



METRO GOLD LINE BUS RAPID TRANSIT PROJECT (FORMERLY GATEWAY CORRIDOR)

Section 106 Programmatic Agreement



**Quarterly Report No. 13
(January 1 – March 31, 2023)**

Prepared by:

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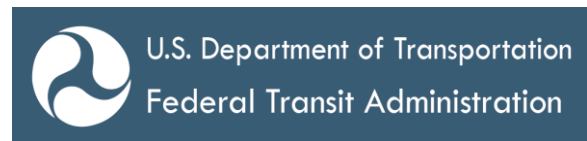
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On behalf of:

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Introduction

The METRO Gold Line Bus Rapid Transit (BRT) Project (Project) is a proposed 10 mile-long BRT line located in Ramsey and Washington counties, Minnesota. The line will begin at the existing Smith Avenue Transit Center in downtown Saint Paul and extend along an easterly and southerly alignment, operating both in mixed traffic and on a dedicated guideway, to connect the cities of Saint Paul, Maplewood, Landfall, Oakdale, and Woodbury. The Project includes 21 stations, four of which will include park-and-ride lots; accommodations for passenger drop-off at some stations; pedestrian and bicycle access; roadway and landscape improvements; and restructured local bus route connections in both counties.

The Project sponsor, the Metropolitan Council (Council), may receive funding from the Federal Transit Administration (FTA), permits from the United States Army Corps of Engineers (USACE) and an interstate right-of-way use agreement from the Federal Highway Administration (FHWA) to construct the Project. Therefore, the Project is a federal undertaking and must comply with Section 306108 (previously Section 106 and hereinafter referred to as Section 106) of the National Historic Preservation Act of 1966, as amended (54 United States Code § 306108) and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800 et. seq. In accordance with 36 CFR Part 800.2(a)(2), the USACE and FHWA have recognized FTA as the lead federal agency for fulfilling their collective responsibilities for the Project under Section 106.

Due to the two-year limit for completing environmental reviews under FTA's Capital Improvement Grants Program, FTA determined that a phased process was appropriate for completing the Section 106 process for the Project. In accordance with 36 CFR Part 800.4(b)(2), FTA, with assistance from the Minnesota Department of Transportation Cultural Resources Unit and Council, consulted with the Minnesota State Historic Preservation Office, other consulting parties, and the public to prepare a Programmatic Agreement (PA) to guide the completion of the Section 106 process. The PA, which was executed on January 7, 2020, establishes roles and responsibilities for its implementation and includes processes for identifying and evaluating properties for the National Register of Historic Places, assessing effects on historic properties, and resolving any adverse effects. The PA also spells out design development and review processes and requirements for protecting historic properties during Project construction.

This quarterly summary report was prepared to meet the reporting requirements of PA Stipulation XIII.A. It provides an itemized listing of all measures required to implement the terms of the PA, identifies actions FTA has taken during the reporting period to implement those measures, and includes a timetable of activities proposed for implementation within the following reporting period. It also identifies any problems or unexpected issues encountered during the reporting period, any proposed scheduling changes, any disputes and objections submitted or resolved as part of FTA's efforts to carry out the terms of the PA, and any changes recommended in implementation of the PA.

Acronyms and Abbreviations

The following is a list of commonly used acronyms and abbreviations that may be found in the reporting table in the Implementation Efforts section of this report.

| | |
|---------|--|
| APE | Area of Potential Effect |
| BRT | Bus Rapid Transit |
| CFR | Code of Federal Regulations |
| COR | Change Order Request |
| Council | Metropolitan Council |
| CRU | Cultural Resources Unit |
| FTA | Federal Transit Administration |
| FHWA | Federal Highway Administration |
| MnDOT | Minnesota Department of Transportation |
| MnSHPO | Minnesota State Historic Preservation Office |
| NRHP | National Register of Historic Places |
| PA | Programmatic Agreement |
| Project | METRO Gold Line BRT Project |
| Q1 | Quarter of the calendar year, in this example, the First Quarter |
| SOI | Secretary of the Interior |
| USACE | United States Army Corps of Engineers |

Implementation Efforts

This quarterly report No. 13 was prepared under the terms of the Project PA and covers the reporting period from January 1, 2023 through March 31, 2023 (Q1 2023).

