

ATTACHMENT 2

STATEMENT OF WORK

North Dakota Department of Transportation

Minot Intermodal Facility

FY 2018 Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program

I. AUTHORITY

Authorization	Section 11301 of the Fixing America's Surface Transportation (FAST) Act, Public Law 114-94 (2015); 49 U.S.C. 22907
Funding Authority/Appropriation	Consolidated Appropriations Act, 2018, Division L, Title I (Pub. L. 115-141 (March 23, 2018))
Notice of Funding Opportunity	Notice of Funding Opportunity for Consolidated Rail Infrastructure and Safety Improvements [Fiscal Year 2018] 83 Fed. Reg. 34283 (July 19, 2018))

II. BACKGROUND

This Agreement funds the North Dakota Department of Transportation (NDDOT or Grantee) for completion of Preliminary Engineering and environmental review, in accordance with the National Environmental Policy Act (PE/NEPA), to support the final design and construction of rail infrastructure for the Minot Intermodal Facility in Minot, North Dakota (Project). Project features may include: 1) additional rail lines to support long-term intermodal service viability; 2) creating an area for container storage, loading, and transferring; 3) a grade crossing improvement; 4) site improvements to support intermodal service viability; and 5) related roadway infrastructure. To the extent there is a conflict between Attachment 1 and this Attachment 2, Attachment 1 governs.

III. OBJECTIVE

The objective of this Project is for the Grantee to complete PE/NEPA, resulting in the required documentation and approvals to support final design and construction of the Minot Intermodal Facility (Construction Project).

The Construction Project is outside the scope of this statement of work, but will ultimately include:

- Construction of new track;
- Construction of site improvements to support rail-dependent industry operations;

- Installation of turnouts and crossovers;
- Site grading for rail and facility infrastructure;
- Design of access roads; and
- Design location of track crossings for intermodal operations.

The completed Minot Intermodal Facility will service a Burlington Northern Santa Fe Railway (BNSF)-certified, 800-plus acre industrial park located in Minot, ND. The Facility will increase freight rail service in North Dakota, provide cross-modal benefits, and improve the economic viability of the area.

IV. PROJECT LOCATION

The Project is located in north central North Dakota, on the northeast outskirts of the city of Minot, ND. This site is centrally located along an existing high-volume intermodal rail route operated by BNSF, which currently transports commodities through Chicago, IL, Minneapolis/St. Paul, MN, Spokane, WA, Portland, OR, and Seattle WA.

