

Active Transportation Working Group

Meeting #7



August 29th, 2024

Agenda for Meeting 7



Agenda:

1. Introduction / Meeting 6 recap (Glen Johnson, Chair)
2. Grant management requirements recommendations (Joe Widing)
 - TAB management of pilot grant funds – policy considerations
 - Project grant requirements recommendations
 - Discussion and forward recommendation to TAB
3. Information Items (Joe Widing)
 - Summary of AT Funded 2024 Regional Solicitation Projects
 - Regional Solicitation Evaluation and Active Transportation Work Group restructuring

Grant Management



Policy Level Grant Management Considerations for Pilot

Set direction on key items for grant management of pilot projects.

1. Program year
2. Grant disbursements
3. Eligible project costs
4. Project plan documentation and plan submittals
5. Environmental impact review
6. Right-of-Way (ROW) acquisition process and documentation
7. Scope change process
8. Disadvantaged Business Enterprises (DBE) / labor force programs

Following slides will review different processes for other grant processes (federal, state and Met Council) followed by a recommendation for the AT Grant pilot.

Comparing Program Year Policies

Federal/RS - FHWA

- Must have program year in Transportation Improvement Program
- Must have all federal documentation approved by June 1st of program year
 - Environmental review
 - ROW certification
 - All other required docs
- Program year extensions
 - Only one extension allowed
 - Submit request to TAB

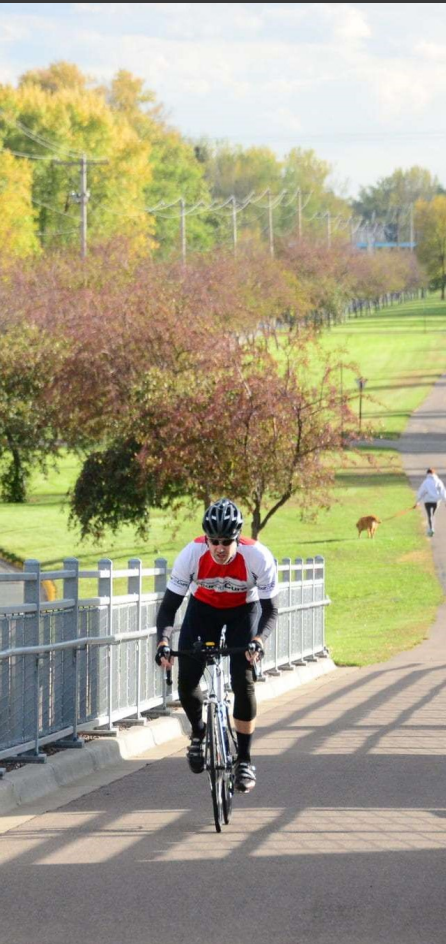
State – MnDOT AT

- No program year needs to be identified
 - Projects must have MnDOT project number with construction dates
- Projects must begin construction within 2 years of selection
 - Grant agreement expires 2 years after this period or when project completed
 - delays may be approved within this time frame but not after

Met Council

- No program year needs to be identified
- Projects must be completed within an identified Project Activity Period in the grant agreement
 - Agreement may be extended up to one year
- Grantees required to submit semi-annual progress reports and meet with Council staff on request

Program Year Recommendation



Grant recipients do not need to identify a specific program year for projects.

1. Project number assigned for tracking purposes.
2. Identify a “grant agreement period” when executing grant agreement to cover from grant agreement execution to expected completion.
3. Projects must initiate project bidding by end of 2026.
4. Staff will report on status of grant projects at end of 2026. Grant recipients must submit project progress report annually.
5. If not be able to be started by end of 2026; project start date may be extended beyond 2026 with TAB approval.

Comparing Grant Disbursements Policies

Federal/RS - FHWA

- All project expenses reimbursed after submission of invoices and documentation by grantee
- Funds reimbursed up to total grant award, as costs are incurred

State – MnDOT AT

- All project expenses reimbursed after submission of invoices and documentation by grantee
- Funds reimbursed up to 95% of grant award; Remainder released at project closeout

Met Council

- All project expenses reimbursed after submission of invoices and documentation by grantee
- Funds reimbursed up to total grant award as costs are incurred

Grant Disbursements Recommendation



For the pilot, grant funding will be disbursed in a hybrid manner:

1. Half disbursed up-front.
 - The first 50% of awarded funding will be provided when grant recipient enters into construction contract.
2. Remaining reimbursed up to the grant total grant amount.
 - The Council will receive documentation of spending for the 50% of grant award and local match and then,
 - Remainder of the grant to be reimbursed up to the total awarded funding based on documentation.

