

Attachment D
2009 Final Environmental Impact Statement Full
Record of Comments Received



Commander
Eighth Coast Guard District

1222 Spruce Street
St. Louis, MO 63103-2832
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Phone: (314) 269-2380
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Email: peter.j.sambor@uscg.mil

16591.1/ 852.7 UMR
July 16, 2009

Ms. Kathryn O'Brien
Environmental Service Project Manager
Central Corridor Project Office
540 Fairview Avenue North, Suite 200
Saint Paul, MN 55104

Subj: WASHINGTON AVENUE BRIDGE, MILE 852.7, UPPER MISSISSIPPI RIVER

Dear Ms. O'Brien:

On June 25, 2009, we received the Final Environmental Impact Statement (FEIS) for the Central Corridor Light Rail Transit Project involving the subject bridge. It is our understanding the Light Rail Transit system installation on the bridge will require structural enhancement that will not permanently alter its navigational clearances. Once the project is let we will need owner approved contractor work plans and procedures to adequately review the project for possible effects on navigation. Repairs that do not change the character of the bridge will not require an amendment to the bridge permit but will require prior approval from this office.

Please keep us advised of project development so we can apprise you of our requirements in a timely fashion. If there are any questions, please contact Mr. Peter Sambor at the above number.

Sincerely,

A handwritten signature in black ink that reads "R. K. Wiebusch".

ROGER K. WIEBUSCH
Bridge Administrator
By direction of the District Commander



July 21, 2009

Kathryn O'Brien
Environmental Services Project Manager
Central Corridor Project Office
540 Fairview Avenue North, Suite 200
St. Paul, MN 55104

RE: Central Corridor Light Rail Transit Project – Final Environmental Impact Statement

Dear Ms. O'Brien:

Capitol Region Watershed District (CRWD) has conducted a review of the Central Corridor Light Rail Transit Project Final Environmental Impact Statement (FEIS). We have noted several of the recommendations from our August 20, 2008 letter have been incorporated into the FEIS and want to thank you for considering our earlier comments. Based on our review of the FEIS we offer the following comments:

CRWD adopted Rules in September 2006 and as such the Central Corridor Project will be required to obtain a permit from the CRWD. These rules, regardless of which alternative is selected, will require the project to incorporate both short-term construction stormwater BMPs and permanent, post construction volume reduction and water quality treatment BMPs.

On June 25th, 2009, the Metropolitan Council, CRWD, and City of St. Paul held a joint workshop to discuss options for stormwater management practices that would achieve compliance with CRWD volume reduction requirements. The workshop included planners, educators, engineers, regulators, landscape architects, and government officials representing Metropolitan Council, St. Paul, Minneapolis, CRWD, Chicago, Portland, Ramsey County and the University of Minnesota. One workshop outcome showed that achieving compliance with District rules is possible and that additional project goals can be achieved through creative designs that combine stormwater management with green infrastructure, urban forestry, and pedestrian friendly streetscaping. CRWD requests the Summary Report of the June 25, 2009 CCLRT Stormwater Workshop be included in the Public and Agency Coordination and Comments section of the FEIS

Section 4.2.3. discusses existing conditions of water resources and identifies the Mississippi River as a receiving water body for stormwater runoff from the Central Corridor Study Area. This stretch of the river is listed as impaired on the State of Minnesota's 303d list. There are portions of the project that are within one mile of the impairment which may require special BMPs under the National Pollutant Discharge Elimination System (NPDES) permit. CRWD recommends the FEIS include language that acknowledges the impairment of the Mississippi River and addresses how this may affect compliance with the NPDES permit for the project.

Kathryn O'Brien
July 21, 2009
Page Two

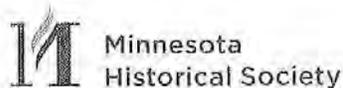
We look forward to working with your staff to develop effective stormwater treatment practices for this project. If you have any questions, please contact the District at (651) 644-8888.

Sincerely,



Robert P. Piram
President, Capitol Region Watershed District

cc: Gary Erickson, Assistant Project Director, Central Corridor Project Office
Nancy Homans, Policy Director, Office of the Mayor, City of St. Paul
Bruce Elder, Sewer Utility Manager, City of St. Paul
Phil Belfiori, Water Resource Coordinator, City of St. Paul
John Maczko, City Engineer, City of St. Paul



State Historic Preservation Office

July 23, 2009

Ms. Marisol Simon
Federal Transit Administration, Region V
200 West Adams Street, Suite 300
Chicago, IL 60606

Ms. Kathryn O'Brien
Central Corridor Project Office
Metropolitan Council
540 Fairview Avenue, Suite 200
St. Paul, MN 55410

Re: Final Environmental Impact Statement, Section 4(f) Evaluation
Central Corridor Light Rail Transit Project
Minneapolis and St. Paul, Hennepin and Ramsey Counties
SHPO Number: 2007-1118

Dear Ms. Simon & Ms. O'Brien:

As you know, your agencies, our office, and several other parties have been in consultation about the proposed Central Corridor Light Rail Transit Project over past months, and have recently executed a Programmatic Agreement (PA) to address the effects of the project as required by Section 106 of the National Historic Preservation Act.

This letter addresses concerns we have identified with the Section 4(f) Evaluation published as part of the June 2009 Final Environment Impact Statement for the project.

Many of these concerns stem, in part, from the level of information about historic properties that was available at the early stages of project planning. The identification of historic properties for this project extended over several years. FTA's determinations of National Register eligibility for many properties were not available when many key project decisions were being made; in other cases planning decisions were made with information about the presence of historic properties, but with no analysis of potential effects. In such situations, development of feasible or prudent alternatives that avoid effects on historic properties, pursuant to Section 4(f) requirements, can suffer significantly because historic property issues are not clear at the time that project alternatives are being considered.

Following are some specific concerns about the 4(f) Evaluation in the FEIS:

- 1. For several historic properties, the 4(f) Evaluation asserts that the project will not result in vibration or noise that will substantially diminish their utility. Stipulation V of the PA specifically calls for additional study of the potential effects of vibration and/or noise on several historic properties. If adverse effects are anticipated or identified, mitigation (which might not "erase" the adverse effect) is required. Therefore, the conclusion in the Section 4(f) Evaluation would appear to be premature. Further, it is not clear how the FTA is ensuring that the 4(f) requirement to include "all possible planning to minimize harm" will be taken into consideration as the additional noise and vibration study is completed.

SHPO-1

Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102
651-259-3000 • 888-727-8386 • www.mnhs.org

2. The project will have a significant effect on access to Central Presbyterian Church and St. Louis King of France Church. Consultation on resolving these effects is continuing under Stipulation I.B.3. of the PA. For Central Presbyterian, a key part of the proposed solution to this problem includes providing an access alternative to the building through an adjacent parking lot privately owned by Minnesota Public Radio. At this point, the long-term viability of this solution is not clear, considering that the public alley by the church has apparently been vacated and the MPR parking lot parcel may be considered for future development. If this concern is not satisfactorily resolved, it is possible there could be a 4(f) constructive use issue related to the access.

SHPO-2

3. The 4(f) Evaluation concludes that the proposed project will not incorporate any land from contributing elements of the Prospect Park Historic District. Based on recent consultations about two University Avenue intersections in the District, it would appear that this conclusion is incorrect. The use of land from two historic landscaped triangles at these intersections is proposed. Although consultation is continuing in an effort to minimize the effects, it appears that the use of at least one of the triangles will constitute an adverse effect on the district. During continuing consultation about this issue, it is not clear how FTA is addressing the 4(f) requirements for 1) consideration of feasible or prudent alternatives and 2) inclusion of all possible measures to minimize harm.

SHPO-3

4. The 4(f) Evaluation concludes that the proposed project will have no adverse effect on the qualities of East River Road. We reach a different conclusion, based on initial consultation about a proposed design for reconfiguring a portion of this road near Pioneer Hall. During continuing consultation about this issue, it is not clear how FTA is addressing the 4(f) requirements for 1) consideration of feasible or prudent alternatives and 2) inclusion of all possible measures to minimize harm.

SHPO-4

5. The 4(f) Evaluation concludes that the proposed project will have no adverse effect on the University of Minnesota Campus Mall Historic District. Recent consultation on this portion of the project has brought forward a proposal to use a parcel of land at Washington Avenue and Church Street, within the historic district. The use of this parcel may constitute an adverse effect. During continuing consultation about this issue, it is not clear how FTA is addressing the 4(f) requirements for 1) consideration of feasible or prudent alternatives and 2) inclusion of all possible measures to minimize harm.

SHPO-5

6. With regard to project effects on the St. Paul Union Depot and on the Lowertown Historic District, the analysis in sections 7.5.2.1 and 7.5.2.2 is inadequate. The proportions and topography of the historic landscape of the depot approach are integral to the overall design, and the project will take a significant (*not* minor) amount of this land, resulting in an adverse effect. The project will restrict the access to the building via automobile, which is an important aspect of the historic circulation pattern of the approach. The project will have a significant adverse effect on views of the depot building across the historic open space defined by the building and Fourth, Sibley, and Wacouta Streets. The PA includes a consultation process to address the design of the light rail platforms and stations, with the goal of *reducing* the magnitude of the effects. However, as we indicated in our letter of 14 May 2009, the mere presence of substantial new construction in this historic open space will still constitute a significant adverse effect, even with the best attention to compatible project design.

SHPO-6

7. With regard to the project effects on the State Capitol Mall Historic District, the discussion in sections 7.5.2.4 is inadequate. The 4(f) Evaluation's analysis of the effects of the Rice Street Station (on the historic Leif Erickson Lawn) and of the Tenth Street Station (on the historic Capitol approach lawn panels) relegates substantial issues to "specific discussions" and minimizes their importance. The presence of substantial new construction along the edge of the historic open space of the Leif Erickson Lawn and on top of the two historic lawn panels of the Capitol approach on Cedar Street between 10th and 12th Streets will constitute significant adverse effects to the historic district. In addition, important unobstructed views of the Capitol (up Cedar Street, and of the north façade) will be affected.

SHPO-7

8. The discussion in section 7.5.2.5 does not clearly explain that this section only addresses 4(f) issues related to the Leif Erickson Lawn as a *park*. On the other hand, Section 7.5.2.4 addresses Leif Erickson Lawn as a *historic property*. It is important to be clear that the conclusion in Section 7.5.2.5 regarding the *de minimis* use of Leif Erickson Lawn only applies to the park aspect of the Section 4(f) analysis. Our office does not concur with a *de minimis* determination for the project effects on Leif Erickson Lawn as a historic property.
9. We urge FTA to be rigorous in its analysis of the adequacy of efforts to avoid impacts to historic properties under Section 4(f) requirements. Inasmuch as the 4(f) threshold for effort to achieve avoidance is greater than that required under Section 106, the Section 106 Programmatic Agreement alone cannot be used as measure of Section 4(f) adequacy. Unfortunately, our office does not have the staff resources - or the responsibility - to conduct a detailed assessment of adequacy of consideration of avoidance measures under 4(f). However, we are concerned that many of the early planning decisions regarding project alternatives were made before full information about historic properties was available. For example, the decision to move the Rice Street station from a location west of Rice Street, where no historic properties would be affected, to a location east of Rice Street, which has an adverse effect on the State Capitol Historic District, was made without a cultural resource effects analysis.
10. We have some specific concerns about the discussion of the Cedar Street lawn panels at the bottom of page 7.49. First, the timing of the *designation* of these panels is not the issue; indeed, the panels have not been designated as historic, and, in fact, such designation is not part of the Section 106 process. Rather, the FTA is required to evaluate (not designate) all properties in the project's area of potential effect for National Register eligibility. The timing of information about the Cedar Street lawn panels is not based on a "lateness of designation" but is due to the late timing of the completion of FTA's survey of historic properties. In such a situation, adequate consideration of alternatives should still be addressed.

SHPO-8

SHPO-9

SHPO-10

We look forward to working with the FTA, the Metropolitan Council, and the other parties to the Section 106 PA, in the implementation of the PA's terms. We appreciate your consideration of our concerns on the 4(f) Evaluation, particularly as those concerns are taken into account during the PA implementation.

Contact Dennis Gimmestad in our Review and Compliance section at 651-259-3456 with questions or concerns.

Sincerely,



Britta L. Bloomberg
Deputy State Historic Preservation Officer

- cc:
- Blythe Semmer, Advisory Council on Historic Preservation
 - Bonnie McDonald, Preservation Alliance of Minnesota
 - Lucy Thompson, City of St. Paul
 - Rev. David Colby, Central Presbyterian Church
 - Fr. Paul F. Morrissey, The Church of St. Louis, King of France
 - Nancy Stark, Capitol Area Architectural and Planning Board
 - Kathleen O'Brien, University of Minnesota
 - Richard Poppele, Prospect Park East River Road Improvement Association
 - Carol Carey, Historic St. Paul
 - Amy Spong, St. Paul Heritage Preservation Commission



Minneapolis
City of Lakes

**Department of
Public Works**

Steven A. Kotke, P.E.
City Engineer
Director

350 South 5th Street - Room 203
Minneapolis MN 55415

Office 612 673-2352
Fax 612 673-3565
TTY 612 673-2157

July 24, 2009

Kathryn O'Brien
Central Corridor Project Office
540 Fairview Avenue North
St. Paul, MN 55104

(via email and US mail)

Re: City of Minneapolis Comments for Central Corridor LRT
Final Environmental Impact Statement

Dear Ms. O'Brien:

Enclosed with this letter are the City of Minneapolis comments on the Central Corridor LRT Final Environmental Impact Statement (EIS). These comments were presented to the City of Minneapolis Transportation and Public Works Committee on July 21, 2009, which authorized submission of the comments to the Met Council by the July 27, 2009 deadline. The Transportation and Public Works Committee also forwarded the item to the Minneapolis City Council for approval at their meeting on July 31, 2009. We will notify you if any changes are made to these comments at the July 31, 2009 City Council Meeting.

We appreciate the opportunity to provide comments on the Final EIS for the Central Corridor LRT project and hope that resolution of our comments are incorporated into the environmental documentation and final plans for the project.. If you have any questions, please contact Kelly Moriarity, the City of Minneapolis contact for this project, at kelly.moriarity@ci.minneapolis.mn.us or at (612) 673-3617.

Sincerely,


Steven A. Kotke, P.E.
City Engineer, Director of Public Works



www.ci.minneapolis.mn.us
Affirmative Action Employer

**Central Corridor LRT
Final Environmental Impact Statement (FEIS) Comments
City of Minneapolis - July 21, 2009**

Responses to Comments

- The response to the comment about the roadway width on the Washington Ave Bridge only explains why the 16 foot traffic lane was selected based on space available on the bridge, but does not address how this one lane will be operated in the event of a breakdown or closure. The plans for the bridge need to include a management plan which will detail detection and response to incidents on the bridge. M-1

- Responses to comments about parking loss only detail plans for parking solutions in St Paul. There are parking impacts in Minneapolis as well on Washington Ave SE and university Ave SE in the University and Prospect Park areas which were also commented on. Plans for addressing parking impacts in Minneapolis should also be disclosed in the document. M-2

Chapter 4 – Environmental Effects

- 4.9-9, The section on Utilities in University/Prospect Park area states that the existing sanitary sewer along Washington Ave is expected to be replaced with a dual system. This proposal was not approved by the City of Minneapolis and should be updated to reflect the current plans to replace the existing sanitary sewer with a single sewer pipe in a new location as required. MP-3

Chapter 6 – Transportation

- 6-33, The Transit Mall will change access along Washington Ave SE and there will no longer be viable auto access to some private properties which will become land locked or will have no access except from the Washington Ave Mall. The project should address access to the properties on the south side of Washington Ave SE between Harvard and Walnut and buy access control if none will be provided. M-4

- 6-33, Table 6-12, all other Tables have columns with 2014 no-build and build values, see Tables 6-10, 6-13, & 6-14. The FEIS needs to conduct and present consistent analyses and resultant project impacts for 2014 for the intersection listed in Table 6-12. This was requested with our earlier SDEIS comments dated August 22, 2008. M-5

- 6-41&42, The effects of the proposed mitigation for the University/Huron/23rd intersection have not been reviewed for adverse effects to the affected roadways of 25th Ave SE and Delaware St. Impacts to parking and businesses are likely and have not been evaluated. The level of improvement the University /Huron/23rd intersection would receive from this mitigation is not disclosed. The effects of the proposed mitigation for this intersection should be analyzed by the project M-6

working with the City and appropriate mitigation implemented based on this analysis.

- 6-42, The West Bank area mitigation improvements to the Cedar-Riverside intersections need to be evaluated for other adverse effects and reviewed with the community prior to being finalized. Loss of parking or impacts to planned bike facilities may be undesirable effects of these mitigation plans. Final mitigation plans should be coordinated with the City.
- 6-43, The mitigation suggested to remove parking on the north side of Franklin Ave to allow two lanes westbound is not specific enough. This statement is intended for one block east of Highway 280, but the document does not say that. This statement should be clarified to eliminate confusion about the rest of Franklin Ave.
- 6-43, The adverse impact to the 5th St and 2nd Ave North intersection due to LRT may require more mitigation than just developing traffic signal timing. Other possible measures should be explored as well, such as striping or roadway modifications.
- 6-46, All parking is being removed from Washington Ave which will impact loading and unloading of passengers and freight along this segment. Mitigation for these impacts has not been disclosed. Alternative accommodations should be made.
- 6-46, The section titles University of Minnesota/Prospect Park does not address the parking impacts along University Ave in Prospect Park. These impacts are presumably included in the numbers for University Ave in the Midway East and West section. This is not clear. The section titled Prospect Park should list those impacts.
- 6-55, The section on Bicycle Impacts states there are no long-term impacts to bike facilities from the preferred alternative; however the project will impact the City of Minneapolis planned bike facility on University Ave as referenced in Section 6.4.1.1 of this document. Alternative plans and mitigation for this impact should be developed.
- 6-56, The section on Bicycle Impacts also states that plans for streetscape improvements are expected to help create a safe, pleasing, and commuter-friendly bicycle environment in the corridor, however, these improvements are not funded through the project or otherwise and are therefore not certain to occur and should not be considered planned mitigation for impacts.

M-7

M-8

M-9

M-10

M-11

M-12

M-13

To: 6516021920

From: (None)

07/27/09 05:15 PM Page 2 of 4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3580

JUL 27 2009

REPLY TO THE ATTENTION OF

E - 19J

Marisol Simon
Regional Administrator, Region 5
Federal Transit Administration
200 West Adams Street, Suite 2410
Chicago, IL 60604

**Re: Comments on the Final Environmental Impact Statement for the
Minneapolis-St. Paul, MN Central Corridor Project, CEQ No. 20090212**

Dear Ms. Simon:

In accordance with U.S. Environmental Protection Agency (US EPA) responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the Final Environmental Impact Statement (FEIS) for the Minneapolis - St. Paul, Central Corridor Project, in Hennepin and Ramsey Counties, Minnesota.

US EPA has previously participated in early scoping for this project in June 2001, provided comments on an Alternatives Analysis and Draft Environmental Impact Statement (DEIS) on June 5, 2006, provided scoping comments for a Supplemental DEIS (S-DEIS) on March 18, 2008 and comments on the S-DEIS on August 27, 2008. We also have participated in two site visits in 2008 and 2009 and other meetings and conversations with project managers, Metropolitan Council (MC) staff, and various affected community groups. This FEIS describes and assesses a baseline no build alternative and a preferred alternative Light Rail Transit (LRT) construction.

The Central Corridor LRT is approximately an 11-mile line that would serve the Minneapolis and St. Paul downtown areas, as well as the University of Minnesota (U of M), several residential/commercial neighborhoods, including an extensive, diverse minority and low-income community along University Avenue, and the State Capitol complex. In downtown Minneapolis, it would integrate with the Hiawatha LRT, and in downtown St. Paul, it would connect at the proposed Union Depot Multimodal Transit Hub, establishing the core of a seamless regional transit system.

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Opt-Out: *****

Our review of the Central Corridor Project proposal as previously presented in the DEIS and S-DEIS raised a number of concerns that have been resolved, including the following.

- ◆ We noted earlier air pollution modeling had used outdated methods. We commend MC for updating these analyses.
- ◆ The proposal for locating a rail car maintenance facility adjacent to the Union Station raised several impact concerns such as hazardous waste site issues, karst drainage and proximity to the Mississippi River, historic considerations, and traffic impacts to future transportation hub developments. We commend MC for relocating this maintenance facility to a brownfield site and thus avoiding the above impacts.
- ◆ We raised questions regarding alternative routes that had been dropped from consideration and others that had not been considered. We appreciate the explanations and reasoning for the selection process presented in the FEIS.
- ◆ Placing an LRT system on an existing arterial street will have traffic impacts. These impacts will include possible worsening of intersection Level of Service (LOS) on University Avenue and congestion created by diversion of traffic into adjoining neighborhoods. Pedestrian access and safety were also of concern at some station sites due to diverted traffic, and confusion from emergency vehicle access to the LRT. We commend the many modifications described in the FEIS to address these complex interactions, including relocation of station sites, intersection modifications, and redesign of ancillary traffic flow from and to the LRT streets.
- ◆ The DEIS and S-DEIS referred to unidentified impacts from yet to be located Traction Power Substations (TPSS). We appreciate the FEIS clarification of these TPSS locations and issues.
- ◆ Noise levels and vibration issues became of great concern at a number of important receptor sites. We commend the many studies, analyses and remedial commitments made to address these concerns.
- ◆ The issue of electromagnetic forces (EMF) became a concern due to research facilities at the U of M and a historic radio station along the LRT route. We commend the analysis and resolution of these site concerns.
- ◆ The S-DEIS only referred to some degree of reconstruction as necessary for the Washington Avenue bridge over the Mississippi River. We appreciate the FEIS presenting a clearer understanding of the extensive structural work to be done and commitment to maintaining the visual integrity of this significant community icon.
- ◆ We commend MC for its efforts in outreach to the minority and low-income community and the proposed resolutions of many concerns raised through these efforts. Particularly noteworthy are the enhancements for community connectedness and safety by increasing the number of traffic lights with pedestrian crossings, the developing of transportation system management mechanisms to facilitate traffic and LRT speed and reduce congestion, designs to redirected left turn traffic to and from cross street traffic, modification of the LRT barrier curb system, and a proposed addition of three stations in these communities, with commitment to providing at least the sub-infrastructure for these three stations.
- ◆ We commend the extensive efforts to address historic property impacts which were inevitable for such a core city project.

We recommend the Record of Decision (ROD) address the following issues.

Hazardous Waste Sites

Many hazardous waste sites have been identified in the project area, including those adjacent to the right-of-way (ROW), with potential to be directly impacted or disturbed due to project-induced development. We recommend the ROD define parameters for addressing such induced secondary impacts. For example, this project could provide incentives to encourage assessment, cleanup, and redevelopment of these transit oriented development (TOD) induced hazardous waste sites.

STORMWATER RUNOFF

Large portions of the project lie over bedrock structure that includes karst or has the potential for carrying pollutant laden water runoff quickly into the water table. We recommend the ROD clearly state what measures will be used for avoiding road spill and run-off risks at such sites, including best management practices (BMP) to be followed.

ENVIRONMENTAL JUSTICE

We recommend the ROD include specific plans for parking loss mitigation, completion of the three proposed additional stations, and continued discussions with the Rondo community about cumulative impacts regarding community cohesion and function.

HISTORIC PRESERVATION

Many historic properties and sites with potential for listing were identified. We recommend the ROD include commitments under the signed agreements with the State Historic Preservation Office. We also recommend the ROD identify issues that are still being negotiated and include plans to resolve them.

We appreciate the opportunity to review and comment on this FEIS for the Central Corridor Project. Should you have any questions regarding these comments, please feel free to contact me or my staff member Norm West, at 312-353-5692 or west.norman@epa.gov.

Sincerely,


for Kenneth A. Westlake, Supervisor
NEPA Implementation
Office of Enforcement and Compliance Assurance

Cc: Kathryn O'Brien
Environmental Services Project Manager
Central Corridor Project Office
540 Fairview Avenue North, Suite 200
St. Paul, Minnesota 55104

AS-1
P-1

UNIVERSITY OF MINNESOTA

Office of the General Counsel

360 McNamara Alumni Center
200 Oak Street S.E.
Minneapolis, MN 55455-2006
Office: 612-624-4100
Fax: 612-626-9624

July 27, 2009

Kathryn O'Brien
Environmental Services Project Manager
Central Corridor Project Office
540 Fairview Avenue, Suite 200
St. Paul, MN 55410

RE: Comments of Regents of the University of Minnesota on the Final Environmental Impact Statement ("FEIS") for the Central Corridor Light Rail Transit ("CCLRT") Project; Comments to EIS No. 20090212, Final EIS, FTA, MN, Central Corridor Project (FR Doc. E9-15141)

Dear Ms. O'Brien:

The Regents of the University of Minnesota ("University") submit the following comments on the FEIS for the CCLRT Project in Minneapolis and St. Paul, Minnesota. The University submits these comments in response to the notice of availability for the FEIS under the National Environmental Policy Act ("NEPA") in the *Federal Register* and under the Minnesota Environmental Policy Act ("MEPA") in the *EQB Monitor*. 74 Fed. Reg. 30569, 30570 (June 26, 2009); 33 EQB Monitor 5-6 (June 29, 2009). The University has worked energetically with the Metropolitan Council and the community throughout this process, but is very concerned about a number of outstanding critical issues in the FEIS. Consistent with its longstanding approach, the CCLRT University believes that reasonable solutions to the issues identified in these comments exist and that the CCLRT Project may move forward if the parties commit to a "do no harm" standard for proceeding. We reemphasize the University's earnest desire to work constructively with the Metropolitan Council, the Federal Transit Administration ("FTA"), and others to find the best solutions to the issues raised in these comments.

I. The University's Longstanding Support for Light Rail Consistent with Its Academic Mission

The University believes a strengthened metropolitan transit system that includes the CCLRT Project is essential for the continued success of the State and the University. For more than two decades, the University has been an active partner with Metro Transit and others to develop and implement an integrated transportation system that serves not only the University, but the entire metropolitan area. The University itself is a truly transit-oriented community, with two-thirds of its commuters using bus, bicycle, carpool,

Driven to DiscoverSM

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Ms. Kathryn O'Brien
July 27, 2009
Page 2

or walking options. As a result, the University has long advocated for the development of reasonable and creative transportation solutions that will best serve the more than 80,000 students, faculty, staff, patients, and guests that visit the University's Twin Cities campus every day. Clearly, the University and the Twin Cities need a transit system that is reliable, affordable, convenient, and safe.

The University has been—and remains—a committed, constructive partner throughout the CCLRT planning process. The University is convinced that the CCLRT Project is critical to maintaining and enhancing the existing Twin Cities metropolitan transit system. The University alone is expected to generate nearly thirty percent of the CCLRT Project's daily riders. The University's support for CCLRT dates to at least 2001, when the Regents passed a resolution advocating the project. An active participant in the Central Corridor Management Committee, the University has committed substantial human and financial resources over the past decade to the Central Corridor planning effort. To date, those resources include literally thousands of hours of professional staff and faculty time and expenditures equaling approximately \$2 million.

