

**Minutes of the
REGULAR MEETING OF THE TRANSPORTATION COMMITTEE**

Monday January 14, 2013
Metropolitan Council Chambers, St. Paul, MN

Committee Members Present: **Elkins** **Brimeyer** **Commers** **Munt**
 Reynoso **Smith** **Duininck**

Committee Members Absent: **None**

Committee Members Excused: **Schreiber** **Đoàn**

CALL TO ORDER

A quorum was not present at the start of the meeting; Chair Elkins called the meeting to order at 4:00 pm on Monday, January 14, 2013. Chair Elkins proceeded with the Director MTS and Metro Transit GM reports while waiting for a quorum. A quorum was present following the reports and during the regular business of the Transportation Committee.

APPROVAL OF AGENDA AND MINUTES

It was moved by Commers, seconded by Munt to approve the agenda. Motion passed.

It was moved by Munt, seconded by Commers to approve the minutes of the December 17, 2012 regular meeting of the Transportation Committee. Motion passed.

GENERAL MANAGER AND DIRECTOR REPORTS

A. Arlene McCarthy, Director MTS reported the following:

MVST receipts. In December 2012 the MVST receipts totaled 93.56%. The Council's budget assumes 95%. State Fiscal year to date revenues are 97%.

East Metro Capacity Study. The Minnesota Intercity Passenger Rail Forum (Councilmember Kramer is MC rep.) recently passed a resolution supporting the use of up to \$1M from 2009 State passenger rail bond funds for the East Metro Capacity Study. The study is led by RCRRRA. \$1.6M of the original \$26M bonding allocation is remaining with this \$1M allocation.

Senate Bill. The senate bill passed to avert the fiscal cliff increased the transit commuter tax benefit from \$125/month to \$240/month, making the transit benefit equal to the federal tax benefit for parking.

B. Brian Lamb, General Manager Metro Transit reported the following:

Blueline Interruption today. The Blueline was interrupted today for approximately 1 ½ hours while a suspicious package left at a station was checked out. Metro Transit utilized a bus bridge during the interruption. The package proved to be non-threatening.

2012 Ridership

2012 ridership figures will be released publically tomorrow morning. Here is a brief preview:

2012 was the fourth straight year of ridership growth. Bus ridership is up slightly – bus ridership grew more than 4 percent in 2011 and those customers continued riding with us in 2012. We had a very, very good year on the Hiawatha Line. And Northstar, which you'll recall had soft ridership to special events mid-year, made a very strong recovery as a result of the fare adjustment which went into effect on August 1st and ended the year with considerable gains among weekday commuters.

Transit Police at Washington D.C. Inauguration

Our Transit Police received a request from Washington Metro Area Transit Authority for assistance to their police department for crowd control during the Presidential Inauguration. WAMTA does not have the staffing to

handle this increase in transit ridership and has requested assistance from other transit agencies that are familiar with transit's federal guidelines. Twelve of our officers/supervisors will travel on Saturday, January 19th; do training on Sunday, January 20th; work on Monday, January 21st and travel home on Tuesday, January 22nd.

ATU #1005 Members Approve Contract

Members of Amalgamated Transit Union #1005 last week overwhelmingly approved a contract that will give them a 2-percent raise in each of the three years covered by the agreement. The agreement, endorsed by 92 percent of ATU #1005 members voting this week, is retroactive to August 1, 2012, when the old agreement expired. The new contract, which covers 2,300 Metro Transit bus drivers, train operators, mechanics and support staff, will expire July 31, 2015. The full Met Council is expected to vote on the agreement at its meeting on January 23rd.

BUSINESS

Consent Items:

Motion by Munt, seconded by Commers to approve the items on the consent agenda. Individual item actions are listed below. Motion carried.

2013-21: 2013-2016 TIP Amendment for the 2015-2016 Highway Safety Improvement Program (HSIP).
Motion: That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2013-2016 Transportation Improvement Program (TIP) to add 16 projects as the 2015-2016 allocation of Highway Safety Improvement Program (HSIP) funding; delete 999880M-SHL-15, which was a placeholder for HSIP funding for 2015; and modify the budget for 999880M-SHL-16, which serves as a placeholder for the remainder of HSIP funding in 2016.

