

Metropolitan Council

City of St. Louis Park Chambers, 5005 Minnetonka Boulevard, St. Louis Park 55416

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Meeting of the Southwest Corridor Management Committee

January 2, 2013

Members Present	Susan Haigh, Chair	Jim Brimeyer	Cheryl Youakim
	Scott McBride	Brian Lamb	Nancy Tyra-Lukens
	Gail Dorfman	James Hovland	Lisa Weik
	Jan Callison	Peter Wagenius	Tom Harmening
Members Absent	Bill James	Peter McLaughlin	Keith Bogut
	Mayor Rybak	Jeff Jacobs	Terry Schneider

**1. CALL TO ORDER**

Chair Susan Haigh called the January 2, 2013 meeting of the Southwest Corridor Management Committee to order at 10:02am at the St. Louis Park City Hall.

**2. APPROVAL OF MINUTES**

Chair Susan Haigh presented the November 7, 2012, Southwest Corridor Management Committee meeting minutes for approval. The motion for approval was granted.

**3. PRELIMINARY ENGINEERING CONSULTANTS CONTRACT AWARDS**

Mr. Jim Alexander gave an overview of the Preliminary Engineering Consultants (PECs) Contract Awards. The Preliminary Engineering Consultants procurement schedule is now complete. The PEC West and PEC East contracts were awarded, signed, and issued notices-to-proceed on December 19, 2012. For each of the two procurements, the process consisted of six evaluation panel members: Southwest LRT Project Office Staff (2), Light Rail Operations, MnDOT, Hennepin County, and Community Works. Each panel identified the most qualified proposer and provided recommendation to the Council for their assigned procurement.

This was supported by a Technical Advisory Group by providing technical input to the process. Mr. Alexander provided a map showing the layout of the alignment and pointed out the dividing point just east of 11<sup>th</sup> avenue in Hopkins. On December 19, 2012, the Council approved an action item to authorize the Regional Administrator to award two Preliminary Engineering Consultant Contracts. The PEC West contract was awarded to AECOM in the amount of \$16,787,963 and the PEC East contract awarded to Kimley-Horn Associates for \$16,788,349. The proposals from both AECOM and Kimley-Horn achieved the 17% DBE goal.

Mr. Alexander introduced the Project Managers for both AECOM and Kimley-Horn. Ms. Kim Proia, of AECOM, has 18 years of experience with rail in Salt Lake City, Denver (commuter and LRT), and Detroit (LRT). Mr. Paul Danielson, of Kimley-Horn, has 17 years of local experience with The Interchange project, NorthStar, and Bottineau AA and DEIS.

As of December 2012, the Southwest LRT project has all PE funds committed from CTIB for \$55.8 million and Hennepin County Regional Railroad Authority (HCRRA) for \$18.6 million. The State has committed to \$7 million, with \$11.6 million remaining and awaiting commitment.

Commissioner Jan Callison asked if SPO anticipates that issues will be brought forward to the SWCMC and if so, what that might look like. Mr. Alexander indicated that design issues would be brought to the SWCMC for input and are currently working with the Project Managers on both PEC teams to formulate how to roll things out. At the next SWCMC meeting in February, some guidelines will be provided to the SWCMC on how to approach the issue resolution process. Chair Haigh clarified by saying that those issues will be discussed with the SWCMC and they will be very important in providing guidance and direction on those issues during the PE process.

#### **4. PEER REVIEW CONSULTANT CONTRACT REQUEST FOR PROPOSAL (RFP)**

Mr. Craig Lamothe gave an overview of the Peer Review Consultant Contract (PRC) RFP. The RFP was advertised on December 14, 2012 and a Pre-Proposal conference is scheduled with the potential vendors on January 23, 2013.

The PRC contract is a new type of work for the region and therefore, a three month allowance is given to receive the Proposals. This allowance is granted to ensure maximum competition and to get firms interested from all across the country to do this specialized piece of work, who do not have a presence here regionally. We are looking to hold interviews and conduct negotiations in April 2013 and award the contract in May 2013.

