SCOTT COUNTY BOARD OF COMMISSIONERS

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October 21, 2026

Metropolitan Council
390 Robert Street North
St. Paul, MN 55101-1805

Subject: Re-Opening the 2026 Regional Solicitation

Dear Metropolitan Council Members and Transportation Advisory Board Members,

On behalf of the Scott County Board of Commissioners, I am formally requesting that the Metropolitan Council re-open the 2026 Regional Solicitation process. Scott County appreciates the extensive work undertaken to prioritize regional investments. We believe in a regional solicitation process that reflects the needs of all users of the transportation system, especially on regionally significant corridors that serve residents, workers, businesses, and freight across jurisdictions.

On August 26, 2026, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) responded to Scott County's concerns regarding the Metropolitan Council's newly adopted scoring criteria. In their response letter, FHWA/FTA concluded that the current "Community Considerations" scoring framework—by prioritizing federal financial assistance based on race, color, or national origin—violates Title VI regulations at 49 CFR Part 21. Further, the letter formally requested the Metropolitan Council implement these modifications to the scoring criteria to align with current federal policy:

- Eliminate Race-Based Prioritization
- Remove the "Environmental Justice" Framework
- Broaden the Definition of "Community"

On October 2, 2026, the Metropolitan Council responded in a letter with recommended revisions to the scoring criteria for Community Considerations. In reviewing these revisions, Scott County has the following questions:

1. Does Met Council have confirmation from FHWA/FTA that the revised criteria satisfactorily address the August 26th letter? Specifically, FHWA's request that Met Council broaden the definition of community to include non-local users. Instead, the definition of community was deleted from the criteria altogether and significant language still exists prioritizing "nearby" communities and destinations.

2. What does "nearby" communities and destinations mean? How will this new definition be subjectively scored across all applications? This is important for projects that improve the regional transportation system.

Scott County staff's participation on several TAB subcommittees during the formation of the 2026 Solicitation process—including the formation of the original "Community Considerations" scoring criteria—led to our decision to not submit certain projects for consideration. We believe the original Community Consideration scoring criteria and weight not only dissuaded Scott County, but other cities and counties in the region from applying for certain projects for the 2026 Regional Solicitation.

To maintain public trust in the Metropolitan Council's federal funding processes, and to safeguard the eligibility of the region's awards, Scott County requests that the Metropolitan Council re-open the 2026 Regional Solicitation process.

Respectfully,

Jon Ulrich

Jon Ulrich
Chair, Scott County Board of Commissioners

cc: Wendall L. Meyer, Division Administrator, FHWA Minnesota Division
Kelley Brookins, Regional Administrator, FTA Region V
Nancy Daubenberger, Commissioner, MnDOT
Transportation Advisory Board (TAB) Chair
Metropolitan Council Chief Executive