Although it remains fully committed to effective public transit, including particularly the CCLRT Project, the University's primary obligation and responsibility must be to its public mission of higher education, research, and outreach, and protecting its faculty and students. A transit system that very substantially affects the University's campus must not degrade the University's mission. This necessarily means that:

- The safety of the University's faculty, staff, students, and visitors to the campus must be fully protected;
- The facilities, equipment, and technology needs of the University's researchers must be fully protected;
- The persons seeking medical care in the clinics and hospitals at the University must be fully protected;
- The likely course and demands of future development on and adjacent to the University campus must be protected;
- The historical integrity and setting of the University campus must remain intact; and
- The ability of the public to access University resources must be preserved.

Ms. Kathryn O'Brien
July 27, 2009
Page 3

II. The University's Previous Comments on CCLRT Environmental Review Documents

The University has been as an active participant on the Central Corridor Management Committee, offering substantive comments on every environmental review document for the CCLRT Project. Issues such as vibration were a serious concern for the University in the 2006 Draft Environmental Impact Statement for the CCLRT Project ("DEIS"), which originally included a tunnel under Washington Avenue on the University campus rather than an at-grade alignment. Even assuming an LRT tunnel, the University at that time expressed specific concern that vibration from construction and operation of the CCLRT Project would adversely affect sensitive research equipment along the Washington Avenue corridor. *See* Letter from Kathleen O'Brien, Vice President, University Services, University of Minnesota, to Stephen L. Morris, Central Corridor Project Manager, dated June 5, 2006.

On February 25, 2008 the Metropolitan Council and FTA published notice of intent to prepare a Supplemental Draft Environmental Impact Statement for the CCLRT Project ("SDEIS"). An SDEIS was necessary to evaluate the environmental effects of an at-grade CCLRT alignment on Washington Avenue rather than the tunnel evaluated in the DEIS. The University submitted extensive comments addressing the scope of the SDEIS. Among the issues of particular concern that the University identified were:

- (1) The adverse effects of vibration and electromagnetic interference ("EMI") from the CCLRT Project on the University's sensitive research facilities adjacent to Washington Avenue;
- (2) The adverse effects of the CCLRT Project on historic resources; and
- (3) The adverse effects of the CCLRT Project on traffic, especially on the University's hospitals and clinics.

See Letter from Mark B. Rotenberg, General Counsel, University of Minnesota, to Kathryn L. O'Brien, Central Corridor Project Office and David Werner, FTA Region V, dated March 24, 2008.

The Metropolitan Council and FTA made the SDEIS available for public comment on July 11, 2008. In the SDEIS, the Metropolitan Council stated that many significant environmental impacts from the CCLRT Project remained unresolved, but promised to analyze those impacts and appropriate mitigation measures for the first time in a final environmental impact statement. The University submitted extensive comments on the SDEIS, expressing concern that the SDEIS failed to analyze the nature and extent of the following significant CCLRT effects:

Ms. Kathryn O'Brien
July 27, 2009
Page 4

- (1) The impact of vibration, both construction-related and from ongoing operations, on the University's sensitive research operations;
- (2) The impact of EMI on the University's sensitive research operations;
- (3) The impacts on historic resources;
- (4) Construction impacts, including noise; and
- (5) Traffic impacts.

See Letter from Kathleen O'Brien, Vice President, University Services, University of Minnesota, to Kathryn O'Brien, Environmental Service Project Manager, Central Corridor Project Office, dated August 25, 2008.

In December 2008 the Metropolitan Council provided the University with what it termed an "early review" draft FEIS and requested the University's comments on that document before submitting a revised draft FEIS to FTA. After careful review, the University found that the early review draft FEIS did not address many of the issues previously identified in the University's comments on the notice of intent to prepare an SDEIS and in the University's comments on the SDEIS itself. It was unclear why the early review draft FEIS failed to address these issues. Accordingly, on January 6, 2009 the University again submitted extensive comments to the Metropolitan Council on the early review draft FEIS. The comments again addressed the following issues, all of which the University also raised at length in previous comments on CCLRT environmental review documents:

- (1) The impact of vibration, both construction-related and from ongoing operations, on the University's sensitive research operations;
- (2) The impact of electromagnetic interference ("EMI") on the University's sensitive research operations;
- (3) The lack of a final analysis of impacts on historic resources;
- (4) Construction impacts, including noise; and
- (5) Traffic impacts.

See Letter from Mark B. Rotenberg, General Counsel, University of Minnesota, to Marisol Simon, Regional Administrator, FTA Region V, dated May 27, 2009, and

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attached Comment Matrix (summarizing the University's January 6, 2009 comments on the early review draft FEIS).¹

Although the Metropolitan Council requested comments on the early review draft FEIS, they did not provide the University with a final draft of the FEIS before submitting the document to FTA. Indeed, even after the Metropolitan Council provided the final draft FEIS to FTA, they refused to supply the University with a copy, despite repeated requests. Instead, the Metropolitan Council prepared a summary matrix of its responses to the University's comments. The summary matrix suggested that the Metropolitan Council made certain revisions to the early review draft FEIS in response to the University's comments. However, it also showed that the Metropolitan Council failed to address, and in some cases completely ignored, the University's most significant concerns, including:

- (1) The impact of EMI on the University's sensitive research operations;
- (2) The impact of vibration, both construction-related and from ongoing operations, on the University's sensitive research operations;
- (3) The lack of a final analysis of impacts on historic resources;
- (4) Construction impacts, including noise; and
- (5) Traffic impacts.

Id.

After careful review of the Metropolitan Council's summary matrix, the University concluded that the discussion in the revised draft FEIS of adverse environmental impacts, as well as necessary mitigation measures to address those impacts, remained seriously inadequate. As a result, on May 27, 2009 the University again submitted extensive comments on the revised draft FEIS, expressing concern that the Metropolitan Council's proposed revisions to the text failed to address the University's most significant issues:

- (1) The impact of EMI on the University's sensitive research operations;
- (2) The impact of vibration, both construction-related and from ongoing operations, on the University's sensitive research operations;
- (3) A final analysis of impacts on historic resources;

¹ The University understands that the Metropolitan Council did not provide the University's January 6, 2009, comments on the early review draft FEIS to FTA.

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- (4) Construction impacts, including noise; and
- (5) Traffic impacts.

Id.

The University has reviewed the FEIS and concludes that the document's analysis remains inadequate. As discussed in more detail below, the FEIS fails to comply with NEPA and MEPA in evaluating the environmental impacts and necessary mitigation measures to address the adverse effects of vibration and EMI from the CCLRT Project on the University's sensitive research operations, as well as in discussing construction impacts and the CCLRT Project's effect on historic resources. In discussing impacts and mitigation measures of critical importance to the University, the FEIS relies upon arbitrary and capricious assumptions. Moreover, the FEIS repeatedly ignores or fails to offer specific responses to comments that the University has repeatedly raised with the Metropolitan Council and FTA for nearly sixteen months.

III. The University's Continuing Concerns Regarding the CCLRT Project's Adverse Environmental Impacts

Of utmost concern to the University are the CCLRT Project's adverse effects on the University's valuable and sensitive research activities. So that FTA and the Metropolitan Council may fully evaluate the depth of the University's concern in this area, it is necessary to appreciate the importance of these activities to the State, to the Nation, and to the health and welfare of countless individuals who benefit from the scientific and medical advances occurring within a few feet of Washington Avenue.

Each year, University researchers are awarded more than \$650 million in competitively funded grants and contracts. In addition, the University currently holds more than 280 revenue-generating technology transfer agreements with business and industry and has established successful start-up companies over the last five years. As the State's primary research institution, the University receives 98% percent of all federally sponsored research grants awarded to higher education institutions in Minnesota. This research translates into invaluable real-world technologies, medical advances and more. The research plays a vital role in the economy of the region and supports more than 20,000 jobs.

The CCLRT Project will run through the very heart of the University's research corridor, with our research facilities and laboratories located as few as thirty feet from the planned CCLRT tracks. In all, there are nearly 100 laboratories in seventeen buildings on or near the CCLRT route that we believe could be adversely affected by either EMI, vibration or both. Without mitigation measures that ensure CCLRT impacts will not exceed existing ambient environmental conditions—especially existing levels for

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vibration and EMI—the project may destroy the public’s enormous investment in the University’s Washington Avenue research corridor and constrain the University’s future use of its laboratories. This impact, which would jeopardize one of the State’s most important economic engines, is unacceptable and must be appropriately mitigated.

A. Vibration Impacts

1. The FEIS Uses Arbitrary Methodology to Characterize Existing Background Vibration Conditions in the University’s Washington Avenue Research Corridor

The FEIS states, and the University agrees, that vibration from the operation of the CCLRT should be mitigated to “existing background” or ambient conditions. FEIS at 4.7-6. Determining existing background conditions, therefore, is critical to evaluating the environmental impact of vibration from CCLRT operations and to identifying mitigation that protects the University’s important research mission. To protect current and future research, the University requires a mitigation strategy that reduces the CCLRT Project’s vibration impacts to existing background conditions and across a wide range of frequencies. Unfortunately, the FEIS approach to determining existing background vibration—and therefore appropriate mitigation—is completely inadequate. Metropolitan Council and FTA approval of the CCLRT Project based upon the vibration information currently in the FEIS would be arbitrary and capricious.

ATS, the Metropolitan Council’s vibration consultant, initially evaluated ambient vibration levels in only seven laboratories on the University campus. Attachment A (Wilson, Ihrig & Associates Memorandum #6, CCLRT Project—ATS Final Report (12/19/08) Review Comments and Status Report on University’s Vibration Concerns, July 24, 2009, at 2). ATS later measured ambient vibration in twenty additional University laboratories. FEIS Appendix J4 (ATS Vibration Measurements Report, Dec. 19, 2008, at 6). However, over a year ago the University provided the Metropolitan Council with a lengthy list identifying nearly 100 laboratories and other areas on campus that could be adversely affected by vibration and EMI from the CCLRT Project. Attachment B (List of Sensitive Equipment and Research by Building and Room Number). The Metropolitan Council completely ignored this list. Accordingly, the existing background conditions for vibration at the majority of University laboratories and the predicted vibration levels from CCLRT operations at those laboratories are unknown. The FEIS list of adversely affected equipment is also incomplete, excluding a majority of the research laboratories and locations that the University identified more than a year ago as sensitive to vibration and EMI. FEIS at 4.7-14 to 4.7-16 and Table 4.7-9. In short, the vibration data that the Metropolitan Council has obtained and the incomplete FEIS list of laboratories and equipment adversely affected by the CCLRT Project are insufficient to identify mitigation measures that will protect the University’s Washington Avenue research corridor. Attachment A (Wilson, Ihrig & Associates

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Memorandum #6, CCLRT Project—ATS Final Report (12/19/08) Review Comments and Status Report on University's Vibration Concerns, July 24, 2009).

Moreover, the FEIS contains several critical errors in evaluating existing background vibration conditions and the vibration effects that CCLRT operations will generate. In an initial July 29, 2008, report, ATS used a time-weighted energy average known as "Leq" to define ambient vibration.² Attachment C (Wilson, Ihrig & Associates Memorandum #2, CCLRT Project-UM Vibration Criteria, June 17, 2009, at 2-3). The July 2008 ATS report projected light rail transit vehicle vibration levels for the CCLRT Project and compared those predicted vibration levels with ambient levels, assessed using the Leq criterion, in the University's Washington Avenue research corridor.

Then, in a December 2008 vibration report attached to the FEIS as Appendix J4, ATS changed the methodology used to assess existing background vibration. Rather than employing the Leq criterion, ATS employed a measure known as "L1%," a statistical metric in which an "ambient" vibration level is defined as the level that is exceeded one percent of the time.³ ATS explained that because vibration from a light rail transit vehicle lasts for only a few seconds, using L1% represents ambient conditions so long as the light rail transit vehicle vibration is less than the L1% metric. After repeated requests to explain the change, Metropolitan Council staff in a May 27, 2009 email to the University stated that the July 2008 draft ATS report was "somewhat ad hoc . . . probably the result of rushing to meet a deadline" and that "for the Dec 2008 version [of the ATS report] we decided that we should be specific about the criteria for impact to the U of M research facilities." It is unacceptable for the Metropolitan Council to change critical measurement methodologies without discussing a rationale or background documentation for the change in the FEIS. The ATS report (FEIS Appendix J4) and the FEIS itself offer no justification whatsoever for the Metropolitan Council's change in methodology to determine ambient vibration levels. Moreover, the University's earlier comments specifically objected to the change in methodology, but the FEIS response to comments completely ignores this issue. *See, e.g.*, FEIS Appendix K at K.8-102, K.8-104 to K.8-106, and K.8-113 to K.8-115.

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² "Leq" in the context of vibration stands for equivalent vibration level and is an average often used to describe vibration levels that vary over time (usually a one-hour period). FEIS at 4.6-2. Leq is the level of a steady vibration which, in the stated time period and at a stated location, has the same vibration energy as the time-varying vibration.

³ Metrics such as "L1%" are often expressed as "Lx," where "L" is the vibration level and "x" is the percentage of time during a particular period that the vibration level is exceeded. For example, the letter and symbol "L1%" in the metric means that a particular vibration level is equaled or exceeded during one percent of the stated time period.

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The University retained Wilson, Ihrig & Associates, Inc., ("WIA") to evaluate the work of ATS on vibration issues.⁴ After reviewing the work of ATS, WIA concluded that use of the L1% metric rather than the Leq criterion results in projected "ambient" conditions that include approximately twice as many high-vibration events than currently occur in fact. Attachment C (Wilson, Ihrig & Associates Memorandum #2, CCLRT Project-UM Vibration Criteria, June 17, 2009, at 2-5). As an average, Leq more accurately represents ambient vibration conditions and is less influenced than L1% by transient events, time of day, level of local activity, and other highly variable factors. *Id.* According to WIA, Leq is a more accurate and appropriate measure of ambient vibration than L1%, and using a nighttime ambient Leq (based on an hourly measurement) as a limit for vibrations from individual passing CCLRT trains would avoid adding high level vibration events and maintain current conditions. *Id.*

A University faculty committee, charged by University President Robert H. Bruininks with evaluating the effects of the CCLRT Project on the University's research, concurs in this conclusion. The faculty committee found that the CCLRT Project's vibration mitigation requirement "must be met in all relevant measures, including L1 and Leq, up to 200Hz." Attachment F (University of Minnesota Faculty Committee Assessment of CCLRT Impacts to the University of Minnesota Research, Report to President Robert H. Bruininks, July 21, 2009, at 9). In short, ATS's use of L1% to characterize "ambient" vibration overstates actual existing vibration levels on Washington Avenue, understates the impacts of CCLRT operations, and thereby fails to identify the mitigation actually required to adequately address the University's concerns. Attachment C (Wilson, Ihrig & Associates Memorandum #2, CCLRT Project-UM Vibration Criteria, June 17, 2009, at 2-5); Attachment F (University of Minnesota Faculty Committee Assessment of CCLRT Impacts to the University of Minnesota Research, Report to President Robert H. Bruininks, July 21, 2009, at 9).

2. The FEIS Arbitrarily Ignores the Effects of CCLRT Vibration at Frequencies in Excess of 80 Hz

⁴ WIA has more than four decades of experience in all aspects of acoustics and noise and vibration control, including work on over thirty railroad and transit systems in the United States and abroad. In addition, WIA pioneered the state-of-the-art measurement procedure for predicting vibration from rail transit now used by FTA, as well as the floating slab track mitigation technology used to address vibration from light rail transit systems. WIA designed the floating slab track system to protect research environments from vibration associated with a light rail transit system being built in proximity to the University of Washington in Seattle. The firm has also designed floating slab track systems for light rail transit projects in ten other major cities, including Atlanta, London, Los Angeles, and Washington, DC. Attachment D (Wilson, Ihrig & Associates Firm Profile and Experience). Dr. Richard A. Carman, the WIA principal assisting the University, has evaluated the groundborne vibration effects of over one dozen light rail transit projects and has designed three different floating slab track systems to mitigate such effects. Attachment E (Curriculum Vitae of Richard A. Carman, Ph.D, P.E.).

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The FEIS erroneously assumes that CCLRT vibration at frequencies higher than 80 Hz will not adversely affect the University's sensitive research. Research in the University's Washington Avenue corridor includes custom-designed instruments that are very sensitive to vibration above 80 Hz. For example, Professor Emad Ebbini, whose laboratory is located in the Electrical Engineering and Computer Science building on Washington Avenue, is partnering with faculty from the Civil Engineering Department and the Medical School to conduct experiments exploring new methods to detect skin cancer. The research involves vibrating tissue at frequencies above 200 Hz. By adding new high frequency vibration (that is, vibration above 100 Hz), the CCLRT Project will adversely affect Professor Ebbini's research. Attachment C (Wilson, Ihrig & Associates Memorandum #2, CCLRT Project-UM Vibration Criteria, June 17, 2009, at 5-6).

Similarly, Professor David Blank is conducting research in the basement of Kolthoff Hall, also on Washington Avenue, using an elaborate laser interferometer which he constructed.⁵ Professor Blank's device is one-of-a-kind; there are no "manufacturer's specifications" for permissible vibration with respect to this experimental apparatus. The device is mounted on a vibration isolation table to reduce existing ambient vibration from Washington Avenue and other sources. Professor Blank is convinced that an increase in higher frequency vibration—that is, above 100 Hz and above the benchmark for mitigation set by the Metropolitan Council—will produce a significant adverse effect on his research notwithstanding the vibration isolation table. Attachment C (Wilson, Ihrig & Associates Memorandum #2, CCLRT Project-UM Vibration Criteria, June 17, 2009, at 5-6). See also Attachment F (University of Minnesota Faculty Committee Assessment of CCLRT Impacts to the University of Minnesota Research, Report to President Robert H. Bruininks, July 21, 2009, at 2-5, 9-10, discussing CCLRT impacts on University research).⁶

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Increased vibration and EMI from the CCLRT Project will also interfere with other critical research at the University. For instance, CCLRT construction and operation will adversely affect the nuclear magnetic resonance ("NMR") facility in Hasselmo Hall. The Hasselmo Hall NMR facility, which will be fewer than eighty feet from the CCLRT tracks, supports \$110 million in grant funding and 160 researchers across twenty-two University departments, as well as undergraduate and graduate teaching. The cutting-edge research conducted in this laboratory has advanced discoveries and treatments in the

⁵An interferometer is a device for measuring the velocity and absorption of light waves. A vibrating crystal creates the waves that are radiated continuously into the fluid medium, striking a movable reflector placed accurately parallel to the crystal source. The waves are then reflected back to the source. The strength of the standing wave pattern set up between the source and the reflector as the distance between source and reflector is varied, or as the frequency is varied, indicates the absorption by the medium. The velocity at which the waves travel may be determined from the distance between the peaks in the pattern of standing waves.

⁶ These two examples of research are by no means exhaustive, but are intended to demonstrate the adverse impacts of CCLRT vibration at frequencies higher than 80 Hz.

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areas of cancer, AIDS, heart disease, muscular dystrophy, paralysis, diabetes, stroke, infectious disease, drug discovery, bone disease, and Alzheimer's. The following are just a few examples of particular research at Hasselmo Hall that will be adversely affected by vibration and EMI from the construction and operation of the CCLRT Project:

- A large group led by Drs. Hiroshi Matsuo and Reuben Harris has used the facility in research that revealed the structure of APOBEC3G, a protein that restricts HIV infection. This work was published in *Nature*, the most prestigious scientific journal.
- Dr. Kylie Walters and coworkers are conducting research, also published in *Nature*, which is paving the way for treatment of Parkinson's disease.
- Drs. Gianluigi Veglia and David Thomas are conducting research, published in a series of papers in the *Proceedings of the National Academy of Sciences*, which unlocks protein structural changes that may lead to a cure for congestive heart failure.
- Dr. Kevin Mayo has used the facility to discover a new class of cancer drugs.

Unfortunately, as the NMR manufacturer has concluded, "most of the [University's] NMR instruments will not be useable during parts of the construction, and will no longer be able to generate high-quality or even generally useable liquid-state NMR data once the normal light rail operation has started." Attachment K (Letter from Knut G. Mehr, Custom Solutions Manager, Magnetic Resonance Systems, Varian, Inc., to Beverly Ostrowski, Department of Biochemistry, Molecular Biology and Biophysics, University of Minnesota, May 21, 2009).

Another laboratory adversely affected by increased vibration and EMI from the CCLRT Project is the Chemistry NMR facility in Kolthoff Hall. This laboratory supports over 400 researchers, as well as undergraduate teaching. Research in Kolthoff Hall includes basic chemistry, drug discovery, and environmental advancements in such areas as biodegradable plastics and biofuels. Attachment F (University of Minnesota Faculty Committee Assessment of CCLRT Impacts to the University of Minnesota Research, Report to President Robert H. Bruininks July 21, 2009, at 1-2, discussing the importance of the University's Washington Avenue research corridor).

Yet the FEIS acknowledges that CCLRT operations will generate additional vibration in excess of 100 Hz—and perhaps as much as 200 Hz or more—above existing ambient levels at many locations along the University's Washington Avenue research corridor. FEIS Appendix J4 (ATS Vibration Measurements Report, Dec. 19, 2008). In fact, the December 2008 ATS report includes numerous examples where at frequencies greater than 80Hz, CCLRT vibration levels in the Washington Avenue research

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corridor—even with mitigation—will greatly exceed even the inflated L1% ambient vibration metric in the FEIS. *See, e.g., id.* at Figures 52, 57, 59, 64, 67, 69, 72 and 79. *See also* Attachment F (University of Minnesota Faculty Committee Assessment of CCLRT Impacts to the University of Minnesota Research, Report to President Robert H. Bruininks, July 21, 2009, at 2-6). Nevertheless, the FEIS erroneously concludes that based upon vibration criterion (“VC”) curves, no mitigation is necessary to protect the University’s sensitive research equipment from vibration frequencies greater than 80 Hz. FEIS at 4.7-4.

By relying on VC curves to limit mitigation, the FEIS fails to satisfy the requirements of NEPA and MEPA. VC curves were created over twenty years ago using specifications developed by equipment manufacturers to determine the vibration levels that would interfere with a specific piece of equipment’s ability to function. Attachment C (Wilson, Ihrig & Associates Memorandum #2, CCLRT Project-UM Vibration Criteria, June 17, 2009, at 5-6); Attachment F (University of Minnesota Faculty Committee Assessment of CCLRT Impacts to the University of Minnesota Research, Report to President Robert H. Bruininks, July 21, 2009, at 2-6). The curves simply stop at 80 Hz, FEIS at 4.7-4, reflecting the vibration sensitivity of a generic range of equipment manufactured almost a generation ago. Today, equipment manufacturers’ vibration sensitivity specification limits extend up to 200 Hz and beyond. *Id.* More importantly, as discussed above, research in the University’s Washington Avenue corridor involves custom-designed instruments that are adversely affected by vibration above 100 Hz. *Id.* Consequently, limiting the frequency range for CCLRT Project vibration mitigation to 80 Hz or even 100 Hz based upon oversimplified VC curves designed for a generic class of manufactured equipment is wholly inappropriate for the University’s custom-built experimental apparatus.⁷ In addition, an arbitrary limit of 80 Hz or 100 Hz does not account for future research equipment. The FEIS must address vibration impacts at frequencies up to 160 Hz or 200 Hz at a minimum. *Id.* Rather than evaluate such impacts and discuss appropriate mitigation, the FEIS arbitrarily excludes a discussion of

⁷ The ATS report of December 19, 2008 arbitrarily determines that there is no impact to University research if the predicted CCLRT vibration exceeds the ambient vibration but is at least five decibels below the VC-E curve. The decision to ignore impacts if the predicted vibration is five decibels under the VC-E curve undermines the University’s careful efforts, undertaken over several decades, to create and maintain extremely low vibration environments. Certain laboratory facilities have been designed and constructed in a manner to minimize ambient vibration conditions so that the facilities may support extremely sensitive research. Such environments need to be protected and must not be degraded. In addition, as noted above, VC curves were developed in the 1980s as a means of defining design standards for environments housing vibration sensitive equipment. Originally defined VC-A through VC-E, with VC-E being the most sensitive, VC-F and VC-G curves were adopted in 2007 by the Institute for Environmental Science and Technology to address advances in technology and the need for increasingly low vibration environments for research.

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vibration impacts from CCLRT vehicles above an 80 Hz threshold while at the same time admitting that vibration from the CCLRT Project will exceed that threshold.⁸

3. The CCLRT Project's Recommended Vibration Mitigation Strategy Will Not Safeguard the University's Sensitive Research Laboratories

To comply with NEPA and MEPA, an environmental impact statement must contain a complete and detailed discussion of mitigation measures. Without such a discussion, neither the agency preparing the environmental impact statement nor other interested groups and individuals may properly evaluate the severity of a proposed project's adverse effects. A mere listing of mitigation measures in an environmental impact statement, without supporting analytical data, is not enough. *League of Wilderness Defenders/Blue Mts. Biodiversity Project v. Forsgren*, 309 F.3d 1181, 1192 (9th Cir. 2002); *Gaule v. Meade*, 402 F.Supp.2d 1078, 1084 (D. Alaska 2005). Rather, the environmental impact statement must contain "enough definition to allow for a meaningful review and evaluation of the [mitigation] plan to ensure that it would be successful." *Sierra Club v. Flowers*, 423 F.Supp.2d 1273, 1324 (S.D. Fla. 2006). See also *Oregon Natural Res. Council v. Harrell*, 52 F.3d 1499, 1507 (9th Cir. 1995) (EIS that does not document efficacy of mitigation measures is inadequate); *Wilderness Soc'y v. Bosworth*, 118 F.Supp.2d 1082, 1106-07 (D. Mont. 2000) (best management practices not shown as sufficient to remedy landslide problem).

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In many cases, the FEIS provides only a mere listing of mitigation measures, arbitrary assumptions based on flawed research, or what could be viewed as the least amount of research needed to come to arbitrary mitigation recommendations. As discussed below, the perfunctory and conclusory discussion of mitigation measures to address the acknowledged adverse vibration effects from CCLRT operations on the University's critical research facilities renders the FEIS inadequate. Rather than carefully considering appropriate mitigation measures, the FEIS contains the arbitrary assumption

⁸ The Metropolitan Council's vibration testing methodology also does not accurately characterize the amount of vibration that the CCLRT Project is likely to generate. Initially ATS, the Metropolitan Council's consultant, attempted to predict vibration levels that the CCLRT Project will generate by dropping a forty-five pound weight from a height of approximately four feet and measuring the result. FEIS at 4.7.5 to 4.7-7. Although this method has been used in the past to characterize the vibration response of some lightweight structures, such as wood-framed residential houses, the University is concerned that the method does not adequately characterize the vibration response of large buildings to a moving train. Attachment G (Wilson, Ihrig & Associates Memorandum #4, CCLRT Project-Strib Building LSTM Test Memo-UM Review Comments, July 21, 2009); Attachment F (University of Minnesota Faculty Committee Assessment of CCLRT Impacts to the University of Minnesota Research, Report to President Robert H. Bruininks, July 21, 2009, at 3). ATS conducted additional testing using the Hiawatha LRT line and the Star Tribune Building in downtown Minneapolis, but the testing relied upon a building that is not representative of buildings at the University, as well as other conditions that do not replicate CCLRT operations. In sum, "the data that ATS presented is not applicable to the affected buildings at the University." *Id.* (Attachment G.).