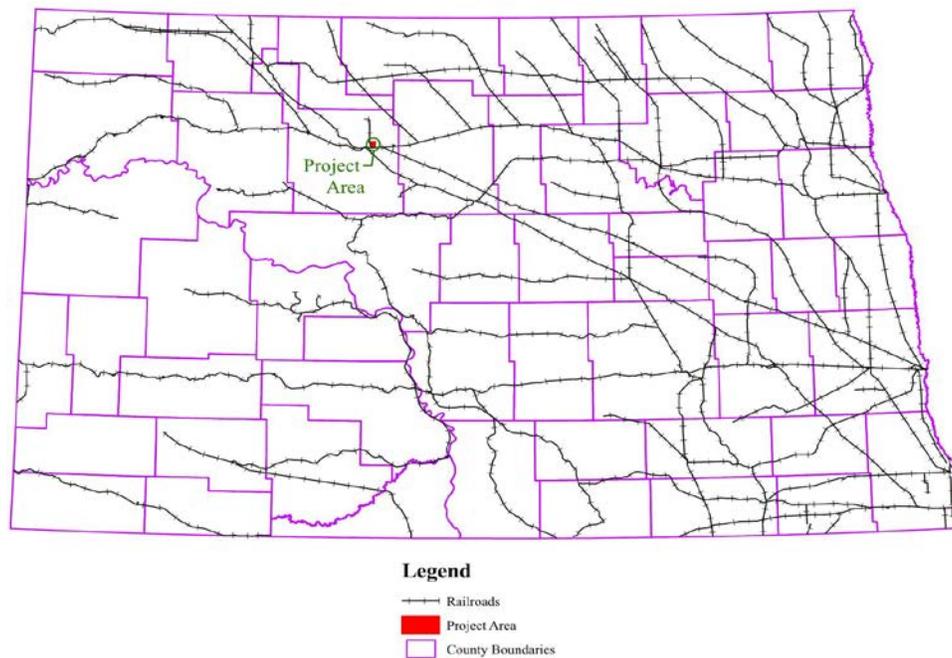


Figure 1: Project Location within North Dakota

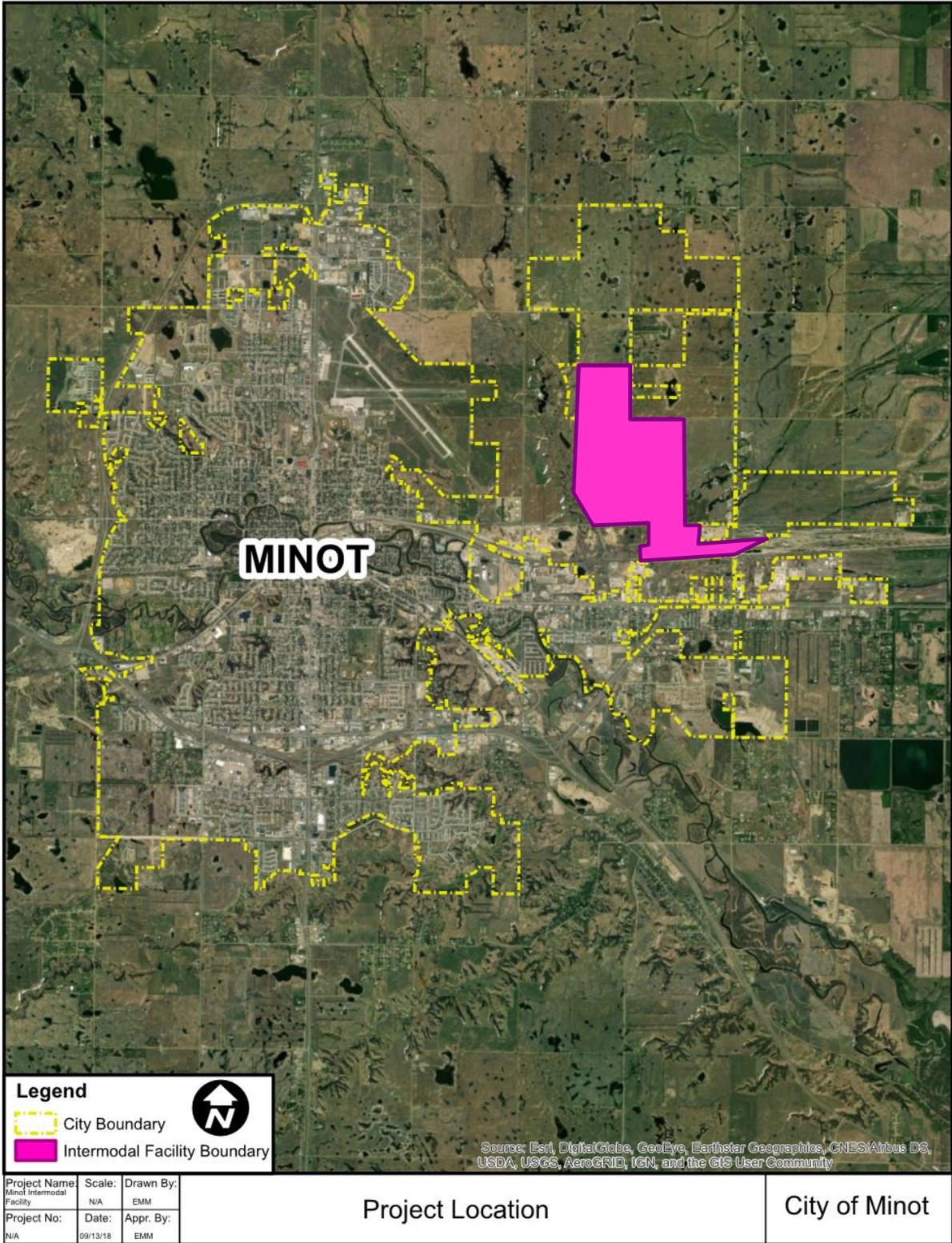


Figure 2: Project Location within City of Minot

V. DESCRIPTION OF WORK

The Grantee is partnering with the owner of the Facility - the Minot Area Development Corporation (MADC); the City of Minot, North Dakota; and with Ward County, North Dakota; to complete this Project and ensure the Project meets MADDC's needs for the Facility. The Grantee will complete PE/NEPA, resulting in the required documentation and approvals to support the development of rail infrastructure to support viability of intermodal operations, potentially including additional rail lines; area for container storage, loading and transferring; a grade crossing improvements; site improvements to support onsite rail-dependent industry; and related roadway infrastructure.