The PRC, who will be with SWLRT throughout the project, will evaluate the designs that are developed by the PEC teams and the advanced design team that will start in 2014. The PRC will come in and provide review at three major stages: 30%, 60%, and 90% design plans. Also, spot reviews will be conducted on engineering work in between the 30%/60%/90% design plans. Some examples where spot reviews may be needed is on the operations and maintenance facility design or a specialized bridge with unique design challenges, as well as many others. The PRC will conduct independent reviews separate from the PEC teams and the SPO design team and are precluded from participating on any other SWLRT consulting contracts. The SPO Deputy Project Director, Craig Lamothe, will manage the PRC's activities. Council Member Jim Brimeyer asked Mr. Lamothe if he will bring in the PRC team each time they submit a deliverable. Mr. Lamothe said the big deliverables are at 30%/60%/90% and we have a handful of spot reports allocated within the contract to review unique design challenges, where a determination can be made at that point. Some of it is not defined to 30%/60%/90%, they are full confidence reviews at that stage of major plan sets. Council Member Brimeyer asked if it would be reasonable to expect that the 60% & 90% would not need as much attention as the 30%. Mr. Lamothe indicated that the 30% will have aspects that 60% & 90% will not have, such as footprints that are not as technical as 60% & 90%. The 60% & 90% are more detailed and will have more to look at.

Council Member Brimeyer asked if the tough stuff will be at 30%. Mr. Alexander said the tough stuff for SPO to figure out, is how the plan will lay out such as station location and co-location/relocation freight rail. As plans get more involved in engineering reviews, the PRC will become more involved to look at things. Commissioner Gayle Dorfman asked if you see the PRC team as having a role in making sure there is integration between the design and engineering and stationary plans developed by the cities. Mr. Lamothe said that is a role for the SPO staff. The PRC will come in to look at the real technical design pieces of the project. Council Member Cheryl Youakim asked since it's an independent Peer Review, who from the outside is helping to interview and pick the PRC? Are any of them stakeholders? Mr. Lamothe said the evaluation panel consists of some of the key agency staff internally and there are not any design staff on this panel who participated in the PECs. It will not be as expansive as the evaluation panels were in the technical advisory groups, as well for the PECs. This will be a tight knit group to include MnDOT, who has bridge expertise. Commissioner Jan Callison asked what interaction will there be between the PRC and SWCMC. Mr. Lamothe expects that we would review and share the findings from those reviews with the SWCMC. The PRC folks could be an East Coast or West Coast firm, they are not going to be co-housed with the SPO staff like the PECs. Therefore, they

would fly to Minneapolis and spend two weeks here to conduct their reviews, fly back to their home base and put together a report of what they found in their review.

## **5. ENVIRONMENTAL PROGRAM UPDATE**

Ms. Nani Jacobson gave an update on the Environmental Program. The DEIS comment period opened on October 12, 2012. An extension was granted and posted in the Federal Register on December 7, 2012, and the comment period closed on December 31, 2012. During this open comment period, HCRRA chaired three public hearings to receive verbal and written comments. As of the third week of December 2012, roughly 500 comments were received. SPO, in coordination with Hennepin County staff, are working on getting and analyzing the last week or so of comments. Some examples of the themes include: freight rail, impacts to businesses, and impacts to traffic and trails. As the PECs get on board, SPO will take those comments that are heavy on the design issues and provide those to the PEC's to analyze and bring to the SWCMC for input. We are going to wait for the FEIS consultant to analyze the non-design related comments. Everything will be responded to in the FEIS and throughout that process, brought to the SWCMC and other advisory groups that this project has.

