



METRO PURPLE LINE BUS RAPID TRANSIT PROJECT (FORMERLY RUSH LINE)

Section 106 Memorandum of Agreement



**Quarterly Report No. 5
(October 1, 2022 – December 31, 2022)**

Prepared by:

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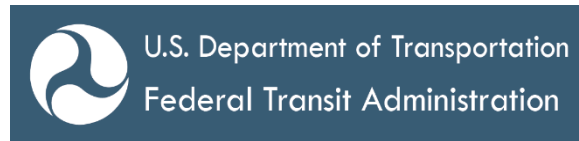
And

Mead & Hunt, Inc.
Preservation Lead
7900 International Drive, Suite 980
Bloomington, MN 55425



On behalf of:

Federal Transit Administration
Region V
200 West Adams Street, Suite 320
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January 2023

Introduction

The METRO Purple Line Bus Rapid Transit (BRT) Project (Project), formerly known as the Rush Line BRT, is a proposed 15-mile-long BRT line located in Ramsey County, Minnesota. Operating in both mixed traffic and on a dedicated guideway, the proposed Project will connect downtown Saint Paul with the suburban municipalities of Maplewood, Vadnais Heights, and Gem Lake. Additional municipalities may be included and final station locations to be determined once the route north of Beam Avenue is identified in 2023.

The Project sponsor, the Metropolitan Council (Council), may receive funding from the Federal Transit Administration (FTA), permits from the U.S. 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 subject to the requirements of 36 Code of Federal Regulations (CFR) Part 800, the regulations implementing Section 106 of the National Historic Preservation Act of 1966 (54 United States Code [USC] § 306108). In accordance with 36 CFR 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.

FTA, with assistance from the Minnesota Department of Transportation Cultural Resources Unit (MnDOT CRU) and Ramsey County on behalf of the Ramsey County Regional Railroad Authority (RCRRA), consulted with the Minnesota State Historic Preservation Office (MnSHPO) and other interested parties to define an Area of Potential Effect (APE), conduct surveys to identify and evaluate historic properties for the National Register of Historic Places (National Register), assess effects of the Project on historic properties, and resolve adverse effects. The measures FTA and the Council agreed to implement as part of the Project to avoid, minimize, and mitigate adverse effects on historic properties are documented in the *Memorandum of Agreement between the Federal Transit Administration and the Minnesota State Historic Preservation Office Regarding the Rush Line Bus Rapid Transit Project, Ramsey County, Minnesota* (MOA), executed on September 22, 2021.

This quarterly report meets the reporting requirements of MOA Stipulation XV.A. It provides an itemized listing of all measures required to implement the terms of the MOA, identifies actions FTA and the Council have 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 scheduling changes proposed, any disputes and objections submitted or resolved as part of FTA's efforts to carry out the terms of the MOA, any changes recommended in implementation of the MOA, and any notices related to the initiation of construction for individual bid packages, when applicable.

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
CPPHP	Construction Protection Plan for Historic Properties
FTA	Federal Transit Administration
FHWA	Federal Highway Administration
LS&M Railroad	Lake Superior & Mississippi Railroad
MnSHPO	Minnesota State Historic Preservation Office
MOA	Memorandum of Agreement
National Register	National Register of Historic Places
Project	METRO Purple Line Bus Rapid Transit Project
Q1	Quarter of the calendar year, in this example, the First Quarter
RCRRA	Ramsey County Regional Railroad Authority
SOI Standards	Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68)
StPS&TF/Omaha Road	Saint Paul, Stillwater & Taylors Falls/Chicago, Saint Paul, Minneapolis & Omaha Railroad
USACE	United States Army Corps of Engineers

Implementation Efforts

This quarterly report No. 5 was prepared under the terms of the Project MOA and covers the reporting period from October 1 through December 31, 2022.

Table 1. MOA Implementation

MOA Action Item	Implementation Schedule	Implementation Status
Stipulation I. Applicability		
Offer other entities Consulting Party status.	As needed during duration of MOA implementation.	Ongoing as needed; contacts were updated based on changes to agency and city staffing.
Stipulation II. Standards		
Notify Consulting Parties of the individual selected to serve as Preservation Lead and Council staff member responsible for the contract.	As needed during duration of MOA implementation.	<p>New Preservation Lead was identified during the previous reporting period.</p> <p>Preservation Lead: Christina Slattery, Historian Business Unit Leader, Cultural Resources Mead & Hunt, Inc. 2440 Deming Way, Middleton, WI 53562 Direct: 608-443-0407 Cell: 608-220-8320 christina.slattery@meadhunt.com</p> <p>Council staff responsible for Preservation Lead contract: Lisa Elliott, Environmental Lead METRO Purple Line BRT Project Metro Transit, a service of the Metropolitan Council Metro Square, 121 7th Place East, Suite 102, St. Paul, MN 55101 Direct: 651-583-8969 lisa.elliott@metrotransit.org</p>
Stipulation III. Deliverables and Consulting Party Review Procedures		
Give Consulting Parties an opportunity to review all findings, determinations, documents, and deliverables.	As needed during duration of MOA implementation. Also see Stipulations IV through XII.	Ongoing as needed. The 30% review technical memo was distributed on December 2, 2022.

