Agenda
Red Rock Corridor Commission
Thursday April 26, 2012
4:00 p.m.

Cottage Grove City Hall, Council Chambers
7516 80th Street South
Cottage Grove, MN

	Action Requested
1. Consent Items* a. Minutes of the February 23, 2012 Meeting b. Checks and Claims	Approval
2. AA Update Scope / Schedule Overview* - WCRRA	Information
3. Website Hosting & Communication Services* - WCRRA	Information
4. Newport Transit Station Design Update - WCRRA	Information
5. Minnesota High Speed Rail Commission Update - RCRRA	Information
6. Legislative Update* – RCRRA a. State b. Federal	Information
7. Other a. New Starts NPR Regional Comments* b. Next Meeting – Thursday, May 31, 2012	Information

** Enclosures*

For questions regarding this material, please contact Andy Gitzlaff, Washington County Regional Railroad Authority at (651) 430-4338.

Draft Meeting Minutes

February 23, 2012
Cottage Grove City Hall
4:00 p.m.

Commission Members	Agency	Present
Joe Harris	Dakota County RRA	X
Autumn Lehrke	Washington County RRA	X
Janice Rettman	Ramsey County RRA	X
Mark Stenglein	Hennepin County RRA	X
Barb Hollenbeck	City of Hastings	X
Jen Peterson	City of Cottage Grove	X
Keith Franke	City of St. Paul Park	
Steve Gallagher	City of Newport	
Kathy Higgins	Denmark Township	
Cam Gordon	City of Minneapolis	
Amy Brendmoen	City of St. Paul	X

Alternate Commission Member	Agency	Present

Ex-Officio Members	Agency	
Ron Allen	Goodhue County	
Bob Kastner	City of Red Wing	
Marc Mogan	Prairie Island Indian Community	
Ken Bjornstad	Goodhue County	X

Staff	Agency	Present
Andy Gitzlaff	Washington County RRA	X
Josh Olson	Ramsey County RRA	X
Sam O'Connell	Dakota County RRA	
Adele Hall	Hennepin County RRA	X

Others	Agency
Ruby Larson	SAHS
Carl Jensen	MN DOT
William Reynolds	Kimley-Horn and Associates
Sarah Ott	Kimley-Horn and Associates
Kristin Petersen	Hay Dobbs
Joe Mornenu	DCRRA

The meeting was video recorded and can be viewed online at:

http://swctc.granicus.com/MediaPlayer.php?view_id=2&clip_id=3569

Chairman Harris called the meeting to order at 4:05 p.m.

Harris welcomed new member, Amy Brendmoen of St. Paul.

Agenda Item #1: Election of Officers

Peterson nominated Harris as Chairperson and second by Lehrke. No other nominations. Rettman motioned to approve nomination of Harris as Chairperson. Second by Hollenbeck. **All in favor.** Motion carried.

Lehrke nominated Peterson as Vice-Chairperson and second by Stenglein. No other nominations. Stenglein motioned to approve Peterson as Vice-Chairperson. Second by Brendmoen. **All in favor.** Motion carried.

Agenda Item #2: Consent Items

a. **Minutes of the November 17, 2011 Meeting**
b. **Checks and Claims**

Note: Items as presented in packet, no additions or changes

Motion made by Hollenbeck to approve the consent items. Second by Peterson. **All in favor.** Motion carried.

Agenda Item #3: 2012 Workplan and Budget Approval - WCRRA

Gitzlaff provided an update and highlights since last session; there were five (5) main updates as listed in the memo with the packet. In the Budget section, Gitzlaff noted that on page 4 of the packet, $20,000 will be held in reserve with the remaining balance to be carried over to this budget, bringing down the member dues for this year. Gitzlaff reviewed the Accounting Summary for the Red Rock Corridor Commission. The Accounting Summary was provided as a handout at the meeting and is for the Period of January 1, 2011 through December 31, 2011. Gitzlaff also noted in the Fund Balance section there were dates other than 2011, and they should all be 2011.

Lehrke expressed her concern with Draft item number 2. Advocacy and Legislative Coordination, specifically #5 Advocating for High-Speed Rail Funding at the State and Federal level. Lehrke expressed concern “if advocacy should be an item contained in this workplan because advocacy is covered in another committee.”

Rettman believes that “High Speed Rail will affect the Red Rock Communities” and that it belongs in this workplan.

Hollenbeck stated that she believes “Advocacy should remain in the plan.”

Lehrke believes the community will not really benefit from High Speed Raid right now; and later in this agenda there will be discussion on exploring bus transit options, plus “advocacy is addressed in another committee.”

Harris stated that “in order for the Red Rock Corridor project to be successful it hinges on High Speed Rail; and advocacy is just one small item of many and not the number one item.” Harris expressed that “advocacy should continue to be a part of the project because the rail will go right though this area; and if you are for, or against it, you will be better off at the table” and he “doesn’t see that there is really a choice; to be successful you need to also be an advocate.”

Motion made by Rettman to approve the 2012 Workplan and Budget as presented. Second by Stenglein.

Rettman expressed appreciation for Gitzlaff’s efforts with providing them financial information at this time. Gitzlaff asked for a point of clarification, that there was no text amendment to the workplan; and Harris responded that was correct.

Chairperson Harris called for a Roll Call Vote: **Commissioner’s Stenglein, Rettman, Lehrke, Harris, Peterson, and Hollenbeck in favor. Commissioner Brendmoen abstained.** Motion carried.

Agenda Item #4: Advanced AA Study Option - WCRRA

Gitzlaff summarized and reviewed the pros and cons of the four (4) options included with the meeting packet. Gitzlaff stated that staff met and recommends in addition to continuing the advocacy as outlined in option D, that the Commission pursue, Option B and the main reason being the scope and cost is much less, taking less time to complete, and it allows the commission to make more informed strategic decision. Gitzlaff said the next step will be framing out a scope of work and funding for the option chosen.

Rettman inquired as to how soon they could receive the Advanced AA Study Option B information be presented to them.

Gitzlaff said that staff can put together a schedule for the next meeting, and the schedule could include scope of work, funding update, expected release of RFP, and when they might have a consultant on board.

Lehrke stated that “Option B is a great choice” and she serves on CTIB GEARS Committee and the cost of HSR is much higher than BRT in metro, and she provided the 2012 transit operating cost for each of the following: “Cedar Avenue BRT $667,000; I35W BRT

$825,000; Northstar Commuter Rail $17,283,000' and that is why she thinks that 'they need to look into BRT and see if it is a viable option for this corridor.'

Motion by Stenglein to approve staff's recommendation for Option B. Seconded by Lehrke All **in favor.** Motion carried.

Agenda Item #5: Support for East Metro Rail Capacity Improvements
Gitzlaff presented the proposed Resolutions that support the submittal of the FY 2012 TIGER grant funding and the use of state bond funds.

a. **RCRRA TIGER III Application Submittal (Reso. 2012-1)**
b. **RCRRA State Bond Fund Request (Reso. 2012-2)**

Motion made by Rettman to approve Reso. 2012-1 and 2012-2. Seconded by Hollenbeck. In favor, Hollenbeck, Peterson, Brendmoen, Rettman, and Stenglein. Opposed, Lehrke. Motion carried.

Agenda Item #6: New Starts Notice of Rule Changing

Gitzlaff reviewed information contained in the memo included with the packet, stating that the FTA published the Notice of Proposed Rulemaking for the New Starts/Small Starts Program and that comments are due on March 26, 2012. The FTA is looking to streamline and simplify the project development process and that staff from the Counties will be submitting comments through the Counties Transit Improvement Board (CTIB.)

Rettman asked if the CTIB compilation will be provided to the counties and RRCC. Gitzlaff will get copies of what is submitted and he can forward on to the RRCC. Counties could also submit their own comments.

Agenda Item #7 Legislative Update – RCRRA
Josh Olson of Ramsey County summarized activity to date.

a. **State,** Legislature is just in session; to early at this point for much to report. Staff will continue to monitor the transportation front and the Bonding Bill. Olson mentioned that the Southwest Corridor was part of the Governor's Bonding Bill.

b. **Federal,** there are (3) different versions of the transportation authorization bill right now; and the Presidents transportation bill is $47 Billion towards HSR over 6 years and is different from both house and the senate versions. The House version is far less and a shorter time frame. The Senate bill is (2) years and $110 Billion. Olson stated that it is very early, but so far there are positive progress steps. Olson stated that it is a major election year they may not see a final resolution of a major transportation bill this year.

