exchange.” The latter is due to the potential for “defederalization” to imply that all federal rules go away, which is not always the case.

Koutsoukos said that if projects are done in segments, not following the federal process can render future project phases ineligible for federal funds. Barbeau added that this always applies to the Buy America requirement, though with other requirements, it is case-by-case.

Mayasich suggested moving the instruction on who to submit the request to into the first item on the process.

8. 2016 and 2017 Federal Funding Distribution – Information Item

Amy Vennewitz of MTS informed the Committee that due to increased funding through FAST Act and withdrawn projects, roughly \$13 million in federal funding was available for 2016. Per the reallocation policy, MnDOT has filled that hole by paying back advanced construction (AC). That, however, left a roughly \$18 million gap for 2017, a future year. The first priority for a future years is to include funds in a future regional solicitation, though this is not practical for 2017 funds. Because the TIP is in development, MnDOT is paying back AC where it can. This comes to \$7 million, leaving about \$11 million still un-programmed. The draft TIP will include a placeholder for this amount but projects will need to be included in the final TIP. Staff will search for options, which could include:

- Requesting that 2018 or 2019 projects move up to 2017.
- Bringing projects up to the 80% federal funding maximum.
- Funding special projects.
- Funding projects of interest to the Legislature.
- Funding projects that were not funded in the previous Solicitation.

Brown said that a 2017 project would need to be authorized by June 1, 2017.

Mayasich said that modal equity is important. Vennewitz replied that staff can try to trace modal history though with FAST Act increases and the fact that 2017 was funded by program rather than mode makes that difficult to approximate.

Mayasich suggested not pursuing legislative projects.

9. Quarterly Report on Streamlined TIP Amendments – Information Item

Barbeau informed the Committee that three TIP amendments were streamlined during the first quarter of calendar year 2016. They were:

- City of Minneapolis funding increase to add ADA upgrades with local money.
- MnDOT project description update to accommodate a culvert number.
- City of Bloomington description change and local funding increase.

10. Other Business

No other business.

11. Adjournment

The meeting was adjourned.

Transportation Advisory Board
of the Metropolitan Council of the Twin Cities

ACTION TRANSMITTAL No. 2016-35

DATE: May 16, 2016

TO: TAC Funding and Programming Committee

PREPARED BY: Joe Barbeau, Senior Planner (651-602-1705)

SUBJECT: Adoption of the Draft 2017-2020 Transportation Improvement Program (TIP) for the release for a public comment period.

REQUESTED ACTION: The Metropolitan Council requests that the Transportation Advisory Board (TAB) adopt the draft 2017-2020 Transportation Improvement Program (TIP) for release for a public comment period.

RECOMMENDED MOTION: That the TAC Funding & Programming Committee recommend to TAC adoption of the draft 2017-2020 Transportation Improvement Program (TIP) for release for a public comment period.

BACKGROUND AND PURPOSE OF ACTION: Federal regulations require that a Transportation Improvement Program (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 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 June 20 to August 3.

RELATIONSHIP TO REGIONAL POLICY: Federal law requires that all transportation projects that will be partially 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 TAB's responsibility to adopt and amend the TIP according to these four requirements.

ROUTING

TO	ACTION REQUESTED	DATE COMPLETED
TAC Funding & Programming Committee	Review & Recommend	
Technical Advisory Committee	Review & Recommend	
Transportation Advisory Board	Review & Adopt	
Transportation Committee	Information	
Metropolitan Council	Information	

ACTION TRANSMITTAL No. 2016-25

DATE: May 12, 2016

TO: TAC Funding and Programming Committee

PREPARED BY: Joe Barbeau, Senior Planner (651-602-1705)

SUBJECT: Policy and Process to Exchange Federal Funds Between Projects

REQUESTED ACTION: The Federal Funds Exchange Work Group requests that the Transportation Advisory Board (TAB) adopt the Attached Policy and Process to Exchange Federal Funds Between Projects

RECOMMENDED MOTION: That the TAC Funding & Programming Committee recommend to TAC adoption of the attached Policy and Process to Exchange Federal Funds Between Projects

BACKGROUND AND PURPOSE OF ACTION: In recent months, two recipients of TAB-awarded STPBG funds have moved federal funds from smaller projects to larger projects, leaving the former free of federal funding. This provides several advantages in terms of local expense and staff time.

Following the requests to move those funds. A work group was established to advise staff on these requests and establish a long-term policy and process for future requests. The work group created the attached policy and process for TAB consideration. The draft reflects members' concern that all projects must be completed on time and as applied for in the Regional Solicitation application. Under the proposed policy and process, any time a TAB-selected project is not completed, the amount of federal funds programmed to it will be returned to the region. All TAB-selected projects, even if federal funds have been removed, are subject to the Council's scope change and program year policies. The policy and process were provided to the Committee, TAC, and TAB as an informational item.

