

**ATTACHMENT 2**  
**STATEMENT OF WORK**

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**Minnesota Department of Transportation**  
**Hwy 371/Hwy 210/BNSF Railroad Grade Separation Project**  
**FY 2022 Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program**

**I. AUTHORITY**

<b>Authorization</b>	49 U.S.C. 24407(c)(1)
<b>Funding Authority/Appropriation</b>	Consolidated Appropriations Act, 2022 Division L, Title I (Pub. L. 117-103 (March 15, 2022)), and Infrastructure Investment and Jobs Act, Division J, Title II (Pub. L. 117-58 (November 15, 2021))
<b>Notice of Funding Opportunity</b>	Notice of Funding Opportunity for the Consolidated Rail Infrastructure and Safety Improvements Program for Fiscal Year 2022, 87 FR 54278, September 2, 2022, Vol. 87, No. 170, Pages 54278-54295, FR 09/02/2022

**II. BACKGROUND**

The Hwy 371/Hwy 210/BNSF Railroad Grade Separation Project is located on the Burlington Northern Santa Fe (BNSF) railroad corridor (the Corridor), which currently hosts six daily freight train trips. The Corridor is owned by the BNSF Railroad and Minnesota Department of Transportation (MnDOT).

On September 2, 2022, the Federal Railroad Administration (FRA) issued a Notice of Funding Opportunity (NOFO) in the Federal Register for the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program. In response, the Minnesota Department of Transportation (MnDOT or Grantee) submitted an application for Hwy 371/Hwy 210/BNSF Railroad Grade Separation Project. FRA reviewed Grantee’s application for eligibility and ranking with the criteria outlined in the NOFO. Based on this evaluation, the USDOT Secretary of Transportation selected the State of Minnesota for an award, through a cooperative agreement between FRA and the Grantee, of \$2 million for the Project.

For the purposes of this statement of work, the term “Project” means the completion of conceptual design, preliminary engineering (PE), and environmental review of Hwy 371/Hwy 210/BNSF Railroad Grade Separation Project. Also, for the purposes of this SOW, the term

“Construction Project” means final design and construction work activities for the Hwy 371/Hwy 210/BNSF Railroad Grade Separation Project.

### **III. GENERAL OBJECTIVE**

The objective of this Grant/Cooperative Agreement is for the Grantee to complete conceptual design, PE, and the environmental review resulting in the required documentation and approvals to support final design and construction of the Hwy 371/Hwy 210/BNSF Railroad Grade Separation Project.

The intersection of Highway (Hwy) 371, Hwy 210, and BNSF railroad experiences frequent congestion, accidents, and restricted emergency access to the region’s primary commercial area. This is attributed to conflicts created by heavy vehicular traffic and freight trains that pass through the area blocking the at-grade crossing between Hwy 371, Hwy 210, BNSF rail line, and the region’s commercial and recreational area. MnDOT with the support of Crow Wing County, seeks a FY 22 CRISI Track 2 Grant of \$2 million to complete conceptual design, preliminary design, and environmental documentation for highway improvements and an overpass over the rail line to provide unimpeded, rail-separated access between Hwy 371, Hwy 210, and the commercial district. Currently, no grade separated arterial crossing of the railway exists on Hwy 210 or Hwy 371 within the city limits or for many miles east or west. The new grade separation will provide safe and unimpeded access to the region’s commercial area and for regional and local traffic attempting to avoid bottlenecks at the at-grade rail crossing of Hwy 371 in the city of Baxter, MN.

The Construction Project will consist of the following:

- Grade-separation at Hwy 371 with overpass over Hwy 210 and adjacent BNSF rail line,
- Partial reconstruction of Hwy 371, Hwy 210, and local road connections to account for profile changes,
- Access ramps to Hwy 371 from eastbound and westbound Hwy 210,
- New traffic signals, lighting, and Intelligent Transportation System (ITS) along the corridor,
- Construction of a new grade-separated pedestrian trail connecting southwest quadrant to the northeast quadrant, and
- Closure of exiting Hwy 371/BNSF at-grade crossing.

Completion of the Hwy 371/Hwy 210/BNSF Railroad Grade Separation Project will result in improved traffic operations and congestion relief for local, regional, and interregional traffic on the Corridor. It will also improve safety and lower the predicted collision risk on the BNSF rail line due to closure of the at-grade crossing.

### **IV. PROJECT LOCATION**

The Project will eliminate the current at-grade crossing of Hwy 371, Hwy 210, and BNSF railroad, in the city of Baxter, MN as shown in Figure 1. The railroad milepost is 0120.792. The geospatial location of the Project is approximately 46.351334°, -94.244278°.

