

Action Transmittal

Transportation Advisory Board



Meeting Date: January 19, 2023

Date: January 12, 2023

Action Transmittal: 2023-08

Program Year Extension Request: Hennepin County Midtown Greenway ADA Access

To: TAC Funding & Programming Committee

Prepared By: Joe Barbeau, Senior Planner, phone 651-602-1705

Requested Action

Hennepin County requests a program year extension for its Midtown Greenway ADA access project (SP# 027-090-026) from fiscal year 2023 to fiscal year 2024.

Recommended Motion

That the Funding & Programming Committee recommend that TAB approve Hennepin County's requested extension of its Midtown Greenway ADA access project (SP# 027-090-026) from fiscal year 2023 to fiscal year 2024.

Summary

Hennepin County was awarded \$1,120,000 in the 2018 Regional Solicitation to construct ADA-accessible access to the Midtown Greenway and is requesting that the project be extended from 2023 to 2024 after federal authorization has been delayed.

Background and Purpose

In the 2018 Regional Solicitation, Hennepin County was awarded \$1,120,000 to construct ADA-accessible access to the Midtown Greenway. The County is requesting that the project be extended to fiscal year 2024 to provide additional time for project development and outreach. Outreach was impacted by the Covid 19 pandemic and social unrest in 2020, which diminished the ways that the county could reach out to the community to build support for the project that could not be done online.

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 (attached) 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. The request obtained a score of 8. Therefore, staff recommends approval of the request.

An extension of the program year does not guarantee federal funding will be available in that year. The project sponsor is responsible for completing the project in the new program year and covering the federal share of the project until federal funding becomes available. At this time the project would be in line for 2028 reimbursement of federal funds, though an earlier reimbursement may occur if funding becomes available.

Routing

To	Action Requested	Date Completed (Scheduled)
TAC Funding & Programming Committee	Review & Recommend	<i>January 19, 2023</i>
Technical Advisory Committee	Review & Recommend	<i>February 1, 2023</i>
Transportation Advisory Board	Review & Adopt	<i>February 15, 2023</i>



HENNEPIN COUNTY

MINNESOTA

December 21, 2022

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 027-90-026, Midtown Greenway ADA Access

Dear Mr. Thompson

Hennepin County was awarded \$1,120,000 in federal funding as part of the 2018 Metropolitan Council Regional Solicitation to improve accessibility and safety by reducing exposure to motor vehicle traffic on nearby surface streets by directing people biking, walking and rolling to the grade-separated Midtown Greenway. Federal funds were awarded for the program year 2023.

At this time, Hennepin County requests that the TAC Funding & Programming Committee consider a program year extension to program year 2024 to provide additional time for project development, including continuing discussions with community members who utilize the Soo Line Community Garden.

This project is based on the plans and goals of the City of Minneapolis, Hennepin County and Minneapolis Park and Recreation Board as recognized in the *Making the Connection: Midtown Greenway to Lake Street* study that was completed in 2016. The project will address a 1.25-mile gap, where no accessible entry points to the Midtown Greenway exist with an Americans with Disabilities Act (ADA) access ramp. The Midtown Greenway is a tremendous resource for recreation and non-motorized commuting for residents of Minneapolis and the surrounding communities to connect to schools, businesses, housing, parks and bike networks. However, direct and accessible points of entry to the Greenway are limited in some areas, including the Garfield and Harriet avenues segment.

The new ADA access at the Garfield and Harriet avenue's location will include improvements to ensure user comfort and safety for people of all ages and abilities.

Preliminary design and project engagement began in spring 2021. Our project team invited the public to learn more about existing challenges and identify needs that will help inform our initial designs to improve connections between the Midtown Greenway and nearby areas. The project team are connected with key community groups like the Soo Line Community Garden, where the project is located, and the Whittier Alliance, the neighborhood in which the project is happening. In addition, we are working closely with the Midtown Greenway Coalition and the Lake Street Council. We have broadened outreach to solicit feedback and identify opportunities to engage their community members. Organizations include Twin Cities Adaptive Cycling, a community-based adaptive bike share project for youth and adults with disabilities, Lyn-Lake Business Association, and Minneapolis Advisory Committee on People with Disabilities.