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that CCLRT operation and maintenance procedures will be sufficient to control groundborne vibration. Relying upon flawed methodology and inaccurate assumptions, the FEIS proposes the use of high-resilience track fasteners to address vibration. However, the FEIS itself establishes that this mitigation approach is ineffective, as described in more detail below. As a result, the FEIS does not comply with the requirements of NEPA and MEPA.

a. Arbitrary Assumptions Form the Basis for the Proposed CCLRT Operation and Maintenance Procedures to Maintain Wheels and Rails

The FEIS accurately states that the first step in controlling levels of groundborne vibration and noise is to maintain the CCLRT wheels and rails in good condition. However, it is unclear how the FEIS can declare that “[a]ll indications are that Metro Transit’s maintenance policies have been successful at maintaining wheels and rails on the Hiawatha LRT in good condition.” FEIS at 4.7-7. This statement, purportedly supported by the December 2008 ATS vibration memorandum in FEIS Appendix J, is based upon arbitrary assumptions and is factually incorrect. Attachment H (Wilson, Ihrig & Associates Memorandum #3, CCLRT Project-Hiawatha Corridor LRT Wheel Conditions as they Pertain to Wheel Flats, June 18, 2009, at 1-3).

In concluding that Metro Transit’s maintenance policies for wheels and rails are adequate, the December 2008 ATS vibration assessment relies upon operation and maintenance procedures for the Hiawatha LRT line. After evaluating the ATS report, the University’s vibration consultant concluded that high vibration is a recurring problem on the Hiawatha LRT line, generating “substantially higher than average vibration levels” even under “presumably optimal conditions for maintenance.” *Id.* at 3. As a result, there is no reason to believe that the same Metro Transit maintenance procedures implemented for the Hiawatha line will ensure that CCLRT Project rail cars will operate on the University campus without producing higher than average vibration. *Id.* The CCLRT Project’s mitigation standards, as with all transit systems, must be inclusive of anomalies and potential variability in the performance of the system that may have nothing to do with system maintenance. The only solution to prevent excessive vibration from CCLRT rail car wheels is “dependable, non-human systems for identifying high vibration vehicles” before they enter the University campus. *Id.* The FEIS does not offer such a solution.

To ensure that high vibration vehicles do not operate on campus, the University believes it is critical that the CCLRT Project include mitigation similar to that planned for the light rail system being built in proximity to the University of Washington in Seattle. The Master Implementation Agreement between the University of Washington and Sound Transit requires that Sound Transit implement an early warning vibration detection system—including on-going, real-time monitoring—to identify trains with wheel flats (and consequently exaggerated vibration profiles) before they pass through

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the campus. In the event the early warning vibration detection system is activated, the defective light rail vehicle may not pass through the campus, unless slowing the speed of the vehicle allows it to comply with vibration thresholds. In addition, the mitigation requires Sound Transit to monitor the long-term trends of the system that could result in light rail vehicles exceeding vibration thresholds and implement an action plan to address the degradation trend. *See* Attachment I (Master Implementation Agreement for Sound Transit Entry to the University of Washington Seattle Campus, June 29, 2007, at §§ 4.2.1, 4.5.3). Because the proposed CCLRT line will be constructed even closer to the University's research laboratories than the Sound Transit system is to University of Washington facilities, the monitoring of long-term trends is even more critical for the CCLRT Project.

b. The Proposed Mitigation Involving Resilient Direct Fixation Track Fasteners is Based Upon Arbitrary and Unsupported Assumptions

As noted above, the University has constructed laboratory buildings along the Washington Avenue research corridor that require critical low-vibration environments. The CCLRT Project's proposed vibration mitigation is completely inadequate to ensure that operation of light rail transit vehicles as few as thirty feet from these laboratories will protect the University's research mission.

In discussing vibration impacts at the University, the FEIS relies upon two incorrect assumptions: (1) that the L1% metric is appropriate to characterize existing vibration levels and the CCLRT Project's effect on sensitive instruments; and (2) that vibration above frequencies of 80 Hz to 100 Hz will not adversely affect the University's research equipment. *See supra* Section III.A.1-2. On the basis of these erroneous assumptions, the FEIS concludes that high-resilience direct fixation track fasteners will adequately mitigate groundborne vibration impacts caused by CCLRT operations on campus. FEIS at 4.7-14 to 4.7-16, 4.7-18, and Table 4.7-9. Similarly, the FEIS concludes that a laboratory in Amundson Hall is the only research facility likely to require installation of an additional isolation table to effectively mitigate vibration impacts. FEIS at 4.7-14, 4.7-18, and Table 4.7-9. There is simply no factual support for these conclusions. The Metropolitan Council and FTA have yet to offer a single technical reference demonstrating that high-resilience direct fixation track fasteners are effective in reducing groundborne vibration in the track construction proposed for the CCLRT Project. Attachment J (Wilson, Ihrig & Associates Memorandum #5, CCLRT Project—CCPO Mitigation Strategy—UM Response, July 21, 2009, at 1-2).

Indeed, the FEIS itself establishes that high-resilience direct fixation track fasteners are ineffective. The December 2008 ATS report includes numerous examples where, at frequencies greater than 80Hz, the predicted vibration with fasteners exceeds even the erroneous ambient vibration metric in the FEIS. *See, e.g.*, FEIS Appendix J4 (ATS Vibration Measurements Report, Dec. 19, 2008, at Figures 52, 57, 59, 64, 67, 69,

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72 and 79). Moreover, even using the faulty L1% criteria, the track fasteners in some cases fail to mitigate vibration to ambient conditions at frequencies below 80 Hz. *Id.*

The University's May 27, 2009, comment letter on the early review draft FEIS recommended a "floating slab" track bed, similar to those installed in other projects such as Basel, Switzerland. According to the FEIS, floating slabs "are very effective at reducing vibration levels, but are also very expensive." FEIS at 4.7-8. The Metropolitan Council, in response to concerns raised by Minnesota Public Radio and its downtown St. Paul neighbors, recently agreed to install floating slab mitigation for the CCLRT track bed in St. Paul. As the FEIS explains, with a floating slab system in downtown St. Paul, "*the vibration generated by light rail operations is predicted to be below or equivalent to the existing ambient vibration at all frequencies.*" FEIS at 4.7-20 (emphasis added). The FEIS offers faulty analysis and logic for providing floating slab mitigation in downtown St. Paul but refusing to provide the same mitigation for the University's Washington Avenue research corridor. As a result, the FEIS continues to demonstrate that its conclusions and recommended mitigation strategies are arbitrary and capricious.⁹

In addition, the vibration mitigation that the FEIS proposes is inadequate because it does not call for monitoring conditions to ensure that such mitigation is effective, as well as allowing for additional corrective actions if the mitigation measures do not achieve their goals. According to the FEIS, the Metropolitan Council is "committed to ongoing vibration monitoring at select and appropriate locations to help ensure that mitigation measures as designed and constructed continue to function in the future." FEIS at 4.7-18. However, there is no information in the FEIS establishing that "select" monitoring at "appropriate" locations will be sufficient to address possible changes resulting from long-term operation of the CCLRT Project. This is particularly troubling, given that transit system maintenance budgets are stressed and that the effectiveness of mitigation measures tend to degrade over time. Attachment H (Wilson, Ihrig & Associates Memorandum #3, CCLRT Project-Hiawatha Corridor LRT Wheel Conditions as they Pertain to Wheel Flats, June 18, 2009, at 1-2). The FEIS also contains no information establishing that the proposed vibration mitigation will be sufficient to the address changes that occur in every transit system around the country, whether as a

⁹ According to the December 29, 2008, ATS report, a floating slab mitigation system on the University's Washington Avenue research corridor may amplify bus and other motor vehicle vibration. FEIS Appendix J4 (ATS Vibration Measurements Report, Dec. 19, 2008). However, the University's vibration consultant notes numerous projects where floating slab track mitigation measures reduced groundborne vibration from light rail transit operations without amplification by bus or motor vehicle traffic vibration. Attachment J (Wilson, Ihrig & Associates Memorandum #5, CCLRT Project—CCPO Mitigation Strategy—UM Response, July 21, 2009, at 1-3). Significantly, the University's vibration consultant designed many of these floating slab track systems. Both the University's vibration consultant and the University's faculty committee assessing CCLRT Project vibration impacts recommend installation of floating slab mitigation measures to safeguard the University's Washington Avenue research corridor. Attachment J (Wilson, Ihrig & Associates Memorandum #5, CCLRT Project—CCPO Mitigation Strategy—UM Response, July 21, 2009, at 1-3); Attachment F (University of Minnesota Faculty Committee Assessment of CCLRT Impacts to the University of Minnesota Research, Report to President Robert H. Bruininks, July 21, 2009, at 5-6).

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function of environmental changes over time or altered budgets and maintenance routines. *Id.*

The level of uncertainty associated with the CCLRT Project's vibration mitigation strategy must be addressed in the FEIS as part of a clear and detailed uncertainty analysis. Only such an uncertainty analysis will allow FTA, the Metropolitan Council, and all interested parties to understand the level of risk to the University's research activities associated with the vibration mitigation strategy. The University expects the CCLRT Project to install and maintain vibration mitigation that ensures CCLRT operations will not materially change properly-calculated existing ambient vibration levels. An acceptable mitigation strategy must also include vibration detectors, placed at several locations off campus and installed before commencement of CCLRT operations, to ensure light rail transit vehicles generating elevated vibration will not reach the campus. The vibration detectors must provide data that is auditable by the University and the Metropolitan Council in real time, be highly reliable, and may be used to identify any degradation over time in the effectiveness of mitigation measures.

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4. The FEIS Lacks Adequate Analysis of the Adverse Impacts From CCLRT Construction and Offers No Effective Protection for University Research From Construction Vibration and Noise

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The FEIS acknowledges that there will be a vibration impact on sensitive University equipment from CCLRT construction, which will extend over more than one construction season. Claiming that the vibration impact thresholds for University research facilities are "very low," the FEIS concludes that "it may not be feasible to achieve these limits during construction." FEIS at 4.7-22 to 4.7-23 and Table 4.7-11. In fact, every construction process for the CCLRT Project listed in the FEIS has a vibration level that exceeds standards and will interfere with the University's vibration-sensitive equipment. *Id.* The FEIS states that "vibration limits" will be employed during construction to "limit potential intrusion to research activities at the U of M facilities." FEIS at 4.7-23 to 4.7-25. However, the FEIS does not provide any detail as to what those "vibration limits" will be or how they will be implemented. Although the FEIS and the Metropolitan Council may believe this risk to the University is acceptable, the University does not.

Heavy construction in the Washington Avenue corridor will make it difficult, if not impossible, for the University to conduct research. For example, the manufacturer of the nuclear magnetic resonance ("NMR") equipment used for critical research in Hasselmo Hall recently confirmed that it will "likely be impossible to perform" advanced NMR solution-state experiments in Hasselmo Hall during CCLRT construction. Attachment K (Letter from Knut G. Mehr, Custom Solutions Manager, Magnetic Resonance Systems, Varian, Inc., to Beverly Ostrowski, Department of Biochemistry, Molecular Biology and Biophysics, University of Minnesota, May 21, 2009). The University is also concerned that vibration during CCLRT construction could irreparably

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damage the NMR equipment at Hasslemo Hall and other extremely expensive or one-of-a-kind research equipment. These impacts on the University are likely to total multi-millions of dollars, but the FEIS does not provide any proposed mitigation measures in response and the Metropolitan Council has failed to offer any solutions to this problem. Such an approach is completely unacceptable

According to the CCLRT Project's draft construction schedule, project construction activities with "higher levels of noise and vibration" in the Washington Avenue research corridor will occur for almost seven weeks. Attachment L (Projected Construction Schedule for Washington Avenue, Metropolitan Council, July 10, 2009). Construction activities with "lower levels of noise and vibration," which will still disrupt University research, will continue for nearly another eight weeks. *Id.* In short, adverse vibration impacts from construction will inhibit the University's research for approximately four months, costing the University not only millions of dollars but also the loss of critical time devoted to life-saving research.

Rather than develop a detailed mitigation plan to address adverse construction vibration impacts in the University's Washington Avenue research corridor, the FEIS proposes nothing more than notifying the University in advance of the construction schedule. FEIS at 4.7-24. In addition, the FEIS suggests that "in some cases" where "feasible and cost effective," CCLRT construction activities could involve "alternative" low vibration construction procedures. FEIS at 4.7-25. However, the FEIS offers no details regarding such procedures other than asserting that "in some cases it is feasible to use hydraulic pile drivers in place of impact pile drivers." *Id.* The FEIS acknowledges that the CCLRT Project cannot mitigate the adverse effects of vibration during construction on the University's sensitive research. Ostensible mitigation measures such as the possible use of alternative low vibration construction procedures are in reality nothing more than vague and inadequate assertions in the FEIS. As a result, the FEIS is inadequate as a matter of law. *Oregon Natural Res. Council v. Harrell*, 52 F.3d at 1507; *Sierra Club v. Flowers*, 423 F. Supp. 2d at 1324; *Wilderness Soc'y v. Bosworth*, 118 F.Supp.2d at 1106-07.

In addition, the FEIS states that a mitigation program to address CCLRT construction noise will be developed and will prohibit "loud" construction activities near the University, including dormitories and student housing. However, the FEIS does not define "loud." FEIS at 4.6-42. Differences of three decibels (dBA) can be detected by most people with average hearing abilities. FEIS at 4.6-2. However, the CCLRT Project fails to provide mitigation for noise increases of more than three dBA above normal ambient conditions. The Metropolitan Council and FTA also have not provided the University with specific noise mitigation measures for sensitive recording studios and performance halls on the University campus, including the recording studios and performance halls on the University campus such as those in Ford Hall and Murphy Hall, and the Cowles Auditorium in the Humphrey Institute.

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5. The FEIS Response to the University's Comments on Vibration Is Inadequate as a Matter of Law

University representatives have discussed all of the above concerns regarding vibration issues with the Metropolitan Council representatives. In addition, the University has raised these particular issues in providing specific and detailed comments on the SDEIS and, at the Metropolitan Council's request, on the early review draft FEIS. The University also addressed these critical matters in a May 27, 2009, comment letter submitted to FTA and the Metropolitan Council when the Metropolitan Council refused to provide the University with a copy of the final draft FEIS. It appears as if the Metropolitan Council has chosen to completely ignore the gravity of the University's issues during this process while at the same time modifying the CCLRT Project and expanding mitigation measures at the request of other entities with similar concerns.

As a matter of law, NEPA and MEPA require that the FEIS provide specific responses to the University's comments on vibration. Failure to adequately address the University's concerns regarding the analysis of adverse vibration impacts and possible mitigation measures renders the FEIS inadequate under NEPA and MEPA. *See, e.g., Davis v. Mineta*, 302 F.3d 1104, 1122-26 (10th Cir. 2002) (holding an environmental review document inadequate where comments regarding the impacts of a transportation project, including induced growth, phased construction, noise, and cumulative impacts, were insufficiently addressed); *Silva v. Lynn*, 482 F.2d 1282, 1265 (1st Cir. 1973) (holding that an EIS was inadequate where the agency failed to provide "good faith, reasoned analysis in response" to comments, noting that "comments may not simply be ignored"); *Nat'l Wildlife Fed. v. Andrus*, 440 F. Supp. 1245, 1251 (D.D.C. 1977) (holding an EIS was inadequate where it offered "little in the way of detail concerning the specific problem" identified in comments).

Contrary to the requirements of NEPA and MEPA, the FEIS does not respond to the University's comments with specificity and detail. Rather, the FEIS simply states that the Metropolitan Council's consultant prepared a vibration assessment based on FTA methods and that the results of the assessment are found in Section 4.7 and Appendix J of the FEIS. *See, e.g.,* FEIS Appendix K at K.8-102 (no specific response to comment expressing concern regarding the failure to mitigate vibration to existing levels), K.8-104 to K.8-106 (no specific response to comment that list of vibration-sensitive buildings is incomplete and inadequate), and K.8-113 to K.8-115 (no specific response to comment that additional testing is required to accurately predict vibration impacts and identify appropriate mitigation). By failing to offer substantive responses to the University's detailed comments on vibration impacts, the FEIS is inadequate as a matter of law.

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6. The FEIS Is Inadequate as a Matter of Law Because it Includes Substantial New Information Regarding Vibration Never Presented in Earlier Draft Impact Statements

The FEIS is also inadequate under NEPA and MEPA because the document includes new information never before presented. A final environmental impact statement that includes new information not appearing in a draft impact statement violates NEPA and MEPA. Offering new information for the first time in a final impact statement denies the public "the opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom." *Appalachian Mountain Club v. Brinegar*, 394 F. Supp. 105, 122 (D.N.H. 1975).

Here, the FEIS contains substantial new information addressing vibration that the Metropolitan Council and FTA failed to discuss in establishing the scope of review for the SDEIS or in the SDEIS itself. For example, the FEIS includes an ATS report prepared in December 2008, long after the Metropolitan Council and FTA published the SDEIS in July 2008. As discussed above, the December 2008 report without any explanation substitutes the more accurate Leq average employed in a July 29, 2008, ATS report to assess ambient vibration levels with the faulty L1% statistical metric.

B. Electromagnetic Interference (EMI) Impacts

1. EMI Impacts from CCLRT Operations Will Undermine the University's Critical Research

The FEIS acknowledges that operation of the CCLRT Project will emit EMI that interferes with the University's critical research, including NMR machines, electron microscopes, and other sensitive research equipment in laboratories near Washington Avenue. FEIS at 4.9-7. CCLRT Project operations will generate time-varying direct current ("DC") magnetic fields¹⁰ greater than 38.3 milligauss (mG) within 80 feet of the CCLRT rails to greater than 9.4 mG at 160 feet. FEIS Appendix J2 (CCLRT Electromagnetic Interference Measurement Assessment Report May 2008 at 8). Changes in DC magnetic field levels—even of just a few mG—can render certain sensitive research equipment useless for the type of research that the University performs. FEIS at

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¹⁰ Electrical current flowing through overhead contact wire and light rail transit train rails generates strong direct current ("DC") magnetic fields that vary with train operations. The concern is not necessarily the magnitude of the DC magnetic fields, but the change or variation in the fields over time. As a light rail transit train's traction power level increases or decreases, a proportionate change in DC field magnitude also occurs. The change, referred to as a "time-varying DC magnetic field," is what causes interference problems with equipment such as the University's research apparatus. In addition, any large mass of ferromagnetic material, such as a CCLRT train car, also causes a time-varying DC magnetic field that may interfere with the University's research equipment. Attachment M (FMS Memorandum, EMI Threat from Electrified Light Rail, July 23, 2009, at 1).

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4.9-7. However, the FEIS does not provide mitigations for the acknowledged adverse effects of CCLRT-produced electromagnetic fields on this sensitive equipment.

The existing environment along the Washington Avenue research corridor makes possible the University's many current and planned research endeavors involving laboratories and equipment that are highly sensitive to EMI. Examples of some of the current research that will be adversely affected by increased EMI as a result of CCLRT Project operations are set forth in Section III.A.2 above. Other NMRs, electron microscopes, magnetometers, and lithography systems along the corridor are also sensitive to EMI.

The University retained Field Management Services Corporation ("FMS") to provide advice on EMI issues and to evaluate the Metropolitan Council's analysis of EMI impacts from the CCLRT Project on the Washington Avenue research corridor.¹¹ FMS has concluded that, absent adequate mitigation, the CCLRT Project will create a zone adjacent to Washington Avenue within which the University will not be able to employ laboratories and equipment sensitive to shifts in DC magnetic fields. Such a zone will also limit the University's ability to use its property adjacent to Washington Avenue for research in the future. FMS further concluded that EMI mitigation measures designed to restore existing ambient conditions are the only option to protect not only the University's current research, but also future research endeavors. Attachment M (FMS Memorandum, EMI Threat from Electrified Light Rail, July 23, 2009); Attachment O (FMS Memorandum, Long Term Integrity of the Proposed CCLRT Mitigation System for EMI, July 23, 2009); Attachment P (FMS Memorandum, Magnetic Field Conditions Near the End of the EMI Mitigation Zone, July 24, 2009). The University's faculty committee concurs in FMS's conclusions. Attachment F (University of Minnesota Faculty Committee Assessment of CCLRT Impacts to the University of Minnesota Research, Report to President Robert H. Bruininks, July 21, 2009, at 6-8, 10-11).

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The FEIS approach to addressing adverse impacts on the University's research from EMI associated with operation of the CCLRT does not propose to maintain existing magnetic field conditions. To the contrary, the FEIS proposes measures intended to mitigate EMI based upon existing equipment specifications. FEIS at 4.9-3 to 4.9-4. The FEIS decision to focus upon individual pieces of existing research equipment rather than restoring ambient conditions undermines the University's careful efforts, undertaken over several decades, to create and maintain research environments along Washington Avenue.

¹¹ FMS is a professional engineering firm headquartered in Los Angeles that offers technical and engineering support to clients throughout the world. The firm is dedicated exclusively to the assessment and remediation of interference from electric and magnetic fields. It is a world leader in the application of technology to mitigate interference problems, successfully designing and installing mitigation systems to protect sophisticated research equipment and in a wide range of other applications. Attachment N (FMS Company Background).

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The FEIS mitigation strategy for EMI contrasts sharply with the FEIS mitigation strategy for vibration. As discussed above, the FEIS strategy to address vibration proposes to restore ambient conditions, although the FEIS method for determining ambient vibration conditions is unreasonable. The FEIS offers no persuasive technical rationale for opting to mitigate adverse EMI effects based only upon existing equipment specifications rather than upon existing ambient conditions. In addition, proposing that EMI mitigation should be based upon existing equipment specifications is inconsistent with efforts to address EMI from light rail transit projects near other research universities. For example, the local transit authority building a proposed light rail transit project to be located near the University of Washington campus in Seattle has agreed to include measures designed to mitigate EMI to ambient conditions. Attachment I (Master Implementation Agreement for Sound Transit Entry to the University of Washington Seattle Campus, June 29, 2007, at § 4.1). These projects demonstrate that EMI mitigation designed to preserve ambient conditions is the only method that protects the University's current and future research.

In addition, the FEIS list of existing University research equipment that may suffer adverse effects from EMI as a result of CCLRT Project operations is inaccurate and incomplete. The early review draft FEIS noted only the Hasselmo Hall facility—and specifically only the NMR equipment in Hasselmo Hall—as an area of concern for EMI impacts. However, the University's research corridor is home to an extensive inventory of sensitive laboratories and equipment, including numerous electron microscopes and other equipment, which are extremely sensitive to EMI. Over one year ago, the University provided the Metropolitan Council with a comprehensive list of research laboratories and equipment that could suffer adverse effects from EMI or vibration, or both, as a result of CCLRT Project operations. The list of equipment included relevant EMI threshold specifications, demonstrating that electromagnetic interference from CCLRT operations may pose a significant risk to the University's research in the Washington Avenue corridor. Attachment B (List of Sensitive Equipment and Research by Building and Room Number). The FEIS includes only some, but not all, of the equipment on the list that the University provided. FEIS at 4.9-3 to 4.9-4. It is unclear how the Metropolitan Council may arbitrarily decide that only specific pieces of research equipment should receive mitigation, rather than implement mitigation for entire laboratory facilities as the University requested.

2. The CCLRT Project's Recommended EMI Mitigation Strategy Will Not Safeguard the University's Sensitive Research

The FEIS concept for EMI mitigation is largely based upon a system implemented at Washington University in St. Louis. However, the University's sensitive laboratories are significantly closer to the proposed CCLRT alignment than the proximity of the Washington University laboratories to the St. Louis light rail line. Despite this material difference, the FEIS does not offer any reason to believe that the proposed EMI mitigation strategy will protect the University's sensitive research laboratories located so

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close to a light rail line. As a result, the FEIS discussion of mitigation does not comply with NEPA and MEPA.

The FEIS proposes that a "double-split" power supply system will mitigate time varying DC magnetic fields generated by CCLRT operations to a level that will remove any EMI threat to the University's sensitive research equipment. According to the FEIS, the City of St. Louis uses a "single-split" power system to protect NMR equipment at the Washington University campus from the city's light rail transit system. FEIS at 4.9-10 to 4.9-11. However, because the University's research laboratories are located very close to the CCLRT tracks, the FEIS correctly acknowledges that a single-split power system will not protect sensitive equipment. *Id.* The FEIS then describes a proposed double-split system, which it claims is more effective but similar in "concept" to "the single-split method." *Id.* Whether or not it is more effective than the "single-split method," the "double-split" mitigation system that the FEIS proposes is untested at such close proximity. The FEIS provides no evidence demonstrating that the double-split power supply system will protect the University's sensitive research laboratories.¹² Without such evidence, the FEIS is inadequate as a matter of law. *Oregon Natural Res. Council v. Harrell*, 52 F.3d at 1507; *Sierra Club v. Flowers*, 423 F.Supp.2d at 1324; *Wilderness Soc'y v. Bosworth*, 118 F.Supp.2d at 1106-07.

In addition, even if the Metropolitan Council and FTA had evidence showing that the double-split system is capable of mitigating EMI threats to research equipment in the University's Washington Avenue research corridor, none of that evidence has been provided and none is discussed in the FEIS. Also, the FEIS does not provide detail as to the length and location of the proposed EMI mitigation. Such information is essential to any mitigation strategy because mitigation of DC magnetic fields tends to be less

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¹² The University's faculty committee evaluating possible EMI impacts notes that, unlike Washington University and the University of Washington, the extremely close proximity of the CCLRT Project line to the University's research facilities means that in addition to EMI generated by the train's electrical current, the geomagnetic perturbation of the train's mass will also generate EMI. Attachment F (University of Minnesota Faculty Committee Assessment of CCLRT Impacts to the University of Minnesota Research, Report to President Robert H. Bruininks, July 21, 2009, at 6-8). FMS concurs in the conclusion that both the train's electrical current and the train's mass will generate EMI. Attachment M (FMS Memorandum, EMI Threat from Electrified Light Rail, July 23, 2009). The FEIS does not address EMI generated by the mass of moving light rail transit trains.

In addition, the decline of the EMI from its source is not a linear function of the distance between the source and a given laboratory. Rather, the decline varies as a function of the square of the distance of the laboratory from the source (r^2). Therefore, the CCLRT Project's proposed mitigation is likely to effectively address EMI for those University facilities located at distances of 200 to 250 feet or more from the CCLRT train. However, the EMI impact will be far greater on those facilities in close proximity to Washington Avenue, such as Kolthoff Hall, Amundson Hall, Hasselmo Hall, Jackson Hall, and Weaver-Densford Hall. Attachment F (University of Minnesota Faculty Committee Assessment of CCLRT Impacts to the University of Minnesota Research, Report to President Robert H. Bruininks, July 21, 2009, at 6-8); Attachment M (FMS Memorandum, EMI Threat from Electrified Light Rail, July 23, 2009).