The Grantee will be responsible for oversight of all consultant work. This responsibility includes, but is not limited to, oversight of the completion of the following tasks:

Task 1: Project Administration

The Grantee will perform project administration for all Project activities completed using funds under this Agreement. These activities include, but are not limited to:

- Completion of necessary work tasks to hire qualified consultants/contractors to perform engineering design, environmental review work, and project management;
- Conduct, as needed, coordination meetings with Project partners and FRA to provide Project progress updates;
- Provide oversight and direction of work completed;
- Provide approvals as necessary;
- Facilitate coordination and review required for as-needed approvals from FRA and Project Partners;
- Review and approve invoices, as appropriate, for work completed as part of the Project;
- Periodically submit required Project documents, including receipts and invoices to FRA, and comply with all FRA reporting requirements; and
- Perform all required Project close-out activities.

Task 1.1: Detailed Project Work Plan, Budget, and Schedule

The Grantee will prepare a Detailed Project Work Plan, Budget, and Schedule (Work Plan) for the following tasks, which may result in amendments to this Agreement. The Work Plan will describe, in detail, the activities and steps necessary to complete the tasks outlined in this Statement of Work. The Work Plan will also include information about the project management approach (including team organization, team decision-making, roles and responsibilities and interaction with FRA), as well as address quality assurance and quality control procedures. Similarly, written descriptions of any agreements needed for this Project will also be included. The Grantee will transmit final, executed copies of any agreements to FRA (Project Agreements). The Work Plan will identify any studies to be conducted as part of the environmental review and evaluation process described in Task 3: Environmental Review.

In addition, the Work Plan will include a Detailed Project Schedule (with grantee and agency review durations) and a Detailed Project Budget. The Detailed Project Schedule will include a schedule for the completion of all environmental activities described in Task 3: Environmental

Review. The Detailed Project Budget will be consistent with the Approved Project Budget (Attachment 4) but will provide a greater level of detail.

The Grantee acknowledges that work on subsequent tasks will not commence until the Work Plan has been completed, submitted to FRA, and the Grantee has received approval in writing from FRA, unless such work is permitted by pre-award authority provided by FRA. FRA will not reimburse the Grantee for costs incurred in contravention of this requirement.

The Work Plan may require updates as the Project progresses. These updates will be submitted to FRA for review and approval.

Task 1.2: Final Performance Report(s)

The Grantee will submit a Final Performance Report, along with other final reports as required under this Agreement, to FRA within 90 days of the end of the grant's Period of Performance end date. The Final Performance Report should 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 1 Deliverables:

- Project Work Plan
- Project Agreements
- Final Performance Report

Task 2: Conceptual Design (10% Design)

The Grantee will conduct an analysis to identify the most likely markets that will utilize the site and its associated intermodal service. Additionally, the Grantee will establish a program of required infrastructure that would be necessary at the site for long-term, sustainable intermodal service.

The Grantee will submit a conceptual design (10%) for two alternatives for the Construction Project, with a sufficient level of detail to prepare the required environmental documentation, to FRA. The conceptual design includes concept level operational planning and design, including identification of infrastructure improvements needed; conceptual track alignment, profile, turnouts, crossovers, additional track and section design; conceptual grade crossing design, site grading, and related roadway infrastructure; and identification of container storage, loading and transferring areas. Once the preferred alternative is identified in the Environmental Assessment (Task 4), the conceptual design will be further refined in Task 5: Preliminary Engineering.

Task 2 Deliverables:

- Market Analysis
- Conceptual Engineering Plans for two alternatives – one with the intermodal ramp located south of County Road 12 and one with the intermodal ramp located north of County Road 12.