Agenda Item #8 Other

a. Next Meeting- Thursday, March 29, 2012:

Gitzlaff displayed a copy of the final planning station reports as the results of the two year study completed by Hay Dobbs and acknowledged that Kristin Petersen was present at the meeting; copies were provided during the meeting of the final newsletter that includes the adoption of the station area plan. He noted that the website hosting contract expires at the end of June and the Commission will have to decide on how to continue managing and updating the website, RedRockRail.org, and overall communication services going forward. Staff can make copies of the report if someone wishes to receive a copy.

Commission Chairperson, Harris asked if copies of the brochure would be available to each of the Cities. Gitzlaff stated there will be about 50 copies for each city and that it would also be available to view on the website.

Harris thanked Kristin and the Hay Dobbs firm for their hard work.

Peterson asked if anyone would be attending the Minnesota High Speed Rail Commission meeting. Harris answered, that he and Gitzlaff are planning to attend.

Next meeting is scheduled for March 29, 2012.

Motion by Stenglein to adjourn. Seconded by Lehrke. **All in favor.** Motion carried.

Meeting adjourned at 4:52 p.m.

DATE: April 20, 2012, 2012

TO: Red Rock Corridor Commission

FROM: Staff

RE: Checks and Claims

Attached is the

Hay Dobbs Invoice #30 - SAP Study (February, 2012)		$ 9,583.40
Hay Dobbs Invoice #31 - SAP Study (March, 2012)		$ 2,110.87
	TOTAL	**$ 11,694.27**

Detailed invoices can be made available upon request.

Action Requested: Approval

INVOICE NO.__09017.000-30

Original To: Project Manager: Andy Gitzlaff
Washington County Regional Railroad Authority
Washington County Public Works Department
11660 Myeron Rd North,
Stillwater, MN 55082

Estimated Completion: _98.4_ %
(from Column 6 Progress Report)

Copy: Minnesota Department of Transportation
Consultant Services Section, Mail Stop 680
395 John Ireland Boulevard,
St. Paul, Minnesota 55155

Period Ending: _02/29/12_
Invoice Date: 03/14/2012___

Re: Mn/DOT Contract No. 85937
SP Number: NA
Contract Expiration Date: July 20, 2012
TH Number: NA
Project Description: Southeast Station Area Master Planning and Environmental Analysis

	Total Contract Amount	Total Billing to Date	Amount Previously Billed	Billed This Invoice
1. Direct Labor Costs: (See Exhibit _ for Breakdown)	$500,186.74	$500,185.87	$500,185.87	$0.00
2. Direct Expense Costs: (See Exhibit _ for Breakdown)	$70,108.77	$59,712.54	$53,754.26	$5,958.28
3. Subcontractor Costs:	$498,514.18	$493,467.85	$493,467.85	$0.00
4. Miscellaneous Professional Services	$81,144.31	$77,528.75	$73,903.63	$3,625.12
Net Earnings Totals:	$1,149,954	$1,130,895.01	$1,121,311.61	$9,583.40
			Total Amount Due This Invoice:	$9,583.40

Contractor: Complete this table when submitting an Invoice for payment

Activity Code	Total Billing to Date	Amount Previously Billed	Billed This Invoice
1	$1,130,895.01	$1121,311.61	$9,583.40
Total*	$1,130,895.01	$1121,311.61	$9,583.40

*Must Match Net Earnings Totals Above

I certify that the above statement is correct and payment has not been received.
Signature: _____

Print Name: _Gary C. Hay_____

Title: __President/Principal-in-Charge ___

Billing Address:
Hay Dobbs P.A.
220 South Sixth Street, Ste 165
Minneapolis, MN 55445

Telephone: (612) 338-4590

Approved for Payment: _____

Date: _____

For Consultant Services Use Only

(CSS Reviewed 4/20/2007)

INVOICE NO.__09017.000-31

Original To: Project Manager: Andy Gitzlaff
Washington County Regional Railroad Authority
Washington County Public Works Department
11660 Myeron Rd North,
Stillwater, MN 55082

Estimated Completion: _98.6_ %
(from Column 6 Progress Report)

Copy: Minnesota Department of Transportation
Consultant Services Section, Mail Stop 680
395 John Ireland Boulevard,
St. Paul, Minnesota 55155

Period Ending: _03/31/12_
Invoice Date: 04/10/2012___

Re: Mn/DOT Contract No. 85937
SP Number: NA
Contract Expiration Date: July 20, 2012
TH Number: NA
Project Description: Southeast Station Area Master Planning and Environmental Analysis

	Total Contract Amount	Total Billing to Date	Amount Previously Billed	Billed This Invoice
1. Direct Labor Costs: (See Exhibit _ for Breakdown)	$500,186.74	$500,185.87	$500,185.87	$0.00
2. Direct Expense Costs: (See Exhibit _ for Breakdown)	$70,108.77	$59,982.53	$59,712.54	$269.99
3. Subcontractor Costs:	$498,514.18	$493,467.85	$493,467.85	$0.00
4. Miscellaneous Professional Services	$81,144.31	$79,369.63	$77,528.75	$1,840.88
Net Earnings Totals:	$1,149,954	$1,133,005.88	$1,130,895.01	$2,110.87
			Total Amount Due This Invoice:	$2,110.87

Contractor: Complete this table when submitting an Invoice for payment

Activity Code	Total Billing to Date	Amount Previously Billed	Billed This Invoice
1	$1,133,005.88	$1130,895.01	$2,110.87
Total*	$1,133,005.88	$1130,895.01	$2,110.87

*Must Match Net Earnings Totals Above

I certify that the above statement is correct and payment has not been received.
Signature: _____

Print Name: _Gary C. Hay_____

Title: __President/Principal-in-Charge ___

Billing Address:
Hay Dobbs P.A.
220 South Sixth Street, Ste 165
Minneapolis, MN 55445

Telephone: (612) 338-4590

Approved for Payment: _____

Date: _____

For Consultant Services Use Only

(CSS Reviewed 4/20/2007)

DATE: April 18, 2012

TO: Red Rock Corridor Commission

FROM: Staff

RE: Red Rock Corridor Advanced Alternatives Update (AAU) Study

At the February Commission meeting, staff presented four options for additional study and assessment of the Red Rock Corridor. The Commission approved pursuing an update to the Alternatives Analysis (Option B). The anticipated cost of $200,000 to $250,000 and the study would take approximately 9 months to complete. The following is an outline of the scope of work and the timeline for the Alternatives Analysis Update (AAU):

Scope of Work
The following is a list of the proposed tasks for the AAU scope of work and a summary of what would be accomplished in each task.

Public Involvement

- Develop a stakeholder involvement plan that includes Corridor Cities and Counties, Agencies including the Metropolitan Council (Met Council), Metro Transit, Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) and the general public
- Prepare for and facilitate public meetings/workshops as necessary
- Ongoing project communication through e-newsletter and website updates

Review Recently Completed Studies

- Review recently completed studies including, but not limited to the Commuter Bus Feasibility Study, the Station Area Planning Study and the East Metro Rail Capacity Study
- Review results of 2010 Census, Met Council Travel Behavior Inventory (TBI) and the Region's Ridership Model.
- Comparison to Findings and Assumptions from Initial Red Rock Alternatives Analysis

Alternatives Development

- Update the service plan and conceptual design for the express bus and commuter rail alternatives from the initial AA based on new and/or changing circumstances.
- Prepare an additional conceptual Bus Rapid Transit "BRT" alternative for comparison to the express bus and commuter rail options

Evaluation of Alternatives

- Prepare capital, operating and maintenance cost estimates and ridership projections and evaluate environmental and community impacts, economic development potential and safety improvements for each alternative
- Conduct a comparative analysis consistent with FTA New Starts evaluation guidelines for all alternatives
- Identify the preferred alternative for future analysis during the federal National Environmental Protection Act (NEPA) process

Final Report / Implementation Plan

- Prepare a draft and final version of the AAU Report.
- Based on the outcomes of the comparative analysis, prepare an implementation plan that outlines the next stages of development for the Red Rock Corridor

Project Management

- Ongoing project administration, scheduling, review of project deliverables
- Prepare for and present at Red Rock Corridor Commission meetings at key project milestones.
- Prepare for and facilitate monthly project management team meetings of County, City and Agency Staff
- Prepare for and facilitate Agency coordination meetings as needed.
- Submit appropriate documents for Agency review

Timeline

The following outlines the schedule for the development of the AAU scope of work, RFP, the selection of a consultant and accessing federal funds to pay for up to 80% of the project cost:

April 26, 2012 RRCC Mtg:	Review key tasks for scope of work and schedule
May-June, 2012:	FTA review of scope of work, finalize funding plan
June 28, 2011 RRCC Mtg:	Update on full scope of work for the AAU
July-August, 2012:	Finalize RFP based on FTA and RRCC comments; amend grant agreement for federal funding
August 30, 2012 RRCC Mtg:	Approve RFP Release
September-October:	RFP released, review proposals
Oct. 25, 2012 RRCC Mtg:	Approve Consultant Selection
November 2012:	Negotiate Contract, Begin work on AAU
Summer 2013	Complete Study

Action

Information

DATE: April 18, 2012

TO: Red Rock Corridor Commission

FROM: Staff

RE: Commission Website Hosting and Communication Services

As part of the Station Area Planning study contract, the Red Rock Corridor website was updated and modernized and has become the Commissions main platform for communicating with the public and disseminating information. Content and materials were also developed for public communication including project briefs, e-newsletters, printed newsletters, FAQ's and graphic displays.

