

ACTION TRANSMITTAL No. 2019-30

DATE: June 12, 2019

TO: TAC Funding & Programming Committee

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

SUBJECT: Scope Change Request for the City of Burnsville's Lake Marion Greenway Project

REQUESTED ACTION: The City of Burnsville requests a scope change for its Lake Marion Greenway project (SP # 179-090-005) to shift some of the off-road trail to an on-road facility.

RECOMMENDED ACTION: That the TAC Funding & Programming Committee recommend to TAC approval of the City of Burnsville's request to change the scope of its Lake Marion Greenway project (SP # 179-090-005) to shift some of the off-road trail to an on-road facility.

BACKGROUND AND PURPOSE OF ACTION: The City of Burnsville was awarded \$1,598,400 in Surface Transportation Block Grant funds for the 2019 fiscal year in the Multiuse Trails and Bicycle Facilities category as part of the 2014 Regional Solicitation. The project has since been extended to 2020 with payback in 2022. The scope consists of a roughly three-mile off-road multi-use trail, the "Burnsville-Lake Marion Greenway County Road 42 Underpass & Connection," which is planned to be part of the larger "Lake Marion Greenway," connecting Burnsville, Savage, Credit River Township, Lakeville, and Farmington.

The City is requesting that the westernmost 1,200 feet be located on-road, as opposed to off-road. The City cited the following reasons for this request:

- In project development, the greenway was planned to terminate at the Burnsville-Savage city border, where the off-road greenway would merge into the existing on-road facility in Savage, using a mid-block crossing and pedestrian flasher system at the city/county line. During design refinement, it was decided to start the on-road facility at Kelleher Park and Burnsville Parkway to provide the roadway crossing at the park.
- Utilizing the on-road facility also removes the impact to the Murphy Hanrehan Regional Park, which is located on the south side of Burnsville Parkway.
- Burnsville Parkway, in the area of the proposed on-road facility, is 40 mph with 5,900 ADT. The roadway is 36 feet wide and will be restriped to provide 11-foot driving lanes and 7-foot bike lanes (with 18-inch gutter; the usable pavement surface will be 5.5' for the bike lane).

The original cost estimate, including local match, was \$1,850,000. It is currently in the draft 2020-2023 TIP at \$3,900,000. The cost estimate in the attached request is \$4,549,500.

RELATIONSHIP TO REGIONAL POLICY: Projects that receive funding through the Regional Solicitation process are subject to the Scope Change Policy. The purpose of this policy is to ensure that the project is designed and constructed according to the plans and intent described in the original application. The Scope Change Policy allows project sponsors to adjust their projects as needed while still providing substantially the same benefits described in their original project applications.

STAFF ANALYSIS:

Approval/Denial of the Scope Change: The recently updated Scope Change Policy does not call for staff to attempt to re-create a precise score, but to provide general analysis of the impact to scoring measures (except for cost-effectiveness).

This project application was funded several months after the original awarding of 2014 Regional Solicitation funds, as several extra sources of were available. At that time, eight projects were funded with this being the only project from the Multiuse Trails and Bicycle Facilities category. The scoring of projects in the multiuse trail application category was tightly packed, with eight projects scoring between 773 and 785 points. This project scored 779, only one point above the highest-scoring un-funded project (See Table 2).

Table 1 shows the likely impact on each scoring measure.

Table 1: Scoring Analysis

#	Measure	Original Score	Update Project*	Notes
1	Location Relative to RBTN	160	0	
2	Usage #	187	0	
3A	Socio/Economic	18	-	Small diminishment based on reduced pedestrian access behind a manufactured home community.
3B	Housing	63	0	
4A	Close Gap / Circumvents Barrier	63	0	Preferable on-road, but probably not detrimental to this score.
4B	Safety	123	-	Minor decrease given the shift of transition from on-road to off-road.
5A/B	Multimodal Connections	30	-	Minor decrease given the shift of transition from on-road to off-road.
5C	Multimodal Facilities	30	-	Minor decrease given the shift of transition from on-road to off-road.
6	Risk Assessment	105	0	
TOTAL		779	-/0	Overall slight negative impact given the longer continuation of on-road trail
*0 = no change + = small improvement, ++ = moderate improvement, +++ = large improvement - = small diminishment, -- = moderate diminishment, --- = large diminishment #Usage was a cost-effectiveness score, but the current policy eliminates cost effectiveness from the analysis.				