MOA Action Item	Implementation Schedule	Implementation Status
Stipulation IV. FTA Review of Project Plans		
<p>Consultation with Consulting Parties to gain input on project design development and effects to historic properties.</p>	<p>As needed through Project development, engineering, and construction; anticipated schedule: 2022-2026.</p> <p>Consulting Party meeting(s) shall be held prior to the finalization of the 60% Project plans to discuss vegetative screening and to facilitate review of certain Project elements; anticipated schedule: Q4 2022.</p> <p>See also Stipulation V, VI, and VII.</p>	<p>Ongoing. The consulting party meeting to review 30% project plans is scheduled for January 12, 2023.</p>
<p>Review of Project plans, including determinations as to whether changes are needed to APE or finding of effect, whether design requirements have been met, and whether the plans incorporate commitments to Consulting Parties.</p>	<p>Ongoing through Project development, engineering, and construction; anticipated schedule: 2022-2026; see review schedule for specific design stages, below.</p> <p>Reviews may be completed as different construction contract packages are completed; specifics will be added below if necessary.</p> <p>See also Stipulations V, VI, XII, IX, XI, and XV.</p>	<p>Ongoing. The 30% plans were reviewed between October and November 2022 and the 30% review technical memo was distributed to Consulting Parties on December 2, 2022.</p>
<ul style="list-style-type: none"> Review of 30% Plans, including submittal to Consulting Parties for review and comment. 	<p>Anticipated schedule: Q4 2022 for southern portion to Beam Avenue. Q3 2023 for northern terminus.</p>	<p>Complete. The 30% review technical memo was distributed to Consulting Parties on December 2, 2022.</p>
<ul style="list-style-type: none"> Review of 60% Plans, including submittal to Consulting Parties for review and comment. 	<p>Anticipated schedule: Q3 2023 for southern portion to Beam Avenue Q4 2023/Q1 2024 for northern terminus.</p>	<p>Not started.</p>
<ul style="list-style-type: none"> Review of 90% Plans, including notification to Consulting Parties as desired, possibly through quarterly reporting (Stipulation XV). 	<p>Anticipated schedule: Q2 2024 (full corridor).</p>	<p>Not started.</p>
<ul style="list-style-type: none"> Review of 100% Plans, including notification to Consulting Parties as desired, possibly through quarterly reporting (Stipulation XV). 	<p>To be completed prior to the start of Project construction; anticipated schedule: Q3 2024 (full corridor).</p>	<p>Not started.</p>
<ul style="list-style-type: none"> Review of modifications made to the 100% Plans (Change Order Requests or CORs), including notification to Consulting Parties as desired, possibly through quarterly reporting (Stipulation XV). 	<p>After the completion of the 100% plans through the completion of Project construction; anticipated schedule: 2024-2026.</p>	<p>Not started.</p>

MOA Action Item	Implementation Schedule	Implementation Status
<p>Consider nearby historic properties in station area planning. If any station area plans are adopted by municipalities, assess the changes are needed to APE or finding of effect.</p>	<p>Anticipated schedule: Q4 2021-2026. Also see Stipulations IX and XI.</p>	<p>Ongoing as needed. Project activities were reviewed at the 30% plan stage and will continue to be reviewed as design advances.</p>
<p>Stipulation V. Design Requirements</p>		
<p>The following design requirements must be met:</p> <ul style="list-style-type: none"> • Project elements at Lowertown Historic District and St. Paul Union Depot Station shall be located within the portion of the train deck previously modified for existing modern bus infrastructure and shall be designed in conformance with the SOI Standards. • The trail connection to the noncontributing Bruce Vento Regional Trail in Phalen Park shall be blended visually and materially by mimicking the profile and appearance of the existing trail. • Project elements near Moose Lodge 963, including but not limited to the Frost Avenue Station and Gateway Trail Underpass, shall be designed in conformance with the SOI Standards. 	<p>Ongoing through Project development, engineering, and construction. Methods and appropriate points at which to gain input from MnSHPO, Consulting Parties, and the property owner, when applicable, are at the discretion of FTA and the Council. Also see Stipulation IV.</p>	<p>Ongoing. The trail connection to the noncontributing Bruce Vento Regional Trail is recommended to meet the SOI Standards, and this design requirement is met as outlined in the 30% Technical Memorandum. Consulting Party input pending. Other design requirements will be assessed following input from consulting parties between the 30% and 60% plans.</p>

