

Metropolitan Council

Metropolitan Council Chambers, 390 No. Robert St., St. Paul, Mn. 55101

Meeting of the Central Corridor Management Committee

December 9, 2009

Members Present	Peter Bell, Chair	R.T. Rybak (Peter Wagenius – alt)	Kathleen O’Brien
	Toni Carter	Rafael Ortega	Reynaldo Aligada
	Robert McFarlin	Chris Coleman	Khani Sahebjam
Members Absent	Paul Krause	Jim Westerhaus	Tom Hanson
	Peter McLaughlin		

1. CALL TO ORDER

A quorum was not present when Chair Peter Bell called the December 9, 2009 meeting of the Central Corridor Management Committee to order at 1:40 pm at the Metropolitan Council offices at 390 North Robert St., St. Paul. Bell proceeded with the meeting business while waiting for a quorum, after which the minutes from the last meeting can be approved

2 APPROVAL OF 11/18/09 MINUTES

A quorum was reached during the regular business of the CCMC after which a motion was made by Carter, seconded by Wagenius to approve the minutes from the 11/18/09 meeting. The **motion carried.**

3 BUSINESS ADVISORY COUNCIL UPDATE

Karri Plowman reported that the First Friday Group (community, non-profit and other organizations working on business mitigation) held a second full-day retreat, as well as other meetings to working on the “Central Corridor Business Resource Collaborative”; the final document proposed for 2010. This document is to reflect a strategic plan of how all organizations will share the tasks and concentrate on securing funding and not duplicating resources. This is supported by the Central Corridor Funder’s Collaborative Partnership and the Midway Chamber.

COMMUNITY ADVISORY COMMITTEE UPDATE

Robin Cauffman reported the CAC discussed construction bid specifications related to public involvement. They reviewed an outline of what will be in the contract specs. and asked for feedback. Discussion included communications with the public, and what the public sees the contractor role to be. CAC is exploring using a community liaison as part of the contract. They discussed various communication strategies and notification standards.

Workforce events continue to be held for various groups.

4 UNIVERSITY OF MINNESOTA UPDATE

O’Brien reported that the U of M and the Metro Council are in the process of understanding components of a written agreement. Progress is being made to achieve an enforceable, durable agreement for the foundation for a partnership in the construction and the operation of the CCLRT.

Bell added that the parties are close on EMI and vibration standards. They are in the verification process to answer the question - "can we engineer to specifications within our budgetary restraints?", and from the University's side “will the engineering protect their research capacity?” They are also looking into the monitoring component to monitor any exceedances in EMI or vibration (continuous monitoring or periodic testing), and what are the remedies if agreed-upon standards are not met. Meetings will continue early next week.

In answer to Ortega’s question regarding the FTA timelines, Bell responded that there two important timelines that are of concern. The most important is being included in Obama’s budget. The FTA has indicated assurances that

they are likely to include CCLRT in the president's budget, enhanced to the extent that parties can resolve the issues in the previous paragraph. The timeframe for this is mid-November. The application for final design is in to the FTA and the FTA should take action on that in the first part of 2010; all schedules are mindful of keeping the 2014 opening date paramount. The timeframe is getting short, there may be a need for consideration from the FTA for LONP's in order to meet construction schedule, and the FTA has indicated that they may be open to that. Carter stated all are looking forward to the agreement with the U of M, but also looking forward to resolving the infill station(s) issues. The same timelines apply to the infill station question, and Bell stated that staff is also discussing the infill station issues with the FTA, sequentially with the U of M discussions. Bell stated that it is very possible to include one of the infill stations, but difficult to do all three. More discussions regarding infill stations will be addressed under Item #8 below.

5 WASHINGTON AVENUE BRIDGE UPDATE

Chuck Hymes, CCPO, presented on the history, construction schedule, staging and the maintenance of traffic, and cost sharing and answered question from O'Brien clarifying the width of traffic lanes during the construction of the bridge and the construction of rail, as well as the final width of traffic lanes.

6 ADVANCED TRAFFIC BID PACKAGE

Dan Soler reported on the Advanced Traffic Improvements. Following the Fourth Street utility work in St. Paul, in 2010 – under a LONP – work will begin on the intersection, traffic signal, turn lane work in and around the U of M to accommodate both the construction work along Washington Ave. and the ongoing elimination of through vehicle traffic on Washington Ave. and conversion into a pedestrian and transit mall. There were no questions from CCMC members.

7. CONSTRUCTION SCHEDULE FOR RESTORING ST. PAUL SKYWAY

Dan Soler reported on the 5th and Cedar Skyway connection background and schedule. The CCPO will be acquiring the building on 5th and Cedar (Bremer Bank Bldg). A small part of the skyway which is integral to the skyway system is in the Bremer Bank Building and will need to be replaced as part of the CCLRT project. Soler explained the approx 7 month timeframe for the construction of this skyway portion replacement and answered questions about the elevations of the new construction and construction timing.

8. INFILL STATIONS ENVIRONMENTAL ASSESSMENT

Fuhrmann began discussion by reviewing discussions that have taken place with the FTA. A conversation was held with the FTA on 12/08 to review the schedule included in the meeting materials. It is an aggressive schedule, FTA is supportive of it. Documents and disclosure to the FTA will speak to all three stations, but that does not commit the local partners or the Metro Council that all three stations will be built.