2013-22: 2013-2016 TIP Amendment to add two National Highway Performance Program (NHPP) pavement preservation projects.
Motion: That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2013-2016 Transportation Improvement Program (TIP) to add two MnDOT projects in 2013: SP#7080-51, unbounded concrete overlay on I-35 from CSAH 2 to the I-35E/I-35W split and SP#0285-65, Mill and overlay of I-694 from the I-94/I-694 split to east of I-35W.

2013-23: 2013-2016 TIP Amendment for Robert Street Improvements Projects (SP#173-010-007 and #1908-84).
Motion: That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2013-2016 Transportation Improvement Program (TIP) to modify the scope and costs for the Robert Street Improvements Project (SP#173-010-007) and reduce the STP-UG funding by \$300,000 to \$6,980,000 and modify the scope for MnDOT Robert Street Improvement project #1908-84.

2013-24: 2013-2016 TIP Amendment for Anoka County's TH 65 Transit Service Projects
Motion: That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2013-2016 Transportation Improvement Program (TIP) to revise the scope and costs for SP#TRS-TCMT-13F, SP#TRSTCMT-13G, SP#002-596-016 and SP#002-596-018 (the four components of the Anoka County TH 65 Transit Service project).

2013-12: Authorization to Execute 2013 Agreements with the Counties Transit Improvement Board (CTIB).
Motion: That the Metropolitan Council authorize the Regional Administrator to execute agreements with the Counties Transit Improvement Board (CTIB) to receive funds in 2013 for the following projects:

Operating:

- Hiawatha LRT (METRO Blue Line) - \$11,473,089
- Northstar Commuter Rail - \$7,871,876

- I-35W South BRT Express Service - \$148,936
- Cedar Ave. BRT Express Service - \$367,421
- Cedar Ave. BRT Station-to-Station Service (METRO Red Line) - \$1,393,947

Capital

- I-35W South BRT - \$840,000

2013-18: Controlled Access Approval to reconstruct an interchange at I-494 and 34th Avenue in Bloomington, Review #21053-1.

Motion: That the Metropolitan Council approve the Metropolitan Airports Commission's (MAC) request to reconstruct the I-494 and 34th Avenue S. interchange at the border of MSP Airport and the City of Bloomington, conditional upon any significant changes in the design of the proposed project being subject to further review and approval by the Metropolitan Council prior to construction.

2013-6: Blue Line/Northstar: Authorization to Amend Contract 08P181 Track Maintenance and Repair Services.

Motion: That the Metropolitan Council authorize the Regional Administrator to negotiate and execute an Amendment to Contract 08P181 Track Maintenance and Repair Services with Railworks Track Systems, Inc. to increase the contract amount by an additional \$250,000.

2013-14: Central Corridor Light Rail Transit (Green Line): Contract Amendment for Element Materials Technology.

Motion: That the Metropolitan Council authorize the Regional Administrator to:

- Exceed the 10% amendment authority for professional and technical services contracts, and
- Amend the Element Materials Technology Contract to a total amended contract value in an amount not to exceed \$590,429.70 for work related to the Central Corridor Light Rail Transit (CCLRT).

Non- Consent Items:

2013-19: Authorize public hearing for 2030 TPP Amendment for Bottineau Transitway LPA and Arterial Transitway Corridors Study Results

MTS Planning Analyst Mary Karlsson presented this item. Council Member Brimeyer asked who will lead planning and implementation for the Arterial BRT routes, especially those where streetcar will be considered, and whether the lead will be decided prior to adoption of the proposed plan amendment. Brian Lamb replied that Metro Transit will lead on implementation of Arterial BRT projects. He added that staff from the Council, Hennepin County, and Minneapolis has started the discussion about which organization will lead on West Broadway Avenue where streetcar and Arterial BRT will be considered and that the lead decision should be made by April 2013.

Arlene emphasized that the March 11, 2013 public hearing will be held during the regular Transportation Committee meeting with a time certain start of 5:00 PM.

Motion by Smith, seconded by Munt:

That, for the purposes of holding a public hearing and receiving public comment, the Metropolitan Council:

- Approve the proposed amendment (attached) the 2030 Transportation Policy Plan which identified light rail transit (LRT) on the West Broadway in Brooklyn Park-Burlington Northern Santa Fe Corridor-Olson Memorial Highway Alignment (Alternative B-C-D1) as the locally preferred alternative (LPA) for the Bottineau Transitway and identifies additions to the Arterial Bus Rapid Transit (BRT) system plan based on the results of the recently completed Arterial Transitway Corridors Study; and
- Authorize a public comment period from January 24 through March 21, 2013, including a public hearing on the proposed amendment to be held on March 11, 2013 at 5 pm at Metro Transit Heywood Chambers.