Scorers for the measures showing a small diminishment were contacted. The scorers replied with general agreement that the project is diminishing but that it is difficult to know whether their scores would have been different. The proxy Equity scorer added “the one concern I have is the speed of the road and its impact on the quality of the experience. Forty mph cars are pretty intimidating to ride next to. However, since the trail does continue onto the existing roadway to the west, my discomfort only applies to that small 1200’ segment of the overall project.” The Multimodal Connections/Facilities scorer said “The level of service that a trail provides is higher than an on-street bike lane since a wider range of people are comfortable using a trail over an on-street facility. It also provides pedestrian access, which a bike lane does not. However, this is a fairly minor adjustment in overall length of the trail vs. bike lane and makes a transition to the on-street facility to the west (which needs to happen at some point). I also think the revised crossing location at the park will better serve the residents of the Manufactured Home Community since it will provide an enhanced crossing from a residential area to a park. This benefit may be greater than the impact of replacing a section of trail with bike lane. If I’m looking

at it correctly, the previous crossing location at the county line would only serve westbound bicyclists that need to cross the road to transition from the two-way trail to the westbound directional on-street bike lanes. So overall, I don't think this would have changed the score of the overall project. If so, it would have been minor."

Table 2: 2014 Multiuse Trails and Bicycle Facilities Ranking

Rank	Applicant	Project	Score	Funded?
9	Carver County	TH 5 Regional Trail from CSAH 17 to CSAH 101	785	Yes
10	Fridley	West Moore Lake Trail and Bicycle Lanes	782	Yes
11	MN-DNR	Gateway State Trail - Hadley Ave Tunnel	781	Yes
	Carver County	TH 5 Regional Trail from Minnewashta to Century	781	Yes
13	Burnsville	Lake Marion Greenway CR 42 Underpass & Connection	779	Yes
14	Bloomington	France Avenue Trail*	778	No
15	Dakota County	MN River Greenway - Eagan South (Big Rivers Reg Trail)**	775	No
16	Carver County	Lake Minnetonka LRT Trail – Stieger boat launch to Rolling Acres	773	No

* Funded in the 2016 Regional Solicitation.

**Funded in the 2018 Regional Solicitation.

As shown in Table 2 above, the project was selected by a very thin margin and the project is being slightly diminished, leading to a potentially difficult decision. The recently updated Scope Change Policy states:

"The affected scoring measures, except for cost-effectiveness (any cost increases are paid for by the local agency and not federal funds), will be analyzed by Council staff to determine if each sub-score would have likely increased, decreased, or stayed the same with the scope change (a precise rescoring of the application is not possible since applications were scored against each other at a specific moment in time). Council staff will then evaluate whether the total score would have likely increased, decreased, or stayed roughly the same based on the summation of the sub-score changes. This relative change in the total score will be compared to the scoring gap between the project's original score and the highest unfunded project in the same application category. The TAC Funding & Programming Committee may consider recommending denial of the scope change request if it is clear that the project would have scored fewer points than the highest-scoring unfunded project (i.e., the project would have been undoubtedly below the funding line)."

The potentially impacted scores, Measures 3A, 4B, 5A/B, and 5C (see Table 1) are all qualitative in nature. As such, while the proposed change is detrimental, it is not clear that any of the scorers would have given different scores had the original application been provided with this change intact. Staff therefore recommends granting of the request based on its minimal change to the project.

Federal Funding: The updated Scope Change Policy refers to the option to reduce federal funding when elements are reduced or minimized. The request includes a \$50,500 project cost reduction. The applicant suggests a federal funding reduction of 80% (i.e., standard federal proportion). This would be \$40,400. Staff recommends that reduction.

