

**ACTION TRANSMITTAL No. 2021-09**

**DATE:** January 14, 2021

**TO:** TAC Funding & Programming Committee

**PREPARED BY:** Joe Barbeau, Senior Planner ([joe.barbeau@metc.state.mn.us](mailto:joe.barbeau@metc.state.mn.us))  
Steve Peterson, Manager of Highway Planning  
([steven.peterson@metc.state.mn.us](mailto:steven.peterson@metc.state.mn.us))

**SUBJECT:** Program Year Change Request: City of Brooklyn Park CSAH 103 Projects Near the Blue Line Extension

**REQUESTED ACTION:** The City of Brooklyn Park requests a program year change for two CSAH 103 projects to move funding to 2025 and 2026 to align with the Blue Line Light Rail Transit Extension.

**RECOMMENDED ACTION:** That the Funding & Programming Committee forward comments to the TAC regarding the following two CSAH 103-related Regional Solicitation grants potentially changing years:

- CSAH 103 from 85<sup>th</sup> Ave to 93<sup>rd</sup> Ave reconstruction / lane expansion from 2022 to 2025 (110-020-041)
- CSAH 103 from 74<sup>th</sup> Ave to 93<sup>rd</sup> Ave streetscape and transit improvements from 2023 to 2026 (110-020-042)

**BACKGROUND AND PURPOSE OF ACTION:** Based on issues with BNSF railroad, the City of Brooklyn Park is requesting an exception to TAB’s Program Year Policy (attached). The City would like to move two projects back three years each to align with construction of the Blue Line Extension (Bottineau LRT).

In the 2018 Regional Solicitation, Brooklyn Park was awarded two projects that tie into the Blue Line Extension: a reconstruction and lane expansion project (strategic capacity funding category) with the LRT running down the center median and a streetscaping and transit improvements project in between future LRT stations (pedestrian facilities funding category) (see Table 1 and the attached project one-pagers). The Blue Line extension was originally scheduled to begin construction in 2019. However, Hennepin County’s and Metro Transit’s negotiations with the BNSF railroad have delayed the project until 2024 or 2025, as project partners explore options to advance the project without using the railroad property.

**Table 1: Regional Solicitation Awards CSAH 103**

Funding Cycle	Applicant	Project	Award Amount	Existing Year	Requested Year
2018	Brooklyn Park	Reconstruct, 2-to-4-lane conversion with trails	\$7,000,000	2022	2025
2018	Brooklyn Park	Streetscaping / transit improvements	\$1,000,000	2023	2026

**RELATIONSHIP TO REGIONAL POLICY:** The Transportation Advisory Board (TAB) manages the \$90 million annual program of projects programmed by the Regional Solicitation. The request

does not follow TAB's Program Year Policy, which states that the maximum length of a program year extension is one year. Due to extenuating circumstances, the applicants are requesting an exception to the policy.

**STAFF ANALYSIS:** While the program year policy only allows for one-year, one-time program year extensions, this is a unique circumstance. The projects are dependent on Metro Transit's construction of the Blue Line Extension.

From a programming perspective, there are no known issues with the request. There are enough projects to fill the \$7,000,000 funding hole left in 2022 and the \$1,000,000 hole left in 2023.

Staff requests assistance from the technical committees in filling out a pros/cons table.

**Table 2: Pros/Cons of Granting Exception to Program Year Policy**

Pros	Cons
-Pulling the funding may result in one or more of the Regional Solicitation projects not being included in the larger project or other project elements not being included to stay within budget.	-There is time for the City of Brooklyn Park to reapply next funding cycle for the streetscaping project (the roadway project request is for 2025, which was just programmed in the 2020 Regional Solicitation).
-This section of the Blue Line Extension alignment is not on the BNSF right-of-way, rendering it a low risk for change, provided the project moves forward.	-There is risk that the Blue Line Extension could be delayed further as a new alignment is not known at this time.
-No financial impact to the overall Regional Solicitation program.	-The approach is not consistent with how TAB deals with other program year extension requests.
-TAB has the ability to help with the success of one the largest transit expansion projects planned in the region in the next decade.	

**ROUTING**

TO	ACTION REQUESTED	DATE SCHEDULED/COMPLETED
TAC Funding & Programming Committee	Review & Recommend	1/17/2021
Technical Advisory Committee	Review & Recommend	2/3/2021
Transportation Advisory Board	Review & Approve	2/17/2021

January 11, 2021

Mr. Michael Thompson  
Chair, TAC Funding and Programming Committee  
Metropolitan Council  
390 Robert Street North  
St. Paul, MN 55101-1805

RE: Program Year Change Request for SP 110-020-041 and SP 110-020-042: CSAH 103  
Improvements in Conjunction With the Bottineau Light Rail Transit Project

Dear Mr. Thompson,

The City of Brooklyn Park respectfully requests the Funding and Programming Committee consider a program year change for above referenced projects. The current program year for SP 110-020-041 (expansion of CSAH 103 from 85<sup>th</sup> Avenue 93<sup>rd</sup> Avenue) is 2022. The current program year for SP 110-020-042 (streetscape and transit improvements from 74<sup>th</sup> Avenue to 93<sup>rd</sup> Avenue) is 2023. We request the programmed funding be made available for SP 110-020-041 in fiscal year 2025 and SP 110-020-042 in fiscal year 2026.