Motion passed.

2013-20: Approval of Metropolitan Airports Commission (MAC) 2013-2019 Capital Improvement Program (CIP).

MTS Senior Planner Russ Owen presented this item. Garry Warren from MAC was also present to answer questions. Councilmember Munt asked a question about how residents in Edina felt they didn't have time to comment on recent noise issues, particularly the new RNAV departure procedures the FAA is implementing. It was explained that Edina has petitioned MAC to be an "at large member" of the Noise Oversight Committee (NOC). The membership application will be addressed by the NOC this week (1/16). Councilmember Brimeyer asked if the Council issues bonds for the airport. Gary Warren explained that the MAC issues its own bonds. There were no comments on the CIP.

Motion by Brimeyer, seconded by Munt:

That the Metropolitan Council:

1. Find that the Metropolitan Airports Commission (MAC) has an adequate public participation process for the development and review of its 2013-2019 Capital Improvement Program (CIP), including preparation of an assessment of environmental effects (AOEE) for 2013 projects with potential environmental effects.
2. Find that the 2013 CIP projects have adequate funding and are in conformance with the region's Aviation System Plan and consistent with the Council policy.
3. Recommend approval of the following projects: Custom Border Patrol Primary Expansion (G8 Hold Room), Checked Baggage Inspection System (CBIS) – Terminal 2, Rental Auto Company (RAC)/Ready Return Expansion.
4. Recommend contingent approval of the following projects to be built

Motion passed.

Hearing no objection, Chair Elkins stated that this item could proceed to the full Council as a Consent item.

2013-16: Authorization to purchase Automated Vehicle Location/Mobile Data Computer (AVL/MDC) units from Mentor Engineering (Solicitation 12P211)

Metro Mobility Senior Manager Paul Colton presented this item. There were no questions or comments from the committee members.

Motion by Reynoso, seconded by Commers:

That the Council authorize the Regional Administrator to negotiate and execute a contract with Mentor Engineering for AVL/MDC equipment, programming, warranties and training in an amount not to exceed \$1,409,895.

Motion passed.

Hearing no objection, Chair Elkins stated that this item could proceed to the full Council as a Consent item.

2013-15: Project Manager Contract Recommendation.

Metro Mobility Senior Manager Paul Colton presented this item. Chair Elkins asked a question regarding the timing of the project and how quickly staff thought it might be implemented. Colton stated that staff would know more once final approval from the council was received, contracts were released and scheduling from the vendors was discussed. Colton also stated that staff anticipates that installation could begin as early as the end of the first quarter-beginning of the second quarter, with completion of the Metro Mobility portion of the project by the end of the year and Transit Link completed in 2014.

Motion by Smith, seconded by Commers:

That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a contract with Elert and Associates to provide Project Management Services in an amount not to exceed \$352,000 for a two-year period.

Motion passed.

Hearing no objection, Chair Elkins stated that this item could proceed to the full Council as a Consent item.

2013-25: Authorization to Amend Contract 11P032A for Premium Same Day and Peak Demand Overflow Service.

Metro Mobility Senior Manager Paul Colton presented this item. There were no questions or comments from committee members.

Motion by Munt, seconded by Smith:

That the Metropolitan Council authorize the Regional Administrator to amend Contract 11P032A with Taxi Services Inc. for an additional \$706,000 for an amended total contract amount of \$1,546,000.

Motion passed.

Hearing no objection, Chair Elkins stated that this item could proceed to the full Council as a Consent item.

2013-5: Use of Northstar Supplemental Contingency Funds and Subordinate Funding Agreement #22.

Ed Byers, Deputy Chief Operating Officer, Rail, presented a summary of Northstar Project Contingency and Positive Train Control. Byers was asked if Positive Train Control would affect the Federal Railroad Administration's (FRA) view on buff strength standards for rolling stock. Byers reported that although this was a topic of discussion in the industry, the FRA has not proposed easing any of the buff strength requirements. Byers also confirmed that Positive Train Control is a national requirement for passenger and freight rail systems and discussed the timeline for the project.

