

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, March 9th, 2005 – 1:30 p.m.
Grand Forks City Hall Conference Room A-102**

CALL TO ORDER

Earl Haugen, Chairman, called the March 9th, 2005, meeting of the Technical Advisory Committee to order at 1:30 p.m.

CALL OF ROLL

On a Call of Roll the following members were present: Ryan Brooks, EGF Planning; Kent Ehrenstrom, MNDOT-Bemidji; Richard Onstad, GF County Engineer; Mark Johnson, FHWA-Bismarck; Paul Benning, NDDOT-Bismarck; Dan Jonasson, GF Engineering; Dean Wieland, EGF Engineering; Rich Sanders, Polk County Engineer; and Roger Foster, Public Transportation.

Staff present were: Earl Haugen, GF/EGF MPO Executive Director; Lane Magnuson, GF/EGF MPO Planner, Senior; Mark Engel, GF/EGF MPO Intern; and Peggy McNelis, GF/EGF MPO Executive Assistant.

Guests present were: Troy Schroeder, NWRDC and Karen DellaPaolera, MNDOT-Bemidji.

DETERMINATION OF A QUORUM

A quorum was present.

APPROVAL OF MINUTES

Moved by Brooks, seconded by Foster, to approve the January 12th, 2005, minutes of the Technical Advisory Committee, as submitted. Motion carried unanimously.

MATTER OF DRAFT LISTING OF THE 2006-2008 T.I.P.

Haugen reported that he did e-mail, yesterday, to all the members of the Technical Advisory Committee that are on the e-mail list, two additional items for consideration under this agenda item. He explained that those two items are: c) Gateway Drive entrance feature, and d) a Lincoln Drive Park trail connection. He added that he did distribute copies of what is being presented for these two items.

Haugen referred to copies of the pre-draft T.I.P. list, included in the packets, and explained that he was planning on having various people review how he has items identified in the list, to check his math, etc.. He added that the A.T.I.P. is out for comments as well.

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Haugen commented that in late March, after he receives comments on this draft T.I.P., the MPO will publish it's public hearing notice for our April Technical Advisory Committee meeting, so our draft T.I.P. will be out for public comment.

Haugen pointed out that also included in the packets was the Draft NDDOT Urban Program for the Grand Forks area for 2006, 2007, and 2008. He asked if anyone had had a chance to look through the listings, and if so, does anyone have any questions or comments on how things are currently listed.

Ehrenstrom referred to Page 9, East Grand Forks Project #2 for 2006, and pointed out that federal amount for the paratransit portion of East Grand Forks transit should be \$7.1.

Haugen referred to Page 8, and commented that because this is how he sees advanced construction payback show up in other T.I.P and S.T.I.P. documents, he assumed that Grand Forks Project #14 should indicate that there is \$4.6 million of urban roads funds coming. He added that he also included in the remarks section that statement that this is the advance schedule, programmed for 2008, of a project that is being done in 2007, so he just shows the \$4.6, although he isn't sure this is what should be done. He asked if the total project cost should be shown as well, or is this okay. Benning responded that they have never done one with a three year payback, as they typically do the project one year, and pay it back the next, so he isn't sure how this should be shown. He added that in their S.T.I.P. they just include and "AC" next to the total project amount. Johnson commented that you do need to show each year's payback amount, although he doesn't have an answer as to whether or not the total should be shown, but, to him, the minimum would be to show the federal amount at least. Benning agreed that he would think that you would only need to show the federal, because if it is built in 2007, even if you build it all in one year, all the expenditures will take place in 2007, so what you would do would be to submit your billings to them the next year for \$4.6 million. Haugen commented that he also hasn't attempted to show totals for each of the years as well.

Foster referred to Page 7, Grand Forks Project #13, and asked if he did not submit the numbers for this project to Mr. Haugen. Haugen responded that he most likely did, however, he would ask that he please re-submit them to him.

