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The Honorable Scott Dibble  
95 University Ave W  
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The Honorable John Jasinski  
95 University Ave W  
2227 Minnesota Senate Building  
Saint Paul, Minnesota 55155

August 15, 2025

Re: Met Council Response to MnDOT Oversight Reporting on Light Rail Transit

Dear Legislators,

The Metropolitan Council is pleased to provide this response to MnDOT's report as required by [Minn. Stat. 473.3999](#), which was amended by [Minn. Session Law Ch. 127, Article 3, Section 107](#) during the 2024 Regular Session.

This response details Metropolitan Council response, as required, to MnDOT's recommendations related to the identification of a critical path schedule for the planning and design phases of the Blue Line Extension project as defined in Subd. 2(a)(2)(i). MnDOT's report was submitted to the Legislature and Metropolitan Council on July 18, 2025.

Please contact me if you have questions or comments about this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles A. Zelle".

Charles A. Zelle  
Chair

cc: Nancy Daubenberger, P.E., Commissioner, MnDOT

## Legislative Request

This report is issued to comply with [Minn. Session Law Ch. 127, Article 3, Section 107. Supplement, section 473.3999](#)

### **473.3999 LIGHT RAIL TRANSIT CONSTRUCTION; COUNCIL AUTHORITY; STAFF ASSISTANCE; PROJECT MANAGER QUALIFICATIONS.**

#### *Subdivision 1. Powers.*

The council may exercise the powers granted in this chapter and in other applicable law, as necessary, to plan, design, acquire, construct, and equip light rail transit facilities in the metropolitan area as defined in section 473.121, subdivision 2.

#### *Subd. 2. Staff and project assistance required; Department of Transportation.*

(a) Notwithstanding any cooperative agreement between the commissioner of transportation and the council in section 473.3994, subdivision 1a, if the council is the responsible authority, the commissioner of transportation must provide staff and project assistance to the council for review and oversight of the project's development. The council must utilize the Department of Transportation staff and project assistance for:

- (1) the appropriate delivery method selection for the design, planning, acquisition, construction, and equipping of light rail transit projects;
- (2) risk assessment analysis and cost analysis in the planning, designing, and construction of a light rail transit facility or a new light rail transit project, including but not limited to:
  - (i) a critical path schedule for the planning and design phases of a project developed jointly by the council and the commissioner of transportation;
  - (ii) peer reviews or value engineering reviews at various milestones established in the critical path schedule created under item (i); and
  - (iii) council participation in cost estimate reviews by third-party independent cost estimators in conformance with Federal Transit Administration regulations and guidance;
- (3) contractor and subcontractor schedule analysis and contractual requirements, including but not limited to:
  - (i) development and review of requests for proposals and bid documents prior to advertisement and solicitation;
  - (ii) review of bids submitted prior to the award of bids;
  - (iii) review of draft contractual language prior to the execution of project contracts;
  - (iv) review of change orders for major cost items exceeding \$500,000 and schedule delays of more than 30 calendar days prior to the execution of a change order; and
  - (v) participation in any dispute resolution process that may arise to address competing claims or disputes between a contractor and the council;

(4) light rail transit project cost management and budget analysis for the planning, designing, and construction of a light rail transit facility or new light rail transit project, including but not limited to:

- (i) recommendations to address or manage cost overruns or discrepancies, funding sources, contingency funding sources and availability, and the management of state or county financial resources;
- (ii) recommendations on appropriate contractual enforcement mechanisms and penalties for any council agreement with a contractor for a light rail transit project; and
- (iii) the development of future cost estimates and communication of projected cost for a light rail transit project; and

(5) any other areas of expertise that the Department of Transportation may offer.

(b) The council must provide the commissioner of transportation all relevant information required by this section.

(c) Staff from the Department of Transportation providing project assistance to the council must report to the commissioner of transportation. Staff assistance from the Department of Transportation must include at least one licensed professional engineer.

**(d) If the commissioner of transportation provides the council with staff and project assistance for the development of a light rail transit project as provided under this section, the commissioner must submit and detail all recommendations made to the council to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance within 30 days of submitting its recommendations to the council.**

**(e) The council must give strong consideration to utilizing input or recommendations developed by the commissioner of transportation. If the council decides against utilizing input or recommendations from the department, the council must reconcile significant deviations to the extent practicable and that portion of the project cannot move forward from the critical path schedule's milestone until the recommendation is reconciled. If the council has sufficient reasoning to justify not utilizing input or recommendations from the department, the council must, within 30 business days, provide written notice and documentation of the decision to the department and the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance. The notice and documentation must provide the reasons why the council is not utilizing the input or recommendations provided by the department.**

#### *Subd. 3. Project costs.*

The project budget is responsible for costs incurred by the commissioner of transportation for duties required in this section. The council must only use direct appropriations in law or federal sources to pay its portion of light rail transit capital construction costs.