MOA Action Item	Implementation Schedule	Implementation Status
<p>Vegetative screening shall be preserved or reestablished between Project elements and historic properties, as follows:</p> <ul style="list-style-type: none"> • Arcade Street Station in relation to the StPS&TF/Omaha Road Railroad Corridor Historic District. • Maryland Avenue Station and Ramsey County rail right-of-way in relation to Johnson Parkway and Phalen Park. • Frost Street Station and Gateway Trail Underpass in relation to Moose Lodge 963. 	<p>Ongoing through Project development, engineering, and construction.</p> <p>At least one Consulting Party meeting shall be held prior to the finalization of the 60% plans; anticipated schedule: Q4 2022.</p> <p>Also see Stipulation IV.</p>	<p>Ongoing. The consulting party meeting to review 30% project plans is scheduled for January 12, 2023, and this satisfies the stipulation to have one consulting party meeting prior to finalization of the 60% plans. Additional consulting party meetings to be determined.</p>
<p>Stipulation VI. Consulting Party Review of Certain Project Elements under the SOI Standards</p>		
<p>Certain Project elements shall be designed in accordance with the SOI Standards to the extent feasible while still meeting the Project's Purpose and Need:</p> <ul style="list-style-type: none"> • Cayuga Street Station Area. • Barriers at Forest Street Bridge. • Johnson Parkway Bridge Area. • Weaver Trail Underpass. • Dedicated Guideway and Fitch/Barclay Trail Underpass, if either or both 1868 railroad roadway remnants (XX-RRD-NPR002 and XX-RRD-NPR003) can be avoided. 	<p>Ongoing through Project development, engineering, and construction; anticipated schedule: 2022-2026.</p> <p>Consulting parties shall be given the opportunity to review and comment on the 30% and 60% plans; anticipated schedule: Q4 2022 and Q3-Q4 2023, respectively.</p> <p>At least one Consulting Party meeting shall be held prior to the finalization of the 60% plans; anticipated schedule: Q4 2022.</p> <p>Also see Stipulation IV.</p>	<p>Ongoing. Project elements were reviewed at the 30% plan stage. The Johnson Parkway Bridge Area is recommended as meeting the SOI Standards as outlined in the 30% Technical Memorandum. The consulting party meeting to review 30% project plans is scheduled for January 12, 2023, and this satisfies the stipulation to have one consulting party meeting prior to finalization of the 60% plans.</p> <p>Consulting Party input pending. Other project elements are under development and will be assessed at the 60% design stage, following input from consulting parties between the 30% and 60% plans. Additional consulting party meetings to be determined.</p>
<p>Stipulation VII. Construction Protection Plans for Historic Properties (CPPHP)</p>		
<p>Develop and implement a CPPHP for East Shore Drive, a contributing resource in Phalen Park.</p>	<p>CPPHP to be finalized prior to the start of construction bid document preparation; anticipated schedule: Q3 2024.</p>	<p>Not started. An alternative to CPPHPs was recommended in the 30% Technical Memorandum. Input from Consulting Parties pending.</p>

MOA Action Item	Implementation Schedule	Implementation Status
Determine whether CPPHPs are needed for Great Northern Railroad Corridor Historic District, Westminster Junction, StPS&TF/Omaha Road Railroad Corridor Historic District, and Madeline L. Weaver Elementary School.	Determination to be made prior to the finalization of the 60% Project plans; anticipated schedule: Q3-Q4 2023/Q1 2024. CPPHP, if needed, to be finalized prior to the start of Project construction; anticipated schedule: Q3 2024.	Not started. An alternative was recommended in the 30% Technical Memorandum. Input from Consulting Parties pending.
If needed, CPPHP for the 1868 railroad roadway remnants between Kohlman Avenue and Beam Avenue (XX-RRD-NPR002) and/or between Gervais Avenue and County Road C (XX-RRD-NPR003).	CPPHP, if needed, to be finalized prior to the start of Project construction; anticipated schedule: Q3 2024. Also see Stipulation VIII.	Not started. An alternative was recommended in the 30% Technical Memorandum. Input from Consulting Parties pending.
Project-specific Historic Property Awareness and Sensitivity Training.	Training to be completed prior to the start of Project construction and as needed throughout the duration of Project construction to account for changes in contractor staff; anticipated schedule: 2025-2026.	Not started.
Stipulation VIII. Mitigation for Adverse Effects to the LS&M Railroad Corridor Historic District		
Determine whether the 1868 railroad roadway remnants between Kohlman Avenue and Beam Avenue (XX-RRD-NPR002) and between Gervais Avenue and County Road C (XX-RRD-NPR003) can be avoided through design.	Determination to be made prior to the finalization of the 60% Project plans, with Consulting Parties given an opportunity to review and comment; anticipated schedule: Q4 2022 – Q2 2023. If either or both remnants can be avoided, Project design near the avoided remnant is subject to Stipulations VI and VII. If either or both remnants cannot be avoided, the affected remnant(s) shall be subject to data recovery (see below).	Ongoing. Avoidance through design of the 1868 railroad roadway remnants between Kohlman Avenue and Beam Avenue and between Gervais Avenue and County Road C is in process, and updates to avoid or minimize effects will be identified with the 60% plans.
Data recovery of 1868 railroad roadway remnant between Eldridge Avenue East and County Road B East (XX-RRD-NPR004), one portion of the property where the 1868 railroad roadway is concealed by the 1880s railroad roadway, and XX-RRD-NPR002 and/or XX-RRD-NPR003, if needed.	The draft and final research design/data recovery plan, draft and final Phase III data recovery report, and draft and final proposal for public education efforts to be submitted to Consulting Parties for review and comment; with research design/data recovery plan approved by MnSHPO prior to field activities; anticipated schedule: Q4 2023 for research design (if needed and informed by 60% design), targeting Q2 2024 for field activities. Field activities for data recovery to be completed prior to construction; anticipated schedule: Q2 2024. Final Phase III data recovery report and memo explaining associated public outreach is due one (1) year after the date the Project begins revenue service operations; anticipated schedule: 2027.	Not started.