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effective at the end points of mitigation zones. Attachment F (University of Minnesota Faculty Committee Assessment of CCLRT Impacts to the University of Minnesota Research, Report to President Robert H. Bruininks, July 21, 2009, at 6-8); Attachment M (FMS Memorandum, EMI Threat from Electrified Light Rail, July 23, 2009). The Metropolitan Council has provided no information in the FEIS establishing that its proposed EMI mitigation will be sufficient at the beginning and end of the proposed mitigation segment. In addition, although progress is being made, the Metropolitan Council has yet to provide the University with a comprehensive model that is capable of detailing potential EMI impacts from the CCLRT Project to existing and future research equipment.¹³

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Finally, the EMI mitigation that the FEIS proposes is incomplete in failing to specify monitoring to ensure that such mitigation is effective on an ongoing basis. Nor does the FEIS allow for additional corrective actions if the mitigation measures do not achieve their goals. According to the FEIS, the Metropolitan Council is "committed to ongoing EMI monitoring at select and appropriate locations to help ensure that mitigation measures as designed and constructed continue to function in the future." FEIS at 4.9-11. However, the FEIS does not specify how the Metropolitan Council will identify "select and appropriate" locations. Moreover, there is no information in the FEIS establishing that "select" monitoring at "appropriate" locations will be sufficient to address possible changes resulting from long-term operation of the CCLRT Project. This is particularly troubling, given that the effectiveness of EMI mitigation measures may degrade over time. Attachment O (FMS Memorandum, Long Term Integrity of the Proposed CCLRT Mitigation System for EMI, July 23, 2009).

The level of uncertainty associated with the CCLRT Project's EMI mitigation strategy must be addressed in the FEIS as part of a detailed uncertainty analysis. Only such an uncertainty analysis will allow the Metropolitan Council, FTA, and all interested parties to understand the level of risk associated with the EMI mitigation strategy. The University expects the CCLRT Project to implement and maintain EMI mitigation measures sufficient to ensure that time-varying DC magnetic fields from CCLRT

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¹³ The Metropolitan Council's preliminary EMI modeling data fails to accurately predict both EMI conditions at incremental distances adjacent to the CCLRT Project alignment on Washington Avenue and at the ends of the mitigation area (particularly closest to Kolthoff Hall). The modeling data also lacks detail regarding the fluctuation of magnetic fields over specific periods of time. Attachment F (University of Minnesota Faculty Committee Assessment of CCLRT Impacts to the University of Minnesota Research, Report to President Robert H. Bruininks, July 21, 2009, at 6-8). Failure to predict possible changes over time in the DC magnetic field generated by CCLRT operations is particularly disconcerting, as research equipment may experience EMI threats from both the magnitude of a shift and a change in ambient fields levels over time. Attachment O (FMS Memorandum, Long Term Integrity of the Proposed CCLRT Mitigation System for EMI, July 23, 2009). Of equal concern, the Metropolitan Council's EMI model does not incorporate the potential EMI impact and cumulative effects of the geomagnetic perturbation caused by the light rail transit trains. Attachment F (University of Minnesota Faculty Committee Assessment of CCLRT Impacts to the University of Minnesota Research, Report to President Robert H. Bruininks, July 21, 2009, at 6-8).

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operations will not exceed ambient levels. An acceptable mitigation strategy must also include integration of real time monitoring of EMI conditions along the Washington Avenue CCLRT alignment to ensure that EMI ambient conditions remain at acceptable levels. The EMI monitoring system must be installed before commencement of CCLRT operations, provide data that is auditable by the University and the Metropolitan Council in real time, be highly reliable, and be able to be used to identify any degradation over time in the effectiveness of mitigation measures. Attachment F (University of Minnesota Faculty Committee Assessment of CCLRT Impacts to the University of Minnesota Research, Report to President Robert H. Bruininks, July 21, 2009, at 6-8); Attachment O (FMS Memorandum, Long Term Integrity of the Proposed CCLRT Mitigation System for EMI, July 23, 2009).

3. The FEIS Response to the University's Comments on EMI Is Inadequate as a Matter of Law

The University has discussed all of the above concerns on EMI issues with the Metropolitan Council. In addition, the University has raised these critical matters in extensive comments on the SDEIS and, at the Metropolitan Council's request, on the early review draft FEIS. The University also raised these identical issues its May 27, 2009, comment letter provided to the Metropolitan Council and FTA before publication of the FEIS.

Rather than respond to the University's comments on EMI with specificity and detail, as NEPA and MEPA require, the FEIS merely asserts that the document contains an analysis of EMI impacts in Section 4.9. FEIS Appendix K at K.8-106 to K.8-108. Simply referencing a section of the FEIS rather than providing specific responses to the University's comments does not comply with the requirements of federal and state environmental review statutes. *Davis v. Mineta*, 302 F.3d at 1122-26; *Silva v. Lynn*, 482 F.2d at 1265; *Nat'l Wildlife Fed. v. Andrus*, 440 F. Supp. at 1251. Accordingly, the FEIS is inadequate as a matter of law.

C. Adverse Impacts on Historic Resources

Although Chapter 7 of the FEIS does offer a completed Section 4(f) evaluation for the CCLRT Project, the administrative record does not support the perfunctory and conclusory finding in the FEIS that the CCLRT Project will not substantially impair the attributes of the University's Campus Mall Historic District ("Campus Mall District"). In a half-page of analysis, the FEIS concludes that there has been no "use" of the Campus Mall District and that a Section 4(f) avoidance analysis is unnecessary. FEIS at 7-22 to 7-23. Specifically, the FEIS states that the proposed changes to Washington Avenue "would have no adverse effect on the attributes of this historic district" and "would not substantially impair the features and attributes that qualify this historic district for Section 4(f) protection." FEIS at 7-22. As discussed below, this conclusion is arbitrary, capricious, and insufficient as a matter of law.

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1. The FEIS Fails to Include a Section 4(f) Avoidance Analysis for the Campus Mall District Even Though the Administrative Record for the FEIS Demonstrates that the CCLRT Project Will Result in the Constructive Use of the District

Because the administrative record establishes that the CCLRT Project will result in the constructive use of the Campus Mall District, the FEIS must include a Section 4(f) avoidance analysis. The FEIS completely omits this information.

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Section 4(f) applies to all transportation projects that may adversely affect any historic site of national, state, or local significance. Unlike NEPA, Section 4(f) imposes a substantive mandate. *Neighborhood Ass'n of the Back Bay, Inc. v. Federal Transit Admin.*, 463 F.3d 50, 64 (1st Cir. 2006). A site is "historic" under Section 4(f) if it is on or eligible for inclusion on the National Register of Historic Places. 23 C.F.R. § 774.17(e).¹⁴ The Secretary of Transportation *may not* approve a project that requires "use of land of an historic site" under Section 4(f) unless there is no feasible and prudent alternative to such use and unless the project includes "all possible planning to minimize harm" to the historic site. 49 U.S.C. § 303(c). *See also* 23 C.F.R. § 774.3(a) (U.S. Department of Transportation regulations requiring FTA to implement Section 4(f)). For Section 4(f) purposes, "use" of a historic site occurs when the site is: (1) physically incorporated into a transportation project; (2) temporarily or permanently occupied in a manner that adversely affects the site; or (3) "constructively used" by a project that does not physically occupy the site but has "proximity impacts" that substantially diminish the "protected activities, features, or attributes" of the historic site. 23 C.F.R. §§ 774.17, 774.15(a).

In the case of the Campus Mall District, the construction of the CCLRT Project along Washington Avenue will bisect the District but may not physically occupy any Section 4(f) property. The Section 4(f) issue, therefore, is whether the introduction of CCLRT Project in the District constitutes a "constructive use" because of its proximity to the District's protected activities, features, or attributes. The United States Department of Transportation's regulations implementing Section 4(f) set forth an analytical process that FTA must follow when making a constructive use determination. The analysis includes: (1) identification of the property's "current" Section 4(f) activities, features, or attributes; (2) an examination of the proximity impacts of the proposed project; and (3) consultation with officials having jurisdiction over the property. 23 C.F.R. § 774.15(d). The term "use" in Section 4(f) is broadly construed and embraces the constructive use doctrine. *Citizen Advocates for Respon. Expansion (I-Care) v. Dole*, 770 F.2d 423, 441 (5th Cir. 1985).

¹⁴ The Campus Mall District is eligible for inclusion on the National Register of Historic Places. *See* FEIS at 7-22.

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The regulations also list circumstances that FTA deems to be constructive uses. Relevant to the Campus Mall District, these circumstances include:

[situations where the] proximity of the proposed project substantially impairs esthetic features or attributes of a property protected by Section 4(f), where such features or attributes are considered important contributing elements to the value of the property. Examples of substantial impairment to visual or esthetic qualities would be the location of a proposed transportation facility in such proximity that it . . . *substantially detracts from the setting of a Section 4(f) property* which derives its value in substantial part due to its setting.

23 C.F.R. § 774.15(e)(2) (emphasis added).

Setting is critical to the Campus Mall District's designation as a historic district. In designating the Campus Mall District, the University's Board of Regents resolved that the District is an area "possessing integrity of location, design, *setting*, materials, spirit and association, with distinctive characteristics of architectural quality and cultural significance in the history of the state." Attachment Q (Board of Regents Resolution Designating Northrop Mall as a Campus Historical District (approved Nov. 7, 1997) (emphasis added)). The District functions as a whole, with a longstanding distinct and cohesive feel, making it unique in the State.

Construction of the CCLRT Project through the center of the Campus Mall District, in the proximity of historic properties and buildings, will substantially alter and detract from the historic setting. The proximity of the CCLRT Project to the Campus Mall District is undeniable. The proposed route along Washington Avenue essentially bisects the District, and the CCLRT will be literally adjacent to protected Section 4(f) properties. FEIS at 7-22 to 7-23. As discussed above, the CCLRT Project will have substantial adverse vibration and EMI impacts upon the District.

Perhaps the greatest impact, however, will be upon the District's existing setting and its existing esthetic quality. The introduction of light rail transit and associated infrastructure will substantially alter the District's current Section 4(f) attributes. The CCLRT Project will necessitate a substantial overhead catenary system, including poles and wires. Even if "blended into the existing setting to the greatest extent possible" as the FEIS asserts, FEIS at 7-22, these new CCLRT features will be obtrusive and unattractive, substantially detracting from the District's setting.

In addition, the installation of traffic signals at the intersection of Pleasant Street and Arlington Street will adversely affect the Campus Mall District. Proposed signal poles with luminaries on top will rise to a height of thirty-five feet. Existing street lighting in the District is only eight to fourteen feet high. The proposed mast arms for the signal poles will project fourteen feet into the intersections at a height of twenty-four feet.

Ms. Kathryn O'Brien
July 27, 2009
Page 28

Overall, the appearance of the new signal poles and lights will more closely resemble an urban thoroughfare, not a campus street. The Metropolitan Council also predicts a twenty-three percent increase in average daily traffic in the District, representing more than 1,000 additional vehicles per day on Pleasant Street. The increased noise and visual distraction will adversely affect the public's safe enjoyment of the Campus Mall District's existing campus, park-like environment.

When a transportation project affects the setting of protected historic property and the property derives its historic value from that setting, as the District does, there is a constructive use of the property that an environmental impact statement must analyze and consider. Failure to include such an analysis renders an environmental impact statement inadequate as a matter of law. *See, e.g., City of South Pasadena v. Slater*, 56 F.Supp.2d 1106, 1122-23 (C.D.Cal. 1999) (granting preliminary injunction to plaintiffs where expansion of highway through center of historic district in close proximity to historic sites raised serious questions about whether defendants abused discretion in finding no constructive uses of any historic resources); *I-Care*, 770 F.2d at 441 (reversing district court's determination that expansion of 30 foot high highway would not constructively use nearby environmentally-sensitive and historic property).

Here, in determining that there is no constructive use under Section 4(f), the FEIS ignores the manner in which the CCLRT Project diminishes the Campus Mall District's setting. In addition, the FEIS determination of no constructive use is perfunctory and conclusory, with no analysis and no indication that the Metropolitan Council or FTA followed the analytical framework in FTA's regulations. *See* 23 C.F.R. § 774.15(d). *See* also *City of South Pasadena*, 56 F. Supp. 2d at 1122-23 (suggesting that defendant agency abused its discretion by offering "no analysis" of its determination of no constructive use); *I-Care*, 770 F.2d at 441 (reversing finding of no constructive use where agency failed to give any substantial consideration of the impacts of proposed highway project on an affected park and nearby historic properties).

Comments on the FEIS by the Minnesota Historical Society's State Historic Preservation Office ("SHPO") echo the University's concerns regarding the perfunctory and conclusory nature of the Section 4(f) analysis. In particular, SHPO questions the conclusion that the CCLRT Project will have no adverse effect on the Campus Mall District. SHPO notes that recent consultation has brought forward a proposal to use a parcel of land at Washington Avenue and Church Street within the District, and that such use may constitute an adverse effect. As SHPO explains, the FEIS does not address this possible use of land in the District, discuss mitigation measures regarding the proposal, or evaluate feasible and prudent alternatives as Section 4(f) requires. *See* FEIS Comment Letter from Britta L. Bloomberg, Deputy State Historic Preservation Officer, July 23, 2009.

See Comment
SHPO-5

Adding to the arbitrary and capricious nature of the FEIS determination of no constructive use is the long delay in preparing a Section 4(f) evaluation. The SDEIS

Ms. Kathryn O'Brien
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Page 29

completely failed to evaluate impacts of the CCLRT at-grade alignment on Section 4(f) property, identifying any such impacts as unresolved and to be determined. SDEIS at 7-1 to 7-14, 10-5. The Metropolitan Council and FTA included a Section 4(f) evaluation for the first time in the FEIS. By including a Section 4(f) evaluation in the FEIS that did not appear in DEIS or the SDEIS, the Metropolitan Council and FTA arbitrarily and capriciously denied the public an opportunity to make an informed judgment regarding the analysis. *Appalachian Mountain Club v. Brinegar*, 394 F. Supp. 105, 122 (D.N.H. 1975). As a result, the FEIS is inadequate as a matter of law.

2. The Section 106 Analysis in the FEIS Is Inadequate as a Matter of Law

In addition to the failure of the FEIS to identify the CCLRT Project's adverse impacts on the Campus Mall District and possible mitigation measures under Section 4(f), the Metropolitan Council and FTA have arbitrarily and capriciously delayed an analysis of the CCLRT Project's adverse effects under Section 106 of the National Historic Preservation Act.¹⁵ The June 15, 2009, Programmatic Agreement for the CCLRT Project confirms that the Metropolitan Council and FTA will not identify specific impacts on historic properties under Section 106, and any necessary mitigation measures, until *after* final design of the project is complete. FEIS Appendix G. This delay does not comply with the National Historic Preservation Act or federal regulations implementing the Act.

IJM-14

During the environmental review process, the Metropolitan Council and FTA have asserted that federal regulations establishing procedures for protecting historic properties under Section 106 allow for a deferred or "phased" evaluation. In addition, the Metropolitan Council and FTA maintain that the CCLRT Programmatic Agreement is consistent with this "phased" approach. These assertions are incorrect. Federal regulations provide that when effects on historic properties "cannot be fully determined prior to approval" of a project, FTA may enter into a programmatic agreement. 36 C.F.R. § 800.14(b). If it enters into a programmatic agreement, FTA may defer until after project approval the final identification of adverse effects that a project and its alternatives may have on historic properties. 36 C.F.R. § 800.4(b)(2). According to the Metropolitan Council and FTA, such "phasing" coupled with a programmatic agreement

¹⁵ Section 106 provides that before a federal agency may expend federal funds on a proposed project, the agency must evaluate the project's effects on buildings, sites, or districts included on or eligible for the National Register of Historic Places. 16 U.S.C. § 470f. The CCLRT Project requires Section 106 review because FTA may fund at least a part of the project. 16 U.S.C. § 470w(7). During the Section 106 process, which involves consultation with the State Historic Preservation Officer, FTA must assess any adverse effects that the CCLRT Project may have on a historic property, including a change in the character of the property's use and any "visual, atmospheric or audible elements" that diminish the property's significant historic features. 36 C.F.R. § 800.5(a)(2)(iv) and (v). Section 106 also requires that FTA "develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties." 36 C.F.R. § 800.6(a) (emphasis added).

Ms. Kathryn O'Brien
July 27, 2009
Page 30

allows FTA to defer an analysis of the CCLRT Project's impacts on historic properties under Section 106.

Nothing in the "phased" approach of the federal regulations implementing Section 106 allows the Metropolitan Council and FTA to delay consideration of adverse impacts on historic properties, as well as efforts to mitigate such impacts. The Programmatic Agreement states that the CCLRT Project will have adverse effects on historic properties, but does not identify those effects or possible mitigation measures. Federal regulations allow use of Section 106 programmatic agreements only when a project's effects on historic property "*cannot be fully determined* prior to approval of an undertaking." 36 C.F.R. § 800.14(b)(1)(ii) (emphasis added). Although the regulations do not require FTA to determine *every* adverse effect on historic property before approving a project, FTA must *make an effort* to determine the effects. FTA cannot rely on a programmatic agreement to avoid identification of possible adverse effects on historic resources before completing the final design of the CCLRT Project. Similarly, the federal regulations allow for a "phased" approach in identifying adverse effects when little is known about various project alternatives or where information on historic areas is "inaccessible through background research." 36 C.F.R. § 800.4(b)(2). However, when "specific aspects or locations of an alternative are refined or access is gained," FTA must "proceed with identification and evaluation of historic properties." *Id.* Such identification must include the "nature and extent of potential effects on historic properties," including mitigation measures. 36 C.F.R. § 800.4(b)(1).

Here, the Metropolitan Council and FTA know the precise route of the CCLRT Project. They also know that specific historic properties are present on the route. Delaying the identification of impacts and mitigation measure until after final design is complete, as the CCLRT Programmatic Agreement currently envisions, is unacceptable. Federal law requires action now.

3. The FEIS Response to the University's Comments on Historic Preservation Issues Is Inadequate as a Matter of Law

The University repeatedly provided the Metropolitan Council with detailed comments on the Section 4(f) and Section 106 processes, as well as on earlier draft versions of the Section 106 Programmatic Agreement. These comments expressed concern regarding the progress and substance of the consultation process on historic preservation issues. *See* Attachment R (Letter from Kathleen O'Brien, Vice-President of University Services, University of Minnesota, to Kathryn O'Brien, Metropolitan Council, April 3, 2009); Attachment S (Letter from Kathleen O'Brien, Vice-President of University Services, University of Minnesota, to Kathryn O'Brien, Metropolitan Council, May 15, 2009). As with other issues of importance to the University, the Metropolitan Council failed to address the issues raised in these comments. Similarly, the FEIS does not address these concerns, but merely asserts that there is no use of Section 4(f) property and that the Programmatic Agreement resolves Section 106 issues. *See, e.g.,* FEIS

Ms. Kathryn O'Brien
July 27, 2009
Page 31

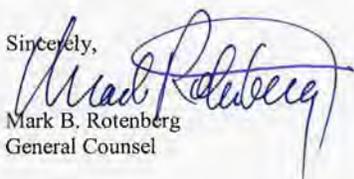
Appendix K at K.8-40 to K.8-42. Failure to address the University's concerns regarding the analysis of adverse impacts on historic properties and possible mitigation measures renders the FEIS inadequate under NEPA and MEPA. *See, e.g., Davis v. Mineta*, 302 F.3d at 1122-26; *Silva v. Lynn*, 482 F.2d at 1265; *Nat'l Wildlife Fed. v. Andrus*, 440 F. Supp. at 1251.

IV. Conclusion

Implicit in a "do no harm" standard is the assumption that the CCLRT Project will employ mitigation measures designed to maintain existing conditions along the University's critical Washington Avenue research corridor. In addition, the CCLRT Project must monitor any proposed mitigation measures on an ongoing basis to ensure mitigation measures are effective and to allow for additional corrective actions if they are inadequate to meet prescribed levels. The review of the FEIS shows that arbitrary and capricious decisions were made throughout the process, and such decisions are legally unacceptable.

The University strongly urges the Metropolitan Council and FTA to address each of these critical issues before issuing a Record of Decision that approves the CCLRT Project. The University has worked hard with the Metropolitan Council and the community throughout this process. It is disconcerting that so many of the University's major issues have been ignored. As it has throughout the environmental review process, the University seeks to work constructively with the Metropolitan Council and FTA to ensure that the CCLRT Project is built and operated in a manner that serves the transit needs of the region, is consistent with federal and state environmental requirements, and protects the University's public mission of higher education, outreach, research, and discovery.

Sincerely,



Mark B. Rotenberg
General Counsel

MBR:kls
Attachments A-S

cc: Marisol Simon, FTA Region V Administrator
William Wheeler, FTA



Minnesota Department of Transportation

Transportation Building
395 John Ireland Boulevard
Saint Paul, MN 55155-1899

July 27, 2009

Ms. Kathryn L. O'Brien, Environmental Services Project Manager
Central Corridor Project Office
540 Fairview Ave. North, Suite 200S
St. Paul, MN 55104

RE: Central Corridor Light Rail (CCLRT) Project Final Environmental Impact Statement
(FEIS) Comments

Dear Ms. O'Brien:

The Minnesota Department of Transportation (MnDOT) has reviewed the FEIS for the Central Corridor project (CCLRT). We had previously submitted comments on the Draft EIS in June 2006 and the Supplemental Draft EIS in August 2008 for this project, and we have no additional comments on the FEIS.

The CCLRT project crosses roadways under Mn/DOT jurisdiction at six locations: I-35W at Washington Avenue, Highway 280 at University Avenue, Highway 51 (Snelling Avenue) at University Avenue, I-94 and Cedar Street, Highway 5 (7th Street) at Cedar Street, and Highway 952A (Robert Street) at 4th Street. At these six locations, the CCLRT project will be required to submit intersection geometric designs and traffic analyses for Mn/DOT staff review approval. This coordination of data exchange and review is currently underway and will continue through the final design phase of the project.

We look forward to continuing to work with CCLRT staff during the final design phase. Please contact Victoria Nill (651/234-7658) if you have any questions regarding Mn/DOT requirements or procedures for the CCLRT project.

Sincerely,

Minnesota Department of Transportation
Frank Pafko
Chief Environmental Officer

cc: Victoria Nill, Metro District

An equal opportunity employer



**Physical Development Division
Lynn Thompson, Director**

Dakota County
Western Service Center
14955 Galaxie Avenue
Apple Valley, MN 55124-8579
952.891.7000
Fax 952.891.7031
www.dakotacounty.us

Environmental Mgmt. Department
Office of GIS
Parks and Open Space Department
Surveyor's Office
Transit Office
Transportation Department
Water Resources Department

July 27, 2009

Kathryn O'Brien
Environment Services Project Manager
Central Corridor Project Office
540 Fairview Ave North, Suite 200
St. Paul, MN 55104

Dear Ms. O'Brien:

This letter provides Dakota County's acknowledgment and receipt of the Central Corridor Light Rail Transit Project Supplemental Final Environmental Impact Statement (FEIS), as referenced by the Notice of Availability in the Federal Register on June 26, 2009.

We acknowledge that the FEIS provided an opportunity for organizations to review the proposed project and its alternatives. Dakota County understands the purpose of and need for action, potential project alternatives, and the measured benefits and impacts of the proposed project as outlined in the FEIS.

Thank you for the opportunity to review the Central Corridor Light Rail Transit Project Final Environmental Impact Statement. Please contact Sam O'Connell at 952.891.7105 should you have any further questions.

Sincerely,

Mark Krebsbach
Transportation Director
Dakota County

United States Department of Agriculture



Natural Resources Conservation Service
375 Jackson Street, Suite 600
St. Paul, MN 55101-1854

Helping People
Help the Land

Phone: (651) 602-7900
Fax: (651) 602-7914

August 3, 2009



Kathryn O'Brien
Environmental Services Project Manager
Central Corridor Project Office
540 Fairview Avenue North, Suite 200
St. Paul, Minnesota 55104

IN REPLY REFER TO: Central Corridor Light Rail Transit Project Final EIS

Dear Ms. O'Brien:

The Natural Resources Conservation Service (NRCS) has reviewed the above referenced Project Amendments. The project sponsors are not USDA program benefit recipients, thus the wetland conservation provisions of the 1985 Food Security act, as amended are not applicable. It should be noted, however, that actions by a non-USDA participant third party (project sponsor) which impact agricultural wetlands owned or operated by USDA participants, may jeopardize the owner/operators USDA eligibility. If such impacts are anticipated, the owner/operator should contact the county Farm Service Agency (FSA) office to consider an application for a third party exemption.

The following agencies may have federal or state wetlands, floodplain delineation, cultural resources, water quality, air quality or threatened and endangered species jurisdiction in the proposed project, and should be consulted.

- Army Corps of Engineers (USACOE) – Clean Water Act
• US Fish and Wildlife Service (FWS) – Endangered Species Act
• Board of Water and Soil Resources (BWSR) - Minnesota Wetlands Conservation Act
• Minnesota Department of Natural Resources (MDNR)
• Minnesota Pollution Control Agency (MPCA)
• State Historic Preservation Officer/State Archaeologist (SHPO)

Finally, if as a result of your proposal you are affecting agricultural lands, and if any federal monies are involved, it is a requirement that a Farmland Policy Protection Act (FPPA) site assessment be appropriately filed. Since your project does not appear to permanently affect agricultural land, this precludes the need for further action on this project as required by the FPPA. Our agency appreciates your thorough follow up on the environmental review requirements of this project. We complement your sincere efforts to have complied with all economic, social, and environmental review requirements when federal funds are part of project financing. We have no additional comments on your proposed construction changes.

Sincerely,

John E Beckwith
JOHN E. BECKWITH
Water Resources Staff Leader

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.
An Equal Opportunity Provider and Employer

Comments submitted on the Final Environmental Impact Statement (FEIS) for the Central Corridor Light Rail Transit Project, located in Minneapolis and St. Paul, MN

From: Alliance for Metropolitan Stability
2525 E. Franklin Ave.
MPLS, MN 55406
Contact: Russ Adams, Executive Director
russ@metrostability.org
612-332-4471

July 15, 2009

The Alliance for Metropolitan Stability is a broad coalition of 26 faith-based, social justice and environmental organizations advocating for public policies that promote equity in land use and urban development.

The Alliance for Metropolitan Stability is a member of the Transportation Equity/Stops for Us Coalition which represents a total of 67 constituency-based and/or citizen participation organizations. By invitation of University Avenue community organizations, we have supported coalition efforts along University Avenue in response to the future development of the Central Corridor Light Rail Transit Project.

Our collective focus is to ensure that three additional stops are built at Hamline Ave., Western Ave. and Victoria Street by the completion of the line. These stops are part of a larger equity strategy for the future development along University Avenue.

The Environmental Justice (EJ) chapter of the Final EIS represents a significant advancement in the Metropolitan Council’s understanding of the EJ issues compared with earlier drafts, but still fall short when it comes to understanding the importance and significance of EJ data and issues.

EJ-1

The Metropolitan Council concludes that “minority and low-income communities would not disproportionately experience any high or adverse impacts associated with implementation of the Preferred Alternative (University Avenue) except under the transit accessibility criteria, and the entire study area would benefit from this significant public infrastructure investment.”¹ The adverse impact on transit accessibility is based on a readjustment to the Metropolitan Council’s analysis that reveal several census blocks near the intersection of Western and University Ave. that would experience a net loss in transit service.

We continue to disagree with Metropolitan Council’s analysis comparing conditions along the line with the entire populations of both Hennepin and Ramsey Counties. Hennepin County is more than twice as populous as Ramsey County and its median income is about \$6,000 higher.² Yet most of the stops, 13, are in Ramsey County, and only 5 of the stops that are to be constructed are in Hennepin County. A more

¹ Central Corridor FEIS Chap 3.8 pg 14
² Central Corridor FEIS Chap 3.8 pg 3

appropriate comparison is to compare conditions in the Minneapolis portion of the line with Minneapolis conditions, and conditions in the Saint Paul portion of the line with Saint Paul.

