



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

**Section 106 Programmatic Agreement**



**Quarterly Report No. 5  
(January 1 – March 31, 2021)**

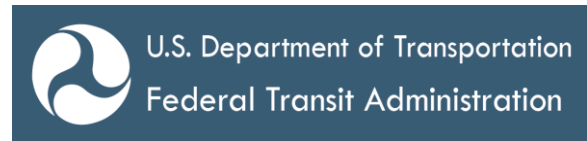
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# Introduction

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 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. 5 was prepared under the terms of the Project PA and covers the reporting period from January 1, 2021, through March 31, 2021.

Table 1. PA Implementation

| PA Action Item  | Implementation Schedule   | Implementation Status  |
|---|---|--|
| <b>Stipulation I. Applicability</b>                                   |   |  |
| • Offer other entities Consulting Party status                        | As needed during duration of PA implementation  | On-going, as needed, no activity during reporting period   |
| <b>Stipulation II. Standards</b>                                      | Duration of PA implementation   | On-going, as needed, no activity during reporting period   |
| <b>Stipulation III. Deliverables and Review Procedures</b>            | Duration of PA implementation   | Ongoing, as needed. FTA provided copies of the executed PA to consulting parties on January 24, 2020. Also see Stipulations IV-XIII.   |
| <b>Stipulation IV. Area of Potential Effect</b>                       |   |  |
| • Review of Project Design to Determine if APE Revisions are Required | On-going through Project construction: <ul style="list-style-type: none"> <li>• 30% Plans: complete February 2020</li> <li>• 60% Plans: complete August 2020</li> <li>• 90% Plans: complete Q1 2021</li> <li>• 100% Plans: anticipated Q3 2021-2022</li> <li>• Design modifications during construction: anticipated 2022-2024</li> </ul>               | In process <ul style="list-style-type: none"> <li>• Revision to the APE based on 60% Plans was submitted to Consulting Parties for review and comment on March 10, 2021.</li> <li>• The 90% Plans were completed in Q1 2021. MnDOT CRU will review the 90% Plans to determine if APE revisions are required during the next reporting period. Also see Stipulation VII.</li> </ul> |
| • Survey of Areas Added to the APE                                    | As needed through during duration of PA implementation  | In process, see Stipulation VII  |
| <b>Stipulation V. Survey and Evaluation</b>                           | As needed through during duration of PA implementation  |  |
|   | • Supplemental Phase I archaeology survey of Study Areas 41 and 116: anticipated schedule 2019-Q2 2020  | Complete. MnDOT CRU and FTA addressed comments from MnSHPO during the last reporting period. Also see Stipulations III and IV.   |
|   | • Supplemental architecture/history survey: anticipated schedule 2018-Q2 2020 <ul style="list-style-type: none"> <li>○ Survey of areas added to the APE in November 2018</li> <li>○ 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</li> </ul> | Complete. MnDOT CRU and FTA addressed comments from MnSHPO during the last reporting period. Also see Stipulations III and IV.   |

| PA Action Item  | Implementation Schedule   | Implementation Status  |
|---|---|--|
|   | <ul style="list-style-type: none"> <li>Evaluation of additional properties based on Supplemental architecture/history survey and properties constructed up to 1973.</li> </ul>  | Ongoing. MnDOT CRU prepared a Phase II evaluation of the Eastern Heights State Bank of Saint Paul and a Phase I inventory form for a commercial building constructed outside of previous survey effort periods. These evaluations were submitted to SHPO and Consulting Parties for review and comment on March 10, 2021.  |
| <b>Stipulation VI. Project Design Development and Review</b>  | On-going through completion of the 100% Plans, anticipated schedule: Q1 2020-2024   | On-going, also see Stipulations VII, VIII and IX   |
| <ul style="list-style-type: none"> <li>Consultation with Consulting Parties to Gain Input on Project Design Development and Effects to Historic Properties</li> </ul> | <ul style="list-style-type: none"> <li>As needed during Project design development and construction, anticipated timeframe: Q2 2020-2024</li> </ul>   | In process. FTA provided direction during the last reporting period that consultation to gain input on advanced design will wait until the Assessment of Effects consultation for 30% design is complete. Also see Stipulations VII, VIII and IX.  |
| <ul style="list-style-type: none"> <li>Review of 30% Plans</li> </ul>   | <ul style="list-style-type: none"> <li>MnDOT CRU and FTA review, anticipated schedule: Q1 2020-Q4 2020</li> <li>Consulting Parties review, anticipated schedule: Q1 2021</li> </ul>   | Complete. The 30% Plans were completed in February 2020. The assessment of effects for 30% design was submitted to MnSHPO and Consulting Parties for review and consultation was completed during this reporting period. Also see Stipulations IV and VII.   |
| <ul style="list-style-type: none"> <li>Review of 60% Plans</li> </ul>   | <ul style="list-style-type: none"> <li>MnDOT CRU and FTA review, anticipated timeframe: Q3 2020-Q1 2021</li> <li>Consulting Parties review, anticipated timeframe: Q2 – Q3 2021</li> </ul>  | In process. The 60% Plans were completed in August 2020. MnDOT CRU assessed the effects of design updates during the last reporting period. FTA is currently reviewing the assessment of effects for 60% design and plan to submit to MnSHPO and Consulting Parties during the next reporting period. The 60% Plans may require modifications based on the results of consultation on the 30% Plans. |
| <ul style="list-style-type: none"> <li>Review of 90% Plans</li> </ul>   | <ul style="list-style-type: none"> <li>MnDOT CRU and FTA review, anticipated timeframe: Q2-Q3 2021</li> </ul>   | In process. The 90% Plans were completed in March 2021. MnDOT CRU will begin review of 90% Plans during the next reporting period.   |
| <ul style="list-style-type: none"> <li>Review of 100% Plans</li> </ul>  | <ul style="list-style-type: none"> <li>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</li> </ul> | Not started  |
| <ul style="list-style-type: none"> <li>Review of Project Modifications (CORs)</li> </ul>  | After the completion of the 100% Plans, through the completion of Project construction, anticipated timeframe: Q3 2021-2024   | Not started  |
| <b>Stipulation VII. Assessment of Effects on Historic Properties</b>  | As needed during duration of PA implementation  |  |