Hennepin County Transportation Project Delivery
Public Works Facility, 1600 Prairie Drive, Medina, MN 55340
612-596-0300 | hennepin.us



Please refer to the enclosed documentation and attachments for additional information regarding this request. I invite you to contact me with any questions at 612-596-0176 or by email at Amber.Klein@hennepin.us.

Sincerely,

A handwritten signature in blue ink that reads "Amber Klein". The signature is written in a cursive, flowing style.

Amber Klein, P.E.
Senior Project Manager
Hennepin County Transportation Project Delivery

cc: Colleen Brown, MnDOT State Aid
Lisa Daniels, MnDOT State Aid
Carla Stueve, Hennepin County Engineer
Nariman Vanaki, Hennepin County
Jessa Trboyevich, Hennepin County
Jason Pieper, Hennepin County

HENNEPIN COUNTY
MINNESOTA

Request for Program Year Extension

SP 027-090-026 Midtown Greenway ADA Access

Contents

1. Project Progress	1
2. Justification for Extension Request	2
Attachments	5

1. Project Progress

a. Progress Schedule

Please see Attachment 1.

b. Right of Way Acquisition

A construction cooperative agreement will be used among Hennepin County, City of Minneapolis and Minneapolis Park and Recreational Board to obtain any conveyance of temporary easements needed for construction at no cost to the County or its contactors.

c. Plans

The project is in preliminary design and working toward presenting potential concepts to the public for further feedback and collaboration. We anticipate finishing preliminary design in the spring of 2023 and moving into final design in the summer. We anticipate final plans in the winter of 2023.

Please see Attachment 2 for potential concepts.

d. Permits

Anticipated permits on this project include the following:

- NPDES

Permits will be obtained and approved prior to project letting.

e. Approvals

Plan approval will be required from MnDOT State Aid, Hennepin County, the city of Minneapolis and the Minneapolis Park and Recreation Board.

f. Funding

Hennepin County has expended \$200,000 on consulting fees for the public engagement, preliminary engineering, and environmental documentation. Hennepin County has incurred approximately \$51,000 in staff costs related to project management, public engagement, and consultant oversight.

2. Justification for Extension Request

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

Since 2015, there has been a collaborative effort to provide safe and ADA-compliant Midtown Greenway access in the Whittier Neighborhood in South Minneapolis. The Midtown Greenway is a regional trail that hosts more than one million trips annually, connecting people biking, walking, and rolling to nearby schools, businesses, housing, parks, and bike networks.

There is currently a 1.25-mile gap within and around the Whittier Neighborhood with no accessible Midtown Greenway connections. This project is a one-time opportunity to fill that gap and provide thousands of people of all abilities a direct connection to Lake Street and Lyndale Avenue businesses, Whittier School, multifamily housing, parks, lakes, and the regional trail network.

The Whittier Neighborhood in South Minneapolis is unique in its demographic diversity, both ethnically and economically, and it continues to change. In recent years, this neighborhood has seen an increase in affordable housing, with more than 800 new multifamily housing units, including 111 affordable housing units, built within two blocks of the proposed project location since 2018 (354 new units since 2020). Additionally:

- 42 percent of residents are Black, Indigenous or People of Color (BIPOC)
- 27 percent speak a language other than English
- 83 percent of housing units are renter occupied
- 49 percent of residents have incomes below 200 percent of the federal poverty level
- 40 percent of households are cost-burdened
- 24 percent of households do not use or own a vehicle

Within this identified trail access gap, the project site is the preferred location to add a connection due to private parcels adjacent to the Greenway, significant grade differential (due to a trench where the trail lies), and a future transit corridor area. Effectively, residents living in the Whittier Neighborhood, especially those with mobility issues or families who rely on strollers, need safe and convenient access to the Greenway.

A new ADA Midtown Greenway ramp between Harriet and Garfield avenues will offer the following benefits to the Whittier neighborhood and Lake Street, an east-west county road with many businesses (Lyn-Lake) within a block of the proposed project area:

- Fill a missing and much-needed connection to schools, local businesses, parks, affordable housing, and other destinations within and near the Whittier Neighborhood.
- Improve safety by helping trail users avoid high-volume roads with high crash rates

- Support climate action and health by increasing active transportation
- Advance racial equity with improved visibility and accessibility of the trail in a racially and culturally diverse community
- Help with the recovery of Lake Street by providing a real economic opportunity for the Lyn-Lake businesses by creating the only ADA-accessible connection from the trail to the business district, connecting thousands of new patrons to the area via multi-modal transportation.

