

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, February 10th, 2010 – 12:30 p.m.
Grand Forks City Hall Conference Room A-101**

CALL TO ORDER

Earl Haugen, Chairman, called the February 10th, 2010, meeting of the MPO Technical Advisory Committee to order at 1:32 p.m.

CALL OF ROLL

On a Call of Roll the following members were present: Nancy Ellis, East Grand Forks Planning; Stacey Hanson, NDDOT-Bismarck (Via Conference Call); Ryan Brooks (Proxy for Brad Gengler), Grand Forks Planning; Dustin Lang, NDDOT-Grand Forks District; Dean Rau, Grand Forks City Engineering; Dennis Johnson, NDDOT-Bismarck; Lane Magnuson, Grand Forks County Planning; Kent Ehrenstrom, MNDOT Transit-Bemidji; Joe McKinnon, MNDOT Planning-Bemidji; and Rich Sanders, Polk County Engineering.

Guests present were: Paul Benning, NDDOT-Local Government, Bismarck; and Peg O’Leary, GF Historic Preservation Commission.

Staff present were: Earl Haugen, GF/EGF MPO Executive Director; Teri Kouba, GF/EGF MPO Planner; Aaron Nelson, GF/EGF MPO Intern; Matt Leal, GF/EGF MPO Intern; and Peggy McNelis, GF/EGF MPO Executive Assistant.

DETERMINATION OF A QUORUM

Haugen reported that a quorum was present.

INTRODUCTIONS

Haugen asked that, because there are some new faces present today, everyone please give a brief introduction of themselves and the organization they represent. He then welcomed Dennis Johnson, NDDOT-Bismarck, and asked that he give a brief overview of himself.

MATTER OF APPROVAL OF THE JANUARY 13TH, 2010, MINUTES OF THE TECHNICAL ADVISORY COMMITTEE

MOVED BY BROOKS, SECONDED BY LANG, TO APPROVE THE JANUARY 13TH, 2010, MINUTES OF THE TECHNICAL ADVISORY COMMITTEE, AS SUBMITTED.

MOTION CARRIED UNANIMOUSLY.

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, February 10th, 2010**

SUSPEND AGENDA

Haugen reported that Mr. Magnuson has a prior commitment that he needs to leave early for, therefore he is requesting that we suspend the agenda in order for him to present his agenda item at this time.

MATTER OF MERRIFIELD INTERCHANGE UPDATE

Haugen referred to the packet. and pointed out that it included a memorandum from Mr. Magnuson regarding a meeting that the County had with the NDDOT concerning the Merrifield Interchange. He asked that Mr. Magnuson give a brief synopsis on the meeting.

Magnuson reported that the County Commissioners expressed that they had some questions regarding the future of the Merrifield Interchange project, and instead of just sending letters and e-mails back and forth between themselves and the NDDOT it was decided that a group of representatives from the County Commission and staff meet with the NDDOT to discuss those issues and concerns.

Magnuson stated that the meeting took place on January 28, 2010 in Bismarck; with Commissioner William Murphy, County Coordinator Ed Nierode, County Engineer Richard Onstad, and himself representing Grand Forks County; and the NDDOT Director Francis Ziegler, Grant Levy, Dave Leftwich, Paul Benning, and Les Noehre representing the NDDOT.

Magnuson reported that the meeting involved discussion on the planning and funding processes for a future Merrifield Interchange, along with a background on the challenges that NDDOT offices are currently facing. He stated that the NDDOT explained that in order for the State NDDOT to justify state and federal funds one of two conditions has to be met. He said that the first condition is that the land and infrastructure surrounding the potential Merrifield Interchange would have to be developed, and there has to be issues with the existing level of service in the area, so basically the area would have to be built out to urban densities, and there has to be enough congestion to warrant an interchange.

Magnuson stated that the second condition is that the interchange would need to be part of a bypass project, in other words without a bridge component being planned and funded, the interchange would not be eligible for funding. He added that the DOT does recognize that the bridge and interchange would not necessarily be done at the same time, but there would need to be a funding commitment for a bridge before the interchange would receive funding.

Sanders reported present.

Magnuson reported that in the end, the economic condition of the country has the DOT concerned about existing federal funding levels, and they sense that in the future the cost benefit analysis may come into play as well, so they encouraged us to look into the possibility of a public/private partnership to fund future projects, and to continue involvement in the MPO's

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, February 10th, 2010**

planning process to ensure our projects remain in the transportation plan so that they can be eligible when one of the conditions are met, and future funding becomes available.