Comparing Eligible Project Costs Policies

Federal/RS - FHWA

- Only infrastructure eligible for funding – costs incurred to construct facilities only.
- Planning, engineering, design, ROW acquisition not eligible.

State – MnDOT AT

- 2 distinct programs for AT.
- Infrastructure – eligible includes reasonable elements associated with construction.
- Non-standard landscaping, engineering, construction admin, ROW, utility work not eligible.
- Separate program specific to planning and “quick build” projects.

Met Council

- Limited sole grants issued directly for construction projects.
- Cost eligibility varies greatly by type of grant and grant purpose.

Slide 8

CHO Why doesn't Met Council match RS here? Is this trying to cover more than the pilot program?

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JWO 0 This is trying to compare different grant programs - so met council in these comparisons is other grants the council directly administers (LCA, legacy funds etc) - trying to give a broad idea of different possibilities but here specifically council ones which fund only infrastructure and not dictated by federal requirements (if that is what you are asking)

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Eligible Project Costs Recommendation

Eligible project costs will remain the same as is currently eligible through the Regional Solicitation program.



Plan Documentation and Submittals Policies

Federal/RS - FHWA

- Extensive documentation required to be reviewed and approved by FHWA. Documentation includes many specifics for plan sheets.
- Documentation must be reviewed and approved by state aid engineer before project can bid.

State – MnDOT AT

- Required to submit 95% plans to check against MnDOT Bike Facility Guide.
- Documentation needed to check for state aid compliance (if on trunk highway or MSA route).
- Plans required to be approved and signed off by MnDOT District Engineer prior to project bid.

Met Council

- Limited Council grants fund public infrastructure projects.
- Grants do not require plan checks prior to funds being disbursed.

Plan Documentation and Submittals Recommendation



Grant recipients required to provide final plan sheets prior to project bidding

- Required to ensure the final project plans meets:
 - original project description in RS application
 - minimum design guidance of the MnDOT Facility Design Guide, and
 - ADA standards.
- Grant recipients will be responsible for engineering sign-off of project plans sheets.
- Council staff will review and approve prior to grant disbursements to ensure that:
 - final plans meet original project description in RS application (no scope change is necessary), and
 - accredited engineer signed off on final project plans (that meet MnDOT Facility Design Guide and ADA requirements).

Environmental Review Policies

Federal/RS - FHWA

- Required to meet federal review standards
 - NEPA process
 - EA/EIS may be required
- Most pedestrian/bicycle projects Categorical Exempt
 - Typically, minimal impacts.
 - Must still submit documentation.

State – MnDOT AT

- Must follow all state regulations regarding environmental reviews.
 - MEPA considerations
 - Complete any environmental review docs (EAW), if needed.
- Do not need to submit environmental documentation prior to project construction.

Met Council

- No requirements for environmental review.
- Occasionally, State Historical Preservation Office (SHPO) review is required for Parks grants, if known historic or other resources to be impacted by project.

Environmental Review Recommendation



Documentation of environmental impacts do not need to be submitted or certified prior to project bidding.

- Relevant state environmental requirements must be followed.
- Any necessary permits must be obtained prior to construction.

Right-of-Way Acquisition Policies

Federal/RS - FHWA

- Federal ROW acquisition standards must be met (Uniform Act regulations).
- Grant recipients must follow federal process for any ROW needs – permanent or temporary.
- Must submit ROW certification statement and all connected documentation.
- Must be certified by FHWA prior to project bidding.

State – MnDOT AT

- Must follow all state regulations regarding ROW acquisition.
- No documentation or certification required to be submitted or approved before projects can bid.

Met Council

- Must have a record declaration against any parcels involved in the project.
 - All land is under control of recipient – ownership, easement or other agreement.
- Must submit documentation that show land rights for entire project prior to execution of grant agreement.

Right-of-Way Acquisition Recommendation

No requirement for right-of-way acquisition to be reviewed or certified prior to bidding of a project.

- Require documentation that shows that land rights and necessary agreements in place for entire project extent prior to bidding project.
- All applicable state standards concerning ROW acquisition must be followed.



Project Scope Change Policies

Federal/RS - FHWA

- Follows TAB Scope Change Process.
- Minor changes may be approved by grant manager administratively.
- Informal change rises above minor change but may be approved without TAB approval.
- Formal scope change (major changes) require TAB approval.

State – MnDOT AT

- Informal process conducted at the administrative level.
- No standing committees to review scope change requests.
- Scope changes are approved by MnDOT staff.

Met Council

- Amendments may be allowed to grants terms by mutual agreement between grant administrator and recipient.
- No budget line item may be increased by more than 10%.

Project Scope Change Recommendation

The TAB approved Scope Change Policy will remain in effect for AT Sales Tax funded projects.