The DEIS comment process consisted of Hennepin County collecting all the comments and upon closing of the comment period, turned over all comments received to the Council. SPO is using e-Builder to capture the comments and track responses during the FEIS development. SPO will respond to those in coordination with the FTA in the FEIS. As a requirement of the Minnesota Environmental Policy Act (MEPA), HCRRA transferred the Responsible Government Unit (RGU) authority over to the Council on December 31, 2012. The Council, as the new RGU, will be responsible for environmental process including the development of the FEIS. A notice of RGU transfer will be published in the Environmental Quality Board (EQB) Monitor on January 7, 2013.

SPO is targeting the advertisement of the RFP for the FEIS Consultant in mid-January 2013. Proposals will be due in early February 2013, with an issuance of award/notice-to-proceed in May 2013. The scope of work includes: preparing the FEIS, support of agency coordination activities, public involvement activities, and environmental permitting activities. Commissioner Dorfman asked if it is ok to accept comments that arrived on or prior to December 31, 2012. Ms. Jacobson said yes, as long as they were received on or before December 31, 2012. Council Member Brimeyer asked how the number of comments on the DEIS compare to Central Corridor. Mr. Fuhrmann indicated that the Central Corridor project received approximately 800 comments. However, SPO is waiting for additional comments from the last ten days of December 2012 and therefore currently do not have a final count. Council Member Brimeyer asked if the comments will be summarized and categorized. Ms. Jacobson said in 2013, the FEIS Consultant will focus on categorizing the comments when they come on board and work with the FTA to craft responses to those comments. In the meantime, SPO will post all of the raw comments onto the swlrt.org website. Mr. Tom Harmening asked if you are not able to dig into the comments made on the DEIS, until the FEIS Consultant is on board in May, how are the comments submitted on the DEIS taken into consideration as a part of doing the 30% PE work. The PE work is going to be well underway by May 2013. Ms. Jacobson clarified by saying that SPO will be doing the initial analysis and anything that is heavy on design and engineering will be fed to the PE Consultants immediately. They will be getting those in January and working through those issues and bringing them up to the SWCMC for input. The comments that are not heavy on the design and engineering will wait until the FEIS Consultant is on board.

Commissioner Callison asked what the process is for going through all the comments. Ms. Jacobson said once the official record has been transmitted from HCRRA to the Council, the first step will be for SPO to put those comments into some very broad themes. A large portion of the comments will be design and engineering and they can begin bringing those issues through as soon as we can get the comments fed to the PE Consultants. Commissioner Callison asked if at some point a station will come to the SWCMC and have a list of all the issues that were raised around that station. Ms. Jacobson said it would be any issues that are engineering such

as crossings, stations, alignment design, and freight rail will be categorized and fed to the PE Consultants to address. Commissioner Dorfman asked if Kimley-Horn, who has the east portion, will begin looking at the freight rail alternatives right away and have access to all the comments made by anyone who commented on that freight rail issue. Will they also have the opportunity to negotiate with the cities, the railroads, the other entities that have a great interest in that decision? How does that process work? Mr. Fuhrmann said as we identify the pros and cons of those issues, and work up some alternatives to best resolve those issues, we would then bring those alternatives to the SWCMC for discussion, advice, and feedback to SPO staff to further develop more detail. Commissioner Dorfman asked if there is an opportunity in the process for the city to talk to the PECs and have that give and take negotiation, as they are looking at alternatives and designs regarding the DEIS comments. Mr. Fuhrmann said it is a very interactive, integrated process and will phase the involvement with the policy makers and technical staff. Kimley-Horn will be working at the direction of Jim Alexander and his team, if there are questions of a St. Louis Park comment on the DEIS process, that will be managed through the issue resolution team. At Central Corridor, for example, 37 issue themes were identified and three dozen issue resolution teams of subject matter experts then worked through the issues. We will be asking the five cities staff to work with the project staff in assigning folks to those issue resolution teams and help inform the design, as well as work through those issues. Chair Haigh stated that there is going to be a lot of work to be done by the SWCMC to get knowledgeable and informed throughout this process. City staff will be talking to their Mayors and their representatives on this or to other county Commissioners and project staff.