Task 3: Environmental Review

The Grantee will complete FRA-approved environmental clearance documentation for the Construction Project. The Grantee will assess the Construction Project for its potential impacts, with the use of qualified environmental professionals, by 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. FRA will determine the appropriate NEPA class of action.

It is anticipated that the Grantee will prepare an Environmental Assessment (EA) in accordance with 23 CFR Part 771 Environmental Impact and Related Procedures, and 23 CFR Part 774, Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites (Section 4(f)) (effective November 28, 2018) (Environmental Procedures) and other applicable environmental laws.

The Grantee, in coordination with FRA, will conduct scoping to determine which aspects of the Project have potential impacts, identify alternatives and mitigation measures and identify other environmental review and consultation requirements that should be performed concurrently with the EA. If appropriate, the Grantee, in consultation with FRA, will 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 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 EA to include, but 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 submit a Draft EA to FRA for review and comment. If determined appropriate, in consultation with FRA, the Grantee will circulate the Draft EA for public and agency review and comment. If FRA determines that no significant impacts are anticipated, the Grantee will prepare a Draft Finding of No Significant Impact (FONSI), including a response to comment document, if appropriate, and will submit to FRA for review, approval, and completion. If there is an indication of the potential for significant impact that cannot be mitigated and FRA determines that an Environmental Impact Statement (EIS) is required, the Grantee will establish scopes and costs for the preparation of a Draft EIS, as well as additional public outreach.

In addition, the Grantee is responsible for identifying all necessary mitigation and permits required for the Construction Project.

Task 3 Deliverables:

- Public Involvement Plan
- Draft Environmental Assessment (EA)
- Draft Finding of No Significant Impact (FONSI)

Task 4: Preliminary Engineering (PE) (30% Design)

The Grantee will submit the Preliminary Design (30%) package for FRA review and approval to support the Construction Project. PE will consist of the preparation of all design and Construction Project delivery documentation necessary to demonstrate the effectiveness, feasibility, and readiness of the Construction Project. The PE work activities will include: preliminary roadway design (horizontal and vertical alignments); preliminary track engineering (horizontal and vertical alignments and track design); preliminary site and drainage design; preliminary construction staging plans; utility and railroad coordination; intersection and grade-crossing design; preliminary construction cost estimate; and any design work necessary to complete the environmental documentation for the Construction Project.

The Preliminary Design (30%) Package will include:

- 30% Plan Sheets, details and outline of specifications, including a plan title sheet with a Project description, location map, and stakeholder signature blocks
- Preliminary Construction Project Cost Estimate
- Preliminary Construction Project Schedule

Upon completion of the PE, the Grantee will obtain signature concurrence on the preliminary engineering cover sheet by all Project stakeholders (NDDOT, MADDC, City of Minot, BNSF, Ward County).

Task 4 Deliverables:

- Preliminary Design Package

VI. 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:

- Minot Area Development Corporation (MADC)
- City of Minot, North Dakota
- Ward County, North Dakota
- Burlington Northern Santa Fe Railway Company (BNSF)
- FRA
- Rail Modal Group, operator of the existing site on the south unit.

VII. 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 meetings scheduled throughout the Project Performance Period. The Applicant/Grantee will:

- Participate in a project kickoff meeting with FRA
- Complete necessary steps to hire a qualified consultant/contractor to perform required Project 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
- Submit to FRA all required Project deliverables and documentation on-time and according to schedule, including periodic receipts and invoices
- Comply with all FRA Project reporting requirements, including, but not limited to:
 - a. Status of project by task breakdown and percent complete
 - b. Changes and reason for changes in and updated versions of Detailed Project Work Plan, Budget, and Schedule
 - c. Description of unanticipated problems and any resolution since the immediately preceding progress report
 - d. Summary of work scheduled for the next progress period
- 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

ATTACHMENT 3

DELIVERABLES AND APPROVED PROJECT SCHEDULE

North Dakota Department of Transportation
Minot Intermodal Facility

I. DELIVERABLES AND APPROVED PROJECT SCHEDULE

The deliverables associated with this Agreement are listed below. The Grantee must complete these deliverables to FRA's satisfaction to be authorized for funding reimbursement and for the Project to be considered complete.

Unless otherwise approved, requests for extensions of the Project Performance Period must be submitted not later than 90 days before the end of the Project Performance Period, consistent with Section 4(b) of Attachment 1.