Motion by Reynoso, seconded by Munt:

That the Metropolitan Council authorize the use of Northstar Project Supplemental Contingency funds in the amount of \$2,000,000 for the purchase of on-board vehicle equipment, payment to BNSF for wayside improvements per our Joint Use Agreement and other associated costs with the implementation of Positive Train Control for Northstar Commuter rail, and;

That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a subordinate funding agreement with the Minnesota Department of Transportation (MnDOT), in an amount not to exceed \$2,000,000, for reimbursement of costs incurred by the Metropolitan Council for the purchase of on vehicle equipment, payment to BNSF for wayside improvements per our Joint Use Agreement and, other associated costs with the implementation of Positive Train Control.

Motion passed.

Hearing no objection, Chair Elkins stated that this item could proceed to the full Council as a Consent item.

2013-7: Property Acquisition for the I-35E and County Road E Park-and-Ride, Vadnais Heights.

Metro Transit Facilities Planning, E&F, Julie Quinn presented this item. Councilmember Commers asked whether the four small I-35E North corridor park-and-rides slated to close as a result of the proposed park-and-rides in Vadnais Heights and Lino Lakes are owned or leased facilities. Staff responded that the four park-and-rides are leased facilities and that our goal is to consolidate the four facilities into two larger, Metropolitan Council-owned facilities. Commers also asked whether there would be any opportunity to place Metro Transit signage along I-35E to advertise the proposed park-and-ride. Staff responded that City of Vadnais Heights code does allow for a freeway pylon sign on the property; however, Wal-Mart Corporation also has a freeway pylon sign that will remain on the northernmost parcel that will need to be worked around.

Motion by Commers, seconded by Smith:

That the Metropolitan Council authorize the Regional Administrator to negotiate and purchase, at up to the appraised value, a 2/6-acre property from a private owner for a park-and-ride facility in the southwest quadrant of I-35E and County Road E in Vadnais Heights.

Motion passed.

Hearing no objection, Chair Elkins stated that this item could proceed to the full Council as a Consent item.

2013-1: Accept Title VI Policies on Major Service Change, Disparate Impact and Disproportionate Burden for Public Review.

Metro Transit Manager Route Planning Cyndi Harper presented this item.

Councilmember Brimeyer asked if there was a Title VI process when Northstar fares were reduced. Harper replied that any fare change requires a fare equity analysis. Since the demonstration period for the temporary fare change expires later this year, an analysis is underway. Chair Elkins stated that the Council is also doing a comprehensive analysis of fare structure, which will include an extensive public and stakeholder input process. Harper noted that, once the committee has a final proposal, then staff will do a fare equity analysis to review the potential for disparate impact or disproportionate burden. Brimeyer asked if there was a Title VI process prior to the Committee's approval of the Central Corridor Transit Service Plan last year. Harper

confirmed that one service equity analysis was done before the Concept Plan was presented to the Committee and was the subject of an extensive public input process. A second review was conducted after the plan was modified to make sure the revisions did not have any discriminatory impacts.

Brimeyer asked about the process if a service or fare change has a disparate impact. Harper said that additional review is required if a fare or equity analysis shows potential for disparate impact. This may include a more specific analysis to determine what is creating the issue that needs to be addressed through mitigation or by identifying other changes that still meet the purpose but have less disparate impact. Ultimately, a service or fare change that has a disparate impact may be implemented if there is a legitimate business purpose and no mitigation or alternatives exist that also accomplish the same project goals.

Councilmember Duininck asked whether the proposed policy recommendations were presented at the meetings with social advocacy organizations and what feedback was received from these group. Harper answered that a presentation similar to the one shown to the Committee was presented to these groups. The presentation explained Title VI, to whom it applies and recent changes in the Federal circular. Staff focused on the need for policies defining major service changes and the threshold for disparate impact, including review of current Council policy and procedure, and walked through an example of how to apply the “four-fifth’s rule.” This led to a good discussion not only about the specific charge of developing policies but also to a more general discussion of Title VI and how it relates to Council transportation planning activities. Staff expects similar discussions at the public hearings.

Councilmember Munt had three comments:

- The Council is committed to equality. Since this work is being done, it would be beneficial for Committee members to be informed how the benefits and burdens of a project are being distributed before voting. Ms. Harper replied that any service or fare equity analysis work will be presented to the Committee as part of the process to approve a concept plan. For example, staff is currently working on a service equity analysis for proposed service changes in the west suburbs, including Minnetonka, that will be presented to the Committee next month. The report will be ready before the Committee is asked to approve the concept plan for public review and input.
- Slide 5 needs to be simplified so that it is easy for the public to understand. Ms. Harper agreed and will revise the presentation.
- What are the consequences of inequality in our decision-making and policy-making? Ms. Harper clarified that Title VI compliance is tied to the Council's federal funding, which could be jeopardized if we are not in compliance. This is an extreme example and, in fact, FTA staff often uses our Title VI work as a national example.