Carter questioned whether a FONSI or amended ROD will resolve the segmentation concern should, at an appropriate time, either/or all stations can be completed. Fuhrmann answered that the understanding from FTA staff, by going through this additional EA disclosure and documentation process, it does respond positively to the segmentation concern. Fuhrmann also stated that the FTA's stated concern, as heard on a number of occasions, is that they are fully committed that we project partners fully disclose/fully document the impacts of those three stations if they were to be built out. The build out question of one/two/three stations has timing, funding, and CEI consequences. There will need to be additional local consideration and deliberation as to when those funds are identified and become available, if it is "pre" full funding grant agreement, the CEI budget impacts and CEI can be met.

Carter questioned whether, according to this timeline, an additional station could be part of the bid package. Fuhrmann answered that without FONSI or amended ROD by the time of advertisement, it is unlikely that that an infill station could be put into the bid documents at the time of advertisement, mid-February. The Civil East bid document will be out for a couple of months, during which time it is hoped final FTA action will be received, then a bid addendum could be issued that could speak to an additional add alternate station.

Carter stated that it is difficult to see the assurance of building an infill station at a time when decisions have been bided for many months, recognizing other priorities of the project. According to CCMC agreement in principle, we have looked at possibilities and come up with a strategy for funding the stations, yet the agreement has been set aside as complications of FTA communications have been looked at. It seems absolutely essential that we work out

an assurance that there will be at least one station included in the bid package, that there be an assurance that there be an opportunity to respond with a bid for at least one station, so that the cost for that one station would not be prohibitive at a point at which we could appropriately move forward. As the agreement in principle spoke to all three stations and identified the method for funding all three, it would seem an egregious error and lack of good faith for us not to be able to see all three stations included in the bid package. Because we have moved so far and do not want to slip back on that commitment, Carter made the following motion.

Motion by Carter, seconded by Aligada:

That the CCMC reaffirm the intent to abide by the agreement in principle (which was adopted at the August 26, 2009 CCMC meeting) and recommend to the Metropolitan Council that the CCPO work with the FTA to resolve concerns and to allow all three stations to be added to the bid packages so that responses can be received for those costs.

Discussion:

McFarlin stated that while he appreciates the motion, he cannot support it because of lack of information. There are more questions that need to be answered and deliberations with the FTA regarding the segmentation issue, the impact of the infill stations and the cost that they bring to the project on the CEI. Those implications are not known at this time, and trade-offs in order to meet the CEI guidelines are not known, where additional money from the State – if needed – is not identified.

Fuhrmann responded that discussions have been held with the FTA regarding budget and schedule risks as the FTA is finalizing their project risk assessment prior to their approval to enter final design. The FTA understands the scope and budget; if the scope changes, it must be identified in the documentation for FTA. The project sits with a \$24.81 CEI; if all three stations were to be built out the CEI impact would be \$1.24 – in excess of the \$.18 headroom that the CEI currently affords us. There would need to be policy level decisions and recommendations from the CCMC and Metro Council as to how to proceed.

Coleman stated that having the infill stations as add alternates in the bid package is not an obligation to build them immediately. He hears concern from the broader community that there is a lessening of commitment from the CCPO to construct additional station(s).

Carter reaffirmed that the motion is not asking the stations to be added to the scope of the project at this time, but to allow, through the add alternate process, the stations be included in the bid package in order to get a cost and, at the appropriate time, the stations could be added economically.

Aligada stated that this motion sends a message that CCMC is still committed to the build out of an infill station. In answer to McFarlin question, Fuhrmann responded that the FTA does not review detailed bid package documents, however, the subject of infill stations is part of each discussion with FTA. It is important to keep the FTA abreast of the NEPA process and the Civil East bid package. It will not be possible to meet the mid-February date for including an infill station in the bid package, however a few weeks later, we may be able to issue an addendum to allow for the add alternates and the bidders will have time to price that item and include in their bids. Fuhrmann explained the cost premium estimates for building the stations later in the project. McFarlin stated that this is a project process issue, and the CCMC is on record as supporting the infill stations, and he has confidence in the project staff in dealing with the FTA in the steps it requires. For that reason he would oppose the motion at this time. Wagenius did not see a problem with reaffirming the February action and does not think it would put the project in jeopardy at this time, if it did not do so in February. As a final comment, Carter stated that adopting this motion today does nothing more than what has already been done, except it resolves some of the confusion around the project's willingness to work, meet, air an issue of great importance to the community.

Chair Bell called the question to take a vote, adding that if the motion prevails, it would be an advisory motion to the Metro Council who can dispose of it as they see fit. **Motion passed** with McFarlin voting no.

9. PROJECT SCHEDULE UPDATE

Fuhrmann presented the updated project schedule that was presented to FTA. FTA has said this schedule is exceptionally aggressive. The CCPO continues to work out details based on FTA entry into final design date of late February.

10. NEXT MEETING – January 13, 2010, AT 1:00 PM

Motion by McFarlin, seconded by Carter and passed to adjourn the meeting at 2:55 pm. **Motion carried.**

Respectfully submitted, LuAnne Major, Recording Secretary