Disadvantaged Business Firm Program Policies

Federal/RS - FHWA

- Disadvantaged Business Enterprises (DBE) Requirements.
- Includes documentation needs, reporting and setting goals for contracting work on federally funded projects projects.

State – MnDOT AT

- State version of DBE is known as Targeted Groups, Economically Disadvantaged, Veteran-Owned Small Business (TGB) program.
 - Similar to DBE with a broader focus.
- Utilized for some state grants, but not MnDOT AT grants.
 - No goals or requirements set for AT infrastructure grants.

Met Council

- Metropolitan Council Underutilized Business (MCUB) program.
- Typically, outside grant projects are not required to set goals or participate in the MCUB program.
 - Recipients encouraged to participate.
- Directly funded projects above \$175K require MCUB participation.
 - Allows for waivers if goals cannot be met.

Disadvantaged Business Firm Recommendation



Options to consider

Recommended Option:

- Require grant recipients work with Met Council's MCUB Program to set goals for contracted firms for projects receiving more than \$750,000 (final amount is TAB decision).
- If a receiving agency already has local DBE programs in place, may defer to local program.

Alternative Option:

- Encourage the recruiting of DBE eligible business for contracting firms.
- Council staff will provide best practices and technical assistance.
- Reporting of activities required to be submitted to the Council for tracking purposes.

Summary of Recommendations to Forward to TAB



To Send for TAB Consideration

Program Year: No program year, identify project activity period, begin before end of 2026, TAB approval for extension.

Grant Funding Disbursements: 50% granted up-front at construction start, remainder reimbursed.

Eligible Project Costs: Eligible costs remain the same as Regional Solicitation.

Plan Documentation and Submittals: Final plans submitted to Council to ensure project meets minimum standards and project description.

Project Scope Change: Scope change process remains the same as Regional Solicitation.

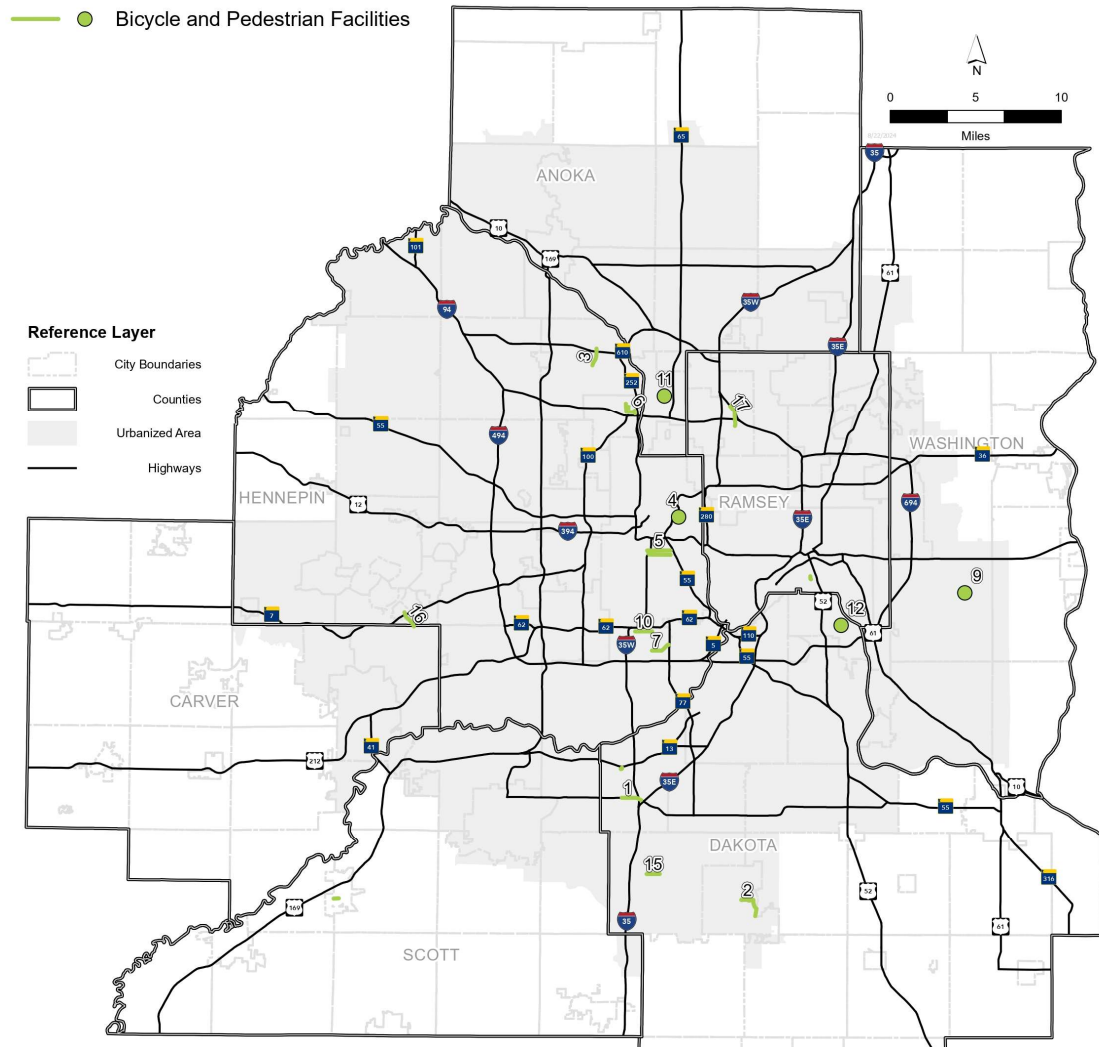
Right-of-Way Acquisition: Follow applicable state statutes. Submit ownership or agreement documentation prior to bidding.