Jonasson referred to the Gateway Drive Entrance project Les Noehre is submitting, and asked if there was a City match, because the way it is written it is unclear. Benning responded that typically there is a 20% match. Haugen added that there is a State match on it since it is a State T.E. project, and it is on the Primary Regional System. Benning stated that he would need to talk to Ben Kubishta on this. Jonasson said that the reason he asked this is because if there is a City match, it needs to be relayed to Urban Development. Haugen reported that Mr. Noehre told him yesterday that he is sort of attaching this, if it is awarded funding, to the project that he has from 55th to the Airbase. He added that this project is not competing against the Urban T.E. projects, it is coming from the monies the State keeps for itself for T.E. projects.

Haugen referred to the Lincoln Drive Park Trail project, and explained that in 1996 the City of Grand Forks used T.E. funds to build the existing 10-foot concrete trail, highlighted on the map

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included in the packet. He went on to explain that with the flood protection project, etc., that segment of that concrete trail that connects back to the road system was removed, where the old Lincoln Drive used to be, so now they are applying for funds through this National Trails Program to make the connection from the existing concrete to the old Lincoln Drive road.

Haugen stated that, if someone would, with these last two projects, make a recommendation to the MPO Executive Policy Board that they are consistent with the Long Range Plan, and that they should be given priority ranking. He added that the Lincoln Drive project is for 2005 monies, and he would assume that if it is awarded funding, we will need to amend our 2005-2007 T.I.P. to include it.

Moved by Foster, seconded by Brooks, to forward a recommendation to the MPO Executive Policy Board to approve the Lincoln Drive Park Trail Connection Project, and the Gateway Drive Entrance Project, as being consistent with the Long Range Plan, and that they be given high priority ranking. Motion carried unanimously.

Haugen referred to the Draft T.I.P. list, and reported that there had been some comment/reaction on the 2008 listing of how projects got moved out, and asked if Mr. Benning could offer some means of understanding how the Gateway Drive/Columbia Road project got programmed out beyond 2010. Benning responded that they had a program in place last year at this time, about the time the 42nd Street/DeMers Avenue project came along, a \$10,000,000 project, and in order to work it in to their program, the only way they could do it was to put your Urban Road projects in and delay the Regional Roads projects. Haugen asked, then, if it was this Regional Roads project that was delayed. Benning responded it was.

Haugen asked what was going on with the Washington/DeMers Avenue Underpass project, if it did in-fact get moved out another year. Benning responded that basically an overlay was just done recently on this underpass, therefore, it was determined that the project should be delayed at least a year.

Haugen asked when the T.E. Committee is going to meet, of if they had already met, and when they would be announcing the projects chosen to T.E. funding. Benning responded that he doesn't know the answer to those questions, but he does know that they are currently scoring the urban and county projects, and that once that is completed the Director's Task Force will accumulate all the scores and come up with a grading format for those projects. He added that he hopes this is done this month, as he still needs to know what they are as well as he needs to get the Urban Project list out to the MPOs. Haugen commented that on Page 4, he still shows Grand Forks' submittal in there, but it could be taken out in April if that is what the decision is.

Wieland asked about the East Grand Forks project, whether any additional information had been offered from Congress as to it's status in the transportation bill. Haugen responded that the T&I Committee has included it in their bill, which is being discussed today on the House Floor. He added that all indications are that it will pass through the House with the \$1.2 earmarked amount included, and the last he heard was that the Senate was trying to schedule when they will talk about reauthorization, and it may not occur until mid-April, as TEA-21's sixth extension does expire at the end of May.

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Haugen commented that in North Dakota, the one project that is coming through the high priority listing is the Bismarck/Mandan Memorial Bridge Replacement project, a small \$30,000,000 earmark.

Haugen asked that everyone please get any other additions, changes, corrections, they would like to see on this list by March 23rd, otherwise he will publish it as is for our April Technical Advisory Committee meeting.

MATTER OF REP FOR GATEWAY DRIVE ACCESS MANAGEMENT STUDY

Brooks reported that this study was included in the MPO's Annual Work Program for this year. He stated that it was actually brought about because Minnesota recently adopted access management policies, and with that adoption came guidelines, so East Grand Forks has requested that a study process be done.

Brooks commented that they would be working with MNDOT, having them help us to determine how to better improve some of the access along U.S. #2 in East Grand Forks, using their guidelines as they pertain to this corridor. He added that they would also be looking at the best way to do this Access Management Plan, and MNDOT has come up with some potential recommendations that the consultant will go through.

Brooks reported that the RFP was put together, basically asking the consultants to work closely with MNDOT and the City on the drafting of the plan, and instead of going through the RFP item-by-item, they did include it in the packet for the Committee's information, so if anyone has any questions he would be glad to answer them.

Brooks asked if Ms. DellaPaolera had any comments from Mike Kamnikar, as Mr. Kamnikar, or a representative, was asked to sit on the selection committee, which consists of five members. Ms. DellaPaolera responded that Mr. Kamnikar had indicated that he would be able to be on the committee.

Haugen pointed out that the study begins at the Kennedy Bridge, and asked if it extends to 15th. Brooks responded that it goes out beyond City limits to where it curves around on US #2, although he doesn't recall what street that is, but it is somewhat beyond 15th. Haugen asked if it went out to the Industrial Park. Brooks responded it would. Haugen suggested that it might be a good idea to amend the document to include that information.

Benning referred to Page 6 of the document, and asked how the project is going to be paid for, who will be making the reimbursements, NDDOT or MNDOT. Haugen responded it will be a combination of both NDDOT and MNDOT. Benning said, then, that Minnesota will be making payments on this as well. Haugen responded that that is correct. Benning asked if it will be paid with federal funds. Haugen responded that MNDOT's side would be paid with State funds.

Benning stated that this is the issue that was discussed at the Director's meeting in Bismarck. He explained that because the money comes through the NDDOT, and you are the grantee, NDDOT

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follows the State Law, so we want to see you follow the North Dakota Century Code for the selection criteria. Haugen agreed, however, he reminded Mr. Benning that they had just recently had a telephone conversation about this exact study, how it was being paid for, and we agreed that we could follow MNDOT's selection process for this study. Mr. Benning responded that because both North Dakota's and Minnesota's federal fund comes through NDDOT, and we turn them over to the MPO, that makes the MPO an actual true sub-grantee, and they would like to see the MPO change their selection criteria to follow NDDOT's requirements. Haugen pointed out, however, that the MPO is also a sub-grantee of MNDOT, with their Minnesota monies, and their contract says that we will follow their policies when we use their funds. Benning commented that, technically, however, the amount of money that North Dakota will be putting into the study will be more than Minnesota, so they would like the MPO to follow their guidelines.

Haugen commented, again, that this issue was discussed at length, between himself and Mr. Benning, and all through those conversations, the indication he got was when the MPO uses Minnesota monies, they can use Minnesota's process. He added that he followed up on this during a telephone conversation just a week ago because he knew this study was coming through, so he asked again about using Minnesota's selection criteria on this study, and at that time you indicated that it was okay, so that is why you see it as it is, because all indications he was getting was that it was okay to use it. Benning stated, then, that there must have been some miscommunication, because, since all the dollars are coming through North Dakota, at least the Federal funds, and they did talk about this at the Director's meeting, and handed out information pertaining to it, you need to follow NDDOT's criteria. Haugen commented that there were others at the meeting in Bismarck those three days, and his understanding was that since we do have some Minnesota money, and an agreement with Minnesota on how we use those monies, that when we are using Minnesota monies on these studies, we could use their process. Johnson stated that he remembers the discussion being that, because even the Minnesota monies are transferred over to the NDDOT, that makes them take on the color of the NDDOT's funds, which then makes it a sub-grantee on the North Dakota side, which then requires you follow the North Dakota Century Code. Haugen responded that he understood that with the federal flow, but when there is State monies involved in a study, if you will remember that discussion, the communication he got in Bismarck, and also in the subsequent telephone conversation, was that we could use the MNDOT process. He added, then, that there clearly was a miscommunication, or misunderstanding, because, as he stated, he called Mr. Benning, specifically because he knew this study was coming through, to discuss how they were going to do the selection process, and, in the end, he heard Mr. Benning say to go ahead and use cost. Benning said that there definitely was a misunderstanding then, because the MPO still needs to follow the CFR.

Benning commented that for the most part, when you use the CFR, the first three selection criteria listed in the study are probably right on, although they would ask that you use the wording listed in the Century Code. Brooks asked if they could add in any other criteria. Benning responded that there are seven criteria listed, and they would ask that you use at least four of those criteria, and not add any additional criteria. Brooks asked if they couldn't add DBE, as he thought at one time NDDOT had indicated they could, and Fargo was given permission to do so. Benning responded that Fargo is looking at redoing their DBE Policy. He

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added that NDDOT just recently sent out a DBE policy instruction book, but they don't have a policy in place yet. Brooks said that he probably wouldn't add it in anyway, so they will just leave it. Haugen commented that the Q&A that recently came through the feds, the last question dealt with DBE, and the fact that it is not to be used as a selection criteria, following the Brooks Act.

Moved by Benning, seconded by Brooks, to require that the Grand Forks-East Grand Forks Metropolitan Planning Organization follow the North Dakota Century Code Selection Criteria, that at least four of those criteria be used, and that the cost be struck as a selection criteria.

Brooks requested that a copy of the North Dakota Century Code Selection Criteria be forwarded to him. Haugen added that it might be nice if NDDOT would send out communication that identifies, in writing, that we can use four of the seven selection criteria included in the North Dakota Century Code, because, again, it was his understanding that it was open to use any of the seven, and that we could add to the seven, just that we couldn't use cost as a selection criteria, so it would be nice to have that in black-and-white for us. He stated, also, that we will have to wait and see what Minnesota's reaction is to this as well, and that they will have to look at their budget to see what can be done to accommodate this. Benning responded he would get that information out right away.

Haugen reported that, just to clarify what precipitated this discussion, he would give a brief history on what transpired. He stated that we have the Brooks Act, which regulates how consultants are selected for engineering, but as part of TEA-21, a window of opportunity was given to States to implement their own law, which could change the Brooks Act, and Minnesota did this, thereby creating a process in which they use cost as a selection criteria, but North Dakota did not do this. He added that Federal Highway's interpretation of the Brooks Act says that Planning is not related to construction, but NDDOT's interpretation of the Brooks Act says that it is, therefore, they are requesting that we use their interpretation of the Brooks Act for consultant selection. He pointed out, however, that the problem is that Minnesota is also indicating that we have a contract with them that requires we use their process, and they use cost as one of their selection criteria.

Benning commented that by using the selection criteria in the North Dakota Century Code, all three of the MPO's within the NDDOT's area will be using the same criteria, and will know how the interviews are going to go by being consistent. He added that they will also know that up here in Grand Forks, where cost was once a selection criteria, when it wasn't in Fargo or Bismarck, or the State of North Dakota, we are trying to rule that out, and go back to what the CFR says, and follow the rules that are in place in the Century Code, thereby making things more consistent for consultants to work in the State.

Motion carried unanimously..

Moved by Jonasson, seconded by Wieland, to Approve the Access Management Plan RFP as amended. Motion carried unanimously.

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MATTER OF THOMPSON BRIDGE REPORT

Haugen reported that a copy of the Thompson Bridge Report was included in the packet. He stated that Rich Sanders and Richard Onstad are both present today to go over the report, and that Troy Schroeder has some additional comments concerning this as well.

Sanders explained that last summer MNDOT and NDDOT went through and performed inspections of the Red River bridges, as they do every year, however this time they did look at the Thompson Bridge as well, and found that it had been pushed to the east, and the lower cord was in compression. He said that they then came up with a plan to have MNDOT's bridge crew go out and jack the bridge up and move it back to the west, at which time they also cleaned out the joint between the west truss and the added approach span, which gave them enough room to get it almost vertical. He stated that as part of this, he tried to get some recommendations out of St. Paul on what else should be done with the bridge, whether it should be rehabbed or replaced, but they were unable to give him an answer, but did suggest that the best thing would be to have a consulting engineer take a look at and offer some recommendations. He said that he then got in touch with Widseth, Smith and Nolting out of Alexandria, Minnesota, who came up and reviewed the bridge, and submitted the report that was included in the packets.

Sanders referred to the report and commented that it basically states that there is substantial damage to the truss, that with the slope failures that are occurring to both the east and west the bridge should be replaced by 2008, although it could actually be 2008, 2009, 2010, etc., but in any case you hope that you don't get a lot of failure, and the bridge goes down in 2007.

Haugen stated that part of the reason he placed this on the Technical Advisory Committee agenda is because, during the Merrifield Bridge Study, there were comments made in interest of the replacement, or non-replacement of the Thompson Bridge. He explained that it was suggested that if the Thompson Bridge were not replaced, the possibility of investing in a different site, possibly six miles to the north, which is Merrifield, was discussed. He said, however, that at that time, most of the discussion was that the Thompson Bridge replacement was further in the future, not as close as this report is indicating, so he thought it might be a good idea to continue that discussion.

Sanders commented that, politically, Polk County is going to have an interest in both bridges, although he is unsure of what North Dakota will say. Onstad responded that he doesn't know what the answer will be. He added that he knows there is a lot of politics involved with both bridges, that with the amount of North Dakota farmers that are using the Thompson Bridge, if it were to close, and they would have to travel an additional six miles to the north to cross the river, they wouldn't be very happy, so there will be politic involved no matter what happens. He pointed out that they also don't know what kind of dollars we would be talking about to rehab or replace the bridge, nor do they know if they will qualify for funding for their portion of the cost involved at this time either.

Schroeder stated that their Transportation Advisory Committee formed a Bridge Sub-Committee to look at the Red River bridges. He said that there are currently 15 bridges that are located

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within their seven counties, and right now they have five that were built in the 1940's or earlier, and two in Norman County have been funded for replacement, with one being funded through the ATP and one through Bridge Bonding, so the dollars for these county bridges is stretched, and now they don't have any ATP funds that would be available for these bridges to submit applications for funding, so, as was previously stated, politics are going to come into effect, and we do have a lot of issues with the bridges that are coming up, and decisions will need to be made as to whether we are going to keep replacing these county bridges, or are we actually going to pull one out and have people angry at us. He added that they have held discussions regarding landowner issues, with some landowners farming on both sides of the river, and how that could be dealt with in the event a bridge isn't replaced.

Schroeder reported that this fall they will be putting a committee together, which will include both North Dakota and Minnesota residents and business owners to discuss economic impacts, etc., in order to try to determine which bridges are the most important to the Counties and States.

Benning commented that as far as funding is concerned, for the County, they had a meeting last week, and Dave Leftwich reported that the Counties aren't spending the money as quickly as they would like to see, so there has been a build-up of County funds, so he would suggest giving Mr. Leftwich a call regarding the funding situation.

MATTER OF UPDATE ON RECENT RFP

Haugen commented that this is just an update on where the Grand Forks Extra-Territorial Land Use Study RFP, and the 42nd Street Traffic Management Study are at. He stated that the Extra-Territorial Land Use Study RFP received ten submittals, and the five-member selection committee is reviewing all tomorrow at 2:00 p.m. to try to short-list down to three and invite those three up for interviews. He said that the 42nd Street Traffic Management Study RFP received five submittals, and that five-member selection committee will be trying to short-list down by Friday, and will invite firms up the following week for interviews.

Haugen reported that the MPO Executive Policy Board is scheduled to meet on Friday, March 18th, at 12:00 Noon, and it is hoped that both selection committees will be able to make recommendations so the Board can start negotiating with the preferred consultants.

OTHER BUSINESS

None.

ADJOURNMENT

Moved by Brooks, seconded by Wieland, to adjourn the March 9th, 2005, Technical Advisory Committee meeting. Motion carried unanimously.

Respectfully submitted by,

Peggy McNelis
Executive Assistant