ROUTING

TO	ACTION REQUESTED	COMPLETION DATE
TAC Funding & Programming Committee	Review & Recommend	
Technical Advisory Committee	Review & Recommend	
Transportation Advisory Board	Review & Approve	

May 16, 2019

Mr. Paul Oehme
Chair, TAC Funding and Programming Committee
Metropolitan Council
390 Robert Street North
St. Paul, MN 55101

Re: Scope Change Request
S.P. 179-090-005
Lake Marion Greenway CSAH 42 Connection
Burnsville, Dakota County, Minnesota

Dear Mr. Oehme:

The City of Burnsville respectfully requests that the Metropolitan Council TAC Funding and Programming Committee consider the attached Scope Change request for the above referenced project.

Background

Dakota County's greenway vision encompasses 200 miles of regional greenways. The Lake Marion Greenway is one of these regional greenways, which is envisioned as a continuous regional destination trail for non-motorized transportation. When it is completed, the Lake Marion Greenway will connect Burnsville, Savage, Credit River Township, Lakeville and Farmington. The Lake Marion Greenway will link the Minnesota River and the Minnesota River Greenway to Murphy-Hanrehan Park Reserve, Ritter Farm Park, Lake Marion, downtown Lakeville, South Creek and downtown Farmington, where it will connect with the North Creek Greenway.

Transportation Alternative Program Funding

In 2014, the City of Burnsville applied for and was selected to receive Transportation Alternative Program (TAP) funds for construction of approximately 3 miles of the Lake Marion Greenway from Sunset Pond Park to Burnsville Parkway adjacent to Kelleher Park / Murphy-Hanrehan Regional Park Reserve. The scope indicated that the Greenway would be an entirely off-road facility. A map showing the project location within the area is provided as Figure 1.

Project Development

During the final design, a section of the trail adjacent to Murphy-Hanrehan Park along Burnsville Parkway has been re-evaluated because of purpose and roadway crossing location:

- In project development, the greenway was planned to terminate at the Burnsville-Savage city border, where the off-road greenway would merge into the existing on-road facility in Savage, using a mid-block crossing and pedestrian flasher system at the city/county line. During design refinement, it was determined to start the on-road facility at Kelleher Park at Burnsville Parkway to provide the roadway crossing at the park.

- Utilizing the on-road facility also removes the impact to the Murphy Hanrehan Regional Park which is located on the south side of Burnsville Parkway.
- Burnsville Parkway in the area of the proposed on-road facility is 40 mph with 5,900 ADT. The roadway is 36' wide and will be restriped to provide 11' driving lanes and 7' bike lanes (with 18" gutter the usable pavement surface will be 5.5' for the bike lane).

Proposed Scope Change

The proposed scope change would revise the off-road facility along Burnsville Parkway to an on-road facility. Approximately 1200' of off-road bike facility from Kelleher Park to the Burnsville-Savage border will be revised to an on-road bike facility, utilizing the existing shoulders on Burnsville Parkway.

Bicycle facility revisions would include:

- The mid-block crossing and pedestrian flasher system will be relocated 1200' east of the Burnsville-Savage border.
- The travel lanes and shoulder will be restriped to accommodate State Aid standard on-road bicycle lanes.

The Lake Marion Greenway is a regional trail designed to connect several communities in Dakota County with an off-road facility that supports pedestrian and bicycle traffic. With the connection in Burnsville, the trail would be connected from Sunset Pond Park and Murphy-Hanrehan. With the proposed scope change, the project delivers a connection dedicated to all modes of non-motorized transportation between Kelleher Park and Sunset Pond Park.

Due to the presence of on-road bicycle facilities along Burnsville Parkway at the Burnsville-Savage border and lack of a dedicated pedestrian connection at the Savage border, the connection between the border and Kelleher Park will primarily be used by bicyclists. Therefore, the city sees the revision from an off-road facility to an extension of the existing on-road facility as maintaining the trail connection of the funding application and accomplishing the purpose of the project.

Funding

Please see Attachment 1: Funding Data for Scope Change Request which captures the original application funding amount and the reduction in off road trail costs.