With the proposed ramp design located within the Soo Line Community Garden, the project team is taking a proactive approach to include garden members, and community and business groups to intentionally design an accessible ramp while preserving the garden's integrity.

Engagement challenges

We encountered significant community engagement challenges from the start of the project, during the COVID-19 pandemic, and following the social unrest in the City of Minneapolis, which devastated the businesses and communities on and surrounding Lake Street, located one block from the proposed project area.

This combination of historical events led to unprecedented pressures for communities, residents and businesses, and created significant barriers to effective engagement, including building trust and relationships. Effectively, it upended community participation and disproportionately affected residents experiencing disparities to have the resources, time and ability to participate in a meaningful way.

In keeping with county COVID-19 safety policies, engagement efforts were limited to surveys, small outdoor meetings, and virtual meetings. Due to these engagement constraints and stressors in the community, we experienced difficulties building trust with the Soo Line Community Garden, a small, local garden operating on Minneapolis Park and Recreation Board and Hennepin County Regional Railroad Authority parcels, where the planned ADA ramp is located. The difficulties of gaining their trust resulted in resistance from community garden members to partner with Hennepin County, the City of Minneapolis and Minneapolis Park and Recreation Board staff.

These difficulties required the project team to invest significant time, resources, and careful planning into overcoming these barriers. With this added investment in time and resources, we successfully incorporated community garden members' feedback and created a responsive, context-sensitive project design that will serve the project goals while preserving the integrity of the surrounding garden space.

Our concentrated efforts to build relationships and gain trust with the garden members amid policies limiting in-person gatherings affected our efforts to engage and hear from all impacted community members. There are many community members, specifically Somali and Spanish-speaking, low-income, and new residents, who could benefit from the project

that we have yet to reach. We aim to increase representation as we conclude the preliminary design phase.

A program year extension of one year will provide the project team the necessary time to complete our engagement efforts with agencies, community partners and the public, to continue building relationships and working collaboratively to develop a community-focused design that meets everyone's needs.

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

The proposed project is dependent on federal funding as the proposed improvements are not eligible for the county's state aid funds. Therefore, if this program year extension is not approved, the project would be in jeopardy of not being constructed.

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

If this project does not obtain the requested extension, the county's matching funds will expire, and the project will close. The existing 1.25-mile gap in ADA-compliant access will remain unless we obtain a program year extension.

The accessible ramp will connect people of all ages and abilities to the Midtown Greenway. The new accessible ramp will replace an existing informal garden path, a steep, non-ADA-compliant, soft-surface (mulch) path. The new ramp will connect residents, and visitors to the Midtown Greenway, the commercial district centered at Lyndale Avenue and Lake Street, six transit routes within the 1.5 blocks on either side, Soo Line Community Garden, affordable housing, jobs, and recreation. Without the extension, these opportunities will be lost, and the barriers to inclusive, safe and ADA-accessible trail access will remain indefinitely.

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

Together, the project partners will continue to engage community partners and the public and aim to specifically reach out to the Somali and Spanish-speaking communities, low-income and new residents to seek feedback, further develop the design and look more closely at opportunities to enhance the area within the Soo Line Garden that will meet community needs.

As county COVID-19 restrictions on community engagement have lifted, the project team will have a much greater ability to advance engagement efforts, furthering our design equitably.

Attachments

1. **Progress Schedule for Program Year Extension**
2. **Potential path concept**

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

December 20, 2022

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

X Reviewed by State Aid If checked enter 4. 4

Date of approval Submitted for review 11/30/2022

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.