The prime consultant Hay Dobbs has effectively managed and completed this work through the duration of the study and has also provided ongoing website hosting and maintenance services through a subcontract with Appevision. Website hosting services will continue until the end of June, 2012 under the SAP contract.

It will be important to continually update the website with new information and maintain a consistent level of communication with the public now that the bulk of the work for the SAP study has been completed. For 2012, $20,000 is budgeted for Communication Services and $5,000 is budgeted for Website Hosting / Content Management.

Staff has requested that Hay Dobbs put together a proposal to continue to host and manage the website and provide communication services on an as need hourly basis for the second half of 2012

Hay Dobbs has proposed to complete the website hosting and up to 3 hours of maintenance service for $250 per month ($1,500 for 6 months) through a subcontract with Appevision and to provide supplemental communication services billed at an hourly rate up to a not to exceed amount of $6,500 for a total not to exceed contract of $8,000 (see attached proposal).

If desired by the Commission, staff will prepare a not to exceed hourly contract with Hay Dobbs to provide communication and website hosting and communication services for July 1st through December 31st, 2012 for approval by the Commission at its next meeting.

Action
Information

MEMORANDUM

HAY DOBBS
ARCHITECTURE
URBAN DESIGN
PLANNING
INTERIORS
WWW.HAYDOBBS.COM

To: Red Rock Corridor Commission

Attention: Andy Gitzlaff, Project Manager

From: Thomas Dobbs

Date: 19 April, 2012

Project: Red Rock Corridor

Remarks:

Andy,

Per your request for continued services to host, maintain and update the Red Rock website as well as to provide content and materials for public communication, we propose the following:

- Continued web hosting through the end of 2012, subcontracted through App-E for $250/month which includes up to 3 hours of web site maintenance time per month. Hosting will continue to be through Amazon Web Services (AWS) which provides outstanding security, speed, up-time (highly reliable services and multiple fault-tolerant Availability Zones), scalability, redundant cloud based data storage, elasticity for ease of maintenance, and an open and flexible framework of operating system, development platform, and CMS.

- Development of website content including, but not limited to: new narrative, edited narrative, new drawings/graphic, updated drawings/graphics; hourly as requested

- Development of materials for public information/review including but not limited to newsletters, legislative data sheets/info, public festival displays, et. al.; hourly as requested

- Development of newsletter & management of e-subscriber database / subscription

- Miscellaneous project management, meetings, administration; hourly as incurred

- Reimbursable expenses to be invoiced at cost, as incurred

Anticipated Staffing and Rates:

70% of time: Kristin Petersen :	$61.00/hour
20% of time: April Haas:	$72.86/hour
5% of time: Gary Hay:	$117.64/hour
5% of time: Thomas Dobbs:	$117.64/hour

We would propose to undertake the aforementioned scope of work on an hourly basis not to exceed $8000.

Copy To: File

220 South Sixth Street Suite #165 Minneapolis, MN 55402 Tel. 612.338.4590 Fax 612.337.4042

Alliance Legislative Update

April 17, 2012

US House Proposes Another SAFETEA-LU Extension

Legislation could be vehicle for working with Senate on Reauthorization Plan

Yesterday the House Rules Committee cleared the way for a vote on H.R.4348, a 90-day extension of SAFETEA-LU that would keep SAFETEA-LU funding levels in place through the end of September. **Republican leaders plan to use that measure to begin negotiations with the Senate on a longer term reauthorization bill.**

The House Rules Committee agreed to allow three Republican amendments to be offered to H.R. 4348:

- A proposal from Rep. Reid Ribble (R-Wis.) that would essentially add the transportation project environmental review and approval process reforms from the five-year reauthorization bill that passed the House Transportation & Infrastructure (T&I) Committee earlier this year to the extension measure;
- A proposal from Rep. David McKinley (R-W. Va.) that would prevent the U.S. Environmental Protection Agency from classifying coal ash as a hazardous substance; and
- A proposal from Rep. Charles Boustany (R-La.) that would ensure annual spending on port and waterway improvements would equal that year's Harbor Maintenance Trust Fund receipts.

House T&I Committee Ranking Democrat Nick Rahall (D-W.Va.) sought the opportunity to offer the text of the Senate-passed surface transportation reauthorization bill as an amendment to the 90-day extension, but Republicans denied that effort—a move that brings into doubt whether Democrats will support the extension measure. House Democrats, however, will be allowed to offer a germane amendment to H.R. 4348 during debate.

A number of House Republican members have been publicly critical of the 90-day extension strategy in recent days over concern that the lack of a House-passed bill would put the chamber at a disadvantage in negotiations with the Senate. It remains uncertain if adding the T&I Committee's environmental streamlining provisions will satisfy enough Republicans to pass the bill.

Senate Begins Work on FY2013 Appropriations Bill

The Senate Transportation, Housing and Urban Development Appropriations Subcommittee approved a FY 2013 transportation funding bill yesterday that would maintain federal highway investment at the FY 2012 level of $39.1 billion. The measure would also boost federal investment in transit capital programs by $89 million.

Subcommittee chairman Patty Murray (D-Wash.) said these proposed funding levels would stand until a surface transportation reauthorization bill is enacted. A summary released by the subcommittee indicates the legislation would also provide $500 million for the Transportation Investment Generating Economic Recovery grant program to fund multi-modal infrastructure investments, $3.35 billion for the Airport Improvement Program (equivalent to the FY 2012 enacted level), and $1.75 billion for rail infrastructure investment—$1.45 billion of which is for Amtrak. Rail investments would increase by $126 million above the FY 2012 enacted level.

What does the latest action in Washington mean for you?

Find out at the Transportation Alliance
Washington Fly-In – June 5-7, 2012



Lockridge Grindal Nauen Federal Weekly Update
Week of March 26, 2012

It was an eventful week on Capitol Hill; before recessing for the next two weeks, legislation to extend surface transportation was cleared in both the House and Senate and signed into law by the President on Friday, March 30. Across the street from the Capitol, Supreme Court proceedings were underway on the 2010-passed Affordable Care Act. Justices discussed the constitutionality of the cores of health care reform during three days of deliberations.

In the House, Members voted to adopt H Con Res 112, Congressman Paul Ryan (R-WI)'s budget resolution and the House Leadership's preferred election-year fiscal policy platform. When the House returns from recess on April 16, the Ryan Budget directs six authorizing committees to begin compiling a package of spending cuts that Republican leaders aim to bring to the floor this spring. The effort is part of the budget resolution's approach to replacing the $98 billion in automatic cuts to discretionary programs set to take effect in January, 2013 under the August debt limit law (PL 112-25).

Surface Transportation

2013 Budget

Healthcare

Public Safety

Grant Update

Workforce Development Act

Federal Administration

Staff Updates

Special News Notes & Events

Minnesota Delegation Notes

Additional Media

SURFACE TRANSPORTATION:

On Thursday, March 29, the Senate sent a three-month extension of surface transportation programs to President Obama for his signature, averting a potential shutdown of highway, transit and infrastructure projects. The Senate cleared the bill (HR 4281) by unanimous consent just a few hours after the House passed by a vote of 266-158. The current extension (PL 112-30) expires March 31.

LGN Federal Relations Contacts

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House Majority Leaders expressed confidence they will be able to move a longer-term measure shortly after the two-week recess. But it was clear Thursday that the majority will have to pass its five-year, $260 billion measure (HR 7), or more likely a modified version, with little if any Minority support.

Minority Leader Nancy Pelosi (D-CA) repeated her caucus's insistence that the Chamber vote on a House version (HR 14) of the two-year, $109 billion transportation bill (S 1813) the Senate passed with bipartisan support earlier this month.