The overall project cost is estimated at \$4,600,000 which is significantly higher than the federal funding amount. A Summary of the overall project cost and reduction for proposed scope change is summarized below.

Federal Funding Amount in STIP	\$1,598,400.00
Estimated Project Cost	\$4,600,000.00
Project Cost to be Covered by Local Funds	\$3,001,600.00

Removal of 1200' of Off-Road Trail	-\$56,000.00
Additional Cost of:	
Pavement Marking Removal	\$3,000.00
Restriping Roadway	\$2,500.00
Change in Project Cost	-\$50,500.00
80% Federal	-\$40,400.00
20% Local	-\$10,100.00

Revised Project Cost	\$4,549,500.00
Revised Federal Amount	\$1,558,000.00
Revised Local Amount	\$2,991,500.00

Summary

With the modified scope described herein, the project goal of providing a connection from Sunset Park to Burnsville Parkway adjacent to Kelleher Park / Murphy-Hanrehan Regional Park Reserve is still met. If you have any questions or require any additional information please contact me at (952) 895-4459 or ryan.peterson@burnsvillemn.gov.

Sincerely,

CITY OF BURNSVILLE

Ryan Peterson
Public Works Director

Cc: John Mertens, Dakota County
Scott Eue, MnDOT Federal Aid Project Manager

Attachments: (1) Funding Data For Scope Change Request
(2) Location Map

ATTACHMENT 1: FUNDING DATA FOR SCOPE CHANGE REQUEST

Original Application:

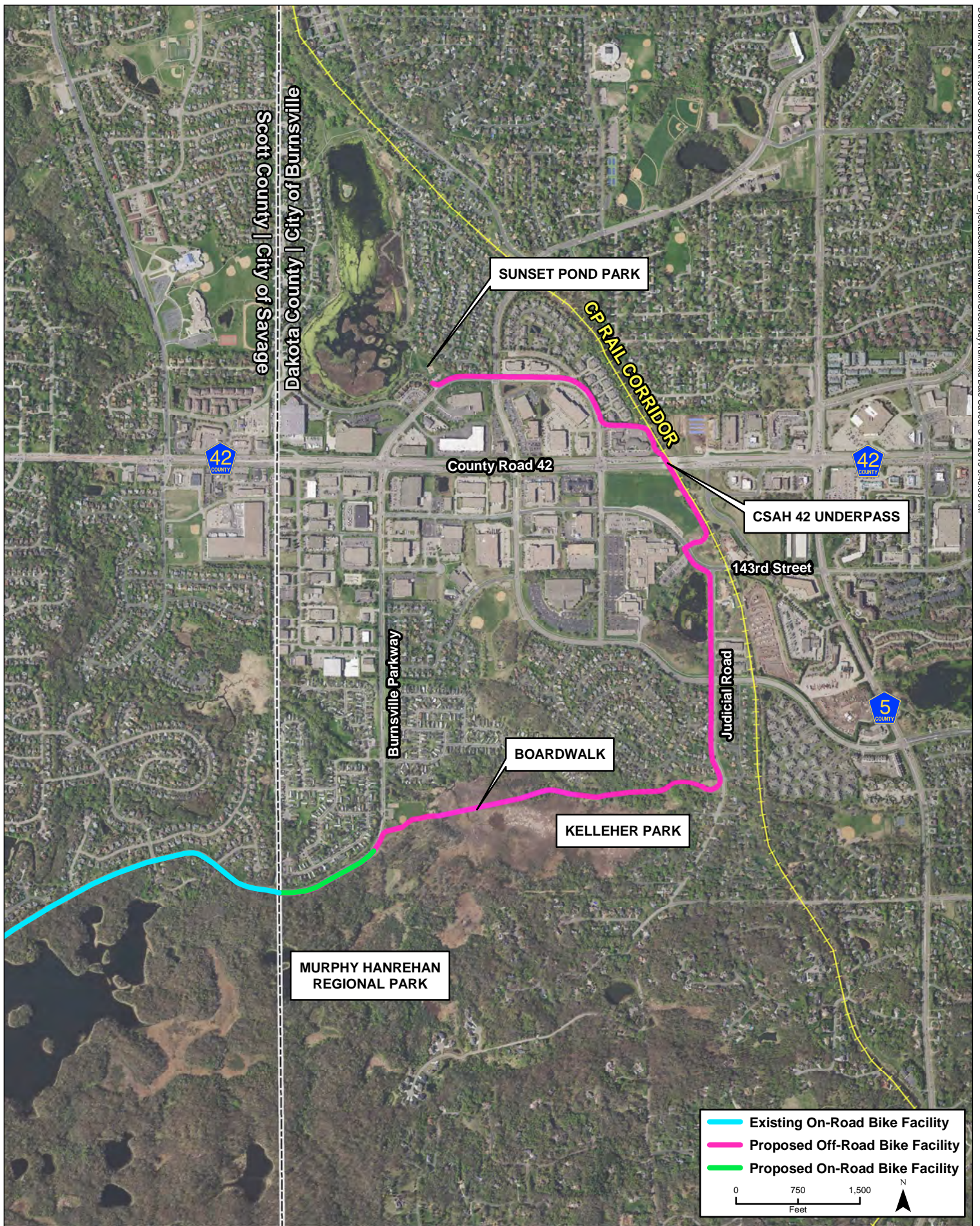
Regional Solicitation Year	2014
Application Funding Category	Bicycle and Pedestrian Facilities
HSIP Solicitation?	no
Application Total Project Cost	\$1,850,000
Federal Award	\$1,480,000
Application Federal Percentage of Total Project Cost	80%