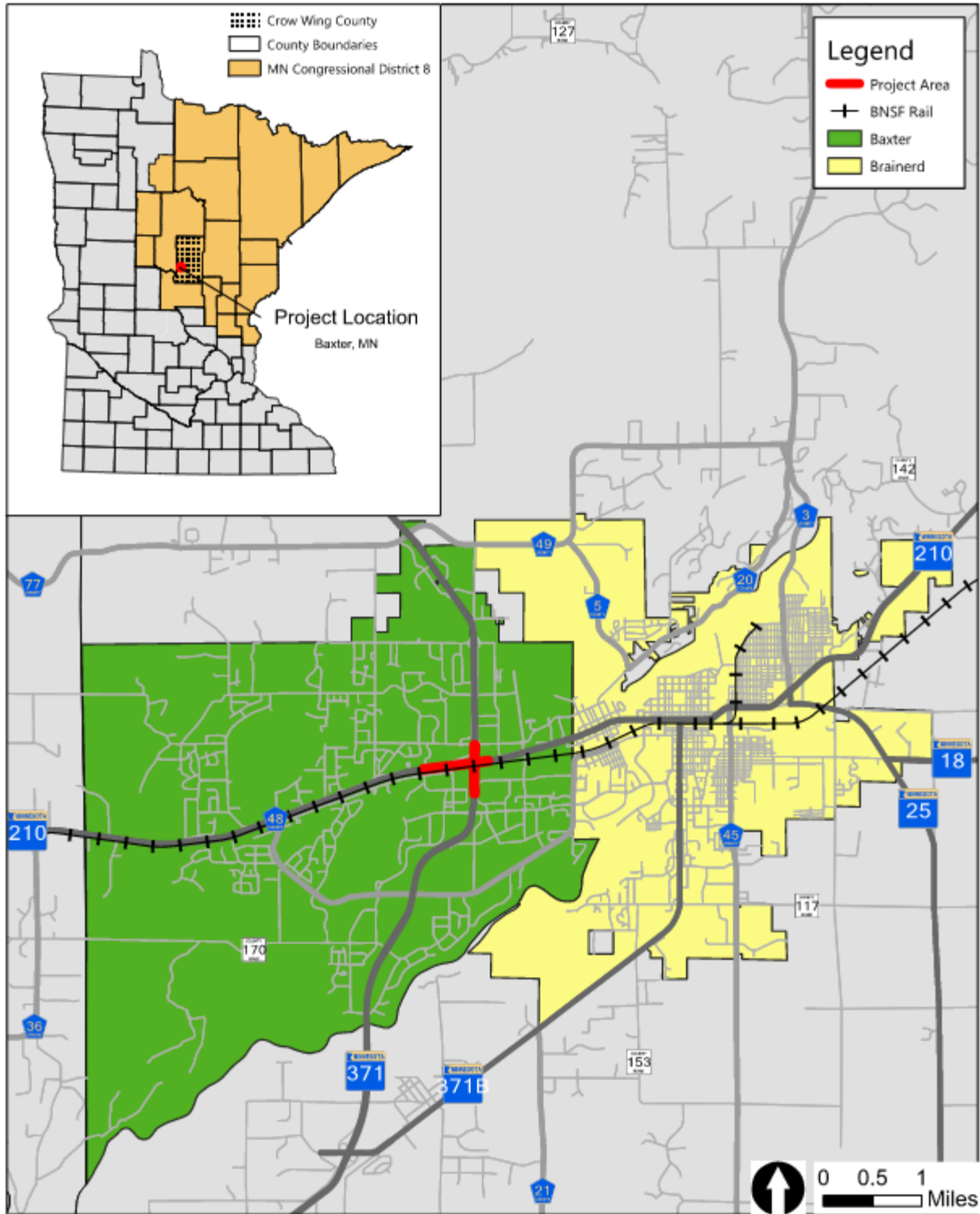


Figure 1. Project Location Map

## **DESCRIPTION OF WORK**

### **Task 1: Detailed Project Work Plan, Budget, and Schedule**

For this initial task, the Grantee will prepare a detailed Project Work Plan for Tasks 2, 3, and 4. The project work plan will describe, in detail, the activities and steps necessary to complete these tasks outlined in this statement of work. The work plan shall also include information about the project management approach including team organization, team decision-making, roles and responsibilities, and interaction with FRA. In addition, the work plan will include the project schedule, a detailed project budget, and an environmental class of action recommendation memorandum. If the Grantee needs to secure an agreement with the host railroad to access the railroad's property and perform the PE and/or environmental work, the executed agreement should be included with the detailed work plan. The work plan shall identify studies to be conducted as part of the environmental review and evaluation process for the Construction Project. The Project work plan will be reviewed and approved by the FRA.