House Majority Leaders say they need more time to round up support for the five-year package that has been stalled since mid-February. That bill, introduced January 31 by House Transportation and Infrastructure Chairman John L. Mica, (R-FL), ran into opposition from conservatives who called it too expensive. Members from both parties objected to the bill's elimination of guaranteed funding for public transportation.

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2013 BUDGET:

The "lame duck" session after the November election is already being discussed in Congress: Members will have only seven weeks to disarm the across-the-board spending cuts (sequestration) that were put in place as self-imposed punishment for the failure of the Congressional "Supercommittee" last fall. Without enacting an alternative, $98 billion in indiscriminate reductions will be triggered in early January, 2013. Members from both Chambers and both sides of the aisle are eager to replace that approach with one involving targets.

Chairman Ryan (R-WI)'s budget attempts to mitigate the sequestration as it instructs six committees - Agriculture, Energy and Commerce, Financial Services, Judiciary, Oversight and Government Reform, and Ways and Means - to spend April finding a collective $261 billion in cuts to mandatory programs over 10 years. Those recommendations will then be put to a vote in the House in early May, a move that is designed by Republicans to put pressure on the Democratic Senate to respond, if not before the election then soon thereafter. The panels are directed to submit their recommendations for the cuts to the Budget Committee by April 27. The panel, in turn, will compile the recommendations into a reconciliation bill, which the House is expected to consider as early as May. Reconciliation can formally proceed only if both Chambers adopt a budget resolution containing reconciliation instructions, however, and Senate Majority Leader Harry Reid (D-NV) has said he won't bring a budget resolution to the floor this year, insisting that it is unnecessary since last year's debt limit agreement set a discretionary spending level of $1.047 trillion for fiscal 2013.

The "shadow" reconciliation process planned in the House, therefore, is aimed at putting the question of how to deal with budget sequestration squarely in the Senate's court. The process of producing a package of mandatory cuts, some House Republicans say, may give them leverage later in the year when the two chambers begin to negotiate over fiscal 2013 spending, the extension of the Bush-era tax rates and dealing with the sequester.

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HEALTHCARE

Please see the "Supreme Court Proceedings on the Affordable Care Act" in the Additional Media Section.
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PUBLIC SAFETY - DEPARTMENT OF HOMELAND SECURITY PREPAREDNESS GRANTS:

First proposed in the President's FY 2013 budget proposal and still under development, the new National Preparedness Grant Program (NPGP) would be a mix of formula grants to the states intended to sustain current activities including some Urban Area Security Initiative grants, and competitive grants to states and

regions for specific policy areas, including critical infrastructure, counterterrorism, and transportation. The proposal, which would require legislation, would eliminate current separate programs including state homeland security grants, Urban Area Security Initiative (UASI), transportation and infrastructure protection (rail, port, bus), urban search and rescue, medical surge grants (MMRS), citizen corps, Operation StoneGarden, and the pre-disaster mitigation fund.

It is not clear that the current requirement in the formula grants program that states pass through a portion of the funds to local governments, as is currently the case under the State Homeland Security Grant Program (SHSGP), would remain. It also is not clear that the requirement that a portion of the funds be dedicated to law enforcement terrorism prevention activities, as is currently the case under both SHSGP and UASI, would continue. We will continue to monitor this development as it moves forward.

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GRANT: ROBERT WOOD JOHNSON FOUNDATION - COMMUNITY HEALTH

A Request For Proposals (RFP) for the Roadmaps to Health Community Grants program has been announced by the Robert Wood Johnson Foundation. Community Grants will help communities implement policy or system changes to address social or economic factors that influence health outcomes in their community. Factors include: education; employment and income; family and social support; and community safety. The deadline for brief proposals is May 2, 2012. Read more information on the program and application here.

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WORKFORCE DEVELOPMENT ACT

On March 29, 2012, Majority Members of the House Committee on Education and the Workforce introduced a proposal to reform the nation's large network of job training programs. The Workforce Investment Improvement Act of 2012 consolidates more than 25 programs into one Workforce Investment Fund. This bill's authors believe it will provide a more streamlined system for workers and job seekers to find the employment support they need. Chairman John Kline (R-MN) praised the Act and suggested that it is an "important opportunity for reform of our broken workforce investment system."

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FEDERAL ADMINISTRATION

HUD: Sustainable Housing and Communities BROAD STAKEHOLDER CALL:

Peter Kovar, HUD's Assistant Secretary for Congressional and Intergovernmental Affairs and Shelley Poticha, Director HUD's Office of Sustainable Housing and Communities (OSHC), will discuss legislative and programmatic developments. There will also be time for questions from the callers. As you may know, HUD's proposed FY13 Budget restores 100 million for the Sustainable Communities Initiative, which creates incentives for communities to develop comprehensive housing and transportation plans to achieve sustainable development, reduce energy consumption and greenhouse gas emissions, and increase affordable housing near public transit. This includes $46 million to fund about 20 additional regional planning grants to help enable communities to align public and private investments in housing, transportation, and infrastructure to strategically integrate goals for mobility, regional housing choices and economic development. In addition, $46 million will be invested in neighborhoods and communities to update building codes, zoning, and local planning efforts as complementary strategies to the regional grants.

DATE: Monday, April 2, 2012

CALL TITLE: OSHC Broad Stakeholder Call
TIME: 12:30 p.m. - 1:00 p.m. EST (please make sure you adjust for your time zone). Please dial-in early as it may take a while for the operator to get everyone into the call due to volume.
CALL IN NUMBER: (866) 847-7863
Confirmation Number: 243418

EPA: Hearing Reviews Budget Priorities for EPA

The Water Resources and Environment Subcommittee, chaired by U.S. Rep. Bob Gibbs (R-OH), held a hearing on March 28, 2011 to receive testimony from the Environmental Protection Agency (EPA). The EPA has the primary responsibility for carrying out the Clean Water Act, which provides for a major federal/state program to protect, restore, and maintain the quality of the nation's waters. However, significant parts of the program are administered by the states with EPA's approval. EPA also administers the Superfund program, which is aimed at investigating and cleaning up uncontrolled and abandoned sites contaminated with hazardous substances. To read a press release, click here.

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STAFF UPDATES:

Mr. Tony Ufkin has been hired as the Press Secretary for Congressman Tim Walz (D-MN-01). Ufkin was formerly an intern at The White House Office of Legislative Affairs and had worked as a Press Assistant on Congressman Walz's 2010 campaign for U.S. Congress. Tony is a graduate of the Minnesota State University, Mankato.

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SPECIAL NEWS, NOTES, AND EVENTS

Breakfast Reception Honoring Congressman Keith Ellison
Tuesday March 27, 2012 - Washington, DC

Dennis McGrann from the Washington DC LGN Team joined with U. S. House Minority Leader Nancy Pelosi in an event honoring 5th District Congressman Keith Ellison. McGrann and Leader Pelosi had the opportunity to discuss and number of issues and specifically addressed a number of Minnesota priorities.

US DOT/FAA Center of Excellence Meeting
Tuesday March 27th / Thursday March 29th,2012 - Washington, DC

LGN's Director of Federal Affairs, Dennis McGrann Chaired the Federal Aviation Administration's (FAA) Center of Excellence, the "Partnership for Air Transportation Noise & Emissions Reduction" (PARTNER), 18th semi-annual Advisory Board Meeting in Washington DC March 27th through March 29th. PARTNER is the 10 year old joint FAA, DOD, EPA, NASA and Transport Canada aviation research organization chartered with responsibility to research and analyze the environmental impacts of aviation world wide. The Center is associated 12 research universities, led by Massachusetts Institute of Technology (MIT) and oversees a wide range of environmental research projects. McGrann has severed as Chair of the Advisory Board over the entire 10 year period of the Center's existence.

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MINNESOTA DELEGATION NOTES

Senator Amy Klobuchar (D-MN) announced that the bipartisan drug shortages working group she helped form has reached an agreement. Patients, doctors, pharmacists, manufacturers, and the FDA took part in the working

COUNTIES Transit Improvement BOARD

Anoka County | Ramsey County
Dakota County | Washington County
Hennepin County | Metropolitan Council

477 Selby Avenue | Saint Paul, Minnesota 55102 | p: 651-222-7227 | f: 651-223-5229

March 26, 2012

U.S. Department of Transportation
Docket Operations, M-30
1200 New Jersey Avenue, SE
West Building, Ground Floor
Room @112-140
Washington, DC 20590-0001

RE: Docket Number FTA-2010-0009
Proposed Comments on FTA's Notice of Proposed Rulemaking on the New Starts/Small Starts Program

Dear Docket Clerk:

The Counties Transit Improvement Board (CTIB) provides funding and advocacy for the development of transitways (LRT, BRT and commuter rail) serving the Twin Cities Metropolitan Area. The following comments on the Notice of Proposed Rulemaking for the New Starts/Small Starts Program (NPRM) reflect the Board's role in project development. Several of the Board's members (counties and the Metropolitan Council) will provide comments from the perspective of project developer, owner and operator.

