

**Transportation Advisory Board**  
of the Metropolitan Council of the Twin Cities

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**ACTION TRANSMITTAL**

No. 2011-28

**DATE:** March 9, 2011  
**TO:** Transportation Advisory Board  
**FROM:** Technical Advisory Committee  
**SUBJECT:** Sunset Date Extension for MVTA SP#TRS-MVTA-10A: Bus Purchase, ITS, and Install Platform Fare Collection for Cedar Avenue BRT

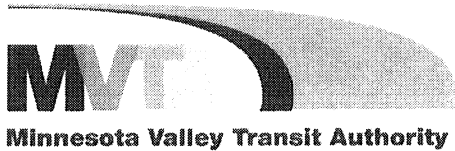
**MOTION:** That the TAB approve a one year sunset date extension from March 31, 2011 to March 31, 2012 for MVTA SP#TRS-MVTA-10A: Bus Purchase, ITS, and Install Platform Fare Collection for Cedar Avenue BRT.

**BACKGROUND AND PURPOSE OF ACTION:** This extension is needed to allow time for the Federal Transit Administration to complete its work on the Station-to-Station Environmental Assessment and once approved, MVTA can purchase the buses. This project is unique because it needed to involve both the FHWA and the FTA and each has different approval processes and requirements. The need for an Environmental Assessment for the bus service was not known prior to review by the FTA. If this extension is not awarded, there will be no buses running on the Cedar Avenue transitway. Background material is attached.

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**ROUTING**

<b>TO</b>	<b>ACTION REQUESTED</b>	<b>DATE COMPLETED</b>
TAC Funding & Programming Committee	Review & Recommend	February 17, 2011
Technical Advisory Committee	Review & Recommend	March 2, 2011
TAB Programming Committee	Review & Recommend	
Transportation Advisory Board	Review & Approve	



February 8, 2011

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

RE: Request for Sunset Date Extension

Dear Mr. Keel:

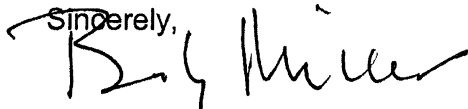
Minnesota Valley Transit Authority is requesting a sunset date extension for its project TRS-MVTA-10A to purchase buses, install platform fare collection equipment, and implement ITS initiatives. The Cedar Avenue Busway project is a multi-year, multi-phase project that dramatically improves transit alternatives in the Cedar Avenue (TH 77/CSAH 23) Transitway Corridor. The Cedar Avenue Transitway is recognized as one of the first bus rapid transit corridors in the state.

We are working in concert with our project partners (Dakota County, Metro Transit) to purchase BRT specific buses that are dedicated to operation in the busway. In 2011 bus-only shoulders and other roadway work improvements will begin construction with completion expected in late 2012 when service is scheduled to start in the Transitway.

The Cedar Avenue Corridor Transitway Alternatives Analysis was done by Dakota County in 2004, and as a continuation of the AA, in December, 2010 an Implementation Plan Update was approved, completing the vision and goals for the Transitway.

This project is included in the 2010-2013 STIP under sequence 1391 for MVTA to purchase 12 buses for service in the Transitway. Two of the twelve buses were exempt from this EA process because they are used for express service and not station to station. These two buses were approved by FTA and are operating from the new Cedar Grove Transit Station. The IT component of the grant involves lane-assist/guidance technology which has been deployed and is operational.

This extension is needed to allow time for the FTA to complete its work on the Station to Station EA and once approved, we will purchase the remaining 10 buses. This project is unique because it involved both the FHWA and FTA and their respective approvals. Dakota County received a FONSI for the roadway, and later, the FTA determined it needed to review and approve findings for the BRT service. Once this determination was known, we immediately began work and submitted the EA for Station to Station Service in October, 2010. In January, 2011 we received comments back from the FTA. Based on their feedback, we are revising the EA and will resubmit it in February. Without this extension there will be no BRT buses running in the Transitway.