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

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 December 1, 2023
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 _____

Not Complete

Anticipated Date of Completion September 1, 2023
If prior to December 31 of the year following the original program year, enter 1. 1

ENGINEERS ESTIMATE OF COSTS

Completed April 1, 2022 If checked enter 2. 2
Date _____

Not Complete

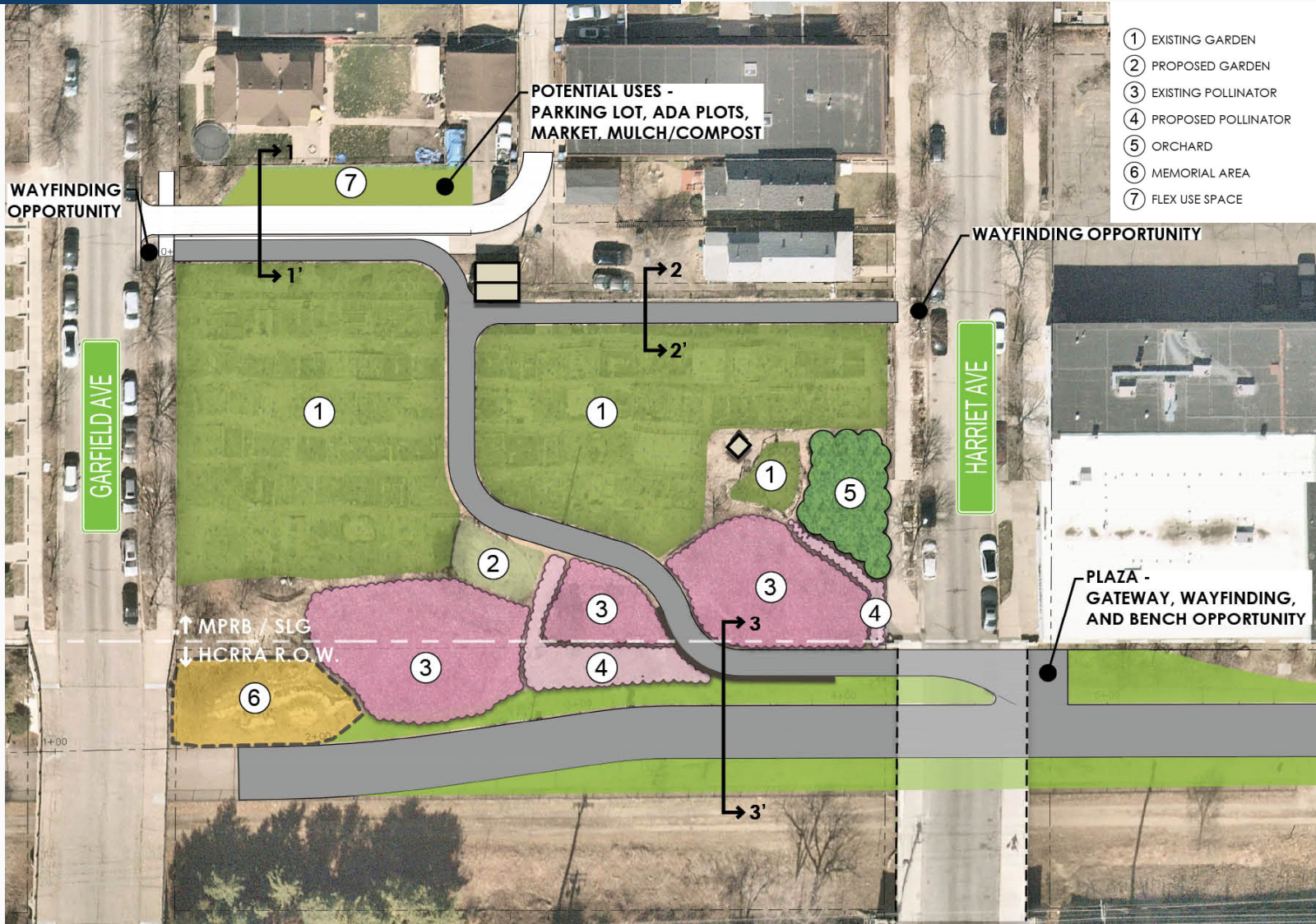
Anticipated Date of Completion _____
If prior to December 31 of the year following the original program year, enter 1. _____

AUTHORIZED

Anticipated Letting Date January 23, 2024.
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 8