Project Elements Being Removed:

	Original Application Cost
1200' of Bituminous Trail	\$56,000

New Project Elements:

	Cost (Based on Year of Costs in Original Application)
Pavement Marking Removal	\$3,000
On-Road Striping	\$2,500

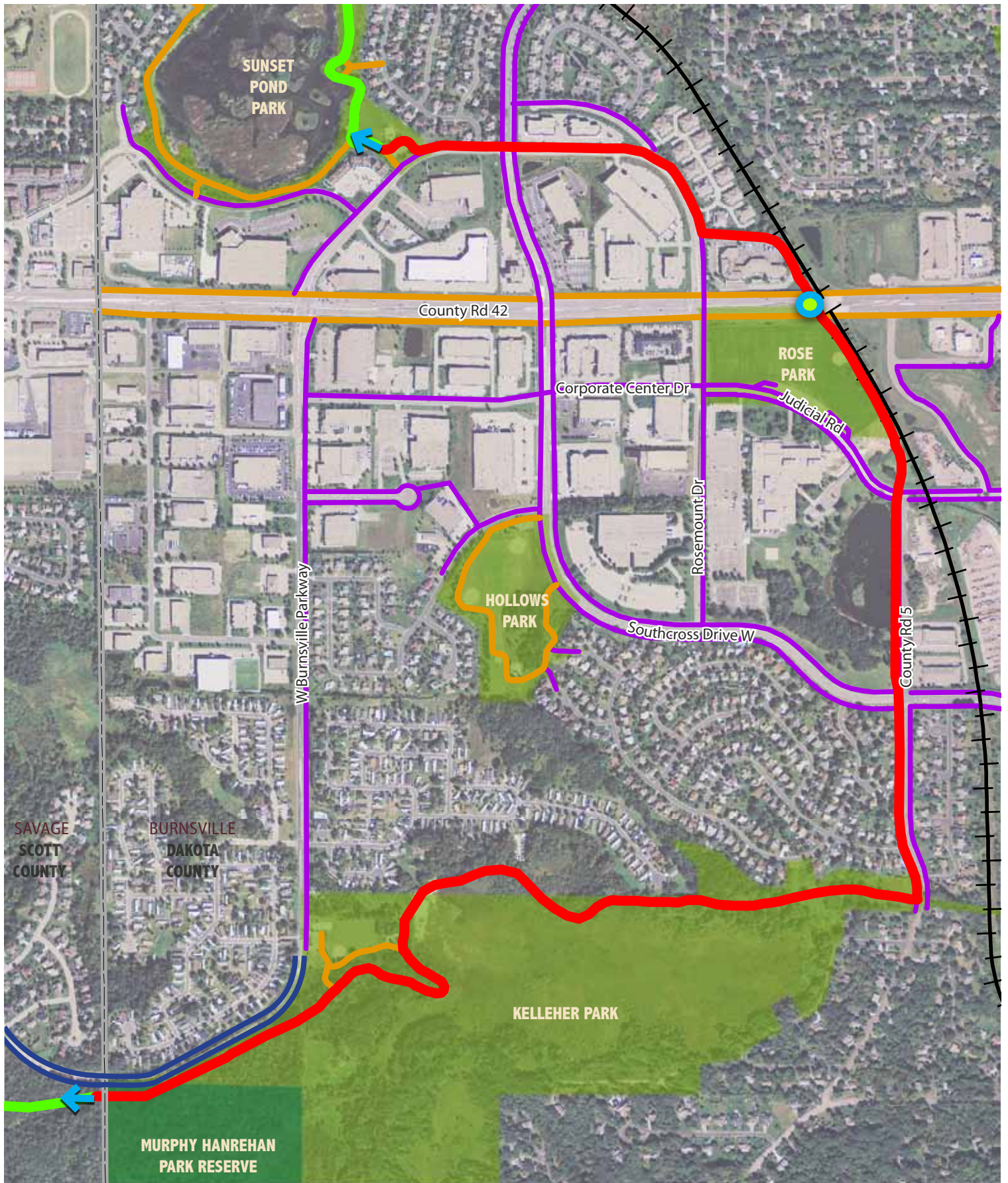


— Existing On-Road Bike Facility
— Proposed Off-Road Bike Facility
— Proposed On-Road Bike Facility

0 750 1,500
 Feet

N

Figure 1: Project Location
 Lake Marion Greenway Trail - Segment 1 South
 Burnsville, MN



- █ Proposed Trail
- █ Existing Regional Greenway
- █ Local Trail
- █ Sidewalk
- █ Existing Bike Lane

- Municipal/County Boundary
- Regional Park
- City Park

BURNSVILLE LAKE MARION GREENWAY PROJECT SUMMARY

- Proposed Underpass
- ← Connection to existing Dakota County Greenway

Scope Change Policy

Projects awarded federal funds by the Transportation Advisory Board (TAB) as part of the Regional Solicitation or Highway Safety Improvement Program (HSIP) are often concepts that are further developed in the period from project application to implementation. Project sponsors work on activities after funds are awarded such as preliminary and final design, environmental studies, and public involvement. Sometimes during this project development process, the project sponsor wants to make changes to the scope of the project. Changes to a project's scope could affect its benefits to the region. It is important to the TAB that any change in a project's scope does not substantially reduce these benefits.

Scope Changes

A scope change is any revision that changes the physical characteristics of the project and has the potential to add to or detract from the project's benefits to the region. The project description in the original funding application serves as the project's scope for the purpose of determining whether a scope change is needed.

Three Levels of Scope Changes

There are three types of scope changes described below. The TAB Coordinator, the MnDOT Metro District Federal Aid Program Coordinator (for Federal Highway Administration-administered projects), and the Transit Federal Grants Manager (for Federal Transit Administration-administered projects) will determine the type of scope change.

Administrative scope changes:

Minor changes that typically occur when projects move into detailed design or minor additions such as project amenities or aesthetic items do not need TAB Coordinator/Metropolitan Council staff review. The MnDOT Metro District Federal Aid Program Coordinator or Metropolitan Council Transit Federal Grants Manager can review and approve minor changes including, but not limited to:

- Removing or adding of minor items, such as benches, waste receptacles, signage, etc.
- Changing the design of aesthetic items, such as lighting, railings, benches, etc.
- Adding items due to normal detailed design of a project such as noise walls, retaining walls, storm sewers, bike racks, wi-fi, etc.
- Adding new project elements/improvements funded through another source (e.g., a change to a more fuel-efficient bus) or combining a TAB-funded project with one or more separate non-TAB funded projects to improve efficiency and reduce construction impacts (e.g., combining a roadway project with an adjacent mill and overlay project). These changes should not detract from the original scope.
- Changing the width of a bike path (must still meet standards).