The Bottineau Light Rail Transit (BLRT) Project was expected to begin construction by 2019 and be completed within three to four years. The City was committed to completing the expansion and streetscape projects in their program years. However, a significant portion of the BLRT alignment was designed within the existing BNSF freight railroad right of way immediately west of Bottineau Boulevard (Hennepin CSAH 81). Hennepin County and Metro Transit have been negotiating with BNSF for years to allow the BLRT to run parallel to the freight line and just recently announced that they can't come to an agreement. This negotiation delay and subsequent current need to determine and design a new alignment to replace previous BNSF segment has significantly delayed the expected construction of the BLRT Project. This is expected to delay the start of construction to approximately 2024/2025.

We request the Funding and Programming Committee's support for changing the City's CSAH 103 expansion and streetscape projects' program years to 2025 and 2026, respectively, to align with the revised BLRT construction schedule. Please contact me if additional information is needed.

Sincerely,



Dan Ruiz, Director of Operations and Maintenance

CC: Kim Berggren, Director of Community Development

Jesse Struve, City Engineer

# Project Summary

**Project Name** – West Broadway Avenue BLRT Streetscape Improvements

**Applicant** – City of Brooklyn Park

**Project Location** – West Broadway Avenue from 74<sup>th</sup> Avenue to Oak Grove Parkway in the City of Brooklyn Park, Hennepin County

**Total Project Cost** – \$6,179,354.00

**Requested Federal Dollars** - \$1,000,000

**Before Photo** –



**WEST BROADWAY AVENUE AT BROOKLYN BOULEVARD (LOOKING SOUTH)**

**Project Description** – As part of the Bottineau Light Rail Transitway (BLRT), West Broadway Avenue through Brooklyn Park will be completely reconstructed as a multi-modal transit corridor supporting several modes of transportation. Hennepin County, Metropolitan Council, and the City of Brooklyn Park have worked to create a unified vision within the 3.5 miles of West Broadway between 74th Avenue and Oak Grove Parkway. Streetscape visioning goals have been established as:

- Re-envision the West Broadway Corridor as a multi-modal transit corridor that supports LRT, pedestrian, and bicycle connections.
- Maximize and strategically align public and private investments in the corridor to support transit-oriented development (TOD) through catalytic investments in life-cycle housing, commercial development, and public infrastructure.
- Promote economic opportunity by improving access to jobs and supporting business recruitment and expansion along the corridor.

**Project Benefits** – The West Broadway Streetscape Plan will transform the West Broadway Corridor into four distinct districts in which will all have future light rail transit stops:

- Retail at Brooklyn Boulevard
- Employment at 93rd Avenue
- Mixed Use at Oak Grove Parkway
- Institutional at 85th Avenue

Among these districts, common themes exist in types of plantings, decorative concrete, fencing, lighting, and benches. Guiding principles to create a multi-modal corridor vision was outlined and a unified approach to streetscaping has been adopted in the West Broadway Streetscape Framework Manual.

# Project Summary

**Project Name** – West Broadway Avenue (CSAH 103) Roadway Expansion

**Applicant** – City of Brooklyn Park

**Project Location** – West Broadway Avenue from 85th Avenue to 93rd Avenue in the City of Brooklyn Park, Hennepin County

**Total Project Cost** – \$ 13,965,399.00

**Requested Federal Dollars** - \$7,000,000

**Before Photo** –

**WEST BROADWAY AVENUE (LOOKING NORTH)**



**Project Description** – West Broadway Avenue (County State Aid Highway 103) is primarily a rural, two-lane undivided, 60-year-old roadway classified as an A-Minor Expander (from 85th Avenue to 93rd Avenue) and an A-Minor Reliever (from 93rd Avenue to Trunk Highway (TH) 610) located in Hennepin County. The West Broadway Reconstruction project is directly related to the Bottineau Light Rail Transitway (BLRT) Project that will provide for transit improvements in the highly traveled northwest area of the Twin Cities. The proposed roadway improvements will widen West Broadway Avenue from a two-lane roadway to a four-lane roadway with turn lanes, upgrade traffic signals and lighting, and provide multi-use trails along both sides of West Broadway Avenue including ADA improvements and count down timers. The proposed project will also perform the grading for the future BLRT project.

**Project Benefits** – The proposed West Broadway Avenue Expansion project will provide the following benefits:

- Provide final grading throughout the project limits for the future track of the BLRT Project.
- Relocate all overhead electric assets to underground.
- Enhance safety and mobility for all users.
- Address aged pavement conditions
- Underserved residents will benefit from better access to the area’s jobs and improved transit facilities/routes.

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 \_\_\_\_\_