Potential path concept A-1

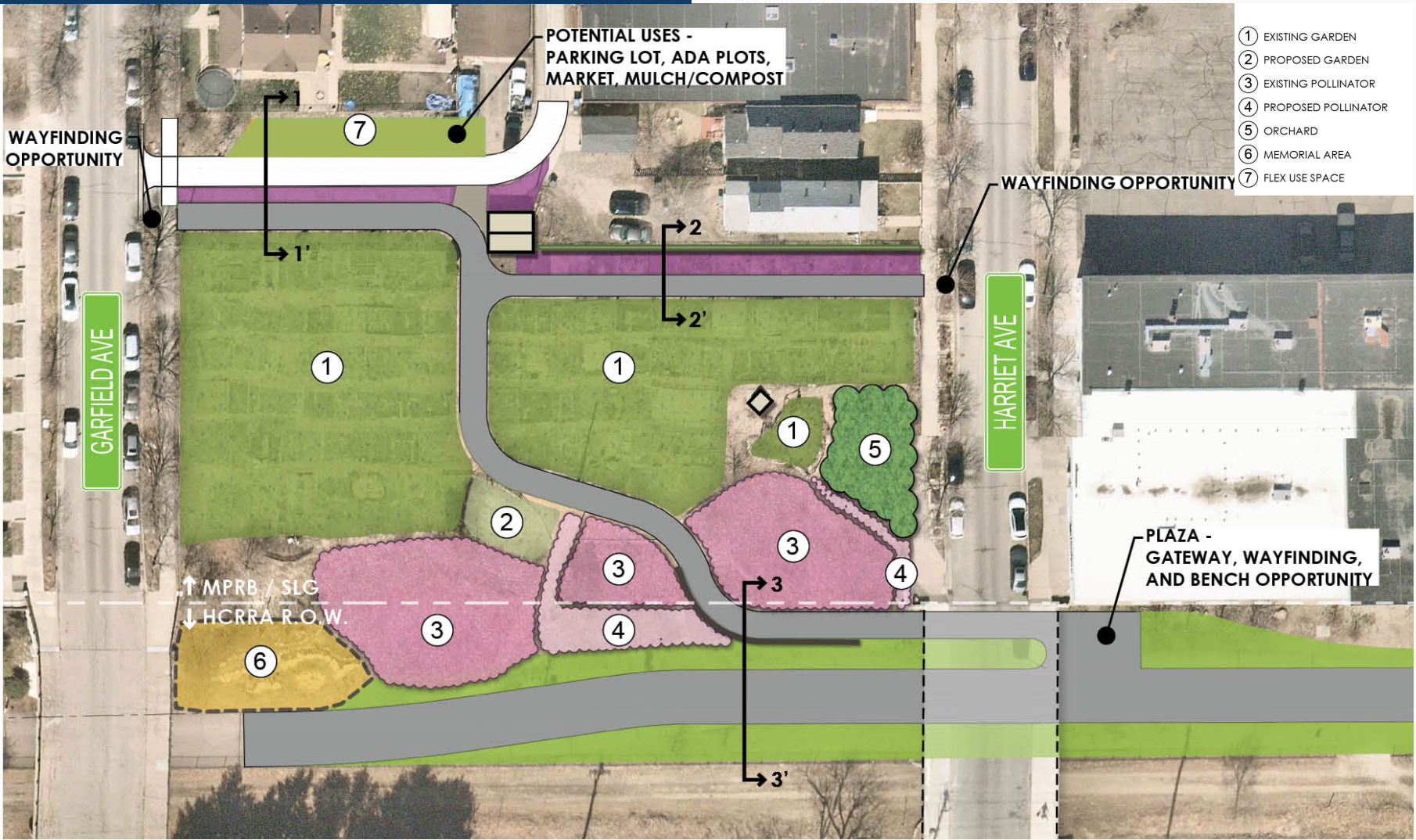


By the numbers (estimates):

- 2,90 SF path/buffer within garden/pollinator areas (8.9%)
- No tree impacts anticipated
- Anticipated impacts: 13 plots in Garden 2; 5 plots partially impacted in Garden 1



Potential path concept A-2



By the numbers (estimates):

- Garden plot areas: (1350 SF impact, 980 SF new)
- Pollinator areas: (350 SF impact, 2100 SF new)
- Landscape area: (1,000 SF Impact, 2500 SF new)
- Anticipated impacts: 17 plots partially impacted in Garden 2



Regional Program Year Policy

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.