Informal scope changes:

Scope changes that exceed the standards of administrative scope changes are brought for a consultation between the TAB Coordinator; the MnDOT Metro District Federal Aid Program Coordinator or Metropolitan Council Transit Federal Grants Manager; and Council staff. The consultation will determine if the scope change can be approved through an informal process or if a formal scope change request is needed due to the potential negative impacts of the changes. An informal scope change may include, but is not limited to:

- Slightly changing a bike or pedestrian trail route alignment while still making the major connections.

- Combining two separate TAB-funded projects, provided this does not threaten to negatively impact either project.
- Changing the termini of a project, provided this does not threaten to negatively impact the project.
- Changing a pedestrian overpass to an underpass; or an underpass to an overpass.
- Changing an intersection treatment (e.g., a traffic signal to a roundabout) or an interchange design.
- Changing bus length, fuel source, type, or number, provided there is no resulting decrease in transit service.
- Reversion to the original scope (or a previously approved scope change). Note that any federal funds taken away in a previous scope change cannot be returned; the entire scope would need to be completed with the reduced federal contribution.

Formal scope changes:

Any change that may significantly alter the estimated benefits to the region (particularly if altered to the degree where the revised scope may not have justified its original selection) must go through the formal committee process and be approved by TAB. A formal scope change request process is likely to be needed in instances including, but not limited to:

- Removing significant elements such as a trail, sidewalk, pedestrian bridge, traffic signal, transit stop, transit vehicle, etc.
- Adding elements that detract from the value or intent of the original application.
- Removing proposed access closures, if the closures are described in the project description and used to score points in the application.
- Reducing the frequency or hours of transit service.
- Reducing the number of parking spaces in a park-and-ride facility.
- Changing the number of travel lanes.
- Shifting from a bridge replacement project to a bridge rehabilitation project.
- Changing designs from an off-road trail to on-road bicycle route.

Ineligible Requests

The TAB Coordinator may inform the project sponsor that the proposed revisions exceed the limits of a scope change and that the proposed change constitutes a new project. Such requests will not be processed through the TAC and TAB and that the original project should either be completed or withdrawn. If the project is to be withdrawn, the project sponsor should submit a formal letter to the TAB Coordinator stating that the project is being withdrawn and federal funds are being returned to the region for reallocation. A proposed change will be considered a new project and therefore not eligible for a scope change if it is:

- Relocating the project away from the defined problem, need, or location, such as switching transit start-up service from one market area to another
- Moving funding from one project to another, such as moving funds awarded to a project on County Road A to the same, similar, or different work on County Road Z.
- Eliminating the primary improvement proposed in the project description (e.g., a bridge will not be improved for a project submitted in the bridge application category or a trail will not be improved in the multiuse trails application category).

Steps and Requirements to Determine Scope Change Type and Request a Formal Scope Change

The following steps must be followed to determine a scope change type and whether the proposed change needs to go through the formal scope change request process. It should be noted that once a MnDOT Metro District State Aid project has been authorized, the project scope cannot change.