Commers asked about the Council’s relationship with opt-outs and how Title VI analyses and findings are affected. For example, if MVTA implemented a service plan that demonstrated disparate impact, what is our role? Harper explained that MVTA is required to have a major service change policy and disparate impact threshold that includes public engagement and is approved by the MVTA Board. MVTA has indicated that they plan to propose policies similar to the Council's for regional consistency. The Council does have some oversight responsibilities. Since the FTA considers MVTA to be a subrecipient of the Council, we are responsible for the Title VI compliance. If they implemented a major service change without conducting an equity analysis as required by the FTA, the Office of Diversity and Equal Opportunity would handle this issue. Ultimately, if one of the Council’s subrecipients is out of compliance then so is the Council.

Motion by Commers, seconded by Munt:

That the Metropolitan Council accept the proposed policies to define draft Major Service Change, Disparate Impact, and Disproportionate Burden for the purpose of public review and input prior to final adoption.

Motion passed.

2013-13: Light Rail Vehicle Weight Incentive Contract Amendment.

Metro Transit Deputy General Manager Mark Fuhrmann presented this item. There were no questions or comments from committee members.

Motion by Smith, seconded by Munt:

Approve Contract Amendment to increase contract value by up to \$944,000 for a revised contract value of \$215,352,969 in accordance with requirements of Light Rail Vehicle (LRV) Contract 09P175 Section 5.12.

Motion passed.

Hearing no objection, Chair Elkins stated that this item could proceed to the full Council as a Consent item.

2013-17: Northstar-Ratification of a Justification for and Declaration of Emergency for the repair of Locomotive 501.

Metro Transit Maintenance Superintendent-Northstar Commuter Rail John Paul Zanaska presented this item. Councilmembers asked questions about what type of warnings were provided within the train to indicate an oil loss prior to the incident, and also whether BNSF is liable in any way. Councilmember Commers asked, and was provided, an explanation of the definition of declaration of emergency.

Motion by Commers, seconded by Munt:

That the Metropolitan Council ratify a Justification for and Declaration of Emergency for the repair of Locomotive 501 by Motive Power Inc. in the amount of \$267,400.00.

Motion passed.

Hearing no objection, Chair Elkins stated that this item could proceed to the full Council as a Consent item.

INFORMATION

1. Performance Based Planning Study

MTS Manager Technical Planning Support Mark Filipi presented this item. Brimeyer asked what some of the performance measures might be and Filipi responded that they could include VMT, air quality, complete streets and other items. Munt stated that this study must be carefully planned in conjunction with Thrive work. Elkins suggested a presentation from MnDOT on this subject in the future.

2. BRT/Small Starts Project Office Overview

Metro Transit Senior Manager Transitway Development Charles Carlson presented this item. He stated that this is a new department meant to centralize BRT and coordinate work by others. Carlson noted the projects that will be included in the BRT Small Starts Project Office, work load, timeframes, and the status of various components of the projects.

3. Arterial BRT System Name Update

Metro Transit Senior Manager Transitway Development Charles Carlson and Metro Transit Marketing Director Bruce Howard presented this item. Carlson and Howard explained Dakota County's position regarding the "Rapid" name and the process to conduct further surveys on new names to be considered. Munt commented that many other people liked the name "Rapid" and that it adequately captures the intent of Arterial Bus Rapid Transit. Carlson and Howard replied to a committee member question that Metropolitan Council is the ultimate decision maker on the name.

4. Draft 2013 Transportation Committee Work Plan

MTS Director Arlene McCarthy and Metro Transit General Manager Brian Lamb prepared this item which was included as part of the agenda items. Citing a lack of time to review the item at the meeting, McCarthy and Lamb asked that any concerns or additions be directed to them in the next week to be incorporated into the business action item that will appear at the next Transportation Committee. Members suggested a few additions at this meeting which will be incorporated into the business item.

At Brimeyer's request to see a breakdown of items by quarter, Brian Lamb said that he would email an electronic version of Metro Transit's items to members that shows the proposed dates for Metro Transit items.

ADJOURNMENT

Business completed, the meeting adjourned at 6:10 p.m.