Business Item

Transportation Committee

Committee meeting date: November 23, 2026 **For the Metropolitan Council:** December 2, 2026

Business Item: 2026-231

Approve Revisions to the Community Considerations Criterion, Measures, Scoring Guidance and Solicitation Process for the 2026 Regional Solicitation

District(s), member(s):	All
Policy/legal reference:	TAB Action
Staff prepared/presented:	Amy Vennewitz, Director (651-602-1058) Steve Peterson, Senior Manager (651-602-1819) Bethany Brandt-Sargent, Manager (651-602-1725)
Division/department:	Transportation Planning

Proposed action

That the Metropolitan Council approve the TAB-adopted revisions to the Community Considerations criterion, measures and scoring guidance for all 2026 Regional Solicitation federal and active transportation application categories in response to the USDOT request for changes, rescore the existing application responses, and complete the project selection process.

Background

The Regional Solicitation Evaluation was a three-year process to update the structure, criteria, and measures to implement the policy and direction of the 2050 Transportation Policy Plan (TPP). The 2026 Federal Regional Solicitation and Active Transportation (AT) Solicitation application packages reflect the feedback from 120 events with the region's policymakers, technical experts, community organizations, and the public. The Policymaker Work Group, Technical Steering Committee, and the Special Interest Working Groups recommended the application package that was presented to the Transportation Advisory Board (TAB) and Metropolitan Council for adoption and approval.

At its January 2026 meeting, the TAB adopted the criteria, measures and scoring guidance for both the 2026 Federal Regional Solicitation and Active Transportation Solicitation and approved releasing the applications for public comment. Following the public comment period, at its March 18, 2026, meeting, the TAB recommended the Council approve release of the applications with changes resulting from the public comments. The Council subsequently approved and released the applications on April 22, 2026. The call for projects opened on May 7, 2026, and closed June 25, 2026. For the Regional Solicitation Active Transportation funding categories, 83 applications were submitted by 41 unique agencies requesting $143 million. For the Regional Solicitation Federal funding categories, 92 applications were submitted by 37 unique agencies requesting $574 million.

On March 30, 2026, Scott County sent a letter (Attachment 1) to the United States Department of Transportation (USDOT) regarding the Community Considerations criterion within the Regional Solicitation and its potential misalignment with current federal transportation policies. In a letter to the Council dated August 26, 2026 (Attachment 2), the USDOT asserted that the Regional

Solicitation's Community Considerations criterion is not in compliance with federal law, and specifically requested the following modifications:

- Eliminate race-based prioritization: Remove any scoring prompts and foundational policies that grant priority or assign points based on race or ethnicity (49 CFR Part 21).
- Remove the "environmental justice" framework: Delete scoring metrics that reward subjective analyses of historical harms or grievances (49 CFR Part 21).
- Broaden the definition of "community": Expand the definition of community to include all users of the transportation system, such as commuters and commercial vehicles, rather than excluding non-local users (no regulatory citation).

On October 2, 2026, the Council sent a response letter to USDOT (Attachment 3), which stated the Council maintains it is compliant with all federal laws but is committed to clarifying our compliance through revisions to the Community Considerations background, measures description and scoring guidance, and providing new applicant and scorer training to clarify the intent of the measures. The proposed revised language was included in the Council response and is shown in Attachment 4.

The revisions directly address the USDOT-requested modifications and include the following:

- Scoring prompts have been removed along with references to the foundational policies.
- References to the environmental justice framework and historical harms have been removed.
- The definition of "community" has been removed.
- The Council's adopted prohibition against illegal discrimination has been added and highlighted.

On November 9, 2026, FHWA emailed the Council to confirm that the Regional Solicitation is now compliant with all federal laws after a review of the proposed revisions to Community Considerations sent by the Council on October 2, 2026. FHWA recommended one minor text edit, which is now incorporated into the revisions shown in Attachment 4. A formal letter from FHWA was received on November 19, 2026, that noted appreciation for making the revisions to Community Considerations (Attachment 5).

The TAB weighed five different approaches at their meeting on November 19, 2026, and approved an option to revise the Community Considerations description and scoring guidance language to address USDOT concerns, retrain scorers on the revised guidance, and rescore all existing application responses, but not allow applicants to revise their previously submitted responses.

Advantages discussed included:

- Responsive to USDOT compliance concerns as articulated and requested in its August letter reducing risk of further federal compliance issues.
- Saves approximately one month by not reopening the applications.
- Saves applicants' time and resources by not having to resubmit responses.

With the TAB-approved approach the anticipated timeline and process would include:

1. Adoption of revised the Community Considerations criterion description and scoring guidance at the December 2, 2026, meeting of the Metropolitan Council.
2. December: Training session with Community Considerations scorers on the revised criterion, measures, and scoring guidance.
3. December/January: Community Considerations scoring committee rescores all applications with revised guidance.
4. January: Technical Advisory Committee (TAC) Funding and Programming considers scoring appeals for quantitative scores.
5. February: TAC Funding and Programming approves final scores and committees begin discussion of options for selection of a program of projects.
6. April/May: TAB approves selection of a program of projects for both federal funding and

Active Transportation sales tax funding.

7. May/June: Council concurs with the TAB's adoption of a program of projects for federal funding and Active Transportation sales tax funding.

Barring any further unforeseen delays, these schedule changes would likely have limited impact on the ability for project sponsors to deliver federally funded projects in 2030 and 2031. However, some active transportation regional sales tax-funded projects intended for construction in summer 2027 may be delayed until the 2028 construction season.

Rationale

The Regional Solicitation is a key responsibility of the TAB and the Council. Through this process, federal funds are directed to a variety of locally initiated projects that meet regional transportation goals. The Regional Solicitation is part of the Metropolitan Council's federally required continuing, comprehensive, and cooperative transportation planning process for the Twin Cities Metropolitan Area. The agreed upon process for allocating federal funds through the Regional Solicitation is documented in a Memorandum of Understanding between the Council and MnDOT.

The Minnesota Legislature directs a portion of the regional sales and use tax to active transportation projects, which support walking, biking, and rolling for transportation. TAB developed an Active Transportation Solicitation to help with project ranking and selection.

Thrive lens analysis

On Feb. 12, 2025, the Council adopted Imagine 2050, which builds on policy direction in Thrive MSP 2040. This action promotes the goals articulated in Imagine 2050 and the objectives and policies identified in the 2050 Transportation Policy Plan. For example, the Regional Bicycle Facilities funding category is grouped under the "Our region is dynamic and resilient" Imagine 2050 goal.

Funding

The 2026 Regional Solicitation will be funded with approximately $240 million in federal funds. Local sponsors match the federal funds at a minimum of 20 percent. The Active Transportation Solicitation will be funded with approximately $50 million in regional sales tax funds and requires no local match.

Small business inclusion

There are no direct impacts to small business contracting with the proposed action. Future project solicitations stemming from this proposed action will be reviewed for small business contracting opportunities prior to solicitation.