#### *Subd. 4. Project manager; qualifications.*

If the Metropolitan Council is the responsible authority, the council must select a qualified project manager and lead project engineer with at least ten years' transportation industry experience to lead the planning, design, acquisition, construction, or equipping of a new light rail transit project.

**EFFECTIVE DATE; APPLICATION.**

This section is effective the day following final enactment. Subdivision 2 does not apply to the Southwest light rail transit (Green Line Extension) project. This section applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

## MnDOT Recommendations Report #2 and Metropolitan Council Responses

MnDOT Recommendation	Metropolitan Council Response
<p>1. MnDOT recommends the development of best value criteria that are structured to increase bidder participation and solicit constructability feedback. <b>As of the writing of this report the Council has produced a draft Best Value Procurement Plan and MnDOT has provided comments. Contract specifications are in progress.</b></p>	<p>Council has received comments from MnDOT, County, and Council staff via email and in meetings, in addition to a Best Value Workshop held July 10. A Best Value Procurement Plan has been revised to incorporate those comments and will be provided to stakeholders in August as a final document. Next steps include review of draft contract documents and development and review of Best Value related procurement documents.</p>
<p>2. MnDOT recommends the Council increase its staffing capability and expertise in the roles related to contract delivery. <b>The Council appointed a project director for the Blue Line project with extensive transitway experience including BRT and LRT projects. For the best value procurement, the Council is utilizing the experience of an engineer and construction manager in the Capital Programs Division who previously administered a best value project for MnDOT. In addition, the Council has hired legal counsel with expertise in construction contracting including best value and has retained consultants with experience developing and managing best value procurements on transitway projects nationwide as part of the project consulting team.</b></p>	<p>No additional comments from Report #1 response.</p>
<p>3. MnDOT recommends Council seek additional alternative delivery authority for horizontal construction in a future legislative session. <b>The Council has sufficient alternative delivery authority for the planned procurements on the Blue Line</b></p>	<p>No additional comments from Report #1 response.</p>

<p><b>project. MnDOT understands the Council plans to seek additional alternative delivery authority for horizontal construction in a future legislative session.</b></p>	
<p><b>4.</b> MnDOT recommends the Council provide additional detail in the project design schedule and integrate into the integrated master program schedule for delivery of the contract documents, plans and specifications. <b>MnDOT recommends development of a detailed design schedule with task level detail by engineering discipline to support an analysis of the critical path schedule for the planning and design phases of the project as required in the engineering services contract. This level of detail will enable the identification of activities and tracking of progress and completion of numerous engineering task elements and plan deliverables which if behind schedule may lead to moving the letting date or incomplete contract documents. Within the schedule, links to prerequisite tasks and milestone deliverables should be made to define activities on the critical path which cannot be completed at a later date without increasing cost, reducing quality, or impacting the date of bid letting.</b></p>	<p>Council has developed a detailed project design schedule with task level detail by engineering discipline. Additional details by engineering discipline are being incorporated in response to feedback received through independent peer reviews and in coordination with MnDOT, to continue support of an analysis of critical path schedule. Reviews of the design schedule will occur monthly by the project management team, and the schedule will be regularly updated.</p> <p>The design schedule is in the process of undergoing an independent peer review. MnDOT is participating in the development and review process. MnDOT will continue to be involved in periodic/monthly status review of the detailed project design schedule.</p>
<p><b>5.</b> MnDOT recommends the Council further define the content required to meet 30 percent, 60 percent, 90 percent, and 100 percent complete contract documents, plans and specifications, and validate deliverables to meet consultant contract requirements. <b>MnDOT uses checklists as a guide for roadway designers that provide a uniform measure of plan completion and</b></p>	<p>The Council agrees checklists are important and, like MnDOT, includes them as part of its design process. The Council has shared with MnDOT the project's incremental design phase checklist currently being utilized by the design team. MnDOT's standard checklists are being utilized as a resource to develop the project-specific checklists, and to guide 30, 60, 90, and 100% deliverable requirements.</p>

<p><b>content. Checklists serve to identify the tasks to be completed and in an order that allows for efficient and effective agency reviews. Checklists also measure progress and reduce the potential for submittal of an incomplete set of contract documents. Independent validation of contract deliverables at important milestones, including design plans and specifications, is required by the risk management services contract and is anticipated with all project submittals.</b></p>	<p>The Council will continue to coordinate these checklists as reference documents with MnDOT.</p>
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