CTIB's Comments

General Comments

In general, CTIB supports the overall goals of streamlining project development, increasing the transparency of the New Starts process by simplifying evaluation measures, expanding consideration of the environment, disadvantaged populations, access to jobs and affordable housing, as well as evaluating the potential for economic development. We believe that the proposed NPRM reflects a significant improvement to the New Starts project development process.

Specific Comments

Specific comments regarding the New Starts criteria for rating projects include the following:

a. Baseline Alternative: The current practice is to evaluate projects by comparing the proposed investment to a TSM (or "best bus") alternative. CTIB supports the proposed change to using a "no-build" alternative as the basis for comparison. This change will greatly enhance the ability of project sponsors and funding

entities to explain to the public and policy-makers the costs and benefits of a project.

b. Cost-Effectiveness Index (CEI) and Mobility Benefits: CTIB supports the use of a simpler approach to the current complicated and bewildering calculation of the cost-effectiveness of a project. The new approach will measure the cost (annualized capital and operating cost) per trip. The new measure will use trips and not travel time savings, with extra weight given to transit dependent riders. CTIB supports double counting transit dependent riders as a means of reflecting the importance of serving these members of our community. Finally, FTA is proposing a national ridership model rather than traditional regional forecasting methods in order to streamline and simplify the process. CTIB supports the goal of this change because traditional forecasting models have resulted in significant and time-consuming discussions/negotiations with the FTA; however, the methodology to be used in the new approach needs definition in order to assess the impact of the change.

c. Environmental Benefits: CTIB supports the proposed expanded measure of environmental benefits to include evaluating the estimated reduction in Vehicles Miles Traveled (VMT) resulting from the mode shift and monetizing the value of change in energy use, greenhouse gas emissions, air quality criteria pollutants and safety. In addition to evaluating reduction in air pollution, however, CTIB urges stronger consideration of additional human health benefits resulting from increased physical activity and healthy life style changes.

d. Betterments: CTIB supports the concept of allowing certain "betterments" to be excluded from CEI calculation, so long as these costs are not borne by the New Starts grant budget. Specifically, CTIB supports FTA's proposal to allow for the exclusion of the costs to become LEED certified to avoid creating a disincentive to increasing environmental benefits. CTIB recommends, however, that FTA separately define "scope deferrals", which are project elements the local project sponsor elects to remove from the New Starts/Small Starts project budget with the option to fund them using project contingency, should contingency become available. CTIB recommends that FTA continue to leave decisions to local project sponsors on the classification of project-related elements as either "betterments" or "scope deferrals."

e. Land Use and Economic Development: CTIB supports the expansion of the land use and economic development measures to include evaluating access to affordable housing. We are concerned, however, that the proposed measure of HUD data on publically supported housing under-represents the actual, publically assisted affordable housing in a corridor. A more expansive, yet measurable, approach should be considered.

f. Access to Jobs: CTIB strongly urges FTA to evaluate and consider in the rating of projects a calculation of the number of jobs that will be made accessible to fixed guideway transit stops in the proposed project. Moving people to and from jobs is one of our primary reasons for our investments in transit. Moreover,

transit projects that link workers to employment centers will generate high ridership and optimize the transit investment by promoting reverse commute and by improving transportation equity for low wage, transit dependent workers.

We recognize the complexity in measuring job accessibility and recommend that FTA consider two recent developments in measuring access to jobs, including:

1. The Employment Accessibility Index which is part of the Housing + Transportation Affordability Index (H + T Index). The Center for Neighborhood Technology recently updated the H + T Index to include the most recent Census Data. This Index can be found at http://hat index.cnt.org/.
2. The University of Minnesota research on Job Access for Low Wage Workers which can be found at http://www.cts.umn.edu/Research/Featured/Transitways/tarp research/index.html.

g. Definition of Corridor Based Bus System: CTIB urges the FTA to better define "corridor-based bus system", including minimum criteria. Both highway and arterial BRT appear to be eligible under the revised rules but it is not clear.

Additional Comments: Alternative Project Delivery Mechanisms

a. Program of Projects: CTIB supports change to the rules that would facilitate the development of an inter-related program of projects, as opposed to the current corridor by corridor approach. This will result in additional streamlining for proposers and FTA, cost savings and better leveraging of local and federal funding.

Transitway development in the Twin Cities has been a sequential process, stretching over two decades. While this was in part due to the lack of a dedicated State funding source, it also reflected the difficulty of delivering a project under the costly, time-consuming New Starts process and the changing requirements over that period. If the region could develop multiple corridors simultaneously, we would achieve greater geographic equity and avoid duplication of efforts across the region.

a. US DOT Coordination: Some recent major capital investment projects in the Twin Cities region are multimodal in nature and have required local partners to work with US DOT agencies other than FTA, such as FHWA and FRA. Lack of agreement between the various administrations within DOT on various rules and processes causes confusion and hinders streamlining of the New Starts process. We urge FTA to work with the other administrations to coordinate efforts, reduce duplication of effort and clarify project development requirements.

b. Public Private Partnerships: Although the US DOT has been promoting public private partnerships in developing transportation projects, our recent experience on major transit capital projects in the Twin Cities, such as the new multilevel Northstar/LRT station at Target Field funded by the Minnesota Twins, has revealed that some FTA practices are a discouragement to private sector

participation in public transit projects. For instance, spending even a single dollar of federal money on a project that is otherwise totally funded by the private sector subjects the entire private project (e.g., the new Twins Ballpark) to federal rules, terms and conditions such as third-party contracting requirements, NEPA and DBE requirements. These practices should be re-examined if a truly cooperative process for private investments in major transit capital projects is to become reality.

Sincerely,



Peter McLaughlin
Chair, Counties Transit Improvement Board

March 23, 2012

U.S. Department of Transportation
1200 New Jersey Avenue SE
Docket Operations, M-30, West Building Ground Floor
Room W12-140
Washington, D.C. 20590-0001

Submitted via FAX 202-493-2251

RE: Docket Number FTA-2010-0009

Dear Docket Manager:

The Metropolitan Council of the Minneapolis – St. Paul metropolitan area appreciates the opportunity to comment on the Federal Transit Administration's Notice of Proposed Rulemaking (NPRM) for Major Capital Investment Projects under the discretionary New Starts and Small Starts programs (49 CFR Part 611.)

The Metropolitan Council is the designated metropolitan planning organization for the Twin Cities, as well as the public transit operator for the region. The Council is very familiar with the New Starts program, as the federal full funding grantee for the Hiawatha and Central Light Rail Transit (LRT) Projects, and the owner/operator of the Northstar Commuter Rail Project. The Council also commented on the ANPRM on this same topic in 2010, and appreciates the FTA's efforts to respond to the comments received during the ANPRM process.

General Comments

Before commenting on the specific regulations listed in the NPRM, the Metropolitan Council would like to make a few general observations and recommendations about the new Starts process for FTA's consideration as well.

First, the Metropolitan Council supports FTA's efforts to streamline the New Starts process, and to provide understandable and transparent measures on how projects are rated. We also recognize the challenges faced by FTA in developing a process to fairly evaluate a variety of projects from a wide range of communities across the country. Overall we think the proposed NPRM and the associated Policy Guidance represent a positive change for the New Starts/Small Starts program process.

Second, some recent major capital investment projects in the Twin Cities region are multi-modal in nature and have required local partners to work with US DOT agencies other than FTA, such as FHWA and FRA. Although US DOT has been promoting multi-modalism for many years, it is apparent that there is not yet agreement between the various administrations within DOT on various rules and processes, which can also hinder streamlining of the New Starts process. We urge FTA to work with the other administrations to coordinate efforts and reduce duplication of effort regarding multimodal projects.