Environmental Review: Follow applicable state statutes. No documentation to be submitted.

Summary of AT Funded 2024 RS Projects

2024 RS AT Projects

- 17 projects
 - 3 multiuse trails
 - 7 pedestrian facilities
 - 7 Safe Routes to School
- Located in:
 - 6 counties
 - All urban community designations
 - +1 rural designation
- Leveraged to support \$102 million for active transportation investments in region (total \$ all sources)

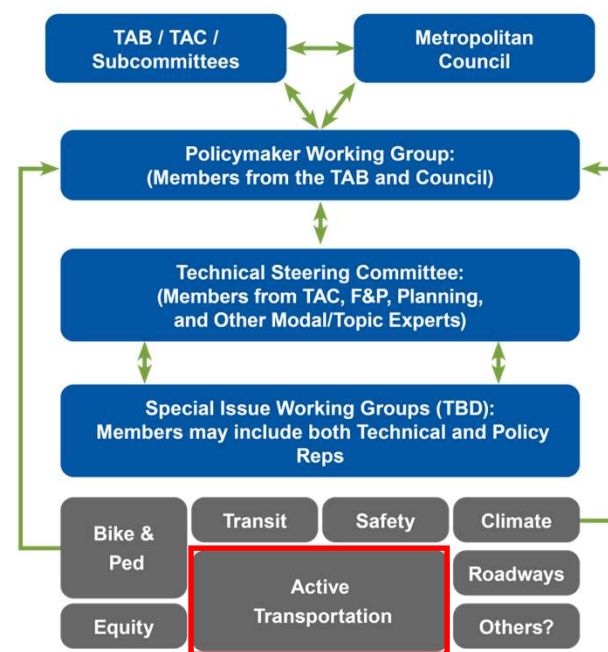


Next Steps – Regional Solicitation Evaluation Restructuring



Conclusions to date:

- AT Work Group will move to align with overall Regional Solicitation Evaluation structure and 2026 Regional Solicitation timeline.
- Consider regional active transportation funding in concert with RS funding categories and other sources of regional active transportation funding (local and state).
- AT Work Group recommendations will flow through Regional Solicitation Policymaker Work Group.





Steve Peterson

Senior Manager of Highway Planning and TAB/TAC Process

Steven.Peterson@metc.state.mn.us

Amy Vennewitz

Deputy Director of Planning and Finance

Amy.Vennewitz@metc.state.mn.us

Joe Widing

Senior Transportation Planner, MTS

Joseph.Widing@metc.state.mn.us



Regional AT Legislative Language



Relevant Session Law Language

(a) Sales tax revenue allocated to the Transportation Advisory Board under subdivision 2, clause (1), is for grants to support active transportation within the metropolitan area.

(b) The Transportation Advisory Board must establish eligibility requirements and a selection process to provide the grant awards. The process must include: solicitation; evaluation and prioritization, including technical review, scoring, and ranking; project selection; and award of funds. To the extent practicable and subject to paragraph (c), the process must align with procedures and requirements established for allocation of other sources of funds.

(c) The selection process must include criteria and prioritization of projects based on:

(1) the project's inclusion in a municipal or regional nonmotorized transportation system plan;

(2) the extent to which policies or practices of the political subdivision encourage and promote complete streets planning, design, and construction;

(3) the extent to which the project supports connections between communities and to key destinations within a community;

(4) identified barriers or deficiencies in the nonmotorized transportation system;

(5) identified safety or health benefits;

(6) geographic equity in project benefits, with an emphasis on communities that are historically and currently underrepresented in local or regional planning; and

(7) the ability of a grantee to maintain the active transportation infrastructure following project completion.