The Grantee acknowledges that work on Tasks 2, 3 and 4 will not commence until the detailed work plan has been completed and submitted to FRA and approval received in writing. FRA will not reimburse the Grantee for costs incurred in contravention of this requirement.

#### **Task 1 Deliverables:**

- Detailed Project Work Plan, Budget, and Schedule
- Project Agreements (if applicable)

### **Task 2: Conceptual Design**

The Grantee shall complete sufficient conceptual design of the Construction Project to support the preparation of the environmental documentation. The conceptual design will be further refined in Task 4 Preliminary Engineering and shall be conducted consistent with expectations for Task 4.

#### **Task 2 Deliverables:**

- Conceptual Design Documents

### **Task 3: Environmental Review**

The Grantee will complete FRA-approved environmental clearance documentation for the Construction Project. The final determination of the appropriate class of action, and/or level of documentation, and the Project's environmental impact will be made by FRA. The Grantee will prepare a Categorical Exclusion (CE) or Environmental Assessment (EA), as determined by the FRA, and complete necessary studies and documentation in accordance with FRA's *Procedures for the Consideration of Environmental Impacts* (effective May 26, 1999) (Environmental Procedures).

The Grantee will initially evaluate the project with the use of qualified environmental professionals for its potential for impact, including conducting a review of existing literature,

contacting relevant agencies and performing field reconnaissance. The Grantee will then document the findings and submit a class of action recommendation for FRA review with the Project work plan. FRA will decide if a CE is appropriate for this Construction Project, or if an EA is required.

In either case, the Grantee will conduct Construction Project scoping to determine the key issues and needed studies in accordance with FRA's Environmental Procedures and potential effects of the action and if determined appropriate in consultation with FRA, develop a public involvement plan that identifies key contacts within agencies, the news media, public officials, the general public, civic and business groups, relevant interest groups, present and potential riders/users, and private service providers/shippers. This plan will also identify how public involvement activities will be linked to key milestones in the planning/engineering and environmental process. The Grantee, in coordination with the FRA, shall prepare the CE or EA to include, but is not limited to, the following: definition of the Project and existing conditions, identification of the purpose of and need for the Project, identification and analysis of project build alternatives and a no-action alternative, and an analysis of existing conditions in comparison to the impacts of the proposed action and alternatives. The Grantee will follow FRA direction in the preparation of the EAW including submission of administrative draft environmental documents for FRA for review and comment. The Grantee will circulate the draft environmental document for public and agency review and comment in accordance with FRA's Environmental Procedures and prepare a final environmental document and a draft decision document. In addition, the Grantee is responsible for identifying all necessary mitigation and permits required for the Construction Project's implementation.

### **Task 3 Deliverables:**

- Environmental Documentation

### **Task 4: Preliminary Engineering (30% Design)**

The Grantee shall complete Preliminary Engineering (PE) (30% design) for FRA review and approval to support the Construction Project. PE will consist of the preparation of all design development and Construction Project delivery documentation necessary to demonstrate the effectiveness, feasibility, and readiness of the Construction Project. The following documentation will be prepared to accompany the design and specifications:

#### *a. Preliminary Design and Specifications (30% Level):*

The Grantee will prepare designs and specifications for the Project at a level of detail adequate to demonstrate the feasibility of the proposed design and its appropriateness for fulfilling the Project's objectives. The minimum requirements for preliminary design and specifications are listed below.

- The Grantee will provide scale maps or scale aerial photography of existing conditions at a scale of one inch = 100 to 500 feet depending on complexity of location.
- The Grantee will prepare design plan drawings overlaid on maps/photography showing existing right-of-way limits along with railroad ownership; proposed changes including

removals and installations; centerlines, speeds, turnout sizes curve and spiral data; vertical profiles and grades of existing and proposed construction; typical cross sections to scale showing the proposed work to existing conditions for each change in configuration and at other locations requiring retaining walls or right-of-way acquisitions; public and private at-grade crossings; passenger stations, building(s), platforms, parking, access to primary highway system in the area, and public transit services and facilities.

