

Business Item

Transportation Committee



Committee Meeting Date: March 11, 2024

For the Metropolitan Council: March 27, 2024

Business Item: 2024-74

METRO Purple Line Bus Rapid Transit Rights of Entry, Resolution 2024-4

District(s), Member(s):	District 10 (Lindstrom), District 11 (Cederberg), District 13 (Lee), District 14 (Carter)
Policy/Legal Reference:	Minnesota Statutes sections 117.041 and 473.129
Staff Prepared/Presented:	Lesley Kandaras, General Manager, 612-349-7513 Nick Thompson, Deputy General Manager, 612-349-7507 Craig Lamothe, Purple Line Project Manager, 612-602-1978 Meghan Litsey, Environmental Compliance Lead, 651-602-1982
Division/Department:	Metro Transit – METRO Projects / Guideway BRT – METRO Purple Line

Proposed Action

That the Metropolitan Council adopt Resolution 2024-4 that authorizes access to properties for survey, environmental testing, geotechnical investigations including subsurface utility engineering, and archeological investigations in accordance with Minnesota Statutes §§473.129, subd. 9 and 117.041.

Background

The METRO Purple Line project is currently a New Starts project in the Project Development phase of the Federal Transit Administration's Capital Investment Grant Program. During this phase, staff and consultants require access to certain properties along the proposed alignment to conduct survey activities and to complete environmental testing and geotechnical and archeological investigations. This work is required to determine the physical characteristics of parcels that may be required for project construction.

Project staff will continue efforts to obtain necessary rights-of-entry from property owners on a voluntary basis, but in some instances the Council may need to pursue court orders to complete these activities, as authorized by Minnesota statutory law. The requested resolution delegates authority to the project manager to seek entry to perform required activities in these cases.

Rationale

Entry onto properties is necessary and proper to complete project design activities. The proposed resolution delegates authority to the project manager to seek entry through processes authorized by law.

Thrive Lens Analysis

Investment in high-quality transportation options will advance the Thrive outcome of prosperity by making the region more economically competitive through increased workers' access to employment and support to employers by increasing available workforce with affordable, convenient transportation.

The Purple Line Project advances the Equity outcome by distributing transit resources throughout the region and improving access to jobs, educational opportunities, and health services to diverse communities.

Funding

There are no specific costs to delegate Council authority. Project activities are funded by county project partner funds under Project #61109 as authorized in the Council's Authorized Capital Budget.

Small Business Inclusion

There are no direct impacts to small business inclusion associated with the action.



METROPOLITAN COUNCIL

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RESOLUTION NO. 2024-04
RESOLUTION AUTHORIZING ACCESS TO PROPERTIES
METRO PURPLE LINE BUS RAPID TRANSIT PROJECT

WHEREAS, the Council requires access to properties along the Purple Line Bus Rapid Transit Project for purposes of conducting survey, environmental testing, geotechnical investigations including subsurface utility engineering, and archeological investigations; and

WHEREAS, under Minnesota Statutes section 473.129, subdivision 9, when necessary and proper to the performance of its duties, the Council is authorized to enter any premises for the purpose of making any reasonably necessary or proper investigations or examinations; and

WHEREAS, Minnesota Statutes section 117.041 authorizes the Council to enter property for the purpose of making surveys and examinations, environmental testing, and geotechnical investigations before commencement of eminent domain proceedings.

NOW, THEREFORE, BE IT RESOLVED:

1. That access to properties along the Purple Line are necessary to conduct surveys, environmental testing, geotechnical investigations including subsurface utility engineering, and archeological investigations; and
2. That the Council authorizes the Purple Line project staff to proceed with entry onto properties in accordance with Minnesota Statutes chapters 473 and 117 in those circumstances where the project manager determines it is necessary to access specifically identified properties for the development of the project; and
3. That if entry is denied, notification and entry will be in accordance with Minnesota Statutes sections 473.129, subdivision 9 and 117.041, as applicable.

Adopted this 27th day of March 2024.

Charlie Zelle, Chair

[Name], Recording Secretary