## **6. 2013 PROJECT LOOK AHEAD**

Mr. Fuhrmann gave an overview of the Project Development. Commissioner Callison said she thought that PE was a two year period, but on the project development overview timeline, it shows three years. Mr. Fuhrmann said it does appear to look like three years, we have completed the easy part of selecting the PECs in 2012 and finishing the DEIS comment period. That is all under project development and now we take it to the next level of PE. Design begins today with the PECs on board with up to a year and a half effort to complete the 30% design per the PECs contract scope.

The municipal consent component is the focus of those efforts here at the end of this new calendar year to bring those plan sets to the cities and HCRRA, who under law the county still has jurisdiction to give municipal consent. That will be the focus of activity at the end of 2013 and into early 2014 for municipal consent. Commissioner Callison asked if we are going to need to ask for an extension of time to get through PE or are we ok under that initial letter received that set out the conditions for PE. Mr. Fuhrmann indicated he does not recall the timing listed in the letter, but will check into it and get back to the SWCMC. Council Member Brimeyer indicated that there was not a timeline for PE. They said that our original schedule was too aggressive saying we are going to open in 2017 and they thought that should be moved back and now has been moved back.

Council Member Brimeyer asked for Mr. Fuhrmann to explain municipal consent. Mr. Fuhrmann said as we get into municipal consent for 2013, that statute 473.3994, is pretty careful in how it explains the chain of events for municipal consent. In the third quarter when SPO submits those municipal consent plans, that then begins a process where the local municipality has 45 days to review, comment, and feedback. Essentially saying yes or no to those plans and if no, the statute says that municipality has to communicate back to the Met Council, as to what their concerns are on various aspects of the plan set. The Met Council has 45 days to work through those with the city and try to respond and voice those concerns to the point where the city is comfortable and the Council says yes. If in round two the municipality says no, we still have issues and concerns and will not approve PE for this project, then those comments and concerns come back to the Council a second time and Met Council will continue to resolve those issues. At the end of that second round, second cycle, Met Council does reserve the ability to proceed without the final municipal consent from those host cities. Mr. Fuhrmann indicated that has not happened in his 15 years of experience on New Starts projects here in the region at Met Council, but the legislation does provide for that final action on the part of the Council.

Council Member Brimeyer asked Mr. Fuhrmann to explain the difference between mitigation and enhancements. Mr. Fuhrmann said essentially we identify an impact caused by the baseline project that causes adverse impacts. Under NEPA, our goal is to avoid and minimize impacts or to mitigate impacts. If we are unable to avoid impacts and there are some impacts identified, we need to mitigate those in some way. Those mitigations are part of the project as they become part of the project scope and will be identified in the FEIS Record of Decision and therefore, paid for by the project. An enhancement/betterment is, for example, where the five host municipalities may say it would really be nice if there was a sound wall for this, 500 linear feet along the side of the tracks. In our noise analysis there was no identified impact that violated the federal noise standard. In this case, the city would come forward, per the city council discussions, and say we really think this noise will, but we cannot justify it back to the FTA as a mitigation for noise created by SWLRT. In this example of a betterment, we would then look to the city to fund. We can help design it, include it in the scope of the construction contracts, but the funding source for that betterment would have to come from the city. Commissioner Dorfman asked if we will know at 30% engineering, what is in the project and what is potentially a betterment. Mr. Fuhrmann said we will not know 100% and cannot promise that level of definition at 30%. Mr. Peter Wagenius asked if the municipal consent process described, is subsequently different from the municipal consent projects where MnDOT is the agency in question. Mr. Fuhrmann does not believe this mirrors the MnDOT process. Mr. Scott McBride indicated they are similar, but does vary in the time allotments for response and there is a slightly different appeals process for the highway piece.