RELATIONSHIP TO REGIONAL POLICY: TAB develops and issues a Regional Solicitation for federal funds. In programming those funds, TAB sets the expectation that all awarded projects will be funded as proposed and on-time with exceptions made only through the scope change or program year policies.

ROUTING

TO	ACTION REQUESTED	DATE COMPLETED
TAC Funding & Programming Committee	Review & Recommend	
Technical Advisory Committee	Review & Recommend	
Transportation Advisory Board	Review & Adopt	

POLICY AND PROCESS TO EXCHANGE FEDERAL FUNDS BETWEEN TAB-SELECTED PROJECTS

OVERVIEW

Projects selected through the TAB Regional Solicitation and HSIP processes are awarded federal funds and are therefore subject to federal requirements that can cost an agency considerable time and money. When conditions are right, an agency may approach TAB to request a federal funds exchange. This entails transferring federal obligation authority from one project to another project that already has federal obligation authority, allowing the former project to proceed without adherence to some federal requirements.

POLICY

Project Sponsors:

- Project sponsors must voluntarily agree to participate in the funds exchange, be it on their own or another sponsor.
- One sponsor may facilitate an exchange of by shifting federal funds from one or more of its projects to one or more of its other projects.
- One sponsor may trade federal funds from one or more of its projects by working with other sponsor(s) to absorb federal funds, in exchange for local funding.
- TAB will not recognize agreements for “future consideration” (i.e., TAB will not enforce an agreement for one sponsor to “return the favor” to another sponsor at a future time).
- All sponsors involved with a federal funds exchange request must provide a resolution agreeing to be responsible for the projects, the projects’ timing, and the risks.

Funding:

- All federally funded projects must maintain the federally required minimum local match (usually 20%, but 10% for Highway Safety Improvement Program).
- All funds transfers shall be one-to-one in terms of funding amount.
- All transferred funds must be eligible to be used on the project they are proposed to fund.
- If federal funds are transferred to a project with an earlier program year, the sponsor must advance construct (AC) the project and be reimbursed in the year to which the funds are assigned in the TIP. A TIP amendment is required to reflect the use of AC.
- Federal funds cannot be transferred to a future year, as this would put a burden on TAB to redistribute funds.
- If State Aid funds are to be exchanged for federal aid funds, transfers can only occur county-to-county or city-to-city.

Projects with Federal Funding Removed:

- All TAB-selected projects must be completed with all elements, and in the time frame, shown in the original application for funding, notwithstanding a deviation approved by the TAB Scope Change Consultation and Evaluation processes. This process accounts for changes (which are products of the applicable environmental process) to the scope of project elements as portrayed in the original application for funding. MnDOT Metro District State Aid or Metropolitan Council Transit Grants, depending on the project, will continue to monitor all TAB-selected projects to assure that they are completed consistent with the application and with policy.

- All TAB-selected projects, even if federal funds have been removed, are subject to TAB's Scope Change Consultation and Evaluation processes. Project sponsors must consult with MnDOT Metro District State Aid or Metropolitan Council Transit Grants, depending on the project, in order to seek permission to deviate from the approved scope.
- All TAB-selected projects, even if federal funds have been removed, are subject to TAB's Program Year Policy.
- Should a TAB-selected project be withdrawn or otherwise unable to be completed, the project sponsor must return its federal funding for regional redistribution. The sponsor's resolution must state that the full funding amount will be provided to the region.

PROCESS

1. Applicant submits a federal funding exchange request. While it is encouraged, and to the sponsor's advantage to submit a request as early as possible, the deadline for requests is December 31 of the state fiscal year prior to the program year associated with the earliest-programmed project involved in the transfer. For example, an exchange involving a project programmed in fiscal year 2019 must be requested by December 31, 2017.
2. Applicant provides a proposal to Metropolitan Council and MnDOT Metro State Aid. The proposal must include the following:
 - Description and funding table showing projects giving up and absorbing the federal funds. Amount and source of funds must be shown as well.
 - Resolution from the governing board of any agencies involved with the exchange. The resolution must include:
 - Identification of any projects proposed to be involved in the exchange. Funding amounts must be included
 - Source(s) of non-federal funds.
 - Commitment to authorizing all TAB-selected projects in the program year identified in the TIP.
 - Acknowledgement that all TAB-selected projects will comply with all MnDOT State Aid or Metropolitan Council Transit Grants project requirements.
 - Acknowledgement that all TAB-selected projects will be completed with the scope and timing proposed in the original application and that MnDOT State Aid and/or Metropolitan Council Transit Grants will monitor the project to assure that this happens.
 - Acknowledgement that all TAB-selected projects are subject to TAB's scope change policy.
 - Guarantee that should they fail to deliver part or all of the TAB-funded projects, federal funding will be turned back to the region for distribution to other regional projects.
 - Acknowledgment of any project advancement and advanced construction that needs to occur.
 - Guarantee that the project will be delivered using the local State Aid process or Metropolitan Council Transit Grants process.