We also believe that Figures 3.8-1³ and 3.8-2⁴ are improperly done. Figure 3.8-1 shows the minority population per acre by census block group, and Figure 3.8-2 shows the number of people living below the poverty level per acre by census block group. There are two problems with these figures:

- Both minority population and the number of people living below poverty are available by individual block. Why not report the actual number by individual block, unless the object is to reduce the appearance of the concentration of both poverty and minority population.
- The block groups that show the lowest concentration of both minorities and poverty are not inhabited. Most are zoned industrial or include the state capitol. One large parcel is a private golf course and country club. Given the data available to the Metropolitan Council, failure to designate the uninhabited blocks points to inadequate research.
- Local knowledge is important in undertaking the analysis surrounding a project of this size, but the Metropolitan Council has failed to take their knowledge of local conditions into account, relying on statistics instead. Specifically, Figure 3.8-2 identifies significant poverty around the University of Minnesota. This area includes a large number of students whose poverty is, presumably, temporary, and differs significantly than the persistent poverty along the eastern end of University Avenue.

EJ-1

An important argument in favor of adding the missing stops on University Avenue that was not included in the FEIS is the Metropolitan Council research that shows the largest number of people who both live and work in the Central Corridor live near the eastern end of University Avenue, the area that we believe is seriously underserved by the Central Corridor light rail. The figure inserted at the end of this document shows the residence of people who work inside the area designated the Midway University Employment Center.⁵

A more accurate measure of the statistics would demonstrate a broader and more distinct disproportionate impact on the minority and low-income East University Avenue communities within the Central Corridor LRT project resulting in a clearer need to mitigate with the construction of the three missing stations at Hamline, Western, and Victoria.

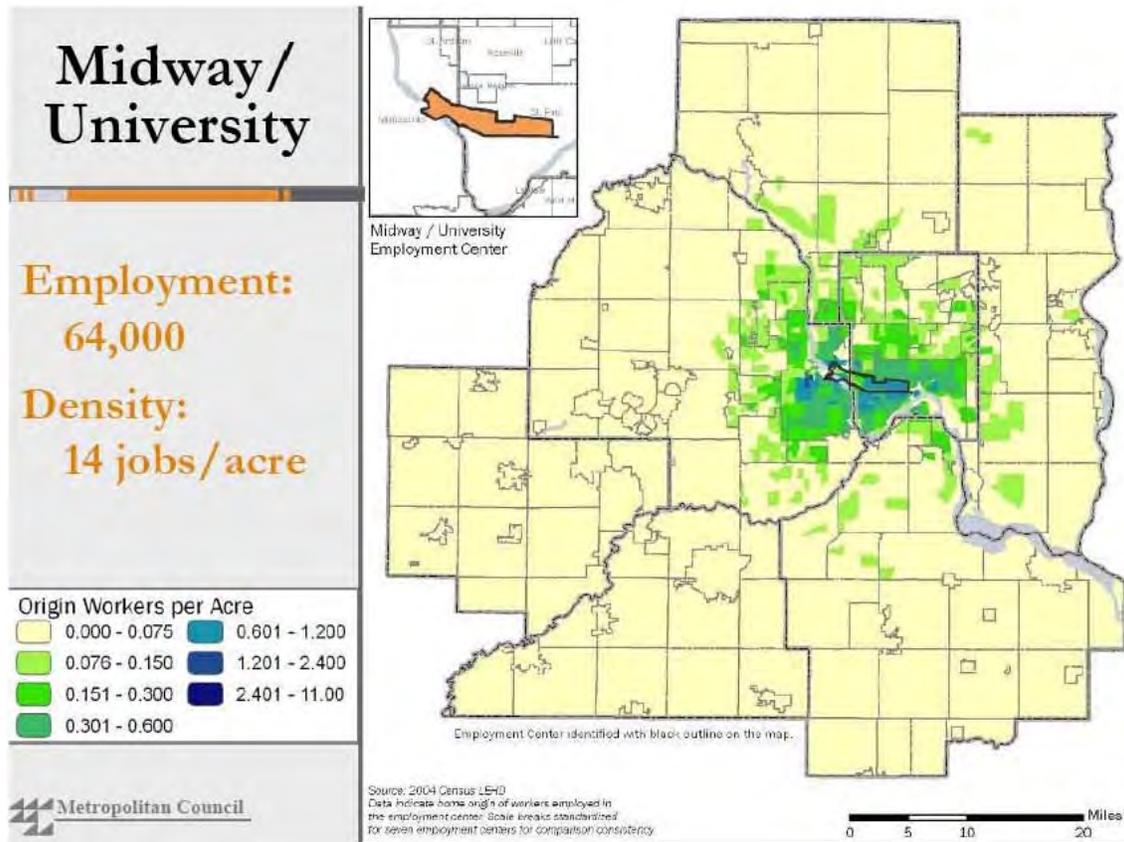
The Alliance for Metropolitan Stability calls on the Metropolitan Council to resolve the disparities in the Central Corridor LRT Line by including three stations at Hamline, Victoria, and Western.

AS-1

³ Central Corridor FEIS Chap 3.8 pg 4

⁴ Central Corridor FEIS Chap 3.8 pg 5

⁵ Becker, Carol, "Commuting Patterns in the Twin Cities," Metropolitan Council, 2008



MACALESTER GROVELAND COMMUNITY COUNCIL

BOARD OF DIRECTORS

320 South Griggs Street
St. Paul, MN 55105

July 9, 2009

Kathryn O'Brien
Central Corridor LRT Project Office
540 Fairview Ave. N., Ste. 200
St. Paul, MN 55104

Dear Ms. O'Brien:

The St. Paul Macalester Groveland Community Council Board of Directors passed the following resolution concerning the Central Corridor Final Environmental Impact Statement at our meeting of June 11.

WHEREAS the design plans for the Central Corridor Light Rail Transit do not specify construction of needed stations at Western, Victoria, Hamline, and Cretin/Vandalia, despite clear evidence that one mile station spacing is too far in our urban geography; and

AS-1

WHEREAS mitigation of the lack of needed stations and access to stations, such as maintenance of the current schedule of the #16 bus, new circulator buses, additional north/south bus lines are either inadequate or non-existent; and

TS-1

WHEREAS there are, as yet, no confirmed, effective plans to preserve viability of local businesses by providing customer access, parking and mitigation of lost revenue during construction;

BI-1

THEREFORE, BE IT RESOLVED that the Macalester-Groveland Community Council, a member of the District Council Collaborative, strongly encourages resolution of these significant issues raised by concerned citizens before Federal Transportation Administration approval of the Central Corridor Environment Impact Statement.

Thank you.

Yours truly,



Rich Broderick
President,
Board of Directors

July 24, 2009

Kathryn O'Brien
Central Corridor LRT Project Office
540 Fairview Avenue N. Suite 200
St. Paul, MN 55104

Dear Ms. O'Brien:

Jewish Community Action (JCA) is submitting our comments on the Final Environmental Impact Statement with a particular emphasis on environmental justice and support for the construction of the additional stations at Hamline Avenue, Western Avenue, and Victoria Street in St. Paul, Minnesota. We believe these additions and other changes are critical to equitable outcomes.

Jewish Community Action is a membership organization representing more than 700 households that brings together Jewish people from multiple communities to understand and take action on social and economic justice. For more than 12 years, JCA has been working in alliance with diverse organizations on issues of affordable housing, immigrant rights and community reinvestment.

Jewish Community Action has also been part of several coalitions of organizations for more than four years advocating for equitable outcomes and racial justice related to the development of light rail transit and other development on University Avenue. We have been supporting efforts to increase affordable housing, local hiring and living wage jobs in developments along the Central Corridor. We are a member of the Transportation Equity/Stops for Us Coalition which represents a broad spectrum of constituency-based and/or citizen participation organizations.

These comments were largely prepared by Dr. Andrea Lubov who is a member of JCA and lives in St. Paul in the Merriam Park neighborhood. She has also been involved recently in community discussions about the central corridor with residents and organizations actively involved in monitoring development plans related to the upcoming Light Rail Transit.

Dr. Lubov also has a strong educational background that has been invaluable to discussions about this project including an A.B in Economics from the University of California, an M.A. in Economics from San Francisco State University and a Ph.D. in Economics from Washington State University. In addition to her educational experience, Dr. Lubov has extensive planning experience related to the Hiawatha Light Rail and early planning related to the Central Corridor.

We appreciate the opportunity to submit our comments on the FEIS and look forward to participating in future hearings or public participation in this process. Thank you.

Sincerely,

Vic Rosenthal
Executive Director

Andrea Lubov
Member

Jewish Community Action Comments on the Final Environment Impact Statement

The Environmental Justice (EJ) chapter of the Final EIS represents a significant advancement in the Metropolitan Council’s understanding of the EJ issues compared with earlier drafts, but the authors still fall short when it comes to understanding the importance and significance of EJ data and issues. The report reads as if the authors were determined to minimize the importance of the impact of the Central Corridor Light Rail on EJ communities. Specifically, we point to the following:

- The poverty rate along the entire line is examined incorrectly. The EJ communities are concentrated between Snelling Avenue and Rice Street in Saint Paul, and the poverty rate is deeper and more persistent than elsewhere along the line. Despite the concentration of low income, transit dependent, racially diverse population in this area, the Metropolitan Council concludes that “minority and low-income communities would not disproportionately experience any high or adverse impacts associated with implementation of the Preferred Alternative (University Avenue) except under the transit accessibility criteria, and the entire study area would benefit from this significant public infrastructure investment” (Chap 3.8, p.14).
 - Running circulator buses every half hour around selected portions of the study area is not the equivalent of adequate transit along a major thoroughfare. Infrequent circulator buses mean people will be left waiting for the bus up to half an hour after they leave the light rail.
 - The area within ¼ mile of the three missing stations, Hamline, Victoria, and Western Avenues, contains more people than any other segment of the line within Saint Paul as shown in the table below:

Population within ¼ mile of Saint Paul stations	
Segment	Population (2000 Census)
Western (Fairview, Raymond, Eastgate—Saint Paul portion)	3,801
Central Planned (Snelling, Lexington, Dale, Rice)	7,408
Central Missing (Hamline, Victoria, Western)	8,445
Eastern (Capitol East, 4 th Street, Union Depot)	7,335

EJ-1

- Both the ethnic diversity and the poverty rate are higher in the central section of the Saint Paul section of the line than elsewhere. Not providing the missing stations at Hamline, Victoria and Western is discriminating against the poor ethnically diverse and transit dependent people who live near these missing stations. The table below shows the percent of minorities and the poverty rates of people living within ¼ mile of the Saint Paul Stations:

Ethnic diversity and poverty rates within ¼ mile of Saint Paul Stations				
	Western Stations	Central Stations Planned & Missing	Eastern Stations	Rest of Saint Paul
Percent minority	18%	76%	39%	33%
Percent in poverty	27	29%	23%	14%

EJ-1

- The LRT line is approximately 11 miles long, with no designated “park and ride” lots anywhere along the line. Thus, virtually everyone who rides this line will likely get to it on foot or by public transit, making it highly unlikely that people living outside the core cities will be regular passengers. Further evidence that that using all of Hennepin and Ramsey Counties for a comparison is inappropriate.
 - For people living along the eastern end of University Avenue, the light rail is, at best, a mixed blessing. Negative impacts of the line include noise, rising property values and taxes, neighborhood disruption, encroachment of neighborhood parking by “park and hide” users of the line.
- Comparing conditions along the line with the entire populations of both Hennepin and Ramsey Counties is too broad a comparison. Hennepin County is more than twice as populous as Ramsey County, it is physically more than 3-1/2 times the size of Ramsey County, and its median income is about \$6,000 higher. Yet most of the stops, 13, are in Ramsey County, and only 6 of the stops that are to be constructed are in Hennepin County. A more appropriate comparison is to compare conditions in the Minneapolis portion of the line with Minneapolis conditions, and conditions in the Saint Paul portion of the line with Saint Paul.
- Figures 3.8-1 and 3.8-2 are improperly done. Figure 3.8-1 shows the minority population *per acre by census block group*, and Figure 3.8-2 shows the number of people living below the poverty level *per acre by census block group*. There are two problems with these figures:
 - Both minority population and the number of people living below poverty are available by individual block and that is what should have been reported. Spreading out the appearance of pockets of poverty by reporting percent of poverty by acre dilutes the appearance of the concentration of poverty.
 - The block groups that show the lowest concentration of both minorities and poverty are not inhabited! Most are zoned industrial or include the state capitol. One large parcel is a private golf course and country club and another is a large paper recycling plant. Given the data available to the Metropolitan Council, failure to designate the

P-1

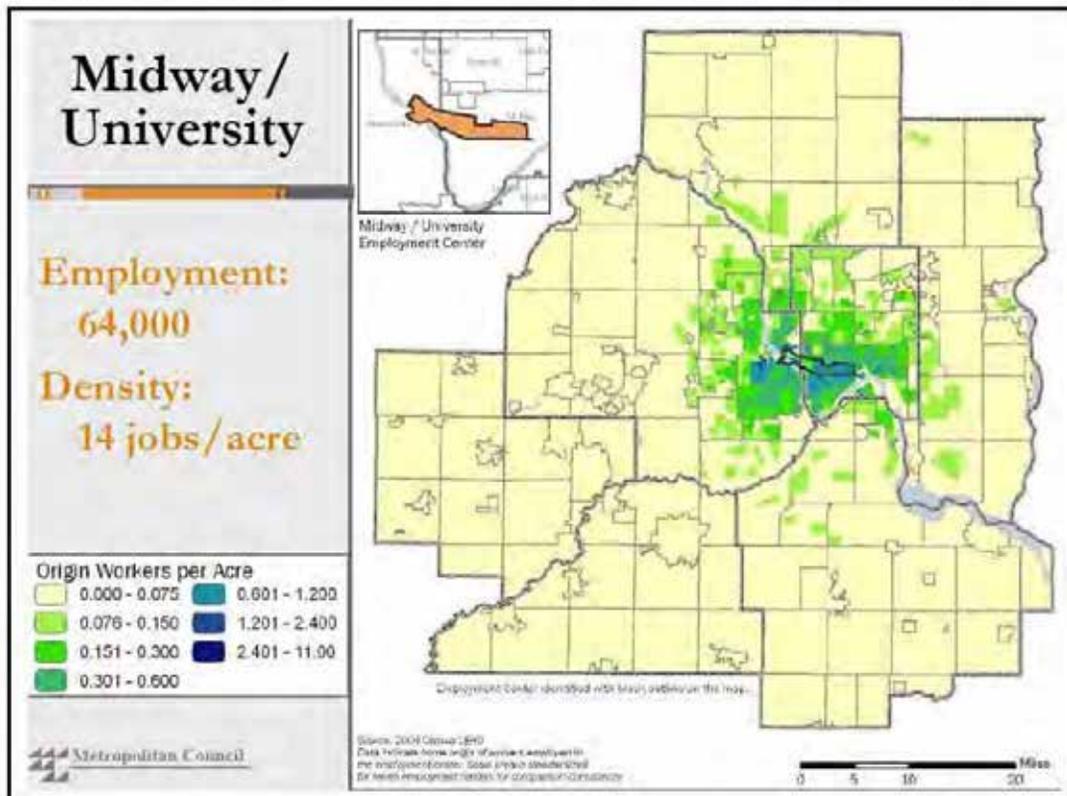
EJ-1

uninhabited blocks points to sloppy research, and calls their whole report into question.

- Local knowledge is important in undertaking the analysis surrounding a project of this size, but the Metropolitan Council has failed to take their knowledge of local conditions into account, relying on statistics instead. Specifically, Figure 3.8-2 identifies significant poverty around the University of Minnesota. This area includes a large number of students whose poverty is, presumably, temporary, and differs significantly than the persistent poverty along the eastern end of University Avenue. A footnote pointing out the difference would make the report more credible.
- An important argument in favor of adding the missing stops on University Avenue that was, we believe, ignored by those who prepared the FEIS because it leads to conclusions that do not support the FEIS conclusion, is Metropolitan Council research that indicates that the largest number of people who both live and work in the Central Corridor live near or at the eastern end of University Avenue, the area that we believe is seriously underserved by the Central Corridor light rail. The Central Corridor Light Rail should serve the people who live and work in the corridor. The following figure shows the residence of people who work inside the area designated the Midway University Employment Center.¹ Failure to take account of this information is one more indication of the staff's sloppy research.

EJ-2

EJ-3



¹ Becker, Carol, "Commuting Patterns in the Twin Cities," Metropolitan Council, Slide # 18, 2008

I) Funding assumptions are exaggerated, especially considering the drop in MVST.

F-1

II) Reduction in parking in Saint Paul will mean many businesses will suffer and possibly close.

a) The FEIS makes reference to parking on adjoining streets "If properly managed for businesses and clients", which ignores the parking needs of the many residences and apartment buildings on those streets.

P-1

b) There is talk of additional parking lots be created, which ignores the strong role of nearby parking for the customers of these businesses. A large portion will not walk two blocks to get to a business.

III) The reduction in VMT of 80,000 is less than .1% of the total VMT. I am sure that the margin of error in the forecasting methodology is at least 2%. This leads to the inescapable conclusion that CCLRT will have no impact on air quality.

AO-1

IV) The long queues at intersections will mean a loss of customers for many businesses. Few

people will want to pull out of traffic to patronize a business when they may face a backup of up to 3/4 of a mile. The mere size of these queues will cause drivers to become less likely to let others in.

TR-1

V) I am sure that you have followed FTA guidelines in calculating travel time saved, though I can

see no description of the methodology in the DEIS, SDEIS, or FEIS. I expect that the travel time savings of 2.6 minutes per passenger mile does not consider the delay imposed upon cars, trucks, and buses by lrt.

a) If we use a ridership of 42,000 per day and an average trip length of 6 miles, then the overall time savings for lrt riders is about 764,400 minutes per day.

b) The increased delay at intersections during just the peak PM hour sums to 3080.6 seconds per vehicle. If we assume that the delay is evenly distributed over the length of the line, it comes to 4.7 minutes per vehicle mile. Multiplying that by a passenger load of 1.2 gives 5.7 minutes lost per passenger mile due to lrt, which is more than twice the time saved. operating the lrt.

EJ-3

c) The total additional intersection delay in the peak PM hour is 6,602,919 vehicle seconds, multiplied by a passenger load of 1.2 gives 7,923,503 passenger seconds, which is 132,058

minutes lost during just ONE HOUR of the day. That ONE HOUR of lost time is about 1/6 of the total total time saved for all lrt rides during the entire day.

EJ-3

The figures on VMT, queues, and intersection delays are taken from the various the DEIS, SDEIS, and FEIS documents.

Bruce L. Gaarder
Citizens for Effective Transit
Bruce@EffectiveTransit.org



DISTRICT COUNCILS COLLABORATIVE
of Saint Paul & Minneapolis

1080 University Avenue West • Saint Paul, MN 55104
651-249-6877 • www.dcc-stpaul-mpls.org

District 6
North End-South
Como

July 27, 2009

District 7
Thomas-Dale

District 8
Summit-University

Ms. Kathryn O'Brien
Environmental Services Project Manager
Central Corridor Project Office
540 Fairview Ave North, Suite 200
St. Paul, MN 55104

District 10
Como

District 11
Hamline-Midway

District 12
Saint Anthony Park

Ms. O'Brien:

District 13
Union Park

The District Councils Collaborative of Saint Paul and Minneapolis (DCC) is a coalition of all the city-recognized neighborhood planning and community participation organizations along the Central Corridor alignment from Cedar-Riverside/West Bank in Minneapolis through downtown Saint Paul. All together, the DCC serves over 180,000 residents in Minneapolis and Saint Paul.

District 14
Macalester-Groveland

District 16
Summit Hill

The DCC submitted comments on the Draft Environmental Impact Statement (DEIS) in May 2006, the proposed scope of the Supplemental Environmental Impact Statement (SDEIS) in March 2008, and the Supplemental Environmental Impact Statement in August 2008. We appreciate the opportunity to comment on the Final Environmental Impact Statement (FEIS) for the Central Corridor Light Rail Project. Our previous comments provide the basis for comments on the FEIS.

District 17
CapitolRiver Council

Marcy-Holmes
Neighborhood
Association

Prospect Park-
East River Road
Improvement
Association

The DCC is pleased to see the FEIS address many of the issues and concerns we raised in previous comments, such as safe pedestrian crossings, minimizing hide-n-ride opportunities for LRT patrons, and the needs of the disabled community. We are also pleased to see additional analysis, community interaction, and proposed avoidance and/or mitigation on other issues and concerns we raised, such as loss of on-street parking on University Avenue, the locations of Traction Power Sub-Stations and Signal Bungalows, and expansion of bicycle trails and access to LRT stations. The Environmental Justice and Cumulative Impacts sections are much more robust and begin to surface concerns raised by the DCC, community members and other community organizations.

Southeast Como
Improvement
Association

University District
Improvement
Association

West Bank
Community Coalition

The DCC remains concerned about the following issues that have not been adequately resolved in the FEIS. We also wish to comment on a project change—the relocation of the Operations and Maintenance Facility to Lowertown in Saint Paul.

1. Environmental Justice (EJ) and cumulative impacts analyses do not disclose the full extent of adverse impacts and delays in project benefits resulting from decisions to not buildout LRT stations at Western Avenue, Victoria Street, and Hamline Avenue and to significantly reduce (by 50 to 66 percent) Route #16 local bus service, and therefore the FEIS does not include sufficient mitigation strategies.
2. Cumulative and indirect traffic impacts on surrounding neighborhoods resulting from the closure of Washington Avenue for a pedestrian/transit mall on the University of Minnesota’s East Bank Campus have not been fully analyzed, and therefore additional mitigation is not considered and/or proposed.
3. The relocation of the Operations and Maintenance Facility (OMF) from the previous site near Union Depot to the Lowertown area of downtown Saint Paul conflicts with neighborhood plans and has visual impacts on this historic district; these impacts must be mitigated by the Metropolitan Council in partnership with the City of Saint Paul and community stakeholders, as agreed in a Memorandum of Understanding.

1. Environmental Justice Analysis of Station Spacing between Snelling Avenue and Rice Street and Reduction in Local Bus Service on University Avenue.

The eastern end of University Avenue has neighborhoods with the greatest concentrations of Environmental Justice (EJ) populations. In many Census blocks or block groups, minority concentrations approach 90 percent and low-income households exceed 35 percent. For the Rondo Community, a physically definable, predominantly African American neighborhood located in this area, these conditions are exacerbated by cumulative impacts stemming from the construction of Interstate-94. This Federal highway construction project physically displaced one in eight African American families in Saint Paul and displaced nearly 50 African American businesses that were never able to re-establish themselves. The other dominant minority group is the Hmong from Southeast Asia. Arriving as refugees fleeing political strife and military threat in the 1980s and 90s, they bought homes and started businesses at the eastern end of University Avenue. This location is now recognized nationally as the spiritual and economic heart of the U.S. Hmong community.

Since 2006, the DCC has expressed its concern about spacing stations a mile apart in this area, compared to half-mile station spacing elsewhere along the alignment. It has also raised other concerns about Environmental Justice issues resulting from indirect and cumulative impacts. The FEIS represents a significant advancement in attention to Environmental issues and includes several strategies to avoid or mitigate adverse impacts on EJ populations. However, the DCC believe that the FEIS still fails to fully and appropriately analyze and disclose all impacts and delays in benefits to EJ populations and that additional mitigation measures are needed. Comments below outline areas where the FEIS falls short. A mitigation strategy is proposed.

Comments on the Central Corridor Title VI Review (September 2008)

- The Metropolitan Council performed this analysis in accordance with FTA’s requirement to conduct a Title VI review when a major change in service is proposed. The assumption of the study is that the major service change is the introduction of LRT in the Central Corridor, not the significant reduction of #16 local bus service on University Avenue, and therefore calibrates measurements to analyze only the impacts of LRT on access to transit. No separate analysis is conducted of the severe reductions in local #16 service and no comparative analysis is done of such factors as access to desired destinations, length of

EJ-4

travel time, walk distances, and increases in transfers. Such an analysis is needed to provide a more complete picture of benefits and impacts.

- Title VI analysis identifies the entire corridor as a low income, high minority area and therefore determines that, with the exception of three blocks near Western Avenue, the project imposes no disproportionate impacts, and requires no mitigation for the Environmental Justice neighborhoods at the eastern end of University Avenue. A refined analysis would disclose additional geographic pockets where low-income or minority populations are concentrated and inform development of appropriate mitigation.
- The study assumes that the desirability of light rail transit over bus transit is such that people will walk twice as far to use it. If this were the case, the alignment should have stations spaced a mile apart throughout but it does not. There is only one place in the alignment where one mile station spacing occurs: the segment that runs through neighborhoods where poverty is the deepest and most persistent and the minority population concentrations the highest. The balance of the line has stations spaced approximately ½ mile apart; thus anyone living there is within a ¼ mile walk of high frequency LRT transit. The Title VI study does not acknowledge this disparity.
- The study makes the assumption that the proposed transit service plan meets tripmaking needs within EJ neighborhoods and therefore measures only the number of times transit stops over the course of a 24-hour time period. The report does not reference any supporting analyses of origin and destination, general trip purpose, length of trip, or time of day. Without this information, it is impossible to determine if the proposed reductions in local bus service have a discriminatory effect on EJ populations. In this regard, the Title VI study is incomplete and potentially misleading.
- The study justifies use of a ½ mile buffer to determine the service area for LRT based on standards used in Los Angeles and Seattle. The study offers no data to demonstrate that socio-economic, transit service, physical and land use conditions along the lines in Los Angeles and Seattle are comparable and does not give consideration to considerable differences in Minnesota climate as compared to these two cities.
- The study also justifies the ½ mile buffer based on data collected from Hiawatha LRT riders walking to stations. This justification is also questionable. Data from a 2005 survey of Hiawatha walkers and #16 bus riders whose trips originate in EJ neighborhoods between Lexington Parkway and Rice Street reveals distinctly different socio-economic and tripmaking characteristics.

EJ-4

Data below indicate that a majority of those who walk to the Hiawatha LRT use transit by choice and during peak hours for work related purposes. EJ populations on the eastern end of University Avenue, however, are more transit dependent and use transit throughout the day for a range of purposes. Data also show that the Hiawatha standard being used is set by a cohort that has a significantly lower percentage of persons from households earning less than \$15,000 per year. Finally, unique even among all #16 riders surveyed, is the high percentage of young people using transit to get to schools within the corridor.

	<u>Hiawatha Walk Data</u>	<u>#16 EJ Data</u>
Households incomes of \$15,000 or less per year	19%	38%
○ Households without vehicles	27%	50%
○ Trips made during peak hours	56%	40%
○ Work related trips	61%	28%
○ Trip made 5 or more times per week	53%	70%
○ Trips made by persons under the age of 18	3%	14%
○ Trips made between home and school (not college)	2%	14%

- Study methodology uses a circle with a ½ mile radius to determine the service area for LRT stations. A Census block whose center is within the circle was considered to have service and a Census block group was determined served if the boundary touched the buffer area. According to transportation experts, the entire area inside a circle is not walkable at the distance of the radius due to limitations of available sidewalks and pathways. The study may not be accurately reporting the number of Census blocks and block groups with loss in transit service.
- The study uses only one measure—the number of times a light rail train or bus stops—to determine impact on EJ population. No consideration is given to longer travel times due to the station spacing or reduced service and the attendant cost of that additional travel time. Without this analysis, it not possible to determine if low-income populations are being asked to bear a disproportionate economic or travel time burden.
- Without more thorough analysis of these issues, it is difficult to accept the report’s conclusions that the project does not have a discriminatory impact on minority or low-income communities and that the overall impact is positive.