Mr. Alexander gave an overview of PE scope of work. SPO will look to formulate the issue resolution teams later this month and will tackle the issues starting in Eden Prairie and move east along the alignment. Some of the key 2013 tasks include: conducting geotechnical and field survey work, resolving design challenges and technical issues in six to seven months of issue resolution, and preparing municipal consent plans for completion in the third quarter of 2013 by giving to the cities and counties for their review. As we build out the municipal consent plan set, we will begin input and feedback through those issue resolution meetings as we formulate those plans. We are targeting to get the municipal consent approvals by the end of 2013 and finalize 30% design plans and specs in the first quarter of 2014.

Mayor Nancy Tyra-Lukens asked for clarification. On the timeline, it looks like municipal consent is expected in early 2014, but you are saying it will be complete in the fourth quarter of 2013? Also, given the 30% design plans will not come out until after the municipal consents, how detailed are the plans that we as councils are going to get from municipal consent? What kinds of things will remain undetermined? Mr. Alexander said in terms of the schedule we are trying to target the third quarter of 2013 to get the plans and approvals done in the fourth quarter. The timeline shows it going into 2014, but we are trying to beat that by completing it in 2013. That would help us keep to our schedule and get to the ultimate goal of service in 2018. Municipal consent plans will essentially define the project, so it will define where the stations are located, for example. It will define the configuration of those stations and also expect to have a park-n-ride location configuration of those facilities and where they are going to be. We are also looking at the OMF in terms of location and general configuration of the layout. Track alignment would be pinned down also. The municipal consent plans are looking at a 30% level in terms of those physical elements of the station location, the track location, the OMF location, the park-n-ride locations. The 30% plans will continue to evolve those plans with specifications tied to that package and that submittal would be used to gain entry into final design.

Commissioner Dorfman asked how much environmental mitigation would be included in the 30%. The plans themselves would not necessarily have the full mitigations. For example, noise and vibration, on Central Corridor we identified some areas with track switches and during the environmental process we found that some of the switches should not be located in certain locations with bi-resonance, so we moved those. In terms of other things that have to work out environmentally, that will be handled through the FEIS process and identified through the FEIS document. Mr. Alexander indicated we would anticipate getting some initial engineering done through these issue resolutions and aware of the comments that come in and therefore cognizant of what needs to be incorporated in the design. The FEIS Consultant will have to be working very proactively in the

early stages to get that information digested and get it communicated anytime mitigation may be needed on our plans. There is time to do that, but it is tight. Mr. Fuhrmann said the municipal consent plans will identify those impacts, for example a wetland and may say the municipal consent plans are going to impact two acres of wetlands in Eden Prairie, that will inform the FEIS to develop mitigation and under MN and National Environmental Law, at a minimum would have to find a replacement of those two acres of wetland impacts. In the municipal consent plans, we will not have the precise location of the replacement wetlands identified down to the last level of acreage, but we will identify the impact and general mitigation concept to replace those impacted wetlands, but not the final detail. At Central Corridor, we did an extensive noise and vibration analysis going down the middle of Washington and University Avenue and we identified and disclosed potential vibration impacts down at the University, over the historic churches at Cedar Street, and at Minnesota Public Radio. We said the mitigation for those would be floating slab track that we would design along the linear frontage of those impacted facilities. We did not in the municipal consent plans, develop the final design of the floating slab track and how many rubber pucks we would have underneath those tracks, but did identify the impact and the general concept of how to address it.

Ms. Nani Jacobson gave an overview of the environmental PE activities. The key tasks will include preparing the FEIS, conducting a Phase I Environmental Site Assessment, Phase II Archaeological survey, and an Architectural/Historic Structures survey. We are targeting May 2013 to issue a notice-to-proceed for the FEIS Consultant. In the fourth quarter, we are looking to complete the Phase I Environmental Site Assessment, the Phase II Archaeological survey, and the Architectural/Historic Structures survey. The final goal is for FTA to issue the Record of Decision in the third quarter of 2014.

