



Memo

DATE: June 7, 2022

TO: Joseph D. Pignato
Director, Office of Land Management

FROM: Trevor Walter, City of Baxter Engineer
Darrel Olsen, City of Baxter Mayor

SUBJECT: Right of Way Public Interest Finding (PIF) Request
S.P. 1805-84 (TH 210) Crow Wing County, City of Baxter
Specific Project Description: T.H. 210 between CSAH 48 and Elder Drive,
Inglewood Drive between Fairview Rd and Foley Rd

This City of Baxter project (S.P. 1805-84, S.P. 230-107-003, S.P. 230-121-001) involves moving the TH 210 Signal and crossing at Knollwood Drive to Inglewood Drive along with implementing a Restricted Crossing Intersection (RCI) at the intersection of TH 210/Knollwood Drive, railroad crossing closure on Knollwood Drive, trail improvements, and reconstruction of the Knollwood Drive/Foley Road intersection.

The City of Baxter is requesting approval from the Office of Land Management (OLM) and Federal Highway Administration (FHWA) to proceed with a **July 07, 2022** letting date. The City will not have obtained all of the necessary right of way prior to advertising.

Project Background

The City of Baxter is unique as it contains two of the major interregional corridors within the State of Minnesota. Trunk Highway 371 is a superhighway that runs north and south while Trunk Highway 210 runs east and west making a connection between Fargo and Duluth. Maintaining and sustaining these major arterials through the heart of the City of Baxter is critical for the longevity of the city. The corridor's constant thru traffic provides exposure to businesses and yields accessibility and transportation convenience for all city residents. With these Trunk Highway corridors continuing to trend towards increased Average Daily Traffic (ADT) volumes, it becomes crucial that local traffic have alternative routes on the local system. With increased traffic volumes comes increased travel times which leads to MnDOT seeking for solutions to improve their roadway system.

The solution to adapt to any possible changes of the Trunk Highway system is to provide parallel routes on each side of these principal arterials of TH 210 and TH 371. This will provide local traffic the ability to move in a majority of directions without needing to utilize the Trunk Highway to get to their destinations. Having roadway connections for the minor direction of traffic to develop circulation is another key aspect. In the City of Baxter, having that ability to circulate around the commercial business district is a major focus.

The City has designated the east of TH 371 reliever route as Cypress Drive. Recent improvements and two planned future projects will connect CSAH 48 (Highland Scenic Road) with Woida Road via Cypress Drive that will allow that roadway to function as an eastside reliever in response to situations that may happen on TH 371. The west of TH 371 reliever route is a little less conventional with Perch Lake being a natural barrier to work around. Per past studies, the west reliever roadway was defined as Inglewood Drive and Isle Drive, which essentially developed into this project.

As stated, the goals of this project are for improved local traffic circulation and movements that compliment the main roadway arterials of TH 210 and TH 371 along with maintaining and providing a safe pedestrian crossing of TH 210 and the BNSF railway. Relocation of the signalized intersection to Inglewood Drive improves the signal spacing on TH 210, shortens the westbound exit traffic distance to 0.8 miles on Foley Road, and improves regional traffic and pedestrian movements such that Inglewood Drive runs further north and intersects with Pine Beach Rd/CSAH 77. This relocation has been recommended in previously conducted long-range transportation studies, including MnDOT's District 3 recent TH 210 Corridor study in 2021, and has been in the planning/scoping stages for over 20 years.

This \$1.6 million dollar project was originally slated for a 2021 construction. However, with the pandemic limiting public input and the City wanting to align with the goals of MnDOT District 3, it was delayed in 2020. The delay allowed for the opportunity of making sure the recommendations from the 2021 MnDOT District 3 TH 210 Corridor study matched the scope and design of this project. Additional construction of replacing the current TH 210/Knollwood intersection with an RCI was recommended and implemented into this project.

This project structure is very complex from the agencies involved to the funding sources to the constructability of this project. MnDOT District 3, BNSF Railway, and MnDOT Rail are the agencies involved. The funding sources are coming from all forms such as federal aid, state aid, LPP funds, and local funds per special assessments. The constructability and coordination of this job is difficult as an existing City frontage road job adjacent to TH 210 is in progress and MnDOT signs WB TH 210 traffic onto it today. BNSF and the roadway contractor will need to fully complete the new crossing of Inglewood Drive before any

components of the RCI at TH 210/Knollwood Drive can be constructed. The existing railway crossing on Knollwood Drive cannot be removed prior to the new connection of Inglewood Drive being established.

With a letting date of **July 07, 2022**, and the city's 429 special assessment process following, the anticipated award date is **September 6, 2022** with an anticipated construction start date of **September 19, 2022**.