EJ-4

EJ Related Comments on other FEIS Chapters

- Since 2006, the DCC has consistently called for inclusion of stations at Western Avenue, Victoria Street, and Hamline Avenue to serve the EJ populations on the eastern end of University Avenue. The FEIS includes commitment to build infrastructure for these stations, but makes construction of the stations conditional on ridership demands and available funds. This action results in an undetermined delay in the numerous benefits of LRT transit that are enumerated in the FEIS.
- Proposed mitigation for this delay is limited to a transit service study and, possibly, a circulator bus. While this mitigation may increase the frequency of local bus service, it does not include the same amenity package and convenience of LRT. It should be noted that in addition to not having the level of security associated with LRT stations, Metro Transit does not remove snow from bus stops and few bus stops are heated. This represents a significant disparity in service not only for EJ populations, but also for the many disabled persons who live in the same neighborhoods.
- The Land Use Chapter of the FEIS notes that the economic gains associated with LRT can translate into property value increases up to as much as 25 percent or more. Research on the economic benefits of LRT indicates that its sphere of influence may reach as far as ½ mile, but the most significant gains are within ¼ mile of a station area. This phenomenon is a two-edged sword for EJ populations. While economic gains may lead to wealth building, more affordable housing choices and more jobs nearby, it may also lead to displacement from increases in rents and property taxes and redevelopment. The FEIS acknowledges some of the adverse impacts but does not analyze them, and proposed mitigation strategies rely heavily on actions of local units of government not the Metropolitan Council. The FEIS also fails to analyze and disclose the cost of lost economic development opportunities resulting from the delay in building out stations at Western, Victoria, and Hamline.

AS-1

EJ-6

DCC’s Proposed Mitigation: The most cost effective and immediate strategy to mitigate project impacts on access to transit for EJ populations on the eastern end of University Avenue is for the FTA to not require inclusion of the stations in the project’s Cost Effective Index (CEI) calculation and to provide a 50% federal match to construct the stations and to enable the Metropolitan Council to complete the proposed Transit Service Study and implementation of study recommendations for local service frequencies. As part of this study, the DCC strongly encourages investigation into the need for a station at Cleveland to accommodate future riders from neighborhoods and development north and south of University Avenue.

EJ-6

AS-2

Recent scenarios for funding build out of a station at Western showed the cost increased—from \$4 million to \$8 or \$12 million—depending on when the commitment is made to build the station. Constructing the three stations as part of the project has potential to save as much as \$27 million. The FTA is on the verge of revising its use and application of the CEI in the New Starts Program; waiving its use to render Environmental Justice for cumulative impacts on an historic African American neighborhood would be consistent with Title VI guidance and new legislation regarding the use of the CEI.

EJ-6

Mitigation for cumulative impacts should be developed by an intergovernmental/interagency initiative in conjunction with community representatives and in accordance with new FTA/EPA/HUD Partnership guidelines. Local units of government are critical to this initiative and should be a full partner along with community-based organizations and potentially the foundation community. An interdisciplinary program with strategic investments could do much to minimize displacement and offer wealth-building opportunities to impacted EJ populations.

2. Cumulative and indirect traffic impacts on surrounding neighborhoods resulting from the closure of Washington Avenue for a pedestrian/transit mall on the University of Minnesota's East Bank Campus

Washington Avenue is a significant roadway in the regional transportation network because it is one of just a few Mississippi River crossings with direct connection into downtown Minneapolis. The University of Minnesota estimates that approximately 20 percent of the 18,800 average annual daily traffic volume (Fig. 6.2-1) on Washington Avenue—or 3,760 vehicles—is through traffic going to destinations on one side of the Mississippi River or the other the balance is heading for University of Minnesota destinations.

The FEIS on p. 6-25 states that effects of closing of a segment of Washington Avenue for a pedestrian/transit mall “are generally greatest on the local roadways.” However, the FEIS fails to adequately document and address these impacts. Mitigation for the University of Minnesota is extensive, including new streets, intersection improvements, and significant streetscape improvements, while mitigation proposed for neighborhood roadways is limited to improved signalization, minor intersection improvements and possibly the removal of on-street parking on 20th Avenue in the West Bank area.

WA-1

- The FEIS analysis of transportation effects is deficient because traffic modeling in the FEIS analysis does not include:
 - a) all of the existing local roadways and other transportation facilities in the local network;
 - b) proposed new networks, such as bicycle trails, that are foreseeable but not yet programmed for funding; and
 - c) the traffic generated by foreseeable significant development and redevelopment projects, such as the University of Minnesota's expansion of research facilities and City of Minneapolis plans for the SEMI area which are identified in the FEIS.

Without these data inputs, the model cannot accurately predict increases in traffic volumes on local streets and Level of Service (LOS) at intersections. Consequently, impacts on pedestrian and bicycle safety, air quality, noise, and parking in neighborhoods surrounding the University of Minnesota are insufficiently analyzed and proper mitigation measures not given sufficient consideration.

- The FEIS does not fully disclose that the project is relying almost if not entirely on the City of Minneapolis and Hennepin County to mitigate indirect traffic impacts of the project. This ranges from

construction of Granary Road, whose alignment parallels University Avenue in Minneapolis and would act as a reliever for traffic displaced by the LRT on University Avenue, to the extension of East River Parkway, which completes the network for vehicles diverted from Washington Avenue pedestrian mall.

- The FEIS proposes mitigating traffic impacts caused by the closure of a segment of Washington Avenue by removing parking on the north side of Franklin Avenue (to allow for two lanes westbound in the PM peak hour) and modifying traffic signals. Franklin Avenue goes through the heart of Prospect Park, which is eligible for listing on the National Register. The FEIS fails to disclose this as potential impact on an historic resource.

DCC's Proposed Mitigation: The Metropolitan Council and appropriate local project partners must commission a robust transportation study of the cumulative and indirect impacts in the greater neighborhood area surrounding the University of Minnesota. At a minimum, the study must include representatives from Prospect Park/East River Road, Southeast Como, Marey-Holmes, Cedar-Riverside/West Bank, and University District neighborhoods as full stakeholders. Study products must include a comprehensive, multi-modal transportation plan based on neighborhood values and "Complete Streets" principles and best practices and a strategic implementation plan with identification of a lead governmental unit for each project, funding sources, and proposed timeline.

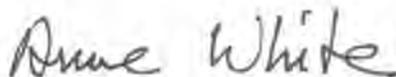
3. Lowertown Operations and Maintenance Facility Impacts

The FEIS discloses that the Operations and Maintenance Facility (OMF) has been relocated from the previous site near Union Depot to the Lowertown area of downtown Saint Paul. The location of the OMF on this site conflicts with neighborhood plans to redevelop the Diamond site and adjacent land parcels and has visual impacts on this historic district. The operations of the train and facility may also impact current residential, commercial, and entertainment uses in this area. The Metropolitan Council has committed to mitigate these impacts in partnership with the City of Saint Paul and community stakeholders in a Memorandum of Understanding. Given the extent of the impacts, the DCC insists that this MOU be adhered to, that community members be engaged in all levels of decision-making and that every effort is made to ensure the safety of pedestrians and bicyclists.

PL-1

This concludes our comments. The DCC thanks the FTA and Metropolitan Council for this opportunity to comment on the FEIS.

Sincerely yours,



Anne White, DCC Chair

cc: Marisol Simon, Federal Transit Administration
William Wheeler, Federal Transit Administration

July 27, 2009.

Mark Fuhrmann
Project Director
Metropolitan Council
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St. Paul, MN 55101-1805

Marisol Simon, Regional Administrator
Federal Transit Administration
Region V
200 West Adams Street
Suite 320
Chicago, IL 60606

Re: *PBHRC's Comment On Final Environmental Impact Statement for the Central Corridor Light Rail Project*

Dear Mr. Fuhrmann and Ms. Simon:

I write on behalf of the Preserve and Benefit Historic Rondo Committee ("PBHRC") to comment upon the Final Environmental Impact Statement ("EIS") regarding the Central Corridor Light Rail Transit (the "Project").

PBHRC is an association of organizations dedicated to advancing the progress of the low-income and African-American residents and businesses located along the University Avenue corridor and concentrated in the east midway section of the corridor. PBHRC is comprised of the Aurora St. Anthony Development Corporation, the St. Paul Chapter of the NAACP and the Community Stabilization Project, all long standing organizations within the boundaries of the historic Rondo community.

In this comment, I will set forth PBHRC's position with respect to the sufficiency of the EIS with particular emphasis on the Environmental Justice requirements and the requirements of Title VI. I will also set forth our position with respect to the appropriate mitigation measures and proposed benefits that the responsible federal and local government should consider and/or include in the Record of Decision ("ROD") regarding the Project.

As a general matter, the EIS fails to sufficiently identify the full range of adverse effects and impacts that will be disproportionately borne by the Africa-American community and low-income communities that reside in disproportionate concentrations¹ along the corridor. As a result, the EIS also fails to properly consider mitigation of these impacts. Further, the EIS does not contain the analysis required by the DOT Final Order on Environmental Justice. These central failings, and others set forth herein, are the basis of this comment.

I. The EIS Fails To Recognize Nearly All Of The Project's Adverse Impacts And Effects That Will Be Disproportionately Borne By Low Income And African-American Populations.

The central failure of the EIS's Environmental Justice and Title VI analysis is that both are premised upon the conclusion that the Project does *not* have significant disproportionate adverse impacts or effects on low income and minority populations other than transit accessibility (EIS, Chapter 3.8, p. 14). This conclusion is incorrect. As clearly set forth in the EIS itself, the Project runs directly through a series of neighborhoods that are all predominately low-income and/or minority. Further, the Project will result in displacement of businesses and residences, business interruption and overall gentrification of the impacted project area. These impacts will be disproportionately born by the low-income and/or minority community that populates the corridor.

Further, the conclusion that the Project does not trigger environmental justice requirements is contrary to the plain language of the USDOT Final Order implementing Executive Order 12898.

The USDOT Final Order mandates that the Operating Administration shall determine whether programs, policies, and activities for which they are responsible will have an adverse impact on minority and low-income populations and whether that adverse impact will be disproportionately high. The Final Order states that "disproportionately high and adverse effect on minority and low-income populations" means that either the effects are

- (1) predominately borne by a minority population and/or a low-income population, *or*
- (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population (see 62 F.R. 18380).

In this case, DOT has failed to recognize that environmental justice requirements are triggered so long as the effects of the Project are "predominately borne by a minority population and/or low-income population." There is no dispute in this case that in fact the Central Corridor is dominated by people of color and low income communities. The EIS contains ample proof that in fact the impacted communities are disproportionately minority and/or low-income. Accordingly, the conclusion that this project does not trigger Environmental Justice requirements is not supported by the available data.

Moreover, the one impact that is identified - travel accessibility - is mitigated by the construction of underground infrastructure for the future construction of three additional light rail stations/stops at Hamline, Victoria and Western. It is true that the actual construction of these additional stations, assuming this future construction is included as part of the ROD, may address the travel accessibility disparity. Yet, without mitigation of the dislocation, business interruption, and gentrification impacts, however, these additional stations will actually exacerbate those adverse effects/negative impacts.

II. The EIS Fails To Consider Whether This Project May Go Forward In Light Of The DOT's Final Order On Environmental Justice.

Because the EIS has failed to properly identify the disproportionate impacts of the Project on low income and minority populations, it has also failed to address the requirements of the DOT's Final Order with respect to possible alternatives to the Locally Preferred Alternative ("LPA"). The DOT's Final Order provides that Operating Administrators and other responsible DOT officials ensure that any of their respective programs, policies or activities that will have a disproportionately high and adverse effect on protected populations can only be carried out if:

- (1) a substantial need for the program, policy or activity exists, based on the overall public interest; **and**
- (2) alternatives that would have less adverse effects on protected populations and that still satisfy the need addressed by the project either:
 - (i) would have other adverse social, economic, environmental or human health impacts that are more severe, or
 - (ii) would involve increased costs of extraordinary magnitude.

EJ-5

Importantly, your consideration of the above-stated matters must be appropriately documented in the environmental impact statement or other NEPA document prepared for the program, policy or activity, or in other appropriate planning or program documentation. Again, you have failed to document in the EIS whether the alternatives to the LPA satisfy DOT's own internal guidance. This analysis is required by law, and it must be set forth in writing. If you have in fact completed this analysis, please provide me with that documentation. If you disagree with my analysis of the EIS, I ask that you provide me with the page numbers of the EIS that contain this required analysis.

III. The EIS Fails To Adequately Consider Environmental Justice Requirements With Respect To Mitigation Of Impacts On Low Income And/Or Minority Populations.

DOT's guidance requires that the Operating Administrators and other responsible DOT officials **ensure** that any of their respective programs, policies or activities that will have a disproportionately high and adverse effect on minority populations or low-income populations will only be carried out if further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effect are not practicable. In determining whether a mitigation measure is practicable, the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.

EJ-6

With respect to the Project, the EIS fails completely to discuss mitigation measures other than the three aforementioned new stations/stops. Instead, due to the erroneous conclusion that the Project does not disproportionately negatively impact a minority and/or low-income population, the EIS has concluded that consideration of mitigation measures is not necessary.

This failure of analysis gives no assurances to the affected communities that you have fully considered the impacts of the LPA.

Further, the FTA guidance on Title VI compliance requires a discussion of all adverse effects of the Project both during and after construction that would affect the identified minority and low-income population. This requirement has not been sufficiently addressed.

Specifically, in identifying the adverse effects of the Project, the EIS addresses air quality, noise, vibration, traffic, parking, transit accessibility, community cohesion, acquisitions and displacements, and placement of system components (EIS, Section 3.8-14). This list is incomplete and, with respect to community cohesion and displacement, the analysis is erroneous. First, the list of effect on protected populations does not include the impacts of property value increases, attendant tax increases², rental rate increases, business interruption or the issue of gentrification generally. The failure to consider these impacts in the “Environmental Justice” section of the EIS renders that document insufficient as a matter of law.

EJ-5

With respect to “acquisitions and displacements” and “community cohesion” the EIS’s analysis is insufficient. The “acquisitions and displacements” section addresses only whether the government is going to acquire property. It does not address displacement caused by other impacts of the Project such as tax increases, rent increases or business interruption.

² It is expected that new development in this Central Corridor LRT Study Area will capture an increasing share of residential and employment growth as densities increase. Focused development in areas with existing infrastructure accrues benefits to the taxing jurisdictions. Obviously, increased taxes in the Central Corridor are a negative impact that will disproportionately affect minority and/or low-income individuals and businesses. As such, the EIS should contain an analysis and mitigation of this impact. It does not.

With respect to “community cohesion” the analysis is insufficient. Although the concern of community cohesion is addressed, the only mitigation offered is the inclusion of “non-signalized pedestrian crossing”, the reconstruction of sidewalks. The conclusion in the EIS is that “since no adverse impacts are anticipated to community cohesion, there is no potential for impacts to be disproportionately borne by environmental justice populations” (EIS, 3.8-20). This conclusion is erroneous. The historic Rondo community was originally displaced in the 1960’s as a result of the construction of I-94. Thereafter, with gentrification or “urban renewal” undertaken by the government during the late 1970s - early 1980s that again displaced St. Paul’s African-American community. After this displacement, the African-American community relocated yet again - this time to its present location along University Avenue as well as in areas of east Saint Paul. Dislocating this community a third time, via the economic engine of gentrification will destroy community cohesion because a displaced community is, of necessity, not cohesive any longer. The EIS fails to analyze this impact of displacement and gentrification on the cohesiveness of the already twice-displaced Rondo community.

CC-1

EJ-6

Given that aforementioned reality that this project is sited in a low-income and minority community, it is clear that the EIS should contain a consideration of the appropriate mitigation measures before moving forward with the LPA. Because the EIS fails in this regard, we are now seeking the inclusion of such mitigation measures in the ROD.

IV. Mitigation Measures That Should Be Considered And Included In The Record Of Decision.

EJ-6

With respect to the identified impacts set forth herein, PBHRC, mindful of the time frame within which all parties are operating, proposes the following mitigation measures:

A. Business Interruption Mitigation.

The ROD should contain funding for a Business Interruption Fund for the purpose of preserving low-income and African-American owned businesses that will be impacted during the construction phase of the Project. The fund can be disbursed to provide assistance to such impacted businesses in the form of reimbursement to compensate for diminished receipts/profits as well as funding to purchase signage, advertising or other goods and services necessary to overcome any interruption to the business caused by the project. PBHRC proposes that the fund hold no less than \$9 million (this can be adjusted based on data collected) for the purpose of implementing the aforementioned mitigation measures.

The ROD should contain funding for baseline data collection of existing African American owned businesses to monitor their capacity to survive LRT construction. PBHRC proposes an allocation of funds to commission a study to quantify the impact of business disruption on the environmental justice community. PBHRC would like the study to be conducted by a local agency with both sufficient capacity to complete such analysis and familiarity with local dynamics

Furthermore, The ROD should contain additional funding support for the purpose of assisting businesses to make improvements and/or expand their business in preparation for the changes the rail will induce. The fund should be established at \$3 million.

For businesses that get dislocated due to construction interruption, a compensation fund should be established in the amount of \$1 million to assist either their relocation back into the corridor or elsewhere within the twin cities market and reflected in the ROD.

B. Business Gentrification/Displacement/Economic Dislocation Mitigation.

The ROD should contain a commitment from the appropriate body of government to provide land set-asides and acquisitions to foster African-American owned businesses in the impacted University Avenue corridor. The Project will cause gentrification which will in turn dislocate African-American businesses that were previously geographically dispossessed fifty years ago when I-94 was built.

In order to mitigate the effects of gentrification, PBHRC proposes that the appropriate body of government acquire and set aside sufficient property to provide for the incubation and sustainability of African-American owned businesses. The Unidale Mall property would be an ideal acquisition for the dedicated purpose of permitting African-American businesses to reestablish themselves within one of the few remaining African-American communities in the Twin Cities. Besides serving as a gateway to the historic Rondo community, the property has historical significance. It was during the 70's when urban renewal dislocated a second wave of Rondo families and built the Central Village housing community and the Unidale Mall Shopping Center. According to community leaders engaged at the time, the government promised the transference of the mall's ownership to the African American community which was built to incubate Black businesses and reestablish the business center that was earlier dismantled by I-94. While many new businesses within the mall floundered, the property never transferred into the ownership of the African American community to continue its thrust in reestablishing its business center within the area. Thus, the current acquisition of Unidale can not only aid the completion of an unfulfilled government promise and assist the community's fifty year struggle to restore its economic engine, but it can also buffer the impacts of gentrification and displacement linked to the impending rail line.

Further, land set asides for future incubation of businesses, dedicated for use by the existing African-American community should be targeted at station locations from Western to Lexington Avenue and set forth in the ROD. This land acquisition and development mitigation measure should be funded in the amount of \$15 million.

To further ensure that the African-American business community is sustained and enhanced on the corridor, funds should be established to assist with new business start ups and management

training/business preparation to assist others in relocating back to the community to take advantage of the area's economic boom. This allotment should be funded in the amount of \$3 million and reflected in the ROD.

In order to further address the effects of gentrification the ROD should contain an enforceable commitment to contract with locally owned businesses and entrepreneurs with an emphasis on the disproportionately impacted African-American and low-income populations. The inclusion of these individuals and businesses should be set forth with specificity and hard-target numerical requirements.

C. Residential Property Tax Increase Mitigation.

The ROD should contain an enforceable commitment from the appropriate taxing authority that low-income and existing property owners along the University Avenue corridor (from Lexington to Rice and Thomas to I-94) will not have their property taxes increased until sale of property, at which time the current tax rate will be assumed by the new owner. Provide special consideration to the Rondo community significantly vulnerable to the threat of displacement given its reduced land mass that was brought on by the construction of I-94. PBHRC is mindful that tax policy is a complicated matter, but the EIS (while recognizing the increase in taxes as a benefit to the government) proposes absolutely no mitigation to protect the existing low-income affected community from this adverse impact. Without an enforceable and meaningful tax policy in place at the time of the ROD, low-income and existing property owners within the historic Rondo community are at risk of displacement.

D. Residential Rental Rate Increase Mitigation.

The ROD should contain an enforceable commitment from the appropriate body of governmental body that the low-income community members along the University Avenue be protected from adverse rent increases that will result in displacement of the existing community (from Lexington to Rice and Thomas to I-94). Provide special consideration to the Rondo community significantly vulnerable to the threat of displacement given its reduced land mass that was brought on by the construction of I-94. Again, PBHRC is mindful that rent controls are a complicated and a locally unconventional policy matter, but the EIS (while recognizing that dislocation of existing residents is an impact of the Project) proposes absolutely no mitigation measures to address this impact. PBHRC proposes that no adverse rental rate increases be permitted with respect to low-income residents.

E. Residential Gentrification/Displacement/Economic Dislocation Mitigation.

The ROD should contain a commitment from the government to provide land set-asides, acquisitions and development funds to foster African-American owned land for affordable housing development (both rental and ownership for all life cycles) in the impacted University Avenue corridor along the eastern segment. The Project will cause gentrification which will in turn dislocate the historic African-American community that has already been

geographically dispossessed of its community two times during the last fifty years. Land for affordable housing development should be targeted for development on the corridor (at station locations from Western to Lexington) and within the neighborhood fabric of the historic Rondo community which has disproportionately fallen victim to the current foreclosure crisis causing numerous housing vacancies and an early onset of involuntary displacement. This land acquisition and development mitigation measure should be funded in the amount of \$15 million to ensure adequate protection of the existing community.

Intensify minority homeownership targeting members of the African-American community to own homes within the historic Rondo community to help stem the anticipated tide of gentrification and displacement and aid the community's reunification desire. This should be funded in the amount of \$2 million and reflected within the ROD.

Provide home fix up funds targeted to existing homeowners to help make improvements in preparation for the area revitalization the rail will bring. This fund should receive an allocation of \$ 3 million and be reflected within the ROD.

Mandate affordability in a substantial percentage of new construction (ownership and rental) along the entire stretch of the corridor, giving special consideration to the eastern segment and ensuring that "affordability" falls within a range that existing low-income residents can afford. This measure should be reflected within the ROD.

For residents that are displaced due to economic dislocation/gentrification induced by the project, a fund should be supported in the amount of \$1 million to assist their relocation back into the community or their reestablishment elsewhere in the twin cities region and should be reflected with the ROD.

The ROD should contain funding for baseline data collection of existing African American residents to monitor their capacity to survive LRT construction. PBHRC proposes an allocation of funds to commission a study to quantify the impact on the environmental justice community. PBHRC would like the study to be conducted by a local agency with both sufficient capacity to complete such analysis and familiarity with local dynamics

In order to further combat the effects of gentrification, the ROD should contain an enforceable commitment to provide construction and other jobs created by or associated with the Project to Central Corridor to local residents with an emphasis on the disproportionately impacted African-American, low-income and ex-offender populations. The inclusion of these individuals should be set forth with specificity and hard-target numerical requirements for recruitment, training, hiring and retention.

F. Community Cohesion/Neighborhood Isolation Mitigation.

In order to combat the compounding effects of neighborhood isolation, the ROD should contain an enforceable commitment by government to create a community controlled Rondo Renaissance Restoration Trust Fund through the use of developer exactions, real estate

tax transfers or exactions from parking or transit fares to help finance the African-American community's re-development aspirations (i.e. the development of a cultural/history center, small business incubators, below market rate housing etc..) and usher in a long term process of community reunification.

Take a current adverse impact, conjoined with the shame of the I-94 transportation investment misdeed and turn it into one of healing and restoration. Support the growing culturally centered revitalization vision that is complemented by the 2006 District 8 Comprehensive Plan that dubbed its area a "cultural heritage preservation destination" in support of branding the Historic Rondo: African American Heritage District (a component of the proposed *World Cultural Heritage District*). Complement longstanding efforts to heal the wounds of the past. Revitalize and redesign the Dale Avenue intersection and bridge as a gateway to the heart of the Rondo community (along with the cross walks over the freeway). Improve neighborhood continuity, connection and circulation that can aid Rondo's ongoing economic and social recovery. Artistically depict the I-94 story and symbolize the reunification of a divided community.

Pass legislation that supports a "Historic Rondo conservation district" that could aid the enhancement and protection of the community and encourage cultural tourism to the area.

While the EIS acknowledges that non-signalized pedestrian crossings were added to the design to accommodate community concerns about LRT creating a physical barrier between neighborhoods on either side of University Avenue, it failed to acknowledge a major impact repeatedly conveyed to project planners of the compounded isolation that will be experienced by the Rondo community sandwiched in between two imposing physical barriers, the I-94 and the LRT transit investment. Instead the project concluded no adverse impacts and thus provided no mitigation for this type of physical barrier to a community (EIS 3.8-18).

G. Neighborhood Parking Mitigation.

The ROD should contain an enforceable commitment from the appropriate body of government that would prevent LRT and commercial related parking on residential side streets from Lexington to Rice and Thomas to I-94 giving special consideration to the historic Rondo community narrowly confined within a limited land mass and overly encroached upon by large building projects that have created non-residential parking stress on neighborhood streets (i.e. the Hub Center and the Rondo Library). Assurances should be provided that any cost burdens would not be borne by the residents.

In addition, the appropriate body of government should guarantee that no parking structures will be built from Lexington to Rice Street again giving special consideration to the narrowly confined Rondo community.

In view of the City of St. Paul's parking mitigation plan, the appropriate body of government should bear the cost of plowing alleys within the aforementioned boundaries since it is the recommendation of the government to mitigate the loss of on street commercial parking by

creating shared parking spaces behind properties fronting University Avenue requiring of course the increased use of alley ways.

H. Traffic Mitigation.

The ROD should contain an enforceable commitment from the appropriate body of government to perform a traffic study and apply an appropriate remedy that may include but not be limited to applying traffic calming measures, new streets, lighting, curb and sidewalks to be redone within the Rondo community that currently suffers from traffic passing through the community exiting off of I-94 and bypassing travel on University Avenue traffic (for street improvement has not been on the radar for this community in the recent past as evidenced by the extensive deterioration). With the impending light rail, traffic through the neighborhood is expected to increase. And with parking reduction on University Avenue, there must also be a guarantee that delivery trucks will be prevented from accessing residential streets.

I. Safety and Security Mitigation.

The ROD should contain an enforceable commitment from the appropriate body of government to design and deliver culturally and age appropriate education on light rail safety. Hire from the community extra security forces to patrol the area as a deterrent to crime giving special consideration to those within the Rondo community at greater risk of displacement.

J.Up Zoning Mitigation

The ROD should contain an enforceable commitment from the appropriate body of government that TOD (transit oriented development) developments do not encroach upon the narrowed neighborhood fabric of the historic Rondo community and that building heights will not exceed 4 stories at the station areas located within the Rondo community.