Brooks commented that, when you suggest that the project remain in the MPO Plan in the event funds should become available, he sees two conditions that still may not be met, so even if funds were to become available, if the project still does not meet the criteria necessary to be eligible for those funds, how would that be worked out. He explained that, basically what he is saying is that development probably won't occur in that area without an interchange, and without an interchange it would be unlikely that a bridge would be built, so ultimately it seems pretty unlikely that an interchange would be built whether funds were available or not. Benning responded that the general concept for interchange justification is to first put in the corridor, then you put in the surrounding network, and then when the level of service starts breaking down on that then you can move forward and put in an interchange, otherwise, you have a chance now, as your long range transportation plan shows, to put in an new interchange at 47th Avenue. He added that if the private/public partners would want to go forward and use their funds they can do that at any time.

Information only.

RESUME AGENDA

MATTER OF PROPOSED 2010-2013 T.I.P. AMENDMENT

Haugen referred to the packet, and pointed out that a public notice was published informing the public that a public hearing would be held at today's meeting.

Haugen reported that the NDDOT is requesting we consider three amendments to the 2010-2013 T.I.P., two are changes in project scope and cost and the other is a new project. He added that all three are projects in the FY2010 Annual Element of the T.I.P..

Haugen stated that one of the amendments is just a reconciliation of our T.I.P. with the State's S.T.I.P., for pavement work on U.S. Highway 2, between Arvilla and North 55th Street. He explained that this project was shown with a higher cost estimate in our T.I.P. than was shown in the S.T.I.P., so we are amending our T.I.P. to show the lower cost estimate of \$4,264,000, with \$3,451,000 being federally funded.

Haugen said that the second project is regarding a sign replacement project on U.S. Highway 2. He explained that both the termini and the cost of this project have increased; with the new termini expanding to the Red River to the east and Niagra to the west; and the total project cost increasing to \$500,000, with \$404,630 being federally funded.

Haugen stated that the third project is a new one; to begin the project development process for the scheduled replacement of the Sorlie Bridge in 2018. He reported that the NDDOT contacted him three weeks ago to ask that this project be put in for a T.I.P. amendment, with a dollar

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, February 10th, 2010**

amount of \$3,125,000. He explained that this is described as Phase 1 funding for the preliminary engineering process, with NDDOT being the lead agency, and all funding coming from North Dakota through the Bridge Plus Federal Program. He stated that Phase 2 is being proposed to be funded entirely by Minnesota, at a cost of \$3,125,000; and then if there is a third phase needed to complete the project development, that would be split in the more traditional 50/50 split process.

Haugen commented that the first phase that shows up on our T.I.P., again is funded solely by North Dakota, but because it is a joint facility, and there are federal funds being spent on it, it will also need to be included in Minnesota's S.T.I.P., and he isn't sure how that will be done McKinnion responded that it might just be shown as being funded with "other" funds at this time.

Haugen stated that they did advertise that this is the time and place for public comments. He added that they also advertised that if people were unable to attend today's meeting, written comments could be submitted until noon, none were received, so at this time he would open the public hearing.

Peg O'Leary, Grand Forks Historic Preservation Commission, was present for discussion. She stated that the Grand Forks Historic Preservation Commission, and North Dakota State Historical Preservation Commission want to make sure that it is understood that the Sorlie Bridge is on the National Register of Historical Places, and mitigation will have to meet all the pertinent criteria. She said that they are concerned to see what the actual need for replacement is as opposed to rehabilitation; what the engineering reasons for it are, what is the long-term plan, is there a long-term plan to widen DeMers, and, while she knows that this is all part of the ongoing process, she doesn't know where it fits in to Phase 1, or Phase 2, or Phase 3, but there are certainly concerns that they have expressed in previous meetings at different places and times, and that they continue to have. She added that the Sorlie is a fine bridge and is an excellent point of reference for our two communities.

Haugen asked if either Mr. Benning or Ms. Hanson would like to talk about what the T.I.P. amendment is accomplishing, and what will happen from this point forward, once the T.I.P. and S.T.I.P. are amended.

