

## **ACTION TRANSMITTAL**

2012-36

**DATE:** October 17, 2012  
**TO:** TAC Funding and Programming Committee  
**REQUESTED BY:** Hennepin County  
**PREPARED BY:** Jon Solberg, MnDOT Metro Program Management (651-234-7792)  
Kevin Roggenbuck, TAB Coordinator (651-602-1728)  
Heidi Schallberg, Senior Planner (651-602-1721)  
**SUBJECT:** Re-programming federal earmarked funds from the 35W & Lake Street Access Project.  
**MOTION:** Recommend that the TAB adopts an amendment to the 2012-2015 Transportation Improvement Program to include SP# 027-603-049, \$2.0 million for MN061 – Lake Street Access to I-35W, Minneapolis, Preliminary Engineering.

**BACKGROUND AND PURPOSE OF ACTION:** In 2003, the I-35W & Lake Street Access Project in Minneapolis received an \$8,941,500 federal appropriation. To date none of the funds have been obligated.

On August 17, 2012, the federal government announced the immediate release of earmark funds from federal fiscal year 2003-2006 appropriations acts. This release authorized the states, subject to FHWA review, to reallocate unobligated earmark funding from these federal fiscal years. These funds are available to be reprogrammed on other Title 23 and Title 49 eligible projects. If these released funds are not obligated before December 31, 2012, the remaining federal funds will be redistributed to states that met the December 31, 2012, deadline.

The original appropriation recipient, Hennepin County, has worked with the Minnesota Department of Transportation to develop a means by which the appropriation may be obligated by December 31, 2012. The federal funds from the Lake Street appropriation will be re-programmed on two projects to ensure the federal funds are obligated prior to the deadline of December 31, 2012. A portion of the funds, in the amount of \$2,000,000, will be re-programmed through this amendment.

The original 35W and Lake Street Access project description in the TIP and STIP identified right-of-way acquisition and design-build construction as the project scope. This amendment will reduce the amount of federal funding on this project to \$2,000,000 and change the project scope to preliminary engineering.

**RELATIONSHIP TO REGIONAL POLICY:** Federal law requires that all transportation projects that will be partially funded with federal funds must be in an approved Transportation Improvement Program and meet the following four tests: fiscal constraint; consistency with the adopted regional transportation plan; air quality conformity and opportunity for public input. It is the TAB's responsibility to adopt and amend the TIP according to these four requirements.

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**ROUTING**

<b>TO</b>	<b>ACTION REQUESTED</b>	<b>DATE COMPLETED</b>
TAC Funding & Programming Committee	Review & Recommend	
Technical Advisory Committee	Review & Recommend	
Transportation Advisory Board	Review & Adopt	
Metropolitan Council	Concurrence	



# Hennepin County Administration

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October 17, 2012

Karl Keel, Chair  
TAC Funding and Programming Committee  
Metropolitan Council  
390 N. Robert St.  
St. Paul, Minnesota 55101

RE: Amendment to the Minnesota 2012-2015 Transportation Improvement Program (TIP)  
State Project Number: 027-603-049  
Federal Project Number:

Dear Mr. Keel:

Please amend the Minnesota 2012-2015 Transportation Improvement Program (TIP) to include the above referenced project in SFY 2013 of the TIP. The project is being submitted with the following information:

### PROJECT IDENTIFICATION:

SEQ #	STATE FISCAL YEAR	A T P	D I S T	ROUTE SYSTEM	PROJECT NUMBER (S.P. #) (Fed # if available)	AGENCY	DESCRIPTION include location, description of all work, & city (if applicable)	MILES
1549	2013	M	M	CSAH 3	027-603-049	Hennepin County	MN061 – Lake Street Access to I-35W, Minneapolis, - Preliminary Engineering	0

PROG	TYPE OF WORK	PROP FUNDS	TOTAL \$	FHWA \$	AC \$	FTA \$	TH \$	OTHER \$
PL	Planning	HPP	\$2,000,000	\$2,000,000	0	0	0	0

**PROJECT BACKGROUND:**

1. Briefly describe why amendment is needed (e.g. project in previous TIP but not completed; illustrative project and funds now available; discretionary funds received; inadvertently not included in TIP).