K.Traction Power Substation Mitigation

The ROD should contain an enforceable commitment from the appropriate body of government to relocate the traction power substation located at the U-Haul site at Milton and University, a potential land banking site as an African-American business incubator.

While the FEIS acknowledges that Traction Power Substations would likely be located away from University Avenue to allow development to occur near the alignment (EIS p. 3.2-35) this goal was not achieved at the U-Haul site.

L.Poor Air Quality Mitigation

The ROD should contain an enforceable commitment from the appropriate body of government to perform a traffic and air quality study and apply an appropriate remedy that may include but not be limited to introducing more greening to mitigate poor air quality that may

be compounded by auto emissions from traffic more frequently idling to get across University or those exiting I-94 and increasingly using St. Anthony and bypassing University. Give special consideration to the historic Rondo community that suffers from poor air quality and a higher rate of asthma due to the proximity of the freeway.

V. Project Benefits That Should Be Considered And Included In The Record Of Decision.

PBHRC, mindful of the time frame within which all parties are operating, proposes that the following benefits are provided:

A. An Additional Station at Victoria.

Given the Victoria intersection is another area along the alignment being targeted as a potential land banking site in support of an African-American business incubator, and given the community's high transit dependency along this segment of the corridor, the ROD should contain an enforceable commitment from the appropriate body of government to fairly distribute a stop at this intersection during the construction of the project. While the current plan provides for the construction of the underground infrastructure, this is a flagrant violation of an EJ principle which *is to prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.*

B. Support To Enter Into Ongoing Community Benefit Agreements.

The ROD should contain a commitment from the appropriate body of government to allow the use of a community benefit agreements on subsequent developments within the project area along the eastern segment of the alignment.

VI. The African-American And Low-Income Impacted Communities Were Not Given An Early And Meaningful Opportunity To Participate In The Project Planning.

PI-1

This history of the Project's development is replete with instances where the non-minority and non-low-income communities were provided with meaningful participation in the planning process while the African-American community was excluded. This result in enhancement actions and mitigation for non-low-income and non-minority stakeholders that were not offered (or even discussed) with the African-American community. For example, the University of Minnesota raised objections to the Project's impacts. In response, the Recipient agreed to indemnify the University of Minnesota for the cost of any impacts realized as a result of the Project. Further, the Recipient has already agreed to provide the University with \$27 million in mitigation funding, including \$11.1 million for a transit and pedestrian mall along Washington Avenue. I am informed that the total benefits provided to the University approximate \$44 million - and the Recipient has also offered the University additional indemnification for any costs incurred by the University as a result of the Project.

Similarly, Minnesota Public Radio ("MPR") raised objections to the noise created by the Project. Within three months of MPR's objections, the Recipient agreed in writing to a mitigation plan to address the offending impact. The agreement calls for the Central Corridor project to install a 700-foot-long floating slab along the length of MPR's building to mitigate vibration and noise. The Met Council will also pay for modifications to three MPR studios to ensure they won't be affected by noise from Project. The Met Council also agreed to monitor noise and vibration during the Project's construction, testing and first year of operation.

By comparison, the Met Council failed to involve the affected minority community in the vital scoping phase of the Project. This is important because the route (University Avenue alignment) and the mode of transit chosen (light rail) is the one alignment and mode that will have the greatest impact on the predominately minority community that resides and conducts business along the planned rail route. On May 18, 2009, PBHRC meet with the Met Council. At that meeting Chairman Peter Bell indicated that discussion of the group's concerns would only occur if PBHRC first agreed that the Project could proceed "on budget and on time." PBHRC, mindful of its civil rights, rejected this *quid pro quo* and indicated that it was ready to discuss its issues at any time but would not agree, as a pre-condition of such discussion, to the "on budget and on time" stipulation required by the Met Council. To my knowledge, no other stakeholder in the process was similarly required to commit to supporting the Project before they would be allowed to participate in the process.

Conclusion

I close with PBHRC's publicly supported mission statement:

We recognize the requirement, under the National Environmental Policy Act, for disproportionate impacts to low-income and minority communities to be disclosed for a federally-funded transit project to go forward. We are certain that, in disputing the claim made by the Metropolitan Council that 'the benefits of the project are fairly distributed' and its sufficiency in addressing our issues, we are upholding the law as it is intended. Until the Metropolitan Council agrees to address our concerns adequately and give our community equal benefits, we oppose the Central Corridor Light Rail Transit Project and will stand against its construction through our community.

If these deficiencies are not remedied in the Record of Decision ("ROD"), PBHRC intends on taking formal legal action and seeking an injunction to compel compliance with applicable state and federal law. At this juncture, PBHRC has filed an administrative complaint with the FTA office of Civil Rights as an initial step to resolving our issues (see complementary documents attached to this comment). Please let me know what further information you may require to fully consider our request for the aforementioned mitigation measures.

Very truly yours,

Veronica Burt

MEIER, KENNEDY & QUINN

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July 27, 2009

VIA ELECTRONIC MAIL AND U.S. MAIL

Kathryn O'Brien
Environmental Services Project manager
Central Corridor Project Office
540 Fairview Avenue North
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St. Paul, MN 55104

Re: *Comments of The Church of Saint Louis, King of France to Central Corridor Final Environmental Impact Statement*

Our File No.: 10909

Dear Ms. O'Brien:

In its August 25, 2008 comments on the Central Corridor Supplemental Draft Environmental Impact Statement ("SDEIS"), The Church of Saint Louis, King of France (the "Church" or "St. Louis") raised concerns about the adverse effects the construction and operation of the Central Corridor Light Rail ("Project") would have on the Church. Since the publication of the SDEIS, mitigation measures have been incorporated into the design of the Project to address the concerns raised by the Church and other stakeholders. Notwithstanding the mitigation measures, the Church remains gravely concerned that construction and operation of the Project will significantly and adversely effect the Church and the religious ceremonies it conducts. Accordingly, the Church submits the following comments on the Central Corridor Final Impact Statement (the "FEIS").

I. Noise Impact of Central Corridor Line on the Church of Saint Louis, King of France

The Church acknowledges the efforts of the Metropolitan Council to mitigate the effects of noise generated by the Project on the Church. Based on the results of additional noise studies conducted along Cedar Street, the Metropolitan Council intends to adopt administrative mitigation measures that may potentially reduce the noise impact on the properties on Cedar Street. Provided that safety concerns are addressed, the Metropolitan Council plans to modify the

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***Re: Comments of The Church of Saint Louis, King of France to Central Corridor Final Environmental Impact Statement
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testing performed near the Church.¹ With respect to the noise impact on the Church, HDR Engineering, Inc. concluded:

- The sound level of LRV [light rail vehicles] and one horn passby during a peak hour is anticipated to increase the average Leq(h) 1 dBA above the ambient noise floor with the church doors closed . . .
- The sound level of the simulated LRV horns is up to 25 dBA above the ambient interior noise floor with the doors closed.

See FEIS at Appendix J3a (“HDR Report”). Interestingly, the HDR Report notes that the Church is well insulated, which better protects the Church from exterior traffic noise; however, despite superior insulation, the noise impact from the use of Project horns is 25 dBA above the ambient noise level in the sanctuary. This increase in noise will be perceived individuals in the sanctuary as a doubling of loudness.² The ambient noise level averages 35 dBA or approximately equivalent to a soft whisper at 6 feet. See FEIS at Appendix J3a. Whereas 60 dBA (the sound impact of the horn above the ambient level) is equivalent to the noise generated by a clothes washer from distance of three feet or, alternatively, an air conditioner from a distance of 50 feet. See FEIS at Figure 4.6-1. Nevertheless, the 25 dBA noise impact is summarily dismissed because

. . . both churches were unoccupied during the simulation measurements. Therefore background noise levels are somewhat unrepresentative of the churches when they are in use. It is very reasonable to expect that background noise levels would be higher when church sanctuaries are occupied due organ music, singers, speakers, and normal sounds generated by a congregation worshipping.

See FEIS at Appendix J3a.

¹ The transit noise and vibration impact assessment lists many of the noise sources associated with transit projects, locomotive and rail car passbys, horns and whistles, crossing signals, crossover switches, and squeal on tight curves are all major contributors to overall noise impacts. Office of Planning and Environment, Federal Transit Administration (May 2006) (“FTA Impact Assessment”). Importantly, computations are required for all major noise sources. See FTA Impact Assessment, at p. 6-7. Here, Table 4.6-2 of the FEIS summarizes Project noise sources and sets forth the sound exposure level of each source. Conspicuously absent from the list of noise sources is horn noise.

² “People generally perceive a 10-dBA increase in nose level as a doubling of loudness.” See FEIS at 4.6-2.

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***Re: Comments of The Church of Saint Louis, King of France to Central Corridor Final Environmental Impact Statement
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Admittedly, ambient noise levels in the Church will be higher during Mass and other services; however, the Church is used by parishioners and other visitors at times outside scheduled services for individual worship and prayer. Additionally, periods of quiet reflection are critical components of Catholic Mass and other Catholic rites. To be sure, intrusion of noise equivalent to an air conditioner into the sacristy can only have a negative, adverse effect on the worship experience of parishioners and visitors to the Church.

Exclusion of horn noise from the overall Project noise impact also undermines the prediction that the rectory will not be adversely affected by Project noise. Unlike the Church – a category 3 property – the rectory is a category 2 property with lower thresholds for noise impact. Based on the environment in which the rectory is located, the permissible project noise impact for moderate impact is 65-69 dBA and 69 dBA for severe impact. Due to the lower thresholds for adverse impact for category 2 properties, it is likely that additional mitigation will be required to protect rectory residents from unwanted noise intrusion.

The Church requests recalculation of the overall Project noise to include horn noise and evaluation of the true noise impacts on the Church and rectory.

II. Vibration Impact on the Church of St. Louis

The Church appreciates the energies and efforts expended by the Metropolitan Council to mitigate the effects of vibration on the Church. Although the concerns of the Church relative to vibration are somewhat assuaged by the incorporation of floating slab technology, the Church remains concerned about the efficacy of this technology in the severe Minnesota climate. Cognizant of the Metropolitan Council's commitment to test the effectiveness of the floating slab after the Project commences operations, the Church requests additional commitments to test the effectiveness of the floating slab technology after a number of freeze thaw cycles and make repairs and adjustments to the mitigation technology to ensure proper operation.

As noted above, the Church of St. Louis, King of France recognizes the efforts of the Metropolitan Council to address its concerns related to the construction and operation of the Project. The Church anticipates and welcomes further discussion of the concerns raised here.

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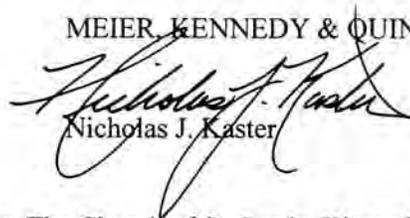
MEIER, KENNEDY & QUINN

***Kathryn O'Brien
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***Re: Comments of The Church of Saint Louis, King of France to Central Corridor Final
Environmental Impact Statement
Our File No. 10909***

Yours very truly,

MEIER, KENNEDY & QUINN, CHARTERED



Nicholas J. Kaster

cc: Reverend Paul Morrissey, Pastor, The Church of St. Louis, King of France
Andrew Eisenzimmer, Chancellor of Civil Affairs, Archdiocese of St. Paul and
Minneapolis
David Colby, Pastor, Central Presbyterian Church

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July 27, 2009

VIA HAND-DELIVERY

Ms. Kathryn L. O'Brien
Central Corridor LRT Project Office
540 Fairview Ave. No., Ste. 200
St. Paul, MN 55104

Re: Comments on Final Environmental Impact Statement ("FEIS") for Central Corridor LRT Project

Dear Ms. O'Brien:

We are writing on behalf of Minnesota Public Radio (MPR) to comment on the Final Environmental Impact Statement (FEIS) prepared for the Central Corridor Light Rail Transit Project (CCLRT) published in the Federal Register on June 25, 2009.

As you are aware, MPR has negotiated with the Metropolitan Council (Council) and the Central Corridor Project Office (CCPO) a certain CCLRT Mitigation Agreement, dated effective as of April 8, 2009 ("Mitigation Agreement") that addresses many of the vibration and noise concerns raised by MPR in the months leading up to publication of the FEIS. In the Mitigation Agreement, relying on mitigation assurances given by the Council, MPR agreed not to file objections to the adequacy of the Mitigation Plan incorporated into the Mitigation Agreement. The comments expressed by MPR in this letter are not in the nature of "objections" to the adequacy of the FEIS or the MPR Mitigation Plan. MPR assumes that the Council and the CCPO will promptly and fully honor their commitments under the Mitigation Agreement, and these comments and observations are made simply to clarify the record and/or aid in the later interpretation of the Mitigation Agreement and the Council's mitigation assurances.

I. General Comments

1. The FEIS states, at several places in Sections 4.6 and 4.7, that the Mitigation Agreement is attached to the FEIS as an exhibit in Appendix J. MPR notes that the Mitigation Agreement actually is attached as an exhibit in Appendix F. All references in the FEIS to the Mitigation Agreement should be deemed to refer to the agreement set forth in Appendix F.

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July 27, 2009

2. The Metropolitan Council’s webpage concerning the Central Corridor FEIS states, in bold type: **“Mitigation commitments made in the environmental process must be fulfilled.”** MPR views this as the Council’s promise to fulfill all mitigation assurances made in the FEIS even if, in the case of MPR, certain of those assurances may extend beyond the terms of the Mitigation Agreement. This would include, for instance, the Council’s commitments in the FEIS:

MI-1

- (a) To keep CCLRT bell volume down to the 76 dBA at 50 feet to minimize potential noise impacts. *See* FEIS at p. 4.6-6; and
- (b) To achieve, after mitigation, “complete acoustical isolation from outdoor noise” in Studios M and P of the MPR Building. *See* FEIS at pp. 4.6-21 and 4.6-37.

II. Specific Comments

As to Noise:

1. The FEIS states that “airborne noise impacts are not predicted to occur at Minnesota Public Radio.” *See* FEIS at 4.6-21. MPR’s analysis using the FTA’s Detailed Noise Assessment methods has shown that LRT airborne noise impacts are predicted to occur at its building along Cedar Street, which is classified as a Category 1 Land Use. Nonetheless, MPR acknowledges that the Mitigation Agreement and the measures proposed for Category 1 land uses at p. 4.6-37 of the FEIS, if timely and fully performed by the Council and the CCPO, are intended to mitigate these noise impacts to the extent required under FTA Guidelines.

2. In the Cedar Street noise analysis, the FEIS uses average Day-Night Sound Level (Ldn) to determine noise impact thresholds. FTA Guidelines, however, recommend that, for Category 1 land uses (such as the MPR Building), the impact assessment should be based on Hourly Equivalent Sound Level (Leq (h)). Tables 4.6-3 and 4.6-4 in the FEIS include Ldn and 24-hour Leq data, but do not include Leq (h) data.

N-2

3. With respect to CCLRT bell noise: (a) bell noise may have been assessed under an adaptation of the Federal Railroad Administration (FRA) horn model, but the FEIS does not describe the FRA model or the method of analysis used; (b) the FEIS does not study bell noise from both ends of LRT trains; and (c) the FEIS does not contain bell noise contours at the Exchange Street pedestrian crossing.

4. The FEIS evaluates the effects of construction noise along Cedar Street at a minimum distance of 30 feet. *See* FEIS at p. 4.6-30 & Table 4.6-15. CCLRT construction will occur within 10 to 12 feet of the entire western wall of the MPR Building, meaning that construction noise impacts upon MPR could be more severe than predicted in the FEIS. MPR, nonetheless, is satisfied with the construction noise mitigation steps committed to by the Council and CCPO in the FEIS (at pp. 4.6-42 & 43) and in the Mitigation Agreement, so long as they are faithfully complied with.

July 27, 2009

As to Vibration:

1. The ATS Consulting Report from December of 2008 is included in Appendix J, but the subsequent questions raised by MPR and the additional reports generated by ATS are not included in the Appendix or elsewhere in the FEIS.

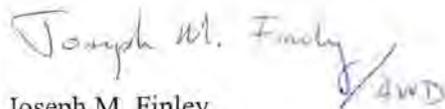
2. The conclusions drawn from the vibration data cited in the FEIS, insofar as they apply to the MPR Building, are uncertain owing to local geology and commonly-occurring factors such as culverts, sewer lines, electrical vaults, as well as questions about the accuracy of certain measurements and the methodology used – all of which could result in higher than predicted vibrations impacts. The FEIS appears to commit the Council/CCPO to mitigating these variable vibration impacts at the MPR Building by use of a “floating slab.” See Table 4.7-8 in FEIS at p. 4.7-13. Given the range of possible vibration impacts, MPR believes that the floating slab to be constructed alongside the MPR Building must be designed and maintained with due consideration to: (a) the inherent uncertainties in the prediction methodology, (b) temperature extremes in the St. Paul climate; (c) the possibility of ice build-up under and around the slab; (d) the steep grade of Cedar Street at the MPR Building; (e) the traffic crossing at 7th Street; and (f) ease of future repair and replacement.

3. Ground-borne noise impact levels appear missing from Table 4.7-2 on page 4.7-3.

Yours very truly,

LEONARD, STREET AND DEINARD

A Professional Association



Joseph M. Finley
/bes

cc: Jeff Nelson
Tom Kigin
Anthony Baxter

V-2

Zamansky Professional Association

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July 24, 2009

Reply to Minneapolis Office

BY EMAIL AND U.S. MAIL

Kathryn O'Brien
Central Corridor LRT Project Office
540 Fairview Avenue North, Suite 200
St. Paul, MN 55104

RE: Comments on Central Corridor Final Environmental Impact Statement ("FEIS")

Dear Ms. O'Brien:

The undersigned serve as legal counsel for The Applebaum Companies, Inc. d/b/a Big Top Liquors ("Big Top") located at 1574 University Avenue, St. Paul, Minnesota. Under the specific areas set forth in the FEIS, Big Top is located in the Midway East Area. Being located on University Avenue and in the heart of the proposed Central Corridor LRT Project ("Project") for the Midway East Area, Big Top has vast interest, concern and objection to the Project and the lasting effect the Project will have on the business in the Midway East Area and the neighboring community.

Big Top strongly opposes and rejects the Project and requests that the Project not move forward in any manner.

The following sets forth Big Top's specific arguments and positions regarding its opposition to the Project and comments on the FEIS:

1. Big Top will suffer significant loss of business and customers because of the construction of the Project. Big Top strongly disagrees with and rejects the statement made in Chapter 9 of the FEIS that says the "Preferred Alternative would provide increased mobility to both residents and business within the Central Corridor and is expected to contribute to economic growth." Small businesses are already having a difficult time in today's financial environment. Now is not the time to pour hundreds and millions of dollars into a project that in the present and potentially in the future will cause great economic pressure and damage to business in the area. There is the potential that the construction of the Project will greatly affect Big Top and other successful small business's viability in the Midway area. The proposed redesign of the Midway shopping area will have a negative economic impact as significant pedestrian activity is unlikely as the light rail in front of Big Top's location will likely create a large deterrent for potential customers.

PL-3

Zamansky Professional Association

Ms. Kathryn O'Brien
July 24, 2009
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- 2. Big Top will suffer significant loss of business and customers because of the significant decrease in access to Big Top's location from the construction of the Project and the placement of the proposed light rail station on Snelling Avenue. The FEIS does respond to many comments related to access and the steps that will be taken to attempt to aid people during construction of the Project. However, Table 9-3 of the FEIS confirms Big Top's position that median closures along University Avenue will "make it more difficult, at times, to cross University Avenue in a car." Big Top relies on this type of access from all directions to allow its customers the most flexibility and convenience. Thus, Big Top stresses that the loss of access and consistency with access to its location will greatly affects Big Top and other successful small business's viability in the Midway area.
- 3. Big Top will suffer significant loss of business and customers because of the loss of large number of parking spaces for Big Top customers and related retail stores from the construction of the proposed light rail station on Snelling Avenue. Though the FEIS does respond to many comments related to loss of parking in particular that University Avenue will retain 175 of its 1,150 on-street parking spaces, Big Top confirms and stresses that loss of parking will greatly affect Big Top and other successful small business's viability in the Midway area. Big Top does not agree with the statement in the FEIS that loss of on-street parking may affect the current land use types because of the lack of direct access to certain business. Big Top is confident that loss of on-street parking will affect the current land use types because of the lack of direct access to many businesses in the Midway East Area. Big Top requests that further study be undertaken regarding the parking issues related to the Project with significant undertaking related to businesses where proposed light rail stations will be taking parking spots from its location and how said businesses will be compensated for such treatment. In addition, it will be necessary to police existing parking designated for businesses to be sure that those parking spaces are not used for unauthorized Park and Ride facilities. How will this expense be covered?
- 4. Big Top will suffer significant loss of business and customers because the construction of the proposed light rail station on Snelling Avenue will greatly alter and affect Big Top's visibility from University Avenue and the related area. The FEIS does confirm that the proposed location of the light rail stations and canopies may block the views across roadways, business and storefronts. In Big Top's case, the construction of the proposed light rail station on Snelling Avenue will block Big Top's store front and views. Big Top shall potentially be compensated for its "easement of view" which gives a property owner the right to view outward over the abutting public street. McCarthy v. City of Minneapolis, 203 Minn. 427 (1938). Further, Big Top shall be compensated for the interference of its light, air and view easements because it could be determined that the Project is not a proper street use. Castor v. City of Minneapolis, 429 N.W.2d 244 (Minn. 1988). It will be necessary to have additional signage identifying businesses whose access has been altered on

A-2

P-1

VE-1

Zamansky Professional Association

Ms. Kathryn O'Brien
 July 24, 2009
 Page 3

whose signs are no longer visible from the normal patterns. How will these expenses be paid?

5. Alternatives other than the ones cited in the FEIS (University Avenue LRT; University Avenue BRT; and I-94 LRT) should have been considered and included in the overall planning process of the Project. One possible alternative that should be considered is the acquisition of the homes and properties north of University Avenue. This alternative would greatly eliminate any of the issues in connection with the likely issues regarding traffic and access for the Project. Though this alternative is likely to be met with opposition from the individual property owners to the north of University Avenue and the likely desire by all agencies to limit acquisition of private properties, the above referenced alternative for the placement and design of the Project should be considered at this time. AL-6

6. Chapter 3 of the FEIS stated that the likelihood of severe accidents would be negligible and the probability of accidents would be remote. We disagree with this statement and conclusion. Safety is and will continue to be one of the greatest issues and difficulties that will arise because of the Project. The current light rail system that runs through Downtown Minneapolis creates much confusion with much greater likelihood of accidents and deaths than the previous transportation and road layout. During the first three years of operating, there were five known deaths. This total might be greater at the present time. Further, the Houston light rail system has been nicknamed the "Wham-Bam Tram" because of all the related accidents and deaths. Safety is a great concern to Big Top regarding the Project. However, the Project will likely create this same level of potential danger and confusion for both drivers and pedestrians, as in Minneapolis and Houston, causing the probability of severe accidents and accidents in general to be prevalent and consistent. SS-1

7. Real estate taxes for Big Top and other property owners/tenants will significantly increase because of the Project. The responses to comments contained in the FEIS are incomplete and do not adequately respond to the issue regarding the likelihood of an increase in real estate taxes for property owners/tenants in close proximity to the Project. Though the FEIS states that land development and property taxation policies are principally the responsibilities of the cities of Minneapolis and St. Paul, Big Top requests that this position relating to no increase in real estate taxes be carefully reviewed and considered by the Metropolitan Council and related parties.

8. The Project will likely cause many businesses and tenants to close down operations and choose to leave the Midway area. This will have a significant economic impact on Big Top and other businesses that have a strong desire to remain in the Midway area and continue to grow its business in its current location. With the ever increasing number of businesses leaving the Midway area because of the general economy and now likely because of the construction related to the Project, Big Top BI-1

Zamansky Professional Association

Ms. Kathryn O'Brien
July 24, 2009
Page 4

and other businesses will likely see significant loss of business and customers which in turn will have a damaging affect on the area as a whole.

- 9. The overhead catenaries and other visual impairments necessary for the light rail cars and stations will have a negative impact aesthetically on the Midway East Area and the other areas on the light rail path. Big Top requests that all visual impairments necessary for the light rail cars and stations be minimal or eliminated in its entirety.

VE-1

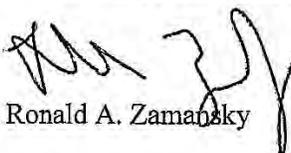
Big Top strongly opposes and rejects the Project and requests that the Project not move forward in any manner. In the short term because of the construction of the Project and the dramatic changes related to the Project including but not limited to the removal of parking spaces, altering access to and from the business storefronts and eliminating visibility to University Avenue, the small businesses, including Big Top, will see business dramatically decline. In the long term, it is Big Top's position that the implementation of the Project will not come close to create the positive economic development and growth contemplated and recited in the FEIS.

Big Top continues to reserve all of its rights and remedies in equity and law regarding the Project and related matters.

Please contact the undersigned with any questions. On behalf of Big Top, thank you for your consideration of the above comments and proposals regarding the Project and the FEIS.

Very truly yours,

ZAMANSKY PROFESSIONAL ASSOCIATION



Ronald A. Zamansky

cc: Big Top Liquors

DMZ\letters\645.a1-BigTopCentralCorridor.doc

July 27, 2009

Kathryn O'Brien
Central Corridor LRT Project Office
540 Fairview Ave. N., Ste. 200
St. Paul, MN 55104
Re: Comments on CCLRT Final Environmental Impact Statement

Dear Ms. O'Brien

SchmoeCo LLC, a Minnesota-based small business and music production company, leases a suite at 1951 University Avenue in St. Paul, and operates a recording studio there (Studio). The suite was acoustically designed and constructed for use as a recording studio in the 1990's. One of the many local artists who recorded at the Studio was later produced by Todd Rundgren. Prior to occupying this suite, SchmoeCo leased a suite 200 at 540 Fairview Avenue North, in St. Paul and operated a recording studio at that location. That building was sold to the State of Minnesota, the SchmoeCo lease was terminated, and SchmoeCo was forced to relocate to its present location. The Central Corridor LRT Project Office now occupies the suite formerly leased and occupied by SchmoeCo at 540 Fairview Avenue N.

The CCLRT FEIS identifies airborne noise impacts are predicted to occur at the Studio located at 1951 University Avenue. The FEIS states Metropolitan Council's commitment to negotiate mitigation measures for airborne noise impacts to the Studio with the building owner. SchmoeCo LLC notes that the building owner does not own or operate the recording studio and has no involvement in it. Therefore, this commitment does not guarantee that the recording studio will receive any mitigation for airborne noise impacts associated with the operation of the CCLRT.

The CCLRT FEIS also identifies that ground-borne noise and ground-borne vibration impacts are predicted to occur at the Studio due to operation of CCLRT. The FEIS identifies potential track-based mitigation measures, and states that relocating the recording Studio may be the most cost effective mitigation measure.