- The Grantee will obtain signature approval of the preliminary engineering cover sheet by all stakeholders impacted by the proposed plan.

b. Construction Project Cost Estimate:

The Grantee will prepare a Construction Project cost estimate consistent with the design and specifications. The minimum requirements for this cost estimate are listed below.

- The Construction Project cost estimate will be presented in a format approved by FRA and will encompass all costs that the Grantee anticipates will be incurred to implement the Construction Project following completion of PE (including all final design and construction costs).
- The Construction Project cost estimate will incorporate an appropriate allowance for cost risk and uncertainty associated with the Construction Project commensurate with its stage of development through inclusion of a cost contingency.

c. Financial Planning Documentation:

The Grantee will prepare financial planning documentation demonstrating how the implementation of the Construction Project will be financed following completion of PE. Based on the Construction Project cost estimate, the minimum requirements for the financial planning documentation are listed below.

- A cost-loaded schedule depicting the cash outflow forecast for the Construction Project by calendar quarter, in both base year and “year of expenditure” (i.e., inflation-adjusted “nominal”) dollars.
- A description of the inflation assumptions used to arrive at the year of expenditure values.
- A description of the degree to which funding for the implementation of the Construction Project has been committed and a description of the risks associated with the availability of the other sources of funding.
- A description of other financing risks associated with the Construction Project, including cost risks represented in the cost estimate and schedule risks represented in the schedule.
- A description of the Grantee’s plan for financing any cost overruns, including addressing the availability of the sources of funding that may be used to finance overruns.
- A description of how operating and maintenance costs of the Construction Project will be financed.

d. Construction Project Implementation Schedule:

The Grantee will prepare a Construction Project implementation schedule consistent with the preliminary design and specifications. The minimum requirements for the Construction Project implementation schedule are listed below.

- The Construction Project implementation schedule, including final design, will be presented in a format approved by FRA.
- The Construction Project implementation schedule will incorporate an appropriate allowance for Construction Project schedule risk, whether through inclusion of schedule contingency or through another method approved by FRA.

e. Construction Project Benefits Estimate:

The Grantee will estimate the type and magnitude of benefits to the freight rail service and other multimodal benefits that will result from the Construction Project.

f. Project Management Documentation:

The Grantee will prepare Construction Project management documentation for the implementation of the Construction Project following completion of PE. The Construction Project management documentation will address the following minimum requirements:

- Identify the stakeholders involved in the Construction Project's implementation and describe their respective roles, responsibilities, capabilities, capacities, and mechanisms through which these parties will interact with one another.
- Demonstrate that the Grantee has adequate staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications.

**Task 4 Deliverables:**

- 30% Design Set

**Task 5: Project Closeout**

The Grantee will perform all close-out processes for the Project. Project Closeout will incorporate any administrative effort required by the Grantee to complete and summarize the planned work. Internal procedures will be followed to close out the project. Notice will be provided to FRA when the Project is complete and will include an estimate of the remaining scheduled time to complete the project closeout requirements.

The Grantee will submit a Final Performance Report, along with other final reports as required under this Agreement, to the FRA within 90 days of the Period of Performance end date. The Final Performance Report would describe the cumulative activities of the Project, including a

complete description of the Grantee's achievements with respect to the Project objectives and milestones.

**Task 5 Deliverables:**

- Final Performance Report

**V. PROJECT COORDINATION**

The Grantee shall perform all tasks required for the Project through a coordinated process, which will involve affected railroad owners, operators, and funding partners, including:

- Minnesota Department of Transportation (MnDOT)
- Burlington Northern Santa Fe (BNSF) Railroad
- Crow Wing County
- City of Baxter
- FRA

**VI. PROJECT MANAGEMENT**

The Grantee is responsible for facilitating the coordination of all activities necessary for implementation of the Project. Upon award of the Project, the Grantee will monitor and evaluate the Project's progress through regular progress meetings scheduled throughout the Project's duration. The Grantee will:

- Participate in a project kickoff meeting with FRA
- Complete necessary tasks to hire a qualified consultant/contractor to perform required conceptual design, PE, and/or environmental work
- Hold regularly scheduled Project meetings with FRA
- Inspect and approve work as it is completed
- Review and approve invoices as appropriate for completed work
- Perform Project close-out audit to ensure contractual compliance and issue close-out report
- Periodically submit required Project documents, including receipts and invoices, to FRA
- Comply with all FRA Project reporting requirements
- Read and understand the Terms and Conditions of this Agreement (Attachment 1)
- Notify FRA of changes to this Agreement that require written approval or modification to the Agreement.