And finally, we recognize that fully streamlining and modifying the New Starts process will also require changes in federal law. As FTA determines which modifications to seek from Congress, we encourage you to consider that federal procurement law can discourage private sector participation in major transit capital projects, even though the US DOT has been promoting public-private partnerships in developing projects for all transportation modes. Recent experience on projects in the Twin Cities, such as the new multilevel Northstar/LRT station at Target Field, has revealed that spending even a single dollar of federal money on a project that is otherwise totally funded by the private sector subjects the entire private project to federal rules and scrutiny such as NEPA and DBE requirements. These requirements should be modified if a truly cooperative process for private investments in major transit capital projects is to become reality.

Comments on the Notice of Proposed Rulemaking

The following comments are in response to specific sections of the regulatory text proposed in the January 25, 2011 NPRM:

Subpart A- General Provisions

Section 611.105 - Definitions

Corridor-based Bus System

The Council appreciates the proposed definition of a corridor-based bus system that allows for BRT projects in corridors that include various features that define BRT, but do not have á 100% separate or dedicated right-of-way.

No-Build Alternative

The Council recommends that the No-Build alternative for the horizon year be defined as "the transportation system included in the region's fiscally constrained long-range transportation plan, without the proposed major capital investment being evaluated for New Starts funding" instead of the FTA's proposed definition of "the current system as well as the transportation investments committed in the TIP." Since a region's long range plan must be fiscally constrained, the No Build should assume that projects contained in it are likely to be built within the 20 year time horizon, whether or not the project currently being evaluated for New Starts funding goes forward.

Small Starts

The Council supports the proposed inclusion of "corridor-based bus system with a total capital cost of less than $250,000,000" in the Small Starts definition.

Subpart B- New Starts

Section 611.203 - Project Justification Criteria

FTA is proposing to issue automatic ratings on one or more project justification criteria. This practice is in use on some existing evaluation measures and may be used in additional measures. The Council supports this practice as an efficient means of identifying projects that merit consideration for New Starts funding. However, the Council is concerned that automatic ratings could result in projects receiving a "medium" or better rating when full analysis might yield only a "low" or "medium-low"

rating. The Council recommends any established standard guarantees, at minimum, a score equivalent to the automatic rating for a given criterion. This same comment also applies to the similar discussion of warrants in Appendix A

Subpart C- Small Starts

Section 611.301- Eligibility

The Council supports the inclusion of "corridor-based bus system" as an eligible Small Starts project.

APPENDIX A - Description of Measures Used for Project Evaluation

A. New Starts

1. Project Justification

a. Mobility Improvements

The Council supports the use of total ridership, with extra weight given to transit dependent riders, as the measure of mobility, and will offer comments in our separate submittal on the Policy Guidance document on how such weighting could be done.

b. Environmental Benefits

The Council recommends development of an additional measure under this criterion that would capture the benefits to public health beyond those accruing from the reduced air pollution resulting from a transit major capital improvement project. This measure should capture expected increases in active lifestyles, such as more walking, resulting from the project. Many health departments and active living programs are researching measures that may be used to determine these health benefits. A number of transit major capital improvement projects have also been the subject of "health impact assessments" that could be used by FTA in developing future guidance in this area.

d. Cost-Effectiveness

The Metropolitan Council supports the proposed cost-effectiveness measure of cost per trip.

e. Public Transit Supportive Land Use policies and future patterns

The Council supports the proposed measures, including publicly supported, but affordable, housing, to evaluate this criterion.

f. Economic Development

The Council supports the proposed measures to evaluate this criterion, including consideration of policies in place to support maintenance of, or increases to, the share of affordable housing in the project corridor.

CONCLUSION

We reiterate our strong support for the changes being proposed in the NPRM. We greatly appreciate the fact that FTA heard the concerns of the Metropolitan Council and other members of the transit industry expressed in the 2010 ANPRM and responded in this wording of this proposed regulation.

Sincerely,

Susan Haigh
Chair
Metropolitan Council

Metropolitan Council

March 23, 2012

U.S. Department of Transportation
1200 New Jersey Avenue SE
Docket Operations, M-30, West Building Ground Floor
Room W12-140
Washington, D.C. 20590-0001

Submitted via FAX 202-493-2251
RE: Docket Number FTA-2010-0009

Dear Docket Manager:

The Metropolitan Council of the Minneapolis–St. Paul metropolitan area appreciates the opportunity to comment on the Federal Transit Administration's Policy Guidance ("Guidance") associated with the Notice of Proposed Rule Making (NPRM) published on January 25, 2012, for Major Capital Investment Projects under the New Starts and Small Starts programs (49 CFR Part 611.).

The Metropolitan Council (Council) is the designated Metropolitan Planning Organization for the Twin Cities, as well as the public transit operator for the region. The Council is very familiar with the New Starts program, as the federal full funding grantee for the Hiawatha and Central Light Rail Transit (LRT) Projects, and the owner/operator of the Northstar Commuter Rail Project. The Council commented on the ANPRM on this same topic in 2010, and appreciates the FTA's efforts to respond to the comments received during the ANPRM process in developing both the NPRM and the Policy Guidance.

General Comments

Before commenting on specific points in the Guidance, the Metropolitan Council would like to make a few general observations and recommendations for FTA's consideration.

First, the Metropolitan Council supports FTA's efforts to streamline the New Starts process, and to provide understandable and transparent measures on how projects are rated. We also recognize the challenges faced by FTA in developing a process to fairly evaluate a variety of projects from a wide range of communities across the country. ***Overall we think the proposed NPRM and the associated Policy Guidance represent a positive change for the New Starts/Small Starts program process.***

Second, some recent major capital investment projects in the Twin Cities region are multi-modal in nature and have required local partners to work with US DOT agencies other than FTA, such as FHWA and FRA. Although US DOT has been promoting multi-modalism for many years, it is apparent that there is not yet agreement between the various administrations within DOT on various rules and processes, which can also hinder streamlining of the New Starts process. ***We urge FTA to work with the other administrations to coordinate efforts and reduce duplication of effort regarding multi-modal projects.***

And finally, we recognize that fully streamlining and modifying the New Starts process will also require changes in federal law. As FTA determines which modifications to seek from Congress, we encourage

you to consider that federal procurement law can discourage private sector participation in major transit capital projects, even though the US DOT has been promoting public-private partnerships in developing projects for all transportation modes. Recent experience on projects in the Twin Cities, such as the new multilevel Northstar/LRT station at Target Field, has revealed that spending even a single dollar of federal money on a project that is otherwise totally funded by the private sector subjects the entire private project to federal rules and scrutiny such as NEPA and DBE requirements. ***These requirements should be modified if a truly cooperative process for private investments in major transit capital projects is to become reality.***

Comments on the Proposed Policy Guidance

The following comments are in response to proposed Policy Guidance posted on the FTA website to complement the January 25, 2011 NPRM.

Introduction

Rating of Small Benefits

FTA proposes to provide projects with small benefits a rating of "medium," while larger benefits would receive "medium-high" or "high" ratings. Projects with disbenefits would receive "medium-low" or "low" ratings. The Council is concerned this approach will not allow the best projects to stand out from other projects. The Council encourages FTA to use the full range of project ratings in its evaluation and ranking to ensure projects with small benefits not displace projects with significant benefits. This is especially important as FTA also proposes to assign nearly even weight to all justification criteria and to expand the use of warrants to automatically assign project ratings based on set thresholds.

Breakpoints

In general, until FTA issues guidance detailing the proposed measures and breakpoints, it is difficult to submit comments on the breakpoints for those measures. We have noted a few suggested breakpoints on certain criteria, but we look forward to the opportunity to comment on breakpoints for all the criteria once FTA has determined their draft breakpoints and published them for public comment. Even after general agreement on measures has been determined and finalized by FTA through the current comment process, the actual breakpoints will no doubt be the subject of much further discussion.

Time Horizon for Calculating Measures

FTA has proposed basing ridership and VMT calculations (used as a measure in several criteria) on current conditions, with an option to do a second calculation using a 10-year time horizon to calculate future-year benefits for several criteria. The Council recommends that the horizon year of the locally adopted long-range transportation plan be used for these optional calculations. A ten-year horizon places a burden on MPOs to create reliable short-range forecasts that they do not produce for other purposes. A 10-year timeframe creates expectations of unrealistic precision in socio-economic forecasts given economic cycles, and does not represent good land-use planning practice. The Council values a longer-term forecast horizon because it can measure the future benefits of a project in the context of a mature transit system.