The CCLRT preliminary engineering plans show that University Avenue will be reconstructed from building front to building front. The "control room" at the Studio lies within the building footprint. However, the room in the Studio in which artists perform while being recorded (the "tracking room") is beneath the sidewalk at 1951 University Ave; the sidewalk is the ceiling in this room at the Studio. The "tracking room" contains acoustical treatments, a drum set, instrument amplifiers, a 1950's era Hammond organ and Leslie speaker cabinet, microphones, headphones, and other equipment related to the Studio. The "tracking room" will no longer be able to function in its intended purpose when the ceiling is removed and the tracking room is exposed to the outdoor environment. All of the contents of the Studio will no longer be secure once the ceiling is altered or removed. Therefore, alteration or removal of the sidewalk associated with CCLRT construction will force the Studio to close and relocate. Under the Uniform Relocation Assistance Act (the Act), CCLRT will force SchmoeCo LLC to become a "displaced person", as defined in 42 USC, Chapter 61, Supchapter I, Section 4601, item (6)(A)(II) of the Act.

This letter notifies Metropolitan Council that:

- CCLRT displaced SchmoeCo once already, when SchmoeCo was forced to move out of suite 200 at 540 Fairview Avenue North to make room for the CCLRT Project Office;
- The owner of the building at 1951 University Avenue has no material investment in, and does not participate in any way in the operation of the Studio;
- Committing to negotiate mitigation measures for airborne noise impacts to the Studio with the building owner does not guarantee airborne noise mitigation measures to SchmoeCo LLC and the Studio because the building owner has no involvement in the Studio;
- SchmoeCo LLC has not been contacted by Metropolitan Council to negotiate mitigation measures for the predicted air-borne noise, ground-borne noise, and vibration impacts identified in the FEIS, including relocation;
- The FEIS is flawed in that it does not discuss how construction-related alterations of the sidewalk in front of 1951 University Avenue will affect and displace the Studio;
- Any changes or alterations to the sidewalk in front of 1951 University Avenue will have significant and negative impacts to the Studio;
- Construction of CCLRT will force SchmoeCo LLC to cease operation of the Studio and force the Studio to relocate;
- Closure of the Studio will result in lost rental income for the owners of 1951 University Avenue, and this is all that Metropolitan Council should negotiate with those owners;
- Recording projects at the Studio have durations that range from a few days to several months, therefore both short-term and long-term plans are crucial to the Studio, and;
- SchmoeCo LLC fully expects to receive fair and full relocation assistance in a timely manner in conformance with NEPA, the Uniform Relocation Assistance Act, and other statutes, regulations, and case law.

RW-1

At your earliest convenience, please direct all written correspondence to:

SchmoeCo LLC

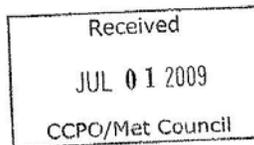
3416 40th Ave South

Minneapolis, MN 55406

1224 Edmund Ave.
St. Paul Mn. 55104

June 29, 2009

Ms Kathryn O'Brien
Environmental Services Project Mgr
Central Corridor Project Office
540 Fairview Ave. No. Suite 200
St Paul, mn. 55104



Dear Ms. O'Brien:

We realize that our input to the Light Rail Transit is neither wanted nor considered, but we still want to express our concerns. We have talked to many St. Paulites from various parts of the city and no one is in favor of the Light Rail, but feel it is being forced upon them.

We oppose of its construction for several reasons:

1. St. Paul's population is not large enough to need this means of transportation.
2. It would ruin the core of St Paul by destroying all the businesses along University Ave. Right now we have many small friendly businesses which give St. Paul a good character.
3. It would eliminate parking on University Ave as a person would not have a place to leave the car.
4. Its vibration and noise would disturb many residents.
5. It would turn St. Paul into a slum area and create more crime.
6. It is not suitable for the elderly.
7. Its maintenance would be very costly.
8. It would ruin all types of business in St. Paul regardless of its location, because people would go to Minneapolis to do most of their shopping and entertainment.
9. As always, there are very few Minneapolitans who come to St. Paul to shop or spend any money.
10. It is a project that would help stimulate the financial growth of Minneapolis while St. Paul would struggle to avoid becoming a ghost town. It is possible that this could be the reason for the Light Rail in the first place.

While those in favor of the Light Rail may not agree with these 10 concerns, they are common sense concerns which are bound to happen.

We would like to know the purpose of the Light Rail transit and what advantage it would have for the St. Paul residents and the city of St. Paul as a whole.

We would appreciate a reply to this letter as soon as possible.

Sincerely,
Mrs. Eleanor Schultz
Mrs Irene Jensen

- PL-3
- B1-1
- P-1
- VN-1
- SS-1
- OM-1
- PL-3

Kathryn O'Brien
Central Corridor LRT Project Office
540 Fairview Ave. N., Ste. 200
St. Paul, MN 55104

409 Roy Street N
Saint Paul, MN 55104

Re: CCLRT FEIS

Attn: Ms. O'Brien:

As an engineer who loves rail lines, my input is that the FEIS for CCLRT oozes competence, but lacks the vision that BART planners had in 1960.

The FEIS indicates that CCLRT will attract 1600 extra riders per day, about one half of one percent of those going past on I-94. Twin Cities percent transit miles will remain at two percent. Transit use in other cities, such as Oakland, California (as drivable as Saint Paul) will remain more than three times higher than transit use in the Twin Cities.

The Hiawatha line included park and rides and indeed, those using park and rides accounted for more than thirty percent of ridership. No park and rides are provided next to the CCLRT. (New bus routes are unlikely to draw a critical mass of ridership as the buses will be too infrequent to be useful if Hiawatha is predictive. Satellite lots rely on buses.)

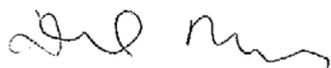
Practical issues that could potentially impact ridership, such as those raised by Councilman Melvin Carter are not carefully studied, "All I want is a ticket booth and a toilet at each station."

Benefits and costs of putting the line underground do not appear to be extensively studied. An underground line, given that the roadway is going to be destroyed and rebuilt anyway, may not be as incrementally expensive as forecast. Engineers can not know what they may find underground, so they conservatively guess costs will be high. What if costs of above ground mitigation are actually as high? The FEIS includes no calculation of how much more valuable a below grade line would be. What is the benefit if the rail line is twice as fast? (The FEIS indicates that the rail line will be "faster than current buses.")

AL-4

Design should be customer focused. Given the change in presidential administrations, cost myopia may be unfounded.

Based on neighborhood meetings, there is no mandate for CCLRT immediately adjacent to the proposed Snelling Avenue station. I suggest a non-binding vote at the ballot box in November to validate LRT planning and place the responsibility for this LRT investment where it belongs.

 7/23/2009
David Rasmussen

July 21 2009

Dear Kathryn,

The Minneapolis-St.Paul rail connection is a disaster waiting to happen. First and most important it will ruin many businesses along University Avenue by taking away parking. People will not park "in the hood" to patronize these businesses. Not during the day and especially not at night. And if the Mayor thinks differently he should set the example. Park his car on Thomas St. about 7:30 PM, walk to University Av. to dine and then walk back to Thomas St. around 9:30 PM or 10:00 PM. He should do this seven or eight times without body guards to set the example.

P-1

PL-3

I live on the West Side of St. Paul. I trek out to University Av. to do all my shopping and dining. Once the rail starts I do not plan to go out to University Av. I will not fight the rail, the buses, the traffic and park two or three blocks from where I am going. Cub, Rainbow, Herberger's, Walgreen's, Border's will all lose my business. I will go to Roseville. I am not alone on my decision as I have talked to numerous people who feel the same.

Our politicians did not have Plan B for the tax revenue loss on the smoking ban. The revenue loss from the cigarette tax, the revenue loss from tax on food, the revenue loss from tax on liquor, the revenue loss from liquor licenses and the revenue loss from buildings that no longer have restaurants and bars is devastating. Their Plan B was to raise our taxes.

Again, along University Avenue there will be a tremendous loss of tax revenue for St. Paul from either business loss or closed businesses along University Av. And again, their Plan B for this will be to increase our taxes!

The politicians have a "VISION" of beautification from Pierece Butler Road all the way to University Av. This is not going to happen as there is NO MONEY. The State, County and City are all running deficits.

Like in other cities, the rail, if it is to be built, should run down the freeway!!! That is the most logical place for it!

AL-7

Larry Eckhart
334 Cherokee Av. #211
St. Paul, MN 55107

Ph: 651-224-6275

Of a different nature, but along the same lines. The city was to build a new swimming pool and the bid I understand was almost sensible. Now the plan is to build the likes of a water park with a WAVE POOL etc etc etc. The cost would run

about 3.5 million. And where does this money come from. The MAINTENANCE fund. This is robbing Peter to pay Paul. So, maintenance is going to suffer. If maintenance isn't suffering, then we have excess funds that should be distributed where they are most needed.

At the center of the central corridor between Minneapolis and St. Paul, University Avenue runs in front of KSTP and an existing section of purchased and developed transitway runs behind KSTP. Where in the Final EIS is there a consideration of routing the LRT line on the existing transitway?

AL-5

http://www.youtube.com/watch?v=dgEFMSe1Uvk&feature=channel_page

http://www.youtube.com/watch?v=hNVWY2eJxdk&feature=channel_page

http://www.youtube.com/watch?v=3ckTRCTOGpY&feature=channel_page

Sheldon Gitis

South St. Anthony Park

Good Morning, Ms Kathryn O'brien:

First, I want to say I am supportive of the CC LRT project. I have attended quite a few meetings the past twenty years.

In one meeting with Dan Soller called by Council Member Russ Stark, I expressed that some of the space between the LRT right-of-way and the inside traffic lane could be taken to accommodate/restore greater sidewalk/boulevard width. The space in current drawings is called "median" and is colored red. The current drawings show 12 feet wide medians and 10 foot sidewalk width.

While many sections show this median space being taken up significantly to curve traffic lanes around on street parking, I can find no examples of the traffic lanes being curved to restore and allow greater sidewalk width. I think this is unacceptable and the sidewalk width should be generally greater than the median width. Dan Soller acknowledged this. The drawings and plans should be updated and show a real effort to maintain the greatest possible sidewalk width throughout the CC line.

Ped-1

Thank you

Paul L Nelson
1678 Van Buren Avenue
Saint Paul, MN 55104-1821

651-645-6996

The point of having mass transit is to move a large number of people in a way that is affordable, convenient and non disruptive to traffic.

The Central Corridor does none of this.

The amount that is going to be spent for what amounts to a few people taking " the train" as a ride is unreal.

If the Met Council is really interested in moving the "masses" a line would be built from Woodbury, Burnsville or MTKA whose purpose would be to get people from A to B and off the freeways.

PL-3

We are currently spending 25% of the mass transit money on a " ride" from Downtown to the Mall. To spend 25% of a total budget to move about 28,000 people, is clearly not cost efficient or a wise use of taxpayers money.

This is a horrible route and does noting to alleviate congestion. In fact, if constructed, University Ave will become another overly congested street with frustrated drivers. Having to drive through the current line, and wait forever at lights while the train meanders down the track... I know this as fact as I need to drive throught the tracks to get to work. I also see the number of people on the train as it stops outside my work window. The usual amount in the rush hour morning is about 10 people. It would be cheaper to give people cab fare.

TR-1

What will happen when the train is going through the intersection of University and Snelling and the fire or police are called? I have seen it first hand by the MOA- the gate comes down and the rescue needs to divert.

Build a line, but build it to be a real mover of people.

Finally, who is going to walk 6 blocks in the dead of winter to catch the train? no-one...

This is just not the correct place to put this.

Thank you,

Kathy Haslerud RN BAN CCM PNH
 HP Worksite Health
 E mail: Kathy.j.haslerud@healthpartners.com
 Phone: 952 883 7538
 FAX: 952 853 8732

I am writing to indicate my strong support for the Central Corridor light rail (CCLRT) project. In its current form, I believe the CCLRT project represents the most effective investment of capital funds the state and region could make in a transit project, and that the region will benefit immensely from this project.

I grew up in St. Paul, and though I have since left the state, the completion of the CCLRT will play a major role in my decision whether to ultimately settle in the Twin Cities, since

it represents the commitment of the region to smarter growth and a more sustainable future.

Sincerely,

Michael Rhodes

July 27, 2009

Kathryn O'Brien
Central Corridor LRT Project Office
540 Fairview Avenue North, Suite 200
Saint Paul, MN. 55104
651-602-1927

kathryn.obrien@metc.state.mn.us

RE: Comments Central Corridor - Final Environmental Impact Statement (FEIS)

Dear Kathryn,

In the most recent issue of the Villager newspaper was an article on the Central Corridor Light Rail Transit entitled "Speak now or hold your piece on light-rail project".

I have followed the LRT planning process perhaps more closely than the average Saint Paul resident or business owner, of which I am both. This is my hometown, I have been a downtown business owner nearing sixteen years, and as well, art, architectural design and Saint Paul planning is of particular interest to me. I have read most of the extensive FEIS report, and appreciate the vast amount of work which has gone into it.

I am an ardent supporter of mass transportation and a LRT route which will ultimately connect downtown Saint Paul to downtown Minneapolis. However, being I know the core area very well I continue to have strong misgivings not only about the planned LRT route through downtown Saint Paul, but also remain very disappointed in the manner in which public meetings were held and how politicians, particularly Mayor Coleman in his capacity as leader of this city, have sold the route to the public.

An example; Mayor Coleman stated late in 2008 that those of us who had serious misgivings about the downtown leg of LRT were out to "delay or derail this vital transit improvement project – the largest in our region's history" one which "will provide improved access to important employment, educational, and economic opportunities for thousands of area residents, including minority and disadvantaged populations. It will help spur the economic revitalization in downtown St. Paul...". This was strong arming, pandering nonsense talk.

During LRT meetings the LRT route was glamorized with negative aspects glossed over or not discussed. Serious questions were at times grudgingly answered or met with irritation. When I asked that with all of Fourth Street's parking removed in Lowertown, as well as the parking spaces on Union Depot's front drive, where were people going to park who are going to local businesses with there being little side street parking typically available? The planner then said "A new paradigm will have to exist, people will have to get used to using mass-transit when coming to downtown". This reply was arrogant and unrealistic. This planner left the meeting in a *vehicle* to go their home which lies *outside* Saint Paul.

Page 1.

Many of the planners and politicians have no investment in downtown and many have no investment in this city so they will have little to lose if their plans go awry. It was also insulting to listen to a planner speak of the jugglers and hot dog vendors who will be on Fourth Street, the new "Gateway" to the "Entertainment District" once LRT comes to downtown.

Our mayor and others in leadership positions, including planners, put pressure upon and at times mislead and withheld pertinent information from the public to ensure general acceptance of the LRT route through downtown despite its many shortcomings, particularly in comparison to LRT remaining entirely on Jackson Street once it leaves University Avenue. My detailed and mindful comments and accompanying illustrations were ignored. I am not offended, but this reinforced my and others opinions that blind arrogance is now what is fully engaged in regards to LRT in downtown Saint Paul. This route was not fully thought through and they now know it. And even with this nation now spiraling into depths of unimaginable debt our leadership is unconcerned about ensuring one of their greatest obligations to their constituents is being met, cost effectiveness. One downtown property owner calls all of this "Lunacy". The final LRT route outlined in this report is not by far what is in the best interest of downtown Saint Paul. Leadership at all levels refuses to acknowledge that the easiest way to ensure they are doing the right thing is to create a test whereby for one week we create most of the conditions which will exist once LRT is in place on Cedar and Fourth Streets:

1. On Cedar Street, remove all parking and reducing traffic to a single lane from Tenth to Fourth.
2. On Cedar Street, close the bus stops at Fifth and at Exchange.
3. On Cedar Street, close the drive-thru in Town Square and the Alliance Bank Center.
4. On Fourth Street, remove all parking from Minnesota to Broadway.
5. On Fourth Street, reduce traffic to a single one way lane between Minnesota and Wall Street.
6. On Fourth Street, close the vehicle drive-up in front of Union Depot.
7. Run three buses spaced equally apart to represent a 3-car 300' LRT train, each bus having a LRT bell/gong on its front and back for a total of six.
8. Double this 'train' to represent the scenario where two LRT trains will typically be coming and going through downtown.
9. Have these trains sounding their six bells/gongs simultaneously at each intersection and at each of the three station stops coming and going.
10. And occasionally when the two trains would meet ensure they sound their twelve bells/gongs simultaneously.
11. According to the planned schedules, run them coming and going, nearly two hundred times daily, seven days a week, beginning at 4am - when they would begin traveling down Fourth from Broadway, site of the planned maintenance facility, and having the last 'train' return at 2am.

AL-3

Page 2.

This simple test would have provided the clearest picture possible concerning LRT and what this routes impact will be upon on downtown.

The FEIS begins.... While the National Environmental Policy Act sets a broad policy of disclosure, a more explicit statutory mandate for *mitigating adverse impacts* is set for the Federal Transit Laws.

Specifically, before approving a construction grant FTA must make a finding that: ...the preservation and enhancement of the environment, and the interest of the community in which the project is located, were considered; and no adverse environmental effect is likely to result from the project, or no feasible and prudent alternative to the effect exists and all reasonable steps have been taken to minimize the effect.

This directive in my opinion has not occurred.

Sincerely,
William (Bill) L. Hosko

Hosko Gallery
56 East 6th Street, Suite 305
Saint Paul, MN. 55101
billhosko@yahoo.com
651-222-4767

PS Additional comments attached.

Page 3.
Further comments:

1. Utility Work.

Currently utility work in preparation for LRT on Cedar and Fourth Streets is underway. It does cause one to wonder if public commentary is truly desired at this point.

2. Downtown LRT Routes.

This FEIS report shows LRT leaving University Avenue on Robert Street. This seems to be a recent change from Jackson Street. During leadership and planner arguments for LRT they testily stated the route they had chosen through downtown had been in planning for fifteen years. This is simply not true. Rice, Cedar, Minnesota, Fifth, Sixth, Wacouta and Robert have all been part of the planning process.

Also, Union Depot was not part of the planning process until after I encouraged then Mayor Norm Coleman in 1999 to bring train travel back to the depot. Prior to that time housing and even a soccer field were planned for the depot platform, the transportation museum envisioned for the depot concourse at that time had no plans to accommodate passenger train service as well. After consultations with a number of downtown business owners and residents, and through my own study lead to the conclusion that once LRT leaves University Avenue it should do so *only* on Jackson Street, and remain *entirely* on Jackson Street. Once crossing Kellogg Boulevard, a short bridge would then take Jackson LRT directly onto the depot platform for seamless future train to train connections. To reach the maintenance facility Jackson LRT would then simply continue east, down the platform to curve around under the Lafayette Bridge to enter the east face of the proposed maintenance facility.

This route, less costly to construct and maintain, would have been more passenger friendly and far less disruptive to the fabric of downtown, including Lowertown. It would have offered superior future connection possibilities for Amtrak, high-speed rail, and future LRT routes to the airport, to the east and to the north.

During public meetings planners stated they studied and rejected LRT for Jackson for a number of reasons. The FEIS does not report this?

Unlike Minneapolis' and other city's LRT and commuter train routes, Saint Paul's downtown LRT route outlined in this FEIS will be more circuitous, more expensive to construct and maintain, and far more disruptive to the fragile environment of the core area of downtown, including Lowertown.

This circuitous route will slow travel time. Curiously, leadership has rejected the installation of additional stops on University Avenue because they will slow travel time.

AL-3

In a March 2009 letter responding to my previous communication Mayor Coleman maintained the Jackson Street Bridge over I-94 cannot support LRT and that it would disrupt traffic in that area during evening rush “hours”. Factually, both the Cedar and Jackson Street bridges can support LRT. In March 2009 planners showed LRT from University Avenue turning onto Jackson then on to Twelfth and then to Cedar, today planners apparently have LRT leaving University Avenue on *Robert* to Twelfth to Cedar, according to the FEIS. Either scenario would be more disruptive to traffic being they would travel through either five or four busy intersections straddling I-94 respectively compared to two with LRT remaining entirely on Jackson.

Page 4.

3. Logistics.

With Jackson LRT two street level station stops would have adequately served the core of downtown. The third stop would be directly on Union Depot’s platform to allow for direct future train to train connections.

- According to the FEIS Central Corridor LRT replaces most route 50 buses and many route 16 buses will be eliminated (and contrary to assurances by planners in public meetings, most 94 express buses will be eliminated as well). In the future people who would have caught these buses (and had five core area stops to choose from) will have three core area LRT station stops to choose from.

On average LRT riders would have *walked little or no further* to Jackson LRT stations versus Cedar/Fourth LRT stations, and *would have had no further travel distance* than average LRT users in downtown Minneapolis. LRT planners have claimed ridership would have declined with LRT on Jackson. This was simply not true.

- The two Jackson Street LRT stations I have illustratively outlined in the past would at most be three blocks further from the “entertainment district” as planners and leadership call it, than either the central or tenth Cedar/Fourth LRT stations.
- From Jackson LRT’s closest station it would have been *seven* blocks to the Ordway and *eight* blocks to the Xcel/RiverCentre. In comparison from Minneapolis’ closest LRT station it is *seven* blocks to Orchestra Hall and *nine* blocks to their convention center, note; Minneapolis blocks are larger than St. Paul’s. LRT riders in Minneapolis who do not wish to walk to these venues board connecting buses on Nicollet Mall.
- If visitors to downtown Saint Paul on Jackson LRT did not desire to walk outdoors along Kellogg Boulevard, Fourth, Sixth or Seventh Streets to the Ordway/RiverCentre area, they could have from the Metro Square station boarded frequent connecting bus service one block away on Sixth, or have had direct skyway access just inside Metro Square, or a refurbished Jackson ramp at Jackson and Fourth.

Regarding Cedar/Fourth LRT and its station stop *in front* of Union Depot, passengers connecting to future trains will need to bring their bags two blocks to that train. The FEIS does not report this?

Planners who are opposed to the additional distance Jackson LRT would have required for a portion of ridership to walk to area businesses/residences/entertainment have shown no concern for creating a similar walking distance, for *all* ridership who will in the future wish to connect with future trains (Incidentally, Ramsey County’s recent purchase of the front of Union Depot for four million dollars more than it was available for in 2003 contradicts leadership’s and planner’s assertions that they have been working on this specific LRT route for fifteen years).

Planners have suggested a way to remedy the walk to connecting trains will call for LRT passenger service (a spur) to be extended to the rear track-side of Union Depot. If so, this will

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not only be another great taxpayer expense, but will only cause further disruption to the fabric of Lowertown and the historic depot platform area. The FEIS does not report this?

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Each year downtown hosts several parades which include the Winter Carnival and St. Patrick's Day parades and other events which require road closures. Cedar and Fourth LRT, versus Jackson LRT would most require these parades and activities to be rerouted.

4. Traffic Congestion.

Cedar/Fourth LRT requires the closing of core area traffic lanes. Where hosting LRT, Cedar and Fourth Streets would be reduced to a single traffic lane (the exception being a short block at the Farmer's Market). On Cedar Street; automobiles, delivery vehicles and 6 Metro Transit bus routes will share this one lane. The FEIS does not report this? Congestion will absolutely increase and commerce will absolutely be adversely affected (this will help ensure the closure of Macy's). Traffic engineers should be waving flags.

Jackson LRT, except on the Jackson Street Bridge over I-94, could have maintained the same number of existing traffic lanes through downtown, thereby affecting traffic and commerce far less.

Cedar/Fourth LRT will constrain traffic movement in Lowertown. Jackson LRT will not. LRT on Fourth will worsen the heavy vehicular congestion during peak season at the Farmer's Market. Another serious fact to keep in mind is the planning underway for a Lowertown Saint Paul Saints ballpark. Traffic engineers should be waving flags.

5. Ridership.

Both Cedar/Fourth LRT and Jackson LRT would offer convenient station stops. Both route's station stops would on average be of less distance for riders to reach than downtown Minneapolis' Fifth Street LRT station stops, and no greater distance than typically found in other cities.

6. Parking.

Cedar/Fourth LRT eliminates approximately 130 high-use parking meters. More drivers will be forced to park in expensive ramps during prime business hours. On evenings and weekends when on-street parking is generally free more drivers will be forced to pay for parking in ramps. Increasing downtown parking costs in a still struggling downtown will adversely affect commerce. The FEIS does not report this?

Jackson LRT would have eliminated approximately 55 parking meters, a savings of perhaps 85 metered spaces over Cedar/Fourth LRT. Inconvenience and expense to drivers would have been significantly less.

7. Bus Service.

Cedar/Fourth LRT will disrupt all existing Metro Transit bus service on Cedar Street (Fourth Street has no service). Minimally two stops will be eliminated, likely three, walking distance to connecting buses will increase and time to board and exit at remaining stops will increase. The FEIS does not report this?

Jackson LRT would not have disrupted existing Metro transit bus service

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8. LRT Maintenance Facility.

The FEIS report calls for the Central Corridor LRT Maintenance Facility to be located in the southern third of the vacant Diamond/Gillette Products Building on Broadway at Fourth Street in Lowertown. The report does not mention that:

1. The Central Corridor LRT schedule will be similar to the Hiawatha LRT Route 55 schedule and that each morning before 5am, in the heart of a residential neighborhood,

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200' trains in length initially, will begin leaving the Fourth Street side of this facility before 5am.

- 2. And that nightly the last trains will return here at 2am. As with Hiawatha LRT, future plans will call for a third car to be added to Central Corridor LRT. This will bring each train's full length to 300', the length of one downtown Saint Paul city block.

With Jackson LRT passenger service terminating atop the Union Depot platform, empty trains at the end of their scheduled runs would have continued east down the platform until reaching grade, curved north below the Third Street Bridge, then turned west into the east face of the maintenance facility, all with no disruption to Lowertown.

It was heartening to see the FEIS report mention the need to improve the proposed maintenance facility's exterior, in keeping with the character of Lowertown certainly, and that retail space is now part of the planning process, as my February 2009 letter mentioned was John Rupp's suggestion. Jackson LRT allows this building's entire façade to become an integral part of Lowertown, Cedar/Fourth LRT does not and will require large doors facing up the length of Fourth Street.

9. Environmental Impact: Noise and Automobile Exhaust.

- From University Avenue Jackson LRT trains would have stopped, started, and traveled through 11 downtown intersections (versus 18 for Cedar/Fourth LRT) and 2 street level station stops (versus 3 for Cedar/Fourth LRT).
- LRT trains are required to sound their "bells" (sound like gongs) on average four times for each of these instances. LRT train cars each have a front and rear horn. Each LRT train is comprised of two joined cars - with four horns. In the future there will be three joined cars - with six horns sounding simultaneously. The bell test outlined in the FEIS speaks of a *single* vehicle sounding a *single* bell in the vicinity of MPR during daytime hours.
- Minneapolis' Fifth Street LRT route is of similar width to Jackson Street. With Jackson Street generally being considerably wider than Cedar and Fourth, it would have reduced amplification of trains sounds.

Sound mitigation could have been installed where necessary for the Produce Exchange, Lethert-Skwira-Schultz, Mears Park Apartments and Brooks Building. One option to have considered is that Galtier Plaza condominiums and apartments and some Mears Park Apartments would have benefitted from an LRT tempered glass train shed roof spanning two blocks. At Sixth and Fifth Streets this ornamental cost effective structure, while reducing rising horn sounds, would have served as a beautiful landmark 'Gateway' for Lowertown. Jackson Street LRT would have helped define the border between downtown and Lowertown.

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- When Cedar/Fourth LRT trains stop, start, and travel out from the *front* Union Depot and at each of 12 core area downtown intersections and 2 other station stops they will be required to sound horns/gongs typically four times. Regularly two trains, sounding eight and as many as twelve bells/gongs simultaneously, will be in close proximity to each other. Narrower Cