



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

Section 106 Programmatic Agreement



**Quarterly Report No. 9
(January 1 – March 31, 2022)**

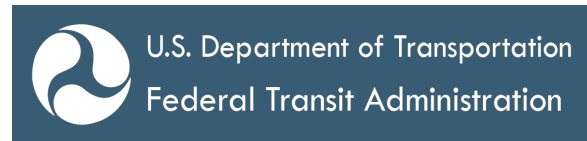
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Introduction

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. 9 was prepared under the terms of the Project PA and covers the reporting period from January 1, 2022 through March 31, 2022 (Q1 2022).

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	On-going, as needed, no activity during reporting period
Stipulation II. Standards	Duration of PA implementation	On-going, as needed, no activity during reporting period
Stipulation III. Deliverables and Review Procedures	Duration of PA implementation	On-going, as needed. Also see Stipulations IV-XIII.
Stipulation IV. Area of Potential Effect		
• Review of Project Design to Determine if APE Revisions are Required	On-going through Project construction: <ul style="list-style-type: none"> • 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 	On-going, as needed, no activity during reporting period. <ul style="list-style-type: none"> • Also see Stipulations V, VI and VII.
• Survey of Areas Added to the APE	As needed through during duration of PA implementation	On-going, 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 <ul style="list-style-type: none"> ○ 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. 	<p>Complete. 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. Consultation on these additional properties was completed along with the APE revision during the last reporting period.</p>
Stipulation VI. Project Design Development and Review	On-going through completion of the 100% Plans and construction, anticipated schedule: Q1 2020-2024	On-going, 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 	On-going. 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 has submitted the assessment of effects for 60% design to MnSHPO and Consulting Parties during the last reporting period. Consultation on 60% Plans was completed during this reporting period.
<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	On-going. Unexpected discovery of two concrete retaining walls at Earl Street. Recommendation that walls are not eligible for listing in the National Register. Submitted to FTA for review and comment on March 23, 2022; FTA agreed on March 25 and consulting material sent out March 28, 2022.
Stipulation VII. Assessment of Effects on Historic Properties	As needed during duration of PA implementation	

PA Action Item	Implementation Schedule	Implementation Status
<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	On-going. Based on 90% Plans completed in Q1 2021 and 100% Plans completed in Q3 2021, FTA determined revisions to the APE are necessary. Based on the review by MnDOT CRU, two properties identified for the Rush Line BRT Project are recommended to be adopted but no new property investigations are needed. Consultation on the 90% Memo and APE Revisions were completed during this reporting period.
<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 in the last reporting period.
<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 during this reporting period.
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, anticipated schedule: Q3 2020-2022	On-going, also see Stipulations VI, VII and VIII
<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, anticipated schedule: Q3 2020-2022	On-going, also see Stipulations VI, VII and VIII
Stipulation X. Construction Protection Plan for Historic Properties		

PA Action Item	Implementation Schedule	Implementation Status
<ul style="list-style-type: none"> Construction Protection Plan 	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	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. Consultation was completed during the last reporting period.
Stipulation XI. Unexpected Discoveries	As needed during Project construction, anticipated timeframe: 2022-2024	Not started
Stipulation XII. Unanticipated Effects to Historic Properties	As needed during Project construction, anticipated timeframe: 2022-2024	Not started
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	On-going. Quarterly summary report for previous reporting period submitted to MnSHPO and other consulting parties on January 13, 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	On-going, as needed, no activity during reporting period
Stipulation XV. Amendments		On-going, as needed
<ul style="list-style-type: none"> PA Amendment 	As needed during duration of PA implementation	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 during this reporting period (September 2021). The document is available on the project website link below: https://www.metrotransit.org/Data/Sites/1/media/about/improvements/gold-line/goldline_pa-amendment_final-signed.pdf
Stipulation XVI. Duration	As needed during duration of PA implementation	On-going, as needed, no activity during reporting period
Stipulation XVII. Termination	As needed during duration of PA implementation	On-going, as needed, no activity during reporting period