Sincerely,  
  
Beverley Miller  
Executive Director

Attachment

## Sunset Extension Request for CMAQ Timeline

Date	Description
2007	Independent Utility Determination from FHWA
2008	CE's completed for 140 <sup>th</sup> /147 <sup>th</sup> , SHPO and DNR approval received, comments received from FHWA and FTA
October 25, 2009	FONSI received for EA on Cedar Avenue Corridor Transitway (Cty Rd 23 portion only)
January 2010	MVTA initiates CMAQ grant by requesting 2 out of the 12 buses for Cedar Grove service
March 2010	Met Council notified MVTA that Service EA was needed for Cedar Avenue not just CE's
March 29, 2010	Email from Met Council to FTA asking for clarification states "FTA's interest in the park-and-rides is solely related to any increases in park-and-ride capacity that would trigger increases in BRT express service, and not the park-and-ride itself. Any park-and-ride expansion of existing sites or new sites will follow the typical CE process since they have independent utility."
April 2, 2010	Email from FTA stating that "If the exact location of a future park and ride lot is not known, then this information should be provided in the EA. Additional NEPA documentation would be needed on that park and ride lot once the location is known."
April 20, 2010	Email from Met Council stating that FTA has revoked the pre-award authority for the total grant.
April 26, 2010	Request from MC to break CMAQ Cedar Avenue bus procurement into two projects.
April 28, 2010	MVTA Board approves service agreement with SEH for EA
May 13, 2010	Meeting with FTA to discuss what the EA should cover, discussed timeline including submission to FTA by ~October 1 with turnaround for comments of ~45 days by FTA
October 1, 2010	Completed Service EA delivered to Met Council for forwarding to FTA
October 5, 2010	Copies of Service EA sent to FHWA per MC request
November 3, 2010	Email from Met Council stating "The EA review process usually takes anywhere from 60-90 days. However, since FTA is currently swamped with similar types of reviews you should expect a waiting period closer to 90 days. That approximate timeline would put FTA's response sometime around mid-January to mid-February. Given those timelines we still expect that we can finish making the CMAQ application and get the funds obligated. If something does happen to push that date out past March 31, 2011, the CMAQ grant sunset date, we will file a sunset extension with MnDOT on your behalf."
November 4, 2010	Email from SEH relating to Met Council timetable that was discussed with FTA in May (attached)
November 10, 2010	Email from Met Council stating that Grants spoke to FTA and FTA would have their response by end of November and the proposed timeline was reasonable. Met Council reiterates that if EA work isn't complete by March 31, 2011, they would request a sunset date extension.

December 17, 2010	Received email from Met Council stating that comments were expected next week.
January 5, 2010	Received email with FTA comments ~1.5 months past schedule. Email also asks MVTa to move ahead with requesting a sunset extension.

**From:** Chris Heston  
**To:** Pfeiffer, Sean  
**Cc:** Lois Spear; Gustafson, Mary; Beverly Miller  
**Subject:** RE: FTA Review - Cedar Avenue EA  
**Date:** Thursday, November 04, 2010 9:08:43 AM

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Hello Sean.

I talked with Lois yesterday regarding the delayed review by FTA and she asked that I follow-up with you to share my thoughts. Understanding you weren't involved in the early stages of the EA process, I've provided some background information for context.

On May 13, 2010 MVTA, Met Council, and SEH met with Bill Wheeler of FTA. At that meeting we walked through FTA's expectations for the EA document as well as the step-by-step timeline for completing the review and approval of the EA and FONSI documentation. The schedule was built around the following framework:

- FTA review of Draft EA = up to 45 days
- FTA approval of Final EA = up to 30 days
- EA public comment period = 30 days
- FONSI request/approval = 15-30 days

Given this framework the following schedule was established driven by the ultimate goal of securing a FONSI before the end of March 2011:

- SEH prepare Draft EA and submit to MVTA and Met Council = early September (complete)
- MVTA and Met Council conduct preliminary review of Draft EA = September (complete)
- SEH incorporate comments and submit revised Draft EA to MVTA and Met Council for approval and submittal to FTA = early October (complete)
- FTA reviews Draft EA = up to 45 days, assume mid/late-November (underway)
- SEH incorporate FTA comments and resubmits Final EA through MVTA and Met Council back to FTA for final review and approval = up to 30 days; assume January 1, 2011
- Conduct 30-day public comment period advertised in the Federal Register with an opportunity for a public hearing = assume comment period complete in mid-February
- SEH addresses public/agency comments and prepares FONSI request with response to comments attached = early-March
- FTA issues FONSI within 15-30 days after receipt of FONSI request (assume end of March)

As is evident in the detailed timeline presented above, there are several steps that remain after FTA completes their review of the Draft EA which is currently underway. If FTA does not complete their current review until mid-January or mid-February, I estimate we will be approximately two to three months behind schedule. This would place the FONSI approval in late May to late June (and that assumes no further delays through the remainder of the process).

Lois and I discussed that it would be beneficial to have a conference call with Bill Wheeler to get an update on FTA's review and discuss the potential impacts of schedule delays both in terms of the CMAQ sunset date and ultimate acquisition of the buses for operations in 2012.

I will call you later today to follow-up on this note and walk through any questions you might have.

Thanks again for your help with this process.

Figure 4-1  
2030 Cedar Avenue Transitway Vision

