



**OFFICIAL PROCEEDINGS OF THE REGIONAL RAILROAD AUTHORITY
WASHINGTON COUNTY, MINNESOTA
JANUARY 10, 2023**

The Washington County Regional Railroad Authority (WCRRA) met in regular session at 10:00 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Miron, Karwoski, Kriesel, Bigham, and Clasen. Also present were Kevin Corbid, County Administrator; Susan Tice, County Attorney Civil Division Chief; Stephanie Kammerud, Administrative Assistant; and county staff.

The Board recited the Pledge of Allegiance.

Election of Washington County Regional Railroad Authority Chair for 2023

County Administrator Kevin Corbid asked for nominations for 2023 WCRRA Chair.

Commissioner Karwoski nominated Commissioner Karla Bigham as 2023 WCRRA Chair. Mr. Corbid asked for further nominations; none were heard. Mr. Corbid closed the nominations.

Mr. Corbid asked all those in favor of electing Commissioner Karla Bigham as 2023 WCRRA Chair to signify by saying Aye. All commissioners were in favor, and the motion was adopted unanimously.

Commissioner Karla Bigham was elected as 2023 WCRRA Chair.

Election of Washington County Regional Railroad Authority Vice Chair for 2023

WCRRA Chair Bigham asked for nominations for 2023 WCRRA Vice Chair.

Commissioner Karwoski nominated Commissioner Michelle Clasen as 2023 WCRRA Vice Chair. Chair Bigham asked for further nominations; none were heard. Chair Bigham closed the nominations.

Chair Bigham asked all those in favor of electing Commissioner Michelle Clasen as 2023 WCRRA Vice Chair to signify by saying Aye. All commissioners were in favor, and the motion was adopted unanimously.

Commissioner Michelle Clasen was elected as 2023 WCRRA Vice Chair.

Approval of WCRRA Minutes from September 27, 2022

Commissioner Miron moved to approve the WCRRA meeting minutes from September 27, 2022. Commissioner Karwoski seconded the motion, and it was adopted unanimously.

PUBLIC WORKS

Resolution for Use of Grant Funds for Civil Construction of the METRO Gold Line under Letter of No Prejudice #2

Planning Director Lyssa Leitner presented a resolution to approve the use of grant funds for civil construction for the METRO Gold Line under a proposed Letter of No Prejudice #2. Ms. Leitner reported that the METRO Gold Line project team submitted materials to the Federal Transit Administration (FTA) to receive the Full Funding Grant Agreement (FFGA) on February 28, 2022. Action is needed by the Washington County Regional Railroad Authority and Washington County Board, as two of the Gold Line Joint Powers Board parties, to allow grant funds to be used for civil construction, which is called a Letter of No Prejudice (LONP). Allowing grant funds for this use will not increase the overall county share, but will allow funds to be spent before the Full Funding Grant Agreement (FFGA) is received. The LONP ensures that any funds spent will be eligible for federal reimbursement, as appropriate, when the FFGA is received.

The total project cost for the Gold Line is \$505.3 million. Funding sources include:

- \$239.3 million – Federal Transit Administration
- \$25.2 million – Counties Transit Improvement Board (CTIB), state bonds & appropriations, grants, and the Minnesota Department of Transportation
- \$120.5 million – Ramsey County
- \$120.3 million – Washington County

No Washington County property tax dollars will be used to fund the Gold Line project.

METRO Gold Line began construction in August 2022, under LONP #1, which was approved by the Washington County Regional Railroad Authority and County Board on April 19, 2022. An additional LONP (LONP #2) is necessary if the FFGA is not received by March 1. Due to the long approval process by FTA, action by the County Board is required at this time.

The Gold Line Joint Powers Board will take two actions relative to LONP #2. The first is authorizing the Metropolitan Council to submit the LONP #2 to FTA. That action was approved on December 7, 2022. The second action is to deem the risk of proceeding to advance construction under the LONP #2 to be acceptable, and authorize the use of grant funds for the LONP #2 work. FTA will review and must approve the LONP #2 request before funds are used. FTA's approval will confirm that funds would be eligible for local match.

Ramsey County Regional Railroad Authority and Board approved LONP #2 on December 13, 2022.

Commissioner Karwoski moved to adopt **Resolution No. RRA-2023-001** as follows:

**APPROVING THE USE OF GRANT FUNDS FOR CIVIL
CONSTRUCTION UNDER A
LETTER OF NO PREJUDICE (LONP #2)**

WHEREAS, the Gold Line Joint Powers Board (“JPB”) entered into a Capital Grant Agreement for Engineering and Construction for the Gold Line Project (“Grant Agreement”) with the Metropolitan Council (“Council”) effective March 1, 2022; and

WHEREAS, Section 3.04 of the Grant Agreement sets forth the process for the JPB’s prior approval for use of grant funds for expenditures pursuant to a Letter of No Prejudice (“LONP”) issued by the Federal Transit Administration (“FTA”), including the requirement that the JPB approve the submission of a request for an LONP to the FTA; and

WHEREAS, an LONP is required in order to ensure that funds expended on construction activities during the engineering phase of work and prior to a Full Funding Grant Agreement are eligible to be counted as part of the local match to federal funding; and

WHEREAS, the Washington County Board approved the use of grant funds for LONP #1 for the County’s share in the amount of \$21,500,000 for civil construction on April 5, 2022, FTA approved LONP #1 on June 28, 2022, the JPB approved LONP #1 July 11, 2022; and

WHEREAS, advanced construction pursuant to LONP #1 commenced in August, 2022 and funds for LONP #1 are anticipated to be expended by the first quarter of 2023; and

WHEREAS, in the attached correspondence dated November 23, 2022, the Council requested the JPB to approve the submission of a request for LONP #2 in the amount of \$56,000,000 to continue civil construction prior to an FFGA and

WHEREAS, the Council justified its request for LONP #2 by asserting that stopping construction work until an FFGA is received will lead to project delays and cost increases; and

WHEREAS, on December 7, 2022, the JPB determined that the Council’s written request satisfied the requirements of Section 3.04 of the Grant Agreement and approved the Council's submission of a request for LONP #2 to the FTA regarding civil construction for the Gold Line BRT Project set forth therein in the amount of \$56,000,000 for the work described in the attached letter; and



WHEREAS, Section 3.04 of the Grant Agreement further provides that each of the Joint Powers Board Parties must approve the use of grant funds for civil construction under the proposed LONP #2; and

WHEREAS, pursuant to Section 3.04 of the Grant Agreement, if the Joint Powers Board Parties and the FTA approve the use of grant funds for civil construction as set forth in the proposed LONP #2, the JPB may adopt a resolution approving the requested LONP #2 expenditures that shall include the specific funding share amount, purpose, and a maximum, not-to-exceed amount, as well as any special conditions deemed necessary and amend the Grant Agreement accordingly.

NOW, THEREFORE, BE IT RESOLVED that Washington County hereby approves the use of grant funds in the amount of \$28,000,000 for the civil construction contract under the proposed LONP #2 as described in the attached letter.

Commissioner Clasen seconded the motion, and it was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Miron, Karwoski, Kriesel, Clasen, and Bigham. Nays, none.

Adjournment

There being no further business to come before the WCRRA, Chair Bigham adjourned the meeting at 10:14 a.m.

Attest:

Kevin Corbid

Kevin Corbid
County Administrator

Karla Bigham

Karla Bigham, Chair
Washington County Regional Railroad Authority