Hanson stated that essentially what they are putting into the T.I.P. right now is the dollars that will be spent on the preliminary engineering process. She explained that the preliminary engineering process involves the beginning work on the environmental document to get environmental clearance. She reported that part the environmental document process includes the solicitations of agencies, the public input process, the investigation of alternatives, and the environmental impacts that will need to be looked into and evaluated before environmental clearance is approved. She added that what they are approving today just allows them to move into the process of determining what the best alternative is, whether it would be replacement or rehabilitation. Benning commented that they also need to develop the purpose and need as well, what is the purpose for the bridge replacement, and what is the need for total replacement rather than just giving it a paint job or something. Haugen reported that, actually, what we are doing

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, February 10th, 2010**

today is getting the funding in place so that you can engage a consultant. Benning agreed, adding that this is all a little bit of a new twist from Federal Highway. He explained that, although this rule has been around for a while, at least on the North Dakota side, this is the first time they have required us to follow it. Haugen asked, with the funding in place, is that when you will specifically engage in the Section 106 process, the historic part of the process. Benning stated that that will part of the Project Concept Report.

Brooks commented that he isn't necessarily hearing that it will be replaced, that it is written as "possible" replacement, so there is still a chance that there will only be a rehabilitation project. Benning responded that there are various alternatives, and one is to do nothing.

Haugen reported that North Dakota is the agreed lead agency on this project, but that doesn't mean that MNDOT won't be involved, but North Dakota will be doing the hiring. Benning stated that NDDOT and MNDOT share the lead agency title, with North Dakota being the lead agency on one project, and Minnesota being the lead agency on the next, this was just North Dakota's turn.

Hanson commented that this is a cooperative effort between both states and cities, and they will be working together on public input, with resource agencies, and they just want to get started on the process because it takes several years to work on one of these larger projects in order to get through the environmental process. She added that, although they don't have construction funding for several years, they still want to get started planning toward that right now so they want to get started on the environmental process at this time.

Rau reported that Al Grasser, City Engineer, has sent out some e-mails concerning how they can determine how much money the city will need as they currently don't have it budgeted in this year's budget, although they do have some money set aside for bridge replacement they don't currently have access to those funds, so a budget amendment will be necessary.

Benning commented that as far as doing any rehab or removal, when they do the inspection work there is a rating between 0 and 100, with 100 being the best, and if a bridge isn't below 50 they can't by law remove a bridge, they have to do a rehab on it, so when they do the scoring it has to be below 50 to even be considered for replacement.

Hanson stated that their Planning and Programming Engineer is working on some estimates for Mr. Grasser, at his request, as to what will likely be the City's share would be for each year of the process, over the next few years.

Haugen closed the public hearing.

Haugen commented that there was one other question that came up regarding local match on the Minnesota side. He asked if, when Phase 2 comes in to play, will East Grand Forks be participating. McKinnon responded that this one will be 100% state funded, so East Grand Forks will not be participating.

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, February 10th, 2010**

Haugen asked if there was a timeline set yet as to when the RFP would be issued, and, perhaps, when the selection process would occur. Hanson responded that she does not have a timeline at this time, but essentially they need to have the T.I.P. and S.T.I.P. amendments approved first, then they can go ahead and request authorization of the PE funds from Federal Highway, and once that is approved then they would issue the RFP, so she wouldn't think anything will be done for at least another month or so.

MOVED BY BROOKS, SECONDED BY SANDERS, TO APPROVE FORWARDING A RECOMMENDATION TO THE MPO EXECUTIVE POLICY BOARD THAT THEY APPROVE THE 2010-2013 T.I.P. AMENDMENT, AS SUBMITTED.

MOTION CARRIED UNANIMOUSLY.

MATTER OF PROPOSED TRANSIT PROJECTS FOR THE 2011-2014 T.I.P.

Haugen reported that essentially for transit, most of the requests are simply a continuation of its operations. He said, however, that for Grand Forks there are a couple of other programs that they anticipate applying for, or have already applied for, with both programs being shown on Page 22 of the packet. He added that East Grand Forks is just a continuation of the projects in the current T.I.P. with the addition of one more year.

Ehrenstrom referred to the East Grand Forks project lists, and asked if it might not be a good idea to remove the names of the organizations shown in the remark sections, as we are actually establishing a new RFP, and the current organization could possibly change. Haugen agreed. Brooks asked what page these projects are shown on. Haugen responded that they are shown on Page 17. He referred to Project 2, and pointed out that the RFP they are currently working on is their Demand Response RFP, and it does list Grand Forks Taxi as the current provider, but that may not be the case in 2011, and this is also the case with Project 1 as well.