1. The project sponsor informs the TAB Coordinator and the MnDOT Metro District Federal Aid Program Coordinator or the Metropolitan Council Transit Grants Manager that it wants to change a project. At this time, the MnDOT Metro District Federal Aid Program Coordinator or the Metropolitan Council Transit Federal Grants Manager may determine that the change is minor in scope and no further action is needed. If the requested change is more substantial, the project sponsor will be asked to provide a written description of the proposed scope change and a map or schematics showing how the proposed scope change affects the project.
2. Upon this submittal, the TAB Coordinator will consult with the MnDOT Metro District Federal Aid Program Coordinator or the Metropolitan Council Grants Manager to discuss the extent of the changes and whether the scope change will require a formal scope change request. The TAB Coordinator will contact the project sponsor and inform them whether the proposed modification can be accomplished administratively or whether it will trigger a formal scope change request and/or TIP amendment¹ request.
3. For a formal scope change request, the project sponsor must provide data on the revised project scope to the TAB Coordinator, including a complete project description; location map; project layout, sketches, or schematics; and a discussion of project benefits being retained, gained, or lost. Applicants must provide a cost breakdown of the TAB-eligible items proposed for removal and addition (in the year of costs used in the original application) using the attached project cost worksheet. Failure to do so can result in the request not being included on the TAC Funding & Programming Committee's agenda.
4. Council staff and will conduct an analysis of the requested change, including the background information provided by the project sponsor for consideration by the TAC Funding & Programming Committee. The Committee will discuss the staff analysis and recommend one the following to TAC and TAB (see detailed sections below and on the following page about determining scope change and federal funding amount recommendations):
 - Approval of the scope change as requested;
 - Approval of the scope change request with modifications to the scope and/or a recommended reduction of federal funds; or
 - Denial of the requested change

Determining the Scope Change Approval Recommendation

To determine whether the scope change request should be approved, the TAC Funding & Programming Committee will discuss the merits of the proposed changes and weigh the overall

¹ A TIP amendment request is only required to accompany a scope change request if the project is in the current fiscal year and either the project description changes in the TIP, the project termini change by 0.3-mile or greater, or the funding amount changes enough to meet federal TIP amendment thresholds.

benefits or reduction of benefits to the region. Council staff will provide a written analysis regarding the potential impacts of the proposed changes. The affected scoring measures, except for cost-effectiveness (any cost increases are paid for by the local agency and not federal funds), will be analyzed by Council staff to determine if each sub-score would have likely increased, decreased, or stayed the same with the scope change (a precise rescoring of the application is not possible since applications were scored against each other at a specific moment in time). Council staff will then evaluate whether the total score would have likely increased, decreased, or stayed roughly the same based on the summation of the sub-score changes. This relative change in the total score will be compared to the scoring gap between the project's original score and the highest unfunded project in the same application category. The TAC Funding & Programming Committee may consider recommending denial of the scope change request if it is clear that the project would have scored fewer points than the highest-scoring unfunded project (i.e., the project would have been undoubtedly below the funding line). Council staff may confirm their findings with the original scorer of the measure and/or request additional information of the applicant, if necessary. Project sponsor must attend TAC Funding & Programming, TAC, and TAB meetings, where the item is on the agenda.

Determining the Federal Funding Amount Recommendation

To determine whether federal funds should be recommended to be removed from a project, Council staff will assess the project elements being reduced or removed and provide this information to the TAC Funding & Programming Committee. While adding eligible project elements is permitted, federal funds cannot be shifted away from any removed elements to new project elements unless the removed elements are being done as part of some other programmed project. Federal funds cannot be added to a project beyond the original award.

Applicants must provide a revised cost estimate including a cost breakdown of the items proposed for removal using the attached project cost worksheet. Any removed or added items should use the costs in the year requested in the original application instead of the year of construction costs. Regional Solicitation projects must continue to maintain at least a 20% non-federal match, while HSIP projects must continue to maintain at least a 10% non-federal match.

Staff may recommend funding reduction options, if applicable, based on the federal share of the cost of the project elements being removed or the proportionate reduction of project benefits in cases in which that is discernable (e.g., number of parking spaces or length of sidewalk) and/or another method developed by staff or the TAC Funding & Programming Committee. A recommendation will move from TAC Funding & Programming Committee to the TAC and TAB for approval. If applicable, a TIP amendment request will also be moved for approval through the Metropolitan Council.

ATTACHMENT 1: FUNDING DATA FOR SCOPE CHANGE REQUEST

Original Application:

Regional Solicitation Year	
Application Funding Category	
HSIP Solicitation?	Yes No
Application Total Project Cost	
Federal Award	
Application Federal Percentage of Total Project Cost	

Project Elements Being Removed:

	Original Application Cost

New Project Elements:

	Cost (Based on Year of Costs in Original Application)