



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

Date: October 25, 2011

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

Referral to: Honorable Betsy Hodges, Chair Ways & Means/Budget Committee

Subject: **Non-Motorized Transportation Pilot Project (NTP) Amendments to Grant Agreements with MnDOT and Transit for Livable Communities (TLC)**

Recommendation:

- a) Authorize City Officers to execute amendments, respectively, to the MnDOT Agreement No. 89757 (City Agreement C-23888) and to City Agreement (C-23887) with Transit for Livable Communities (TLC) to perform specific work efforts as outlined in and in accordance with MnDOT Agreement No. 89757 that:
 - increases the Federal grant funding from \$5,636,000 to \$7,515,308
 - extends the end date from December 31, 2011 to December 31, 2013
 - changes the holdback percentage from 10% to 5%, and
 - adds new federal language for the Federal Funding Accountability and Transparency Act (FFATA)
- b) Passage of the accompany resolution increasing the Public Works – Transportation appropriation in the Permanent Improvement Projects Fund (0300-943-9462) by \$1,879,308 and increase the revenue source (0300-943-9462 – Source 3210) by \$1,879,308

Previous Directives:

- August 4, 2006 City Council authorized original grant agreements and appropriations
- April 18, 2006 TPW Receive & File – Project Status Update
- January 26, 2007 City Council authorized Amendment #1 to grant agreements
- February 1, 2008 City Council authorized Amendment #2 to grant agreement between the City and Transit for Livable Communities (TLC)
- April 10, 2009 City Council authorized Amendments to both MnDOT and TLC grant agreements to increase the grant amounts and extend the TLC term.
- December 10, 2010 City Council authorized Amendment to TLC grant agreement to increase the grant amounts and extend the TLC term.
- July 1, 2011 City Council authorized Amendment to TLC grant agreement to extend the TLC term.

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Approved by:

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

Presenter: Jon Wertjes

Financial Impact

Action is within current department budget

Community Impact

Neighborhood Notification: Not Applicable
City Goals: A Safe Place To Call Home
Comprehensive Plan: Not Applicable
Zoning Code: Not Applicable

Background/Supporting Information

The Non-motorized Transportation Pilot Project (NTP) was authorized by the Federal Government on August 2005 as part of the SAFETEA-LU transportation bill. The Minneapolis area is one of four communities designated to serve as a pilot in determining “the extent to which bicycling and walking can carry a significant part of the transportation load, and represent a major portion of the transportation solution.” The other three pilot communities are Sheboygan, WI; Marin County, CA; and Columbia, MO. Only in Minnesota was an independent non-profit (TLC) designated to carry out the program.

The City entered into two agreements, one with MnDOT and the other with Transit for Livable Communities (TLC). The City of Minneapolis is the fiscal agent for federal grant funding to TLC. Because the program falls under the State Aid Process, the funds are first released by the FHWA to Mn/DOT. But since Mn/DOT cannot allocate funds to a non-taxing authority, TLC needs a fiscal agent to carry out their administrative duties/preliminary engineering.

The current agreement expenditure limit and date are \$5,636,000 and December 31, 2011.

Additional Funding

Additional Congressional (continuing resolution) funding for the SAFETEA-LU transportation bill resulted in more allocated funds to the Non-motorized Transportation Pilot Project. Subsequent SAFETEA-LU continuing resolutions have eliminated discretionary, earmarked and experimental projects or programs and these funds have been reprogrammed. Therefore, no future Federal funds are anticipated for the Non-motorized Transportation Pilot Project.

As such, TLC has prepared a revised Work Plan, see attached, that guides the expenditures of the overall Federal funding resources. Based on this Work Plan that needs Federal Highway Administration and other proper approvals, TLC is requesting that the administrative contract be amended to increase the contract from \$5,636,000 to \$7,515,308, and extend the contract date to December 31, 2013.

Thus, amendments are needed to both the TLC and MnDOT agreements for the Non-motorized Transportation Pilot Project work efforts (SP 141-090-28, Mn/DOT Agreement #89757, City Contract C-23888 and TLC Agreement C-23887). The project costs will continue to be 100% grant funded and no match requirements.

Public Works seeks authorization to enter into amendments with both MnDOT and TLC, respectively, based on four key changes for these amended contracts:

- Increased federal funding amount to \$7,515,308, a maximum not to be exceeded
- Extend the end date to December 31, 2013
- Based on MnDOT desk review audits reduce the hold back from 10% to 5% applied to the overall new contract amount
- Include new federal language for the Federal Funding Accountability and Transparency Act (FFATA)

Attachment: NTP Work Plan, dated October 2011

Amending the 2011 Capital Improvement Appropriation Resolution

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the PW – Transportation Capital Agency in the Permanent Improvement Projects Fund (0300-943-9462) from \$5,636,000 to \$7,515,308 and increasing the revenue source (0300-943-9462 - Source 3210) by \$1,879,308.