Project 027-603-049 (Sequence # 1549) was in SFY 2012 of the 2012-2015 TIP with \$8,941,500 in federal HPP funds for a total project cost of \$8,941,500.

In 2003 the I-35W Lake Street Access Project in Minneapolis received an \$8,941,500 federal earmark. To date none of the funds have been obligated.

On August 17, 2012 the Federal Government announced the immediate release of earmark funds from federal fiscal year 2003-2006 appropriations acts. This release authorized the states, subject to FHWA review to reallocate unobligated earmark funding from these federal fiscal years. These funds are available to be reprogrammed on other Title 23 and Title 49 eligible projects. If these released funds are not obligated before December 31, 2012 the remaining federal funds will be redistributed to states that met the December 31, 2012 deadline. The federal funds from the Lake Street appropriation will be reprogrammed on two projects; the I-35W Lake Street Access Project, in the amount of \$2,000,000 and The Interchange Project in downtown Minneapolis, in the amount of \$6,941,500 to ensure the federal funds are obligated prior to the deadline of December 31, 2012.

As contained in Hennepin County's 2012-2016 Capital Improvement Program, the I-35W Lake Street Access Project will improve accessibility to the regional transit system and accessibility to and from I-35W in Minneapolis for the traveling public in general, and for area residents, businesses and institutions in particular. The project consists of improved transit facilities, a quality connection between the Midtown Greenway and the transit station located proximate to Lake Street, a series of I-35W ramp and bridge improvements, local street improvements and operational changes, landscaping and design treatments adjacent to I-35W between the I-94/I-35W Common section and 32<sup>nd</sup> Street.

2. How is Fiscal Constraint Maintained as required by 23 CFR 450.216 (check all that apply)?

- New Money – \_\_\_\_\_  
(Discretionary, Special Allocations or Other New Funding Sources)
- Anticipated Advance Construction \_\_\_\_\_
- ATP or MPO or Mn/DOT Adjustment \_\_\_\_\_  
of other projects
- Earmark or HPP federal funds outside ATP \_\_\_\_\_  
target
- Other \_\_\_\_\_ X\*

\*These federal funds are newly released earmark funds from federal fiscal year 2003-2006 earmark appropriations. The \$2,000,000 in newly released earmark funds are available to be obligated on Title 23 & Title 49 eligible projects. The \$2,000,000 are 100% federal funds that are in addition to regular federal formula funds that are distributed to the District. These \$2,000,000 in Earmark funds are sufficient to fully fund this project, therefore fiscal constraint is maintained.

**CONSISTENCY WITH MPO LONG RANGE PLAN:**

This amendment is consistent with the Metropolitan Council Transportation Policy Plan, adopted on January 14, 2009, with FHWA/FTA conformity determination established on September 16, 2009. The amendment is also consistent with the 2030 Policy Plan update adopted by the Metropolitan Council on November 10, 2010 with FHWA/FTA conformity determination established on February 23, 2011.

**AIR QUALITY CONFORMITY:**

- Subject to conformity determination.....\_\_\_\_\_
- Exempt from regional level analysis\*.....YES
- Exempt from project level analysis\*.....YES
- Exempt by virtue of interagency consultation\*.....\_\_\_\_\_
- N/A (not in a nonattainment or maintenance area) .....\_\_\_\_\_

\*Exempt Project Category #E-3 Interchange Reconfiguration Projects Per Section 93.126 of the Conformity Rules

Karl Keel  
October 17, 2012  
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We are requesting approval of this TIP amendment at this time. If you have any questions, please contact me at 612-596-0305.

Sincerely,

A handwritten signature in blue ink that reads "James N. Grube". The signature is fluid and cursive, with the first name being the most prominent.

James N. Grube, P.E.  
Director, Transportation Department and Hennepin County Engineer

cc: Kevin Roggenbuck, Metropolitan Council  
Mary Gustafson, Metropolitan Council  
Jon P. Solberg, MnDOT Metro Program Management  
Cindy Krumsieg, MnDOT Metro Program Management  
Phil Eckhert, Hennepin County  
Debra Brisk, Hennepin County  
Kim Zlimen, Hennepin County