Basis for Comparison

FTA is proposing that when incremental measures are necessary, the basis for comparison be the No-Build alternative. The Council appreciates the use of No-Build as a measure for comparison since we believe that the Baseline alternative as it has been defined previously is arbitrary and not a fiscally realistic point of comparison. The Council further recommends that the No-Build alternative for the horizon year be defined as "the transportation system included in the fiscally constrained long-range transportation plan, without the proposed major capital investment being evaluated for New Starts funding" rather than by FTA definition of "the current system as well as the transportation investments committed in the TIP." Since a region's long-range plan must be fiscally constrained, the horizon year No-Build definition should assume that projects contained in it are likely to be built within the 20-year time horizon, whether or not the project currently being evaluated for New Starts funding goes forward.

Although the Baseline is being eliminated, the Council urges FTA to continue to encourage consideration of lower-cost alternatives in Alternatives Analyses.

Weighting of Criteria and Measures

The Metropolitan Council supports the proposal to give equal weight to each of the New Starts and Small Starts criteria.

Project Justification Criteria

Mobility Improvements

The Council supports the use of total ridership, with extra weight given to transit-dependent riders, as the measure of mobility. However, the Council believes that the definition of transit-dependent rider contained in the Policy Guidance is problematic. Including low-income households in the definition is important, especially in areas with limited transit accessibility; however, using the locally defined lowest income segment as a measure will produce inconsistent results nationally. Zero-car households do not capture the full extent of transit dependency, especially among people living in households with more people of driving age than cars. The Council recommends that the definition of transit-dependent riders include both income (based on a national standard) and household size compared with vehicle availability.

The Council requests that FTA define "ridership on the proposed project" in more detail to clarify that a trip is the same as a boarding, and to reduce ambiguity in counting riders on BRT projects (which may include express service as well as station to station, routes with local tails, or other complicating factors).

The Council recommends the use of its local definition of ridership as defined in our Regional Transitway Guidelines adopted in February 2012.
http://www.metrocouncil.org/planning/transportation/transitways/RegionalTransitwayGuidelines.pdf:

- LRT: Rides taken using the LRT service
- Commuter Rail: Rides taken using the Commuter Rail service

- BRT:
  - Rides taken using the BRT station-to-station services
  - Rides taken on local or express services that utilize a defined transitway runningway for at least 50 percent of the route and use at least one non-downtown transitway station
- Local feeder service ridership should not be included in any transitway ridership figures

The Council cannot comment on the proposed default national model until more information is available about the model. However, the Council strongly recommends that its use remain optional, and that FTA encourage the continued use of well-validated regional models based on quality local survey data to forecast future travel. The Council appreciates FTA's role in encouraging development of useful regional travel models.

Operating Efficiencies

The proposed language of capacity "place mile" more accurately measures operating efficiency, without mixing in elements of ridership and trip distance related to the performance of the service. The proposed change would measure the change in operations and maintenance cost per "place mile," rather than the current measure of cost per passenger mile, compared to the existing transit system/no build transit system. The proposed measure does not reflect the impacts or efficiencies of high or low ridership with new service, as it only addresses cost-effective delivery of new service and does not discount service for low forecasted ridership.

This measure would add only the incremental costs of the proposed service change instead of adding additional costs equal to the current costs per mile. This would allow the agency to recognize efficiencies and economies of scale as they expand their services since costs may only have to increase incrementally.

One concern is that this change would favor very efficiently operating agencies, and could favor larger transit systems over smaller transit systems. Larger transit systems may have the ability to add new service with minimal changes to the operations and costs per place mile, and in fact a new major capital investment may make their overall system more efficient when measured by cost per place mile, as they will have more miles over which to spread their incurred costs.

For smaller systems, additional service may not realize efficiencies in the change in operations and maintenance cost per place mile as they may need to add proportionally more costs to support the proposed change in service as compared to a larger agency.

A factor could be proposed that would make efficiency factor adjustments for large agencies versus smaller agencies to put them on a closer analysis field.

The proposed measure could also allow agencies to artificially reduce the cost per place mile by adding additional capacity through larger vehicles (longer trains) or higher frequency than is warranted. This could increase the place miles faster than it increases the cost, thus lowering the overall cost per place mile and increasing the score. However, this would also have a negative impact on the cost efficiency measure. If that acts as a reasonable counter-balance, then this is not as great a concern.

The proposal to have a standard definition of a seated plus standing capacity of vehicles would ensure consistency, and help to standardize the calculation for all agencies. The standard definition should be adjustable to reflect technology changes and should take into consideration a wide variety of vehicle types.

Economic Development Effects

The Council supports the FTA's proposal to continue to evaluate existing transit-supportive plans and policies in a manner similar to the existing practice. The Federal guidance and rating method signals the importance of regional and local land-use planning, zoning and incentives to accomplish development that results in the long-term effectiveness of regional transit investments. Strong federal advocacy for sustainable, transit-supportive development has positively influenced regional and local actions, transit-supportive development investment, and private development clustered around transitway stations.

FTA proposes to offer project sponsors the option of submitting an additional quantitative analysis of anticipated development scenarios. This analysis would consider VMT changes attributable to the changes in development patterns, and environmental benefits that would come from the attributable VMT change. The Council does not support this proposed optional quantitative measure; we do not believe measuring potential VMT reductions based on future development scenarios is a meaningful or adequate way to show evidence and value of economic development that occurs within ½ mile of transitway investments.

Use of more direct, quantifiable economic development measures than VMT reduction is recommended by the Metropolitan Council. Numerous reports are emerging from transit agencies and research on economic development occurring within ½ mile of transit station investments that offer ways to quantify economic benefits. The Guidance does mention a TCRP report that may inform FTA's future proposed policy guidance on this topic. The Council also offers the following for FTA's consideration in selecting proposed factors and data sources for future policy guidance:

- Measures that reflect improvements in job accessibility that will be brought about with corridor transit investments, such as: 1) the number of current jobs within ½ mile of, and within 30 minutes transit travel time, from the corridor's stations, and 2) the number of current households that will have access to employment within ½ mile of stations, or to employment within 30 minutes transit travel time from corridor stations. These two measures could also be applied, at the sponsor's option, to a forecast year 20-30 years into the future.
- Amounts of development occurring within ½ mile of station areas beginning during a transit project's alternatives analysis stage. At the sponsor's option, the application could report on development within station areas (both housing and commercial) already built, in construction, and proposed (i.e., with proposed development projects defined as those that have obtained substantial funding commitments and are anticipated to be completed within the next 3-5 years). Specific development information could include square feet, number of jobs, and housing units (and include preservation and new construction of affordable units). Quantifying the value of that development is also feasible. FTA already considers evidence of new development under "Performance and Impacts of Policies." This type of reporting is consistent with that

requirement. Sponsors would be encouraged to be knowledgeable about the development that is occurring in the communities where transit stations are proposed.

- Summaries of development along previously built or in-construction transit corridors. This evidence will point to regional market trends supporting development along transitways.

FTA is applauded for recognizing the importance of affordable housing as an additional measure in evaluating economic development. The Council supports the proposed new reporting on regional and corridor affordable housing, including policies and plans supporting maintenance of and increases to the share of affordable housing.

FTA should provide additional guidance as to how those policies and plans would be qualitatively evaluated. For example, the Council suggests that FTA should look for evidence within regions and corridors of:

- Community-wide policies and plans supporting addition of both affordable housing development, and preservation of existing affordable housing, with permanent (long-term) income restrictions, at no more than 60% of area median income (AMI).
- Regulatory Methods: such as zoning requirements/allowances, density bonuses for affordable housing.
- Financial Incentives: Use of resources, authorities, programs and initiatives that maintain, preserve and add affordable housing, such as community-supported rental assistance, use of TIF resources, housing revenue bonds, or other funding programs, local tax abatements, land acquisition assistance for affordable housing, mortgage or other home ownership assistance for lower income, affordable housing preservation and rehabilitation programs, and requirements that any publicly assisted housing development project incorporate a minimum percentage (e.g., 20%) of housing that is affordable.
- Evidence of affordable units preserved or added through the use of any of the fiscal incentives listed above within ½ mile of transitway stations.

Environmental Benefits

The Council supports the FTA proposal to create a measure of environmental benefits that is more expansive than the current measure of air quality attainment status, and especially the proposed multiple-measure approach.

The use of cost in the calculation of environmental benefits effectively scales evaluation of benefits to the size of the project, and provides useful weights among the multiple components of the environmental benefits measure. However, the Council is concerned that monetizing environmental benefits could lead to the perception of this category as a cost-benefit measure.

The proposed guidance indicates FTA is considering linking the health-care cost factors for criteria pollutants to Clean Air Act attainment status. How maintenance areas would be treated is unclear. The Council recommends that maintenance areas be treated like non-attainment areas for criteria pollutants in calculating the health care cost factor for that pollutant.

