

Metropolitan Council

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

Meeting of the Central Corridor Management Committee
January 20, 2010

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

CALL TO ORDER

A quorum was not present when Chair Peter Bell called the January 20, 2010 meeting of the Central Corridor Management Committee to order at 1:15 pm at the Metropolitan Council offices at 340 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.

1. APPROVAL OF 12/9/09 MINUTES

A quorum was reached during the regular business of the CCMC after which a motion was made by Hanson, seconded by Ortega to approve the minutes from the 12/9/09 meeting. **The motion carried.**

2. UNIVERSITY OF MINNESOTA MOU II UPDATE

Peter Bell and Kathleen O'Brien provided an update on MOU II. Bell stated that agreement was recently reached on performance standards for EMI and vibration. Agreement was also reached on EMI and vibration monitoring and testing. There has been a lot of hard work and dedication to reach these agreements. The area where the parties have not reached agreement yet is the remedies section, specifically, what will trigger remedies. The University wants it to be the violation of standards to trigger remedies. The Council wants the trigger mechanism to be actual harm to the research testing or research equipment. The remedies, injunctive relief and liquidated damages are still in discussions.

Kathleen O'Brien agreed with Bell's statement and appreciates all the work the project office and staff have put into this. O'Brien indicated that the University needs an agreement that guarantees that the mitigation works so that research is not impacted. The University's position is to get the line built and keep the University's research.

Commissioner McLaughlin agrees that the University research is important, but stated that liquidated damages is a big precedent. McLaughlin agrees we need to make sure there is balance and equity with the agreement that is reached.

3. INFILL STATIONS ENVIRONMENTAL ASSESSMENT UPDATE

Peter Bell mentioned that the FTA recently changed the criteria for evaluating federal funding eligibility for New Starts projects. FTA reduced the importance of the CEI where it was formerly used as a pass/fail metric, it is now considered equally with other criteria. The addition of the infill stations adversely impacted the CEI because it took longer for the train to travel between the terminus points. However, the new criteria allows more flexibility for the project to include the infill stations. The capital costs for an infill station range from \$5 – 5.8MM. St. Paul agreed to put \$5MM for the infill stations. The FTA will match the \$5MM, which would allow us to build two infill stations. For a third infill station, FTA may pay \$2.5MM, but locals would need to match this. Bell stated that the Governor's office stated that State's portion must remain at 10%. CTIB and the Rail Authorities would also need to participate. Bell stated we will look at adding one, two or possibly three infill stations.

Aligada responded that it is important to take note of Rogoff's editorial from 1/19/10. The infill stations are important to transit benefits. Now these benefits can be recognized with the CEI being dropped. McLaughlin said the change in FTA's guidelines shows what their priorities are. We should try to make the infill stations happen, especially since the FTA is willing to pay half.

Westerhaus asked if FTA will look again at funding requirements, such as the contingency requirements. Bell said no, FTA views these as separate issues. Bell said if the lawsuits delay the project it will increase the budget, in which the local partners may not want to pay the additional \$15 - \$20MM.

Kathryn O'Brien reported on the infill stations NEPA work that was recently completed. There will be two public hearings held on Jan. 27 at the Hallie Q. Brown Center. One will be at 11 AM and one at 6 PM. The public comment period closes on Feb. 10 and we expect FTA to issue their finding on Feb. 26.

Kathleen O'Brien asked if an amendment to FEIS is required. Kathryn O'Brien stated that an amendment is only needed if there is finding of new significant impact. This will depend on the public comments that are received.

4. 2010 PROJECT SCHEDULE

Mark Fuhrmann reported on the CCLRT project schedule. Fuhrmann stated that FTA expressed concerns on the infill stations, and requested us to do Environmental Assessment on them. They also have concerns regarding the lack of closure with MOU II. Due to these issues, Final Design entry was pushed into March. FTA stated that with Final Design in March, they wouldn't expect us to receive an FFGA until the September timeframe.

Fuhrmann stated that a draft request for a Letter of No Prejudice (LONP) for the Advanced Traffic Improvements (ATI) was submitted to FTA for review. Bids for this contract will be opened the week of 1/25/10. This contract is estimated at \$4.5MM and will be awarded in March, 2010. Hennepin County recently approved their portion of the ATI. The scope of this work was shown. Fuhrmann stated that Met Council will award the following major contracts after the FFGA: Civil East and Civil West Construction, Light Rail Vehicles, Systems and the O & M Facility. Fuhrmann stated that with the FFGA coming in third quarter rather than second quarter, in order to remain on schedule, we would need additional LONPs. LONPs would be needed for the following

- ROW at an estimated cost of \$25MM
- LRV engineering at an estimated cost of \$4MM
- Utility work for Civil East at an estimated cost of \$20MM
- Washington Avenue Bridge work at an estimated cost of \$10MM
- Franklin Facility RCC Update and Systems Engineering at an estimated cost of \$8MM

Comparison of 2009 and 2010 pre award and LONP contract commitments was shown (pre FFGA). Local commitments would be \$41.6 in the earlier schedule. With Fall FFGA, the local share is approximately \$83.5MM total. This is still under 10% of the total project cost. As a comparison, Northstar LONPs were 30% of the total project cost.

Peter McLaughlin commented on money under LONPs. Hennepin County recently approved \$6MM for ATI. Due to the extra risk associated under LONP rather than FFGA, he feels there should be a reasonable sharing of the risk. McLaughlin feels it should shift more to the State, who has more resources to call on. Bell stated that the State also is in need of money, and we need to stick to the formula of 30/10/10, having the State paying 10% of the capital costs.

Kathleen O'Brien asked what was spent to date on design. Fuhrmann stated that \$59MM was spent to date on design efforts. Out of this, \$32MM was State money, \$20MM was Federal, \$7MM was CTIB, and the Rail Authorities in total is \$0.3MM.

5. NEXT MEETING – February 10, 2010, at 1:00 p.m.

A motion was made and seconded to adjourn the meeting at 2:30 p.m. **Motion carried.**

Respectfully submitted, Dawn Hoffner