

**T** Transportation Committee  
Meeting date: November 22, 2010

Metropolitan Council Meeting: December 8, 2010

**ADVISORY INFORMATION**

**Date:** November 13, 2010  
**Subject:** Central Corridor Light Rail Transit: Additional Limited Notices to Proceed for First Quarter 2011 Under a Letter of No Prejudice  
**District(s), Member(s):** All  
**Policy/Legal Reference:** Full Funding Grant Agreement  
**Staff Prepared/Presented:** Brian Lamb, General Manager 612-349-7510  
Mark Fuhrmann, Deputy General Manager, 651-602-1942  
**Division/Department:** Metro Transit/ Central Corridor Project Office

**Proposed Action**

That the Metropolitan Council authorize the Regional Administrator to direct staff to issue additional Limited Notices to Proceed to Central Corridor Light Rail Transit (CCLRT) contractors for first quarter 2011 activity in an amount not to exceed \$41.8 million contingent upon receipt of the corresponding Letter of No Prejudice from the Federal Transit Administration.

**Background**

Metropolitan Council has sought and successfully received six Letters of No Prejudice (LONP) over the last fifteen months to enable construction to proceed in advance of receipt of the Full Funding Grant Agreement (FFGA). All six have been issued since the Federal Transit Administration (FTA) issued its final environmental Record of Decision. One more LONP has been requested to enable construction to begin on the Operation and Maintenance Facility immediately after Council action to award the contract on December 8, 2010.

These late 2009 and 2010 Letters of No Prejudice were always contemplated prior to receipt of the Full Funding Grant Agreement anticipated in late 2010 as an effective means to begin construction work to maintain the schedule for project completion in 2014.

The FTA informed the Central Corridor Project Office at the monthly project meeting in October that FTA would require more time to process the Full Funding Grant Agreement through the Administration and the mandatory sixty-day review by Congress. FTA is now projecting execution of the FFGA in March 2011. The current authorized spending under the issued Letters of No Prejudice will be exhausted in late December into January. In the absence of the FFGA by end of the calendar year, the Central Corridor Project Office has analyzed expected contractor spending for first quarter 2011 to keep contractors on schedule. The Civil East, Civil West, Systems, Operation and Maintenance Facility and Light Rail Vehicle contractors expect expenditures of \$41.8 million during the first quarter 2011.

## **Rationale**

The FTA delay delivering the Full Funding Grant Agreement creates project schedule risk. Once contractors exhaust their current spending authority in December and January, they will have to cease work in the absence of an additional Letter of No Prejudice from FTA and an additional Limited Notices to Proceed from the Council. The request for the FTA Letter of No Prejudice to continue work in the first quarter 2011 and subsequent Limited Notices to Proceed will enable contractors and the overall project to maintain the current schedule.

## **Funding**

The proposed action does not impact the overall project budget. The \$41.8 million expenditure authority is included in the \$956.9 million budget.

## **Known Support / Opposition**

The Ramsey County Regional Railroad Authority acted to support this action at its November 16 meeting and the Counties Transit Improvement Board acted to support this action at its November 17 meeting. The Hennepin County Regional Railroad Authority is scheduled to take action at its November 30 meeting.