Other expected dates for the project are as follows:

Desired Authorization Date w/DBE Goal Established:	6/10/2022
Desired Advertisement Date:	6/12/2022
Desired Project Completion Date:	8/25/2023

Public Interest

Delaying project authorization will significantly increase the risk of delivering this project and is not in the public's interest. By allowing the City to proceed with authorization, the City will be able to advertise for bids while BNSF processes the easements internally. This will not delay the project schedule which will already be susceptible to long material lead times of the traffic signal, railway signal, light poles and system, and storm sewer. Maximizing the lead times for materials will help us guarantee a project completion prior to the start of the Baxter school year in August of 2023 which tends to increase the traffic volumes in this area due to the surrounding school locations. Construction in 2022 and the spring of 2023 will be minimal and off existing roadways not requiring lane closures or detours. In the summer of 2023, lane closures and a detour will be needed.

This public interest finding (PIF) will also minimize the amount of time the general public observes construction and experiences inconveniences as nearby construction is happening now on Foley Road which is expected to end October 2022. This project has already endured delays, caused by the pandemic, adjacent studies, and railroad coordination, during the planning and final design processes and adding anymore would be irritating to the general public. Lastly, further delaying this project has the potential to jeopardize the federal funding as authorization deadline dates are approaching.

The City and FHWA follow statutory and regulatory requirements that have been developed to best serve the public interest. In certain situations such as this project, it may be determined to be in the public interest to deviate from such requirements. Since the general requirements address the proper acquisition process, deviating from this process should be well documented and be shown as a benefit to the public. [per 23 CFR 635.309 (c)(2)&(3)]

Construction Staging

All right of way will be acquired prior to the start of construction.

Utilities

The City of Baxter has coordinated with the utility companies regarding relocations that are required including two past meetings; notice and orders will be issued for this work on 05-31-2022. The relocation work will be done by the utility companies as the project contract work commences.

Type	Party	Signed by Utility
Utility - Notice & Orders	Crow Wing Power	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Utility - Notice & Orders	Centurylink/Lumen	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Utility - Notice & Orders	Centerpoint Energy	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Utility - Notice & Orders	Consolidated Tel.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Utility - Notice & Orders	TDS Metrocom	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Utility - Notice & Orders	Xcel Energy Gas	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Utility - Notice & Orders	Consolidated Comm.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

Railroads

A railroad agreement between the City of Baxter and BNSF Railway has been executed for this project.

Type	Party	Signed by Railroad
Railroad	BNSF Rail	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Agreements

There are seven agreements for this project. The following table lists agreements and their status.

Type	Party	Fully Executed
Const. & Maintenance	BNSF Railway	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cooperative Agreement	MnDOT CO	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Permit	MPCA - NPDES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Advance Construction	MnDOT Federal Aid	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
State Aid Route Designation	MnDOT State Aid	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Force Account	MnDOT Federal Aid	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Operations/Maintenance	MnDOT District 3	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

All of the agreements will be signed by the other party prior to letting and will be executed by award.

Relocations

There are no relocations on this project.

Right of Way Summary

All R/W needs with this project are through the existing BNSF Railway parcel. The Knollwood Drive crossing will be closed and vacated and a new permanent easement for the proposed crossing of Inglewood Drive will be established. The City has completed the negotiation process with BNSF Railway and their subconsultant Jones, Lang, and LaSelle (JLL) per the signed Construction & Maintenance (C&M) Agreement.

A full payment of \$57,065 has been submitted to BNSF from the City. Below is a breakout summary of the fee:

Proposed Inglewood crossing- Temporary (TE) & Permanent (PE)

-PE valuation for the 20,054 sq feet, which includes the foot print for the pedestrian sidewalks was **\$46,565** based on a PSF value of **\$2.32 (\$2.58 x .90)**.

-TE was calculated for the area consisting 7,899 sq feet, and was calculated using the FMV x .10 x the years needed; the TE for Inglewood Drive will only be needed for one year which came out to be \$2,037.92; rounded up to **\$2,038**.

TE needed for outside the existing easement at Knollwood Drive

-TE was calculated at \$2.58 PSF x .10 x Square Footage which came to **\$5,187** for a one-year duration.

TE for T.H. 210 Loon Head

-TE determined to be **\$774** for a one year duration.

There was an additional **\$2,500** processing fee for the Easement conveyance by BNSF.

SUMMARY/TOTAL: \$46,565 + \$2,038 + \$5,187 + \$774+ \$2,500 = \$57,065

Per BNSF's policy, they will not process the established easements through their main office in Texas until the C&M agreement is signed. The project is currently waiting to obtain these signed easements.

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City Staff will not open bids for this project SP 1804-84 and will accept all risk in doing so until the BNSF easement is fully executed and in hand.

City staff will continue to monitor the acquisition and will follow through the commitments identified in this Public Interest Finding.

Parcel Description

#	Parcel No.	Owner's Name	Total or Partial	Title & Possession	Date Needed for Construction
1	200	BNSF	Partial	7/7/2022	9/19/2022

Regards,

Darrel Olsen
City of Baxter

Public Interest Finding

I concur with the need for this Public Interest Finding; it is in the public's best interest to proceed with the scheduled letting.

Recommend approval:

Andjela Tomovic
District State Aid Engineer, District 3

Recommend approval:

Kevin Schmidt (date)
District RW Engineer, District 3

Recommend approval:

Kristen Elwood, P.E. (date)
Assistant Commissioner, State Aid

Approved:

Joseph D. Pignato (date)
Director, Office of Land Management