



TAB ACTIVE TRANSPORTATION WORKING GROUP

Meeting #7 Notes

August 29th, 2024

Virtual Meeting - Microsoft Teams Meeting

Working Group Membership

- Glen Johnson (Chair & TAB Citizen Rep)
 - Brian Martinson (Vice Chair & TAB NonMotorized Rep)
 - James Hovland (TAB Chair)
 - Hwa Jeong Kim (TAB, St. Paul)
 - Mary Liz Holberg (TAB, Dakota Co)
 - Peter Dugan (TAB Citizen Rep)
 - Amity Foster (TAB Transit Rep)
 - Aurin Chowdhury (TAB, Minneapolis)
 - Mark Steffenson (TAB, Maple Grove)
 - Julie Jeppson (TAB, Anoka Co)
 - Alexander Ask (TAB, Non-Motorized Rep Alternate)
 - Jeni Hager (TAC Chair)
 - Brian Issacson (TAC Vice Chair)
 - Michael Thompson (TAC F&P Chair)
 - Marc Brieese (State-Aid AT Rep)
 - Aaron Tag (TAC F&P, MnDOT)
 - Craig Jenson (Bike-Ped WG Co-Chair)
 - Jordan Kocak (Bike-Ped WG Co-Chair)
1. **Meeting 6 recap and TAB meeting debrief:** Chair Johnson welcomed the group and provided an overview of the last TAB meeting, where the body approved \$19.3 million in funding for Active Transportation projects, a \$3 million increase from previously voted on. The main goal of this meeting is for the workgroup to vote on a slate of policy level recommendations that will guide the management of these grants.
 2. **Grant management requirement recommendations:** Staff provided a presentation on the policy level considerations for the workgroup's discussion. The following is a summary of discussion for each policy recommendation:

Program Year: No comments from members

Eligible Project Costs: No comments from members

Project Plan Documentation and Plan Submittals: A Hennepin County staff member notes that the proposed documentation requirements are different than currently in place. He inquired as to how Met Council was planning to check for project compliance against relevant standards as there are no engineers on staff at the Council. Staff clarified that this would be a planning level check and not a detailed engineering level design check. Member Holberg noted that some projects may be part of a larger entity where MnDOT or FHWA would conduct their own checks. Met Council staff responded that in these cases, those agency checks would satisfy this requirement. In addition, Council staff further clarified that Met Council is not "signing off" on the plans. Instead, applicants will self-certify adherence to standards and will use their own or consulting engineers to make that certification. Council staff will rework the recommendation to make it clear council staff will be checking for engineering certification of plan sheets to ensure that plans adhere to the MnDOT Facility Design Guide and the Americans with Disability Act and that this check will be tied to the release and disbursement of grant funds.

Environmental Impact Review: No comments from members.

Right of Way Acquisition Process and Documentation: Member Holberg noted that cities and counties have eminent domain authority. A resolution seeking eminent domain from the appropriate body would suffice to move projects forward, even if the matter is still under consideration by courts. A city staff member explained about the process for sewer improvement grants and noted that he will send example for Council staff to incorporate into recommendation and future grant agreement language.

Scope Change Process: Met Council staff clarified that there may be some small changes to the process based on minor cost changes. City staff inquired as to whether scope changes would significantly vary under the proposed scenario. Staff clarified that line-item changes that are less than 10 percent of the total project cost will not require a scope change request. Staff further clarified that the examples shown were for other Met Council grants and not included in the recommendation. The recommendation is to follow the existing Regional Solicitation Scope Change Policy.

DBE Requirements: Member Holberg advocated for keeping the requirements as easy as possible for applicants to navigate. She suggested evaluating if applicants are doing this on their own as several agencies already have requirements to support targeted businesses. She recommended selected the alternative DBE recommendation option as a result and to monitor for the pilot to see if requirements in the future may be necessary.

Chair Johnson noted that the pilot program is a good opportunity to obtain information about current practices and suggested that this metric be tracked during this grant disbursement cycle.

A city staff member enquired about whether local labor force requirements will be in place. Council staff responded that a decision has not been made yet, but a recommendation will be likely to keep cost eligibility the same as the Regional Solicitation. Not all agencies have the staff to carry this out, but it is important to see if this is an option. The city staff member noted that the bidding process can take up to 5 to 6 months for projects and allowing local crews to contract projects could speed up process considerably. Council staff noted that this will be examined during the evaluation for future solicitations.

Member Duggan noted that the recommended option is another administrative layer on applicants. He asked if this would slow the process down. Council staff responded that it will likely slow the process a little. Chair Johnson noted that it is important for the body to deliberate these items.

Council staff provided more information on the process. The requirement would only be triggered when the project goes to bid. The applicant would then provide documentation to the Met Council's contracting division. The contracting division will then make a determination as to how much of this work is eligible for MCUB (DBE/TGB) companies to bid on. Council staff clarified that goals would depend on scope of work of a project and could be tailored to ensure success for each project. Council staff also clarified that if a good faith attempt was made to contact DBEs, that could qualify for a waiver of the requirement.

Council staff provided information on where TGB/DBE companies could be found. MnDOT also creates and provides a designation and there is significant overlap with the Met Council listing. More information can be found [here](#). Council has a list of DBE firms certified by area of expertise.

Chair Hovland noted that from personal experience some qualified DBEs don't get the volume of work they should be getting because there's too much flexibility in the system. Likes the idea that there is an effort that DBEs get included.

Council staff proposed inviting Met Council's Ashanti Payne from the DBE unit to present to TAB and talk about what the process would look like and give more clarity to members on how the program would work.

Member Jepson reiterated that while she is currently leaning toward the alternative recommendation, that it is an important topic to discuss and recommended gathering more information first. She suggested tabling the conversation for now and coming back to it at a later meeting. There was broad agreement from the working group to do so.

Chair Hovland had some further questions on the reimbursement portion of the Grant Disbursement recommendation. He inquired as to whether only providing fifty percent of the funds up front would pose a burden to smaller applicants. Staff responded that this would in fact be met very favorably by applicants as the current process does not provide any money up front.

Member Jepson asked about whether local match requirements remain the same as that for federal projects. In the pilot program, no change is envisioned, but this may be re-evaluated as the state AT funds do not require a local match.

A vote was proposed with the following proposed amendments to the original list of recommendations:

- Clarification on project plan review, would be tied to project plan documentation. Project plan documentation would be up to the applicant to have a certified engineer sign off on plan documents. We would be checking that they need to meet scope in the original application. Something that we include in the grant as a sign off.
- The DBE policy recommendation will be pulled from the list pending further discussion.

A motion was proposed by Chair Johnson to accept the 7 recommendations to forward to the full TAB for consideration with modifications as discussed. Motion passed unanimously.

3. **Information Item—Regional Solicitation Evaluation and Active Transportation Work Group Restructuring: Council** staff provided an overview of the larger Regional Solicitation process and the future role of this group in contributing to that.
4. **Next Steps:** The group's next meeting was set for September 26th from 3:00-4:30PM. Following this, the group adjourned.