



U.S. Department
of Transportation
**Federal Highway
Administration
Federal Transit Administration**

August 26, 2026

FHWA, Minnesota Division
180 East Fifth Street
Suite 930
St. Paul, MN 55101-1857

FTA, Region V
200 West Adams Street
Suite 320
Chicago, IL 60606-5253

Ms. Robin M. Hutcheson
Metropolitan Council Chair
390 Robert St. N.
Saint Paul, MN 55101

Subject: Metropolitan Council Federal Regional Funding Solicitation - Compliance with Current Federal Policy

Dear Ms. Hutcheson:

In March 2026, the U.S. Department of Transportation received correspondence from the Scott County Board of Commissioners regarding concerns about the Metropolitan Council's proposed Federal Funding Solicitation Guidance and its alignment with current federal transportation policies. The Federal Highway Administration was asked to respond.

The Scott County Board of Commissioners raised concerns about the community engagement component of your recently adopted scoring criteria for the 2026 regional solicitation process. It appears that your "Community Considerations" category accounts for 20% of a project's score and relies on an "Equity and Environmental Justice Framework" that prioritizes specific demographic groups. By prioritizing Federal financial assistance based on race, color or national origin, this framework violates the Department's regulations at 49 CFR Part 21, which implement Title VI of the Civil Rights Act of 1964.

To ensure the regional solicitation process aligns with Federal law and the Administration's policy priorities, immediate action is necessary to amend your scoring criteria. FHWA formally request that the Metropolitan Council implement the following modifications of your scoring criteria to align with current federal policy:

- **Eliminate Race-Based Prioritization:** Remove any scoring prompts and foundational policies that grant priority or assign points based on race or ethnicity, in accordance with 49 CFR Part 21.
- **Remove the "Environmental Justice" Framework:** Delete scoring metrics that reward subjective analyses of historical harms or grievances, consistent with 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.

We strongly recommend that you replace the revoked metrics with universally permissible statutory planning factors, such as robust general public engagement, Americans with Disabilities Act (ADA) accessibility, and connectivity between affordable housing and job centers. We recognize the Metropolitan Council's commitment to planning for all users of the transportation system; however, we want to ensure your project solicitation process aligns with Federal law and the Administration's policy priorities.

If you have any questions regarding this response, please contact Scott Mareck of the FHWA Minnesota Division at 651-291-6114, or Susan Weber of FTA Region 5 at 312-353-3888.

Sincerely yours,

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Kelley Brookins
Regional Administrator
Federal Transit Administration

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Wendall L. Meyer
Division Administrator
Federal Highway Administration

cc:

MnDOT