



Request for City Council Committee Action From the Department of Public Works

Date: December 11, 2007

To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee

Referral to: Honorable Paul Ostrow, Chair Ways & Means/Budget Committee

Subject: **Urban Partnership Agreement FTA Section 5309 Apportionment
Marquette Avenue and Second Avenue Transit Project**

Recommendation:

- a. Authorize the proper City Officials to negotiate and execute a Subrecipient application, including endorsement of Federal Transit Administration (FTA) Certifications And Assurances, with the Metropolitan Council, the Designated Recipient of the FTA funds.
- b. Direct the Department Of Public Works to proceed with the Marquette Avenue and Second Avenue Transit project design work.
- c. Authorize Public Works to develop and issue a request for proposal (RFP) for a consultant to assist with the Marquette Avenue and Second Avenue Transit project design work pending PRC approval.

Previous Directives:

- June 29, 2007: Resolution 2007R-323, Supporting the Minnesota Department Of Transportation proposal for an Urban Partnership Agreement project for the Twin Cities Metropolitan Area.

Prepared by: Bill Fellows, P.E., Life Cycle Project Manager 673-5661
Donald Elwood, P.E., Director of Transportation Planning & Engineering 673-3622

Approved by:

Steven A. Kotke, P.E., City Engineer, Director of Public Works

Presenters: Bill Fellows

Permanent Review Committee (PRC)	Approval _____	Not applicable <u> X </u>
Policy review Group (PRG)	Approval _____	Not applicable <u> X </u>

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget (Included in the Mayors' 2008 recommended budget)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Business Plan: Action is within the plan. Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's Finance Dept. contact when provided to the Committee Coordinator

Community Impact

Neighborhood Notification: Not Applicable

City Goals: Maintain the physical infrastructure to ensure a healthy, vital and safe city.

Comprehensive Plan: Not Applicable

Zoning Code: Not Applicable

Background/Supporting Information

On June 29, 2007 the City of Minneapolis adopted resolution 2007R-323 in support of a proposal by the Minnesota Department of Transportation (MnDOT) and the Metropolitan Council for an Urban Partnership Agreement project (UPA) for the Twin Cities Metropolitan Area. UPA encompasses the I-35 and Cedar Avenue Bus Rapid Transit Corridors in Hennepin and Dakota Counties and includes

- Park and Ride facilities on the I-35 and Cedar Avenue corridors,
- additional transit lanes on the I-35W corridor, and
- construction of a second bus lane and improved transit stops on Marquette Avenue and Second Avenue in downtown Minneapolis.

On August 22, 2007, the US Department of Transportation announced the award of \$133.3 million from 2006 and 2007 federal funds to MnDOT and the Metropolitan Council to support the transit portion of the UPA. A request has been made by the Metropolitan Council to the State of Minnesota for the necessary grant award enabling legislation and for the 20% local match.

The Metropolitan Council, as the designated recipient of the grant award, has initiated a process to establish subrecipient agreements for the administration of the grant funds. The City of Minneapolis has been identified as the lead agency for the Marquette Avenue and Second Avenue Transit Lanes portion of the project. To initiate the subrecipient agreement process, the Metropolitan Council has requested that the City of Minneapolis complete the following steps of the subrecipient application process.

1. Complete An Application Form

The Application form is consistent with the initial UPA Grant Application and includes budget and schedule information for the Marquette Avenue and Second Avenue Transit Lanes portion of the project. The budget for the Marquette Avenue and Second Avenue Transit Lanes project is \$32.166 million (\$25.7328 million FTA, \$6.4332 million local match). The project is scheduled to begin on upon approval and is required to be completed by December 31, 2009.

2. Provide Current A-133 Audit Information

This financial audit information is published on the City of Minneapolis web site and is available to the Metropolitan Council.

3. Endorse FTA 2008 Certifications and Assurances

Federal FTA funding is subject to all applicable FTA federal requirements. The Certifications And Assurances form affirms that the applicant agrees to comply with applicable federal provisions.

Public Works is requesting that the proper City Officials be authorized to complete the subrecipient application process for the Marquette Avenue and Second Avenue Transit portion of UPA, including endorsement of the FTA Certifications And Assurances on behalf of the City. Mr. Steve Kotke, City of Minneapolis Engineer, and Mr. Corey Conover, Assistant City Attorney, will act as the City's Authorized Representative and Attorney, respectively, for the Marquette Avenue and Second Avenue Transit project FTA Certifications and Assurances.

Public Works anticipates that after completion of the subrecipient application process the Metropolitan Council will provide a draft Subrecipient Agreement. Public Works will then provide the draft Subrecipient Agreement, along with recommendations and a request for the proper City officials to negotiate and execute the agreement, for Council consideration and approval.

Federal funds for UPA are subject to pre-award authority as of November 1, 2007. Expenses incurred in accordance with all applicable FTA rules after this date are eligible for potential reimbursement. The ultimate availability of UPA funding is dependent upon legislative action. Based on the UPA support provided by Governor Pawlenty; Senator Steve Murphy, Chair of the Minnesota Senate Transportation Committee; and Representative Bernie Lieder, Chair of the Minnesota House Transportation Committee, it is anticipated that the required enabling legislation will be received and local match will be made available during the 2008 legislative session. However, expenses incurred between November 1, 2007 and the date of legislative action are at risk. There is also an associated but converse risk that if the project is not started prior to the anticipated legislative action it will be increasingly difficult to complete the work by the December 31, 2009 UPA deadline, potentially endangering FTA funding.

Public Works is recommending that the Council direct the Department Of Public Works to proceed with the Marquette Avenue and Second Avenue Transit project design work.

Public Works also seeks approval to develop and issue an RFP for a consultant to provide additional design and construction management services in support of the Marquette Avenue and Second Avenue Transit project.

Cc: Council Member Lisa Goodman
Council Member Elizabeth Glidden
Council Member Robert Lilligren
Council Member Betsy Hodges
Jon Wertjes
Dick Smith
Bill Schroeder