Deliverables

<u>Task #</u>	<u>Deliverable Name</u>	<u>Due Date</u>
1	Detailed Project Work Plan, Budget, and Schedule	05/15/21
1	Project Agreements (if applicable)	05/15/21
1	Final Performance Report	10/31/23
2	Market Analysis	09/30/21
2	Conceptual Engineering Plans	11/30/21
3	Public Involvement Plan	11/30/21
3	Draft EA	06/30/22
3	Draft Finding of No Significant Impact (FONSI)	12/31/22
4	Preliminary Design Package	05/31/23

ATTACHMENT 4

APPROVED PROJECT BUDGET

North Dakota Department of Transportation
Minot Intermodal Facility

I. APPROVED PROJECT BUDGET

The total estimated cost of the Project is \$800,000, for which the FRA grant will contribute up to 50 % of the total Project cost, not to exceed \$400,000. The Grantee's Non-Federal Contribution is comprised of cash contributions only in the amount of \$400,000. Any additional expense required beyond that provided in this Agreement to complete the Project will be borne by the Grantee.

Project Budget by Task

Task #	Task Name	Federal (FRA) Contribution	Non-Federal Contribution	Total Cost
1	Project Administration	\$20,000	\$20,000	\$40,000
2	Conceptual Design	\$105,000	\$105,000	\$210,000
3	Environmental Review	\$180,000	\$180,000	\$360,000
4	Preliminary Engineering	\$95,000	\$95,000	\$190,000
Total		\$400,000	\$400,000	\$800,000

Revisions to the Approved Project Budget shall be made in compliance with Attachment 1 of this Agreement. The Grantee will document expenditures by task, and by Federal and Non-Federal Contributions, when seeking reimbursement from FRA.

Project Budget by Source

Funding Source	Project Contribution Amount	Percentage of Total Project Cost
Federal Contribution (Amount of FRA Grant)	\$400,000	50.0000%
Non-Federal Contribution	\$400,000	50.0000%
<i>City of Minot</i>	<i>\$400,000</i>	<i>100%</i>
Total Project Cost	\$800,000	100%

ATTACHMENT 5

PERFORMANCE MEASUREMENTS

North Dakota Department of Transportation Minot Intermodal Facility

I. PERFORMANCE MEASUREMENTS

The table below contains the performance measures that this Project is expected to achieve. These performance measures will enable FRA to assess Grantee's progress in achieving strategic goals and objectives. The Grantee will report on these performance measures per the frequency and duration specified in the table.

Upon Project completion, Grantee will submit reports comparing the Actual Project Performance of the new and or improved asset(s) against the Pre-Project (Baseline) Performance and Expected Post-Project Performance as described in Table 1 below. Grantee need not include any analysis in addition to the described data; however, Grantee is welcome to provide information explaining the reported data. Grantee will submit the performance measures report to the Regional Manager in accordance with Table 1 below.

Table 1: Performance Measurement Table

Performance Measure	Description of Measure	Measurement	Reporting
Completion of NEPA documents/deliverables (Task 3)	Grantee completes all environmental documentation funded by the Project per the timeframes established in the environmental schedule contained in the Detailed Work Plan.	Pre-Project (Baseline) Performance as of the Grant Award date of June 12, 2019: Not applicable, no documents were completed prior to the Award Date.	Actual Project Performance After Project Completion: Completion of the environmental documents consistent with the environmental schedule.
			Frequency: At applicable milestones, as defined in the environmental schedule.
		Expected Post-Project Performance: Yes; documents completed per the environmental schedule.	Duration: Through completion of the environmental documentation.

Performance Measure	Description of Measure	Measurement	Reporting
Completion of PE and Design documents/deliverables (Task 4)	PE and design materials funded by the Project contains the information described in Attachment 2 – Statement of Work and all related deliverables are successfully completed and accepted by FRA	Pre-Project (Baseline) Performance as of the Grant Award date of June 12, 2019:	Contents: Acceptance of the PE deliverable consistent with requirements of the grant agreement.
		Not applicable, no documents were completed prior to the Award Date.	Frequency: During period of performance
		Expected Post-Project Performance: Yes; documents completed.	Duration: One time