Table 1. PA Implementation

| PA Action Item | Implementation Schedule | Implementation Status |
|---|--|---|
| Stipulation I. Applicability | | |
| • Offer other entities Consulting Party status | As needed during duration of PA implementation | Ongoing as needed. No activity during reporting period. |
| Stipulation II. Standards | Duration of PA implementation | Ongoing as needed. No activity during reporting period. |
| Stipulation III. Deliverables and Review Procedures | Duration of PA implementation | Ongoing as needed. No activity during reporting period. • Also see Stipulations IV-XIII. |
| Stipulation IV. Area of Potential Effect | | |
| • Review of Project Design to Determine if APE Revisions are Required | Ongoing through Project construction: • 30% Plans: complete February 2020 • 60% Plans: complete August 2020 • 90% Plans: complete Q1 2021 • 100% Plans: completed Q3 2021 • Design modifications during construction: anticipated 2022-2024 | Ongoing as needed. At 100% design the APE was expanded to include the East Metro Transit Facility. An APE Addendum and Supplemental Effect Finding are under development. • Also see Stipulations V, VI and VII. |
| • Survey of Areas Added to the APE | As needed through during duration of PA implementation | Ongoing. Additional survey of expanded APE not required. • Also see Stipulation VII |
| Stipulation V. Survey and Evaluation | As needed through during duration of PA implementation | |
| | • Supplemental Phase I archaeology survey of Study Areas 41 and 116 | Complete. Also see Stipulations III and IV. |
| | • Supplemental architecture/history survey: anticipated schedule 2018-Q2 2020 ○ Survey of areas added to the APE in November 2018 ○ Resurvey of areas previously in the APE to identify properties constructed after 1969 that will be 50 years of age or older at the start of construction | Complete. Also see Stipulations III and IV. |

| PA Action Item | Implementation Schedule | Implementation Status |
|---|---|---|
| | <ul style="list-style-type: none"> Evaluation of additional properties based on Supplemental architecture/history survey and properties constructed up to 1973. | Ongoing as needed. No activity during reporting period. |
| Stipulation VI. Project Design Development and Review | Ongoing through completion of the 100% Plans and construction, anticipated schedule: Q1 2020-2024 | Ongoing. <ul style="list-style-type: none"> Also see Stipulations VII, VIII and IX |
| <ul style="list-style-type: none"> Consultation with Consulting Parties to Gain Input on Project Design Development and Effects to Historic Properties | <ul style="list-style-type: none"> As needed during Project design development and construction, anticipated timeframe: Q2 2020-2024 | Ongoing. <ul style="list-style-type: none"> Also see Stipulations VII, VIII and IX. |
| <ul style="list-style-type: none"> Review of 30% Plans | <ul style="list-style-type: none"> MnDOT CRU and FTA review, anticipated schedule: Q1 2020-Q4 2020 Consulting Parties review, anticipated schedule: Q1 2021 | Complete. The 30% Plans were completed in February 2020 and consultation completed in May 2021. Also see Stipulations IV and VII. |
| <ul style="list-style-type: none"> Review of 60% Plans | <ul style="list-style-type: none"> MnDOT CRU and FTA review, anticipated timeframe: Q3 2020-Q1 2021 Consulting Parties review, anticipated timeframe: Q2 – Q3 2021 | Complete. The 60% Plans were completed in August 2020. FTA submitted the assessment of effects for 60% design to MnSHPO and Consulting Parties and consultation on 60% Plans is complete. |
| <ul style="list-style-type: none"> Review of 90% Plans | <ul style="list-style-type: none"> MnDOT CRU and FTA review, anticipated timeframe: Q2-Q3 2021 | Complete. The 90% Plans were completed in March 2021. FTA reviewed the 90% Plans Memo and APE Revisions to confirm that conditions placed at 60% were met. |
| <ul style="list-style-type: none"> Review of 100% Plans | <ul style="list-style-type: none"> To be completed prior to the start of Project construction, but may be completed in stages as the 100% Plans for different construction contract packages are completed, anticipated timeframe: Q3 2021-Q2 2021 | Complete. MnDOT CRU started review of the 100% Plans to confirm that conditions placed at 60% were met during the last reporting period. FTA reviewed the 100% Plans Memo during this reporting period to confirm changes require no additional consultation. |
| <ul style="list-style-type: none"> Review of Project Modifications (CORs) | After the completion of the 100% Plans, through the completion of Project construction, anticipated timeframe: Q4 2021-2024 | Ongoing review of project modifications at East Metro Transit Facility. |
| Stipulation VII. Assessment of Effects on Historic Properties | As needed during duration of PA implementation | |
| <ul style="list-style-type: none"> Based on 30% Plans | Q1 2020 - Q1 2021 | Complete. The 30% Plans were completed in February 2020 and consultation completed in May 2021. |
| <ul style="list-style-type: none"> Properties in Areas Added to the APE | Anticipated Q3 2020-2024 | Ongoing as needed. No activity during reporting period. |

| PA Action Item | Implementation Schedule | Implementation Status |
|---|---|---|
| <ul style="list-style-type: none"> Based on 60% Plans | Q1 2021 | Complete. MnDOT CRU prepared an addendum to the Assessment of Effects to the Gold Line BRT project to address changes based on 60% Plans. The draft addendum was provided SHPO and consulting parties in June 2021. Consultation was completed 3 rd quarter of 2021. |
| <ul style="list-style-type: none"> Based on 90% and 100% Plans | Q3 and Q4 2021 | Complete. Confirmation that conditions placed at 60% were met based on 90% Plans was completed by FTA during the last reporting period. The 90% Plans and APE Revision Memo was submitted to consulting parties for review and comment on September 13, 2021. Consultation on the 90% Plans revised APE Memo occurred on October 6, 2021. Confirmation that conditions placed at 60% will be met based on 100% plans was reviewed by FTA. |
| Stipulation VIII. Consultation to Resolve Adverse Effects | If needed: anticipated Q3 2020-2024 | Not needed based on FTA's 60% addendum to the Assessment of Effects. |
| Stipulation IX. Design Requirements | | |
| <ul style="list-style-type: none"> Design Project in Accordance with the SOI's Standards for the Treatment of Historic Properties | As needed after the completion of assessment of effects based on the 30% Plans. | Complete. |
| <ul style="list-style-type: none"> Consultation with Consulting Party to Gain Input on Project Design within SOI's Standards Design Limits | As needed after the completion of assessment of effects based on the 30% Plans. | Complete. |
| Stipulation X. Construction Protection Plan for Historic Properties | | |

| PA Action Item | Implementation Schedule | Implementation Status |
|---|---|--|
| <ul style="list-style-type: none"> Construction Protection Plan Historic Sensitivity Training | If necessary, draft to be developed during 60% Assessment of Effects. To be finalized prior to the start of Project construction, anticipated schedule: Q4 2020-Q4 2021 | <p>Not needed, Complete. The 60% Plans were completed in August 2020. The assessment of effects for 60% design was submitted to MnSHPO and Consulting Parties for review during the last reporting period. Based on review of 60% design plans, it was determined that Construction Protection Plans are not warranted for the Project and this condition has been removed. Construction protection techniques for specific historic properties were developed for inclusion in the Division 1 Specifications.</p> <p>Historic Sensitivity Training complete. Delivered to project construction contractor, Ames Construction, on September 27, 2022, and recorded for ease of reference; anticipated to be presented again throughout the construction contract as new staff are hired and/or as work begins proximate to the Samco, Manhattan and Texas Company Service Station buildings.</p> |
| Stipulation XI. Unexpected Discoveries | As needed during Project construction, anticipated timeframe: 2022-2024 | Ongoing as needed. No activity during reporting period. |
| Stipulation XII. Unanticipated Effects to Historic Properties | As needed during Project construction, anticipated timeframe: 2022-2024 | Ongoing as needed. No activity during reporting period. |
| Stipulation XIII. Reviewing and Reporting of Agreement Implementation | | |
| <ul style="list-style-type: none"> Quarterly PA Implementation Summary Report | Every 3 months following PA execution until it expires or is terminated, anticipated schedule: Q2 2020-Q1 2030, or earlier if all PA measures implemented | Ongoing. Quarterly summary report for previous reporting period submitted to MnSHPO and other consulting parties on November 14, 2022. Next quarterly report to be prepared and submitted at the end of the next reporting period. |
| Stipulation XIV. Dispute Resolution | As needed during duration of PA implementation | Ongoing as needed. No activity during reporting period. |
| Stipulation XV. Amendments | | Ongoing, as needed. No activity during reporting period. |
| <ul style="list-style-type: none"> PA Amendment | As needed during duration of PA implementation | <p>Complete. FTA and Consulting Parties prepared and reviewed an amendment to the Programmatic Agreement during the last reporting period. The PA Amendment was finalized and signed in September 2021. The document is available on the project website link below:</p> <p>https://www.metrotransit.org/Data/Sites/1/media/about/improvements/gold-line/goldline_pa-amendment_final-signed.pdf</p> |
| Stipulation XVI. Duration | As needed during duration of PA implementation | Ongoing as needed. No activity during reporting period. |
| Stipulation XVII. Termination | As needed during duration of PA implementation | Ongoing as needed. No activity during reporting period. |