FTA is proposing VMT reduction be used in calculating criteria pollutants, greenhouse gas emissions, and energy consumption. The Council recommends that FTA also consider total auto trips reduced (already calculated as part of the mobility and cost-effectiveness criteria) in its standardized spreadsheet to account for the disproportionate impact of cold-starts on emissions and fuel consumption. This will also mitigate the bias towards long trips that is inherent in a solely VMT-based measure.

The Council supports the development of an additional measure that would capture the other benefits to public health beyond those accruing from reduced air pollution of a proposed project. This should include expected increases in active lifestyles resulting from the project. VMT may not be the most appropriate method to measure benefits of this type. Attention to changes in walk-accessibility and the number of walk-trips accessing the project may be both more appropriate and readily available from most travel models. Many health departments and active living programs are also researching other measures that may be used to determine these health benefits. A number of transit major capital improvement projects in the Twin Cities are the subject of "health impact assessments" that should be used by FTA in developing future guidance in this area.

Cost Effectiveness

Measures

The Council supports the cost effectiveness measure of cost per trip, although again it suggests that FTA clarify in the Guidance that the definition of a trip is the same as a boarding.

Calculation

The Council supports the proposal to exclude the capital cost of project elements that FTA calls "betterments", so long as these costs are not borne by the New Starts/Small Starts grant budget. The Council supports the use of the term "betterments" in describing these project elements. The Council supports the Policy Guidance proposal to include features that may be required to obtain LEED certification in the definition of "betterments" to avoid creating a disincentive to the application of such technologies.

However, the Council recommends revising the proposed definition of "betterments" to broader than LEED betterments and suggests FTA consider using our region's local definition, included in the Regional Transitway Guidelines, adopted in February 2012, which states, "Local betterments are improvements to typical transitway designs that a local community desires which go beyond the necessary functions of the transitway facility and typical level of amenities provided at transitway stations and add significant capital, operating, and/or maintenance cost."

The Council recommends that FTA allow the use of private, local, state, and/or Federal funds outside the New Starts/Small Starts grant budget to fund "betterments."

The Council recommends that FTA separately define "scope deferrals," which are project elements the local project sponsor elects to remove from the New Starts/Small Starts project budget with the option to fund them using New Starts/Small Starts project contingency, should contingency become available.

The Council recommends that FTA continue to leave decisions to local project sponsors on the classification of project-related elements as either "betterments" or "scope deferrals."

Examples of "betterments" and/or "scope deferrals" are summarized in the list below. This approach expands the definition of "betterments" beyond features that may be required to obtain LEED certification, consistent with the discussion in:

- NPRM Section V. Section-by-Section Analysis, p. 3893, which states, "... would exclude the costs of certain "betterment" elements of project scope that foster economic development and environmental benefits (e.g., the incremental cost of obtaining LEED-certifications, station-access provisions beyond those required by the ADA, and station-design and station-access elements that would enhance development impacts)."
- NPRM Section VI. Regulatory Analysis and Notices, B. Regulatory Evaluation, 3. Cost Effectiveness, p. 3897, which states, "Betterments could include items that are above and beyond the items needed to deliver the mobility benefits and which would not contribute to other benefits such as operating efficiencies. For example, betterments could include features needed to obtain LEED certification for transit facilities or additional features to provide extra pedestrian access to surrounding development or aesthetically-oriented design features."

General Examples of Betterments from the Regional Transitway Guidelines (February 2012)

- Public restrooms at stations and park-and-rides
- Landscape, streetscape, or public-art above funding levels specified in the Transitway Guidelines
- Enhanced wayfinding to businesses or other attractions outside the station area
- Grade-separated bicycle/pedestrian crossings where at-grade crossings are feasible
- Enhanced components, materials, and/or finishes at stations

Examples of Betterments or Scope Deferrals from the Central Corridor LRT Project

- Enhanced street lighting -- lantern style now common in St. Paul
- Enhanced bridge components -- wider sidewalks, different railing
- Guideway enhancements -- concrete colorant to delineate crosswalks or the guideway from general traffic lanes in high traffic areas
- Alley improvements -- to provide access/alternative routes during construction
- Intersection improvements -- to aid general traffic operations including traffic signal upgrades and/or capacity expansion
- Heated platform edges -- safety enhancement
- Stormwater treatment improvements -- to aid the broader project area in effectively treating its stormwater
- Enhanced fencing, station column wraps, or Operations & Maintenance Facility building facade -- to provide consistency with architecture of surrounding land uses
- Enhanced security cameras at stations -- for customer safety through incident recording (e.g., identification of crime suspects, interlock observation, etc.)

- Enhanced streetscape by repositioning Traction Power Substation (TPSS) and creating pedestrian plaza, screening TPSS
- Enhanced connections to bicycle and/or pedestrian facilities -- for customer convenience (e.g., direct vertical connection to skyways, traffic improvements from Central Corridor LRT stations to I-94 pedestrian crossings, additional striping, etc.)
- Security camera footage archiving

Proposed Breakpoints

The Council recommends a 100 percent discount for "betterments" funded outside the scope of the New Starts/Small Starts grant, consistent with the discussion in the Regulatory Analysis and Notices section of the NPRM (Section VI., B. Regulatory Evaluation, 3. Cost Effectiveness, p. 3897) which states (emphasis added), "In addition, project elements that respond to specific Federal policies would not count as project costs. Instead, they would be considered "betterments" and would be excluded from the cost-effectiveness calculation." The Council recommends that FTA work with local project sponsors to identify the incremental cost of the "betterment." The Council also recommends that eligible "betterment" costs include the incremental capital cost of features that may be required to obtain LEED certification of public transportation facilities and the costs incurred as part of the LEED certification process.

Land Use

The Council supports the FTA's proposal to continue to evaluate existing land use based on both quantitative and qualitative factors. The Council supports FTA's proposal to quantitatively evaluate existing land use primarily based upon Census data, specifically total employment in corridor, average population density over corridor, and central business district (CBD) typical parking cost per day and spaces per CBD employee. The Council appreciates FTA's transparency and clarity in publishing breakpoints for the above existing land use measures. The breakpoints appear reasonable, and the Council supports them.

FTA also proposes to continue to use other qualitative and quantitative documentation for the purpose of supporting the rating, including major trip generators and existing density of development within station areas, existing station area development character (scale, mixing of use, green space, etc.) and existing station area pedestrian facilities, including access for persons with disabilities.

FTA is applauded for recognizing the importance of affordable housing as an additional measure in evaluating existing land use. FTA proposes in the Policy Guidance to evaluate *"existing publically supported housing in the corridor, which would be obtained from readily available data published.....on the U.S. Department of Housing and Urban Development [HUD] Web site..."* First, the Council recommends that FTA use the term *"publically assisted"* rather than *"publically supported"* as that term is more typically used by HUD and others in the affordable housing area.

The Council supports measuring the number of existing publicly assisted affordable housing units, but suggests that FTA consider other, non HUD-assisted units. The Council believes that the use of HUD data

as the measure of existing affordable housing under-represents actual existing publicly assisted (subsidized) affordable housing in a corridor. To accurately reflect the level of long-term affordable housing in corridors, the Council recommends that FTA require documentation of the number of existing affordable, publicly assisted housing units in a corridor that have permanent (long-term) income restrictions, regardless of funding source. FTA should provide more guidance to ensure that what is measured are longer-term, or permanent, affordable housing with income restrictions. FTA should also clarify the types of public assistance, beyond HUD, that should be documented. This could include units funded by HUD, Low-Income Housing Tax Credits, state housing finance agencies, the Federal Home Loan Bank, and other sources of affordable housing finance, as well as units designated for project-based rental assistance through HUD.

In addition, and importantly, FTA should provide specific guidance on the income guidelines applicable to the publically-assisted units to be counted (consistently applied income limits on the level of affordability) for sponsor reporting. The Council recommends considering the following income guidelines for reporting existing affordable housing within corridors' station areas:

- the number of affordable housing units being preserved and added within ½ mile of station areas that restrict the household income of residents to no more than 60% of area median income; that is, an unduplicated count of existing publicly-assisted affordable housing units whose funding restricts the household income of residents to 60% or less of area median income (AMI).

Local Financial Commitment Criteria

The Metropolitan Council supports the proposed guidance calling for a "High" rating for local project sponsors who can demonstrate 100% of local funding committed and/or budgeted at the time of entry into Final Design.

Sincerely,

Susan Haigh
Chair
Metropolitan Council