Haugen referred to Page 22, and explained that the City of Grand Forks participated in a statewide 5309 grant request, and received just over \$2.2 million dollars, with the bulk of those monies being used to rehab and upgrade their bus barn, to replace a couple of vehicles, and to purchase a new bus washing system.

Haugen commented that Projects 2 and 3, on Page 22 of the packet, are projects that would be done in the event there would be a solicitation of projects for JARC and New Freedom Funds, and Page 25 lists the new FY2014 projects.

MOVED BY BROOKS, SECONDED BY RAU, TO APPROVE FORWARDING A RECOMMENDATION TO THE MPO EXECUTIVE POLICY BOARD THAT THEY APPROVE THE FY2011-2014 T.I.P. PROJECT APPLICATIONS, SUBJECT TO NOTED CHANGES, AS BEING CONSISTENT WITH THE LONG RANGE TRANSPORTATION PLAN AND TO GIVE THEM PRIORITY RANKINGS.

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, February 10th, 2010**

MOTION CARRIED UNANIMOUSLY.

Haugen commented that with this, all of the programs that he is aware of, have been solicited and projects have been forwarded, or will be forwarded to their respective State DOTs after February 19th so that in March we can start working on a Draft T.I.P. document for approval in April.

Benning reported that the NDDOT is still working on their urban program, which is currently being reviewed by the Districts and the DOT. He stated that comments need to be submitted by February 23rd, and once received it will be sent to their office holders for their review and comments, and then to the Deputy Director who will review and sign-off on it. He commented that they are looking at getting it back out to the MPOs in April. He added that they are struggling with this this year just like everyone else because they aren't sure what the highway bill will be like, and what they will get for JOBS, but they still hope to get it done by April.

MATTER OF SOLICITATION OF PROJECTS FOR POSSIBLE 2ND STIMULUS

Haugen reminded everyone that last month we discussed action that the House took, and both State DOTs sent communications out to their Counties and Cities informing them that they should start thinking about putting together a list of potential projects. He said that MPO staff participated in a conference call a couple of weeks ago in which Federal Highway Headquarters was on the line and they were stressing that the MPO should start acting on getting amendments in the loop so that they will be ready to go if and when Congress should act on this.

Haugen stated that we published a notice in our local newspapers informing the public that if they have a project they would like to see done, they should submit it to their respective governing bodies, who would then forward them to the MPO by February 24th in order to allow us time to prepare and publish a public hearing for the next MPO Technical Advisory Committee meeting, after which the projects would be forwarded to the MPO Executive Policy Board for their approval at their March 2010 meeting.

Haugen commented that on the Minnesota side there have been a couple of projects submitted that could possibly make the list, and the City of Grand Forks has a list of projects for the street side going through the process right now as well.

Benning reported that, for clarification, the NDDOT has contact the local jurisdictions, such as cities and counties, and have told them that we know another JOBS bills is coming through, so start putting together a list of potential projects, however they have not sent out an official request to the local entities, nor have they sent anything to out to the Counties or Cities either, as they have been told to wait on that for the time being. He said that once they have the okay to move forward, they will, but at this time they just alerted everyone that it may occur, and when given the okay, they will then send out letters to all the entities requesting projects be submitted. Haugen commented that the FTA has taken a similar stance, and are not officially requesting projects be submitted at this time either.

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, February 10th, 2010**

Brooks asked what will happen if the official request is not given until after the February 24th deadline, will the MPO need to re-advertise. Haugen responded that they will have to see how long of a delay there is between February 24th and when the request is made, and if there is a considerable delay, they may have to re-advertise, but if it is only a few days they probably won't have to.

McKinnon commented that the big issue here is that projects will need to be ready to go, not something that is starting from scratch. He stated that they have some ready now, but it will be tough. Brooks asked if the potential projects could be included in the T.I.P. as illustrative projects. Haugen responded that the problem is that in order to include them as illustrative projects we would still need to go through an amendment process to include them in the T.I.P., so what we need to do is to create a list of projects that are ready to go, however if they aren't ready to be formally adopted by the MPO at their March meeting, then we will have to figure out whether or not we can wait until the April meeting, or arrange for a special one sometime in-between.