MOA Action Item	Implementation Schedule	Implementation Status
National Register Evaluation of the LS&M Railroad Corridor between Saint Paul and Duluth.	The draft and final research design, survey report, and inventory forms to be submitted to Consulting Parties for review and comment, with final survey report and inventory forms due two (2) years after the date the Project begins revenue service operations; anticipated schedule: 2026-2028.	Not started.
Incorporation of interpretive elements at a minimum of one (1) BRT station in each of the following communities: Saint Paul, Maplewood, and White Bear Lake.	The draft and final interpretive plan to be submitted to Consulting Parties for review and comment, with final interpretive plan incorporated into the 100% Project plans; anticipated schedule: 2022-2024. Content of the interpretation to be incorporated into the Council's webpage no later than one (1) year after the date the Project begins revenue service operations; anticipated schedule: 2027.	Not started. Discussion to relocate the interpretative panel intended for a station in the community of White Bear Lake will be discussed with Consulting Parties once the alignment north of Beam Avenue is determined.
Stipulation IX. Changes to the Area of Potential Effects (APE)	As needed during duration of MOA implementation to account for any changes in Project design. Also see Stipulation IV.	Ongoing as needed; no changes to the APE recommended based on review of 30% plans.
Stipulation X. Additional Survey and Evaluation	As needed during duration of MOA implementation to account for any changes in the APE, the receipt of additional information, or when necessary due to delays in Project construction.	Ongoing as needed; no additional survey and evaluation recommended based on review of 30% plans.
Stipulation XI. Additional Assessments of Effects	As needed during duration of MOA implementation to account for any changes in Project design or the receipt of additional information.	Ongoing as needed; no activity during the reporting period.
Stipulation XII. Consultation to Resolve Additional Adverse Effects	As needed during duration of MOA implementation.	Ongoing as needed; no activity during the reporting period.
Stipulation XIII. Unexpected Discoveries	As needed during Project construction; anticipated schedule: 2024-2026.	Not started.
Stipulation XIV. Unanticipated Effects to Historic Properties	As needed during Project construction; anticipated schedule: 2024-2026.	Not Started.
Stipulation XV. Reviewing and Reporting of Agreement Implementation		
Submit Quarterly Report on Agreement Implementation to Consulting Parties.	Every three months following execution of the MOA until it expires or is terminated; anticipated schedule of submittals to Consulting Parties: Q1 2022 - Q1 2032.	Ongoing. Consulting Parties received a Quarterly Report for the previous reporting period on November 28, 2022. The next quarterly report will be prepared and submitted at the end of the next reporting period.
Stipulation XVI. Dispute Resolution	As needed during duration of MOA implementation.	Ongoing as needed; no activity during the reporting period.
Stipulation XVII. Amendments	As needed during duration of MOA implementation.	Ongoing as needed; no activity during the reporting period.
Stipulation XVIII. Duration	The Project MOA remains in effect until September 22, 2031. It may be extended by written concurrence of the Signatories and Invited Signatories.	Ongoing as needed; no activity during the reporting period.

MOA Action Item	Implementation Schedule	Implementation Status
Stipulation XIX. Termination	As needed during duration of MOA implementation.	Ongoing as needed; no activity during the reporting period.
Stipulation XX. Execution		
Submit Project MOA, updates to appendices, and any amendments to Consulting Parties and the ACHP.	The Project MOA is effective as of September 22, 2021.	Ongoing as needed; no activity during the reporting period. Consulting Parties received a fully executed copy of the Project MOA on October 5, 2021.