Mr. Fuhrmann gave a project wide update on the PE activities. Last week, the FTA published new rules for this project that will be reviewed this week. MAP 21 rules were not included, but are due to be published by September 30, 2013. The biggest change substantive to our project is the way that cost effectiveness will be calculated. In the past, the metric was the number of travel hours saved with the investment of a New Starts project verses the enhanced bus project. The new metric, more simple and straightforward, is the annualized capital cost of the project in the numerator and number of passengers in the denominator. The FTA will rigorously review our ridership forecast and budget estimate, which will be driving our cost effectiveness. Cost effectiveness will remain one of the six statutory evaluation criteria for these projects and FTA says that it will be equally weighted. The ridership projection will need to be refreshed, our current ridership forecast was done as part of the DEIS. In our PE contract scope for the West, the AECOM team will look at that ridership and that will be informed if we change the location of any of these stations. It will be informed by the sizing of park-n-rides at any and all of these stations will drive and cause to change that ridership. The key milestones are to submit the New Starts update for FFY 2015 to FTA in early September 2013. In early 2014, we will make a formal request to enter into Final Design and complete Final Design in late 2014. The three key 2013 issues that we will walk through in more detail at the February SWCMC meeting are: freight rail co-location and relocation, Eden Prairie alignment alternatives, and the operations and maintenance facility. A lot of work will be required over the next six to nine months on these issues and will include consultation at the staff level, as well as the SWCMC. As we work through these three issues and others that might arise, we may need to ask you (Chair Haigh) and the SWCMC to meet a second time during the month to help provide direction.

Chair Haigh indicated that the meetings may need to be longer than an hour and in some instances up to a half day. This last year our Committee has really been getting ready to do this work and now will be doing the work. We are all going to have to spend a great deal more time and to try and get to the SWCMC meetings on time. The more we can have consistency of the folks who are at the SWCMC meeting, the better work product we will have in the long run. There is a shared learning that goes on that will be really important for the committee.

Mayor James Hovland asked, with respect to the cost effectiveness calculations, the new test of estimated passengers on the forecast, are there new regulations or guidelines that FTA has put in place that are different

from what you historically used for calculating miles saved. What range do we need to be in to allow us to proceed into final design? Mr. Fuhrmann said on the actual technical effort to update ridership and refresh the cost estimate, we will do that and share with the SWCMC. The FTA is all over both of those and they have their own project management oversight consultant and they will take those updated estimates back and carefully and critically review those to be sure FTA is comfortable with them. Mr. Fuhrmann indicated that he cannot answer the range/threshold needed, as he has not read through the 188 pages of FTA guidelines yet. If past experience is any instruction to us, we would have to achieve a minimum of a medium-low or better rating for the cost effectiveness to advance. A low rating for past cost effectiveness definition did not allow a project to advance into final design. Mayor Hovland asked if Mr. Fuhrmann has seen anything so far in the new test on cost effectiveness that gives pause or concern relative to how we have historically calculated. Mr. Fuhrmann said no, but one exercise that he and the SPO staff are going to take on is to look at the competing projects to see how we might stack up in ridership, forecast, and budget in relation to the other projects that are seeking the same full funding grant agreement. We are in hot competition with ten other projects that have PE status to advance to final design and ultimately the full funding grant agreement. Typically here in the Midwest, our ridership is a little bit lower than the projects on the coast, but our capital costs are lower, and our right-of-way is less expensive.

Commissioner Dorfman asked how we would characterize public outreach during 2013. Mr. Fuhrmann said constant and continuing and will become ever more participatory as we move into the engineering activity.

Chair Haigh said it is critical in the milestones going forward, is securing the state funding share for the full funding grant agreement where we have this year and next year to achieve that to be able to successfully move forward.

The meeting adjourned at 11:24am.

Respectfully submitted,  
Lynne Hahne, Recording Secretary