Information only.

MATTER OF STATUS OF RAILROAD CROSSING STUDY

Haugen referred to Page 31, the staff report, and reported that a draft quiet zone report was sent out to staff people involved in the study asking for their review and comments, and he would appreciate it if anyone who has had a chance to review it would provide any comments they might have. He added that they have received a few. He stated that he had hoped to have this on the agenda today for approval of the final report, however, as noted in the staff report, there has been some cost estimates provided us by BNSF that are substantially higher than what the consultant had identified for some of the necessary improvements at various crossings. He explained that BNSF is trying to work within their bureaucracy of trying to determine exactly why their cost estimates were so much higher than SRF's, so we are working with them on this, however, in the meantime, until we get this figured out we were unable to move forward with the final report. Ellis asked if this same issue might affect the constant warning signal at 2nd in East Grand Forks. Haugen responded that he doesn't know the answer to that. He added that the area they are currently working on is that area out by the Amtrak station. He stated that all three of the crossings there have all the safety equipment required except for the constant warning signal and circuitry. He explained that when they met with BNSF, and all of those people who are part of the diagnostic team, the representative from BNSF did not say that any of the equipment needed to be updated, just that we needed to have the constant warning signal installed, so that is what SRF based their estimates on, as well as the addition of a couple of medians, but those would not be part of BNSF's cost estimating anyway.

Haugen reported that this information has been presented to the public, and to both City Councils, who have taken action on the report for the quiet zone portion, and we have also submitted some applications to the DOT for funding. Haugen stated that once this was done they formally engaged BNSF on the DeMers Avenue east crossings, and that is when BNSF came

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, February 10th, 2010**

back with their substantial augmentation of the cost estimates to try to get better equipment than is currently at these crossings.

Haugen commented that, initially, East Grand Forks was given an option of either closing one of their roadways, and getting improvements installed at the remaining crossings so that a quiet zone could be implemented sooner than later; or leaving it open and waiting until they can come up with the funds needed to install the required safety equipment at all three locations. He stated that just last evening, at their working session, the subject was brought up again, and the council is reconsidering closure of one of the crossings, so there might be a chance this could occur and a quiet zone could be implemented by 2011.

Haugen reported that they are working on the State Mill Spur study, and a public meeting has been scheduled for February 23rd. He explained that they will hold a neighborhood meeting, then a public open house, to discuss all of the crossings along the spur.

Haugen stated that just this month BNSF and North Dakota State Mill finally got their finances together, after which we engaged SRF to complete the 3rd component of the study, which is to specifically look at a possible closure of the Bacon Road crossing, and how it would impact the northern network.

Haugen reported that they will be scheduling a meeting with the property owners from the Bacon Road area on February 23rd, when SRF is in town. He stated that one thing they learned during their visits with BNSF and the State Mill is that a major reason for them wanting to look at closing the Bacon Road crossing is because there may be a possibility that the State Mill will begin having their grain brought in by 110 unit car trains, when currently 90% is being trucked in, and if that should occur it will impact the system quite a bit. He added that he has talked about this with Les Noehre, however he isn't sure if he has talked to the NDDOT to try to engage their Rail Division to do a subsequent study to see if there is some way we can work with BNSF and the State Mill to try to better accommodate 110 unit cars.

Information only.

OTHER BUSINESS

1. NDDOT Traffic Counts

Haugen reported that he received communication from the NDDOT that they plan on doing traffic counts throughout Grand Forks this year. He said that they did provide a map of the locations being counted, so he would like Jane Williams to stop over and take a look at it.

Haugen asked if anyone knew when they might be doing the counts, would it be in the spring or the fall. Benning responded that it will probably be in the fall, and the reason he thinks that is because the main staff person is retiring at the end of April, so most likely the counts won't be done until after that, but he will check on it and let Earl know for sure.

**PROCEEDINGS OF THE
TECHNICAL ADVISORY COMMITTEE
Wednesday, February 10th, 2010**

Information only.

ADJOURNMENT

***MOVED BY EHRENSTROM, SECONDED BY LANG, TO ADJOURN THE FEBRUARY
10TH, 2010, MEETING OF THE TECHNICAL ADVISORY COMMITTEE AT 1:20 P.M.***

Respectfully submitted by,

Peggy McNelis
Executive Assistant