| PA Action Item  | Implementation Schedule   | Implementation Status  |
|---|---|--|
| <ul style="list-style-type: none"> <li>Based on 30% Plans</li> </ul>  | Q1 2020 - Q1 2021   | Complete. The 30% Plans were completed in February 2020. The assessment of effects for 30% design was submitted to MnSHPO and Consulting Parties for review and consultation was completed during this reporting period.   |
| <ul style="list-style-type: none"> <li>Properties in Areas Added to the APE</li> </ul>  | Anticipated Q3 2020-2024  | In process. FTA also determined revisions to the APE are necessary and revised those during the last reporting period. Historic properties were reviewed as part of the APE revision. Nineteen previously identified historic properties were removed from the APE. Historic properties remaining within the revised APE are currently undergoing assessment of effects, with FTA review within this period. |
| <ul style="list-style-type: none"> <li>Based on 60% Plans</li> </ul>  | Q1 2021   | In process. 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 to FTA for review and comment in this quarter. Comments are expected in early Q2 for revision and submittal to SHPO and CPs in June 2021.  |
| <b>Stipulation VIII. Consultation to Resolve Adverse Effects</b>  | If needed: anticipated Q3 2020-2024   | Not started  |
| <b>Stipulation IX. Design Requirements</b>  |   |  |
| <ul style="list-style-type: none"> <li>Design Project in Accordance with the SOI's Standards for the Treatment of Historic Properties</li> </ul>          | As needed after the completion of assessment of effects based on the 30% Plans, anticipated schedule: Q3 2020-2022  | Not started, also see Stipulations VI, VII and VIII  |
| <ul style="list-style-type: none"> <li>Consultation with Consulting Party to Gain Input on Project Design within SOI's Standards Design Limits</li> </ul> | As needed after the completion of assessment of effects based on the 30% Plans, anticipated schedule: Q3 2020-2022  | Not started, also see Stipulations VI, VII and VIII  |
| <b>Stipulation X. Construction Protection Plan for Historic Properties</b>  |   |  |
| <ul style="list-style-type: none"> <li>Construction Protection Plan</li> </ul>  | 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 | In progress. The 60% Plans were completed in August 2020. MnDOT CRU is in the process of assessing effects of design updates during this reporting period.   |
| <b>Stipulation XI. Unexpected Discoveries</b>   | As needed during Project construction, anticipated timeframe: 2022-2024   | Not started  |
| <b>Stipulation XII. Unanticipated Effects to Historic Properties</b>  | As needed during Project construction, anticipated timeframe: 2022-2024   | Not started  |

| <b>PA Action Item</b>  | <b>Implementation Schedule</b>  | <b>Implementation Status</b>  |
|--|---|---|
| <b>Stipulation XIII. Reviewing and Reporting of Agreement Implementation</b>                   |   |   |
| <ul style="list-style-type: none"> <li>• Quarterly PA Implementation Summary Report</li> </ul> | 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 | On-going. Quarterly summary report for previous reporting period submitted to MnSHPO and other consulting parties on July 17, 2020. Next quarterly report to be prepared and submitted at the end of the next reporting period. |
| <b>Stipulation XIV. Dispute Resolution</b>   | As needed during duration of PA implementation  | On-going, as needed, no activity during reporting period  |
| <b>Stipulation XV. Amendments</b>  | As needed during duration of PA implementation  | On-going, as needed, no activity during reporting period  |
| <b>Stipulation XVI. Duration</b>   | As needed during duration of PA implementation  | On-going, as needed, no activity during reporting period  |
| <b>Stipulation XVII. Termination</b>   | As needed during duration of PA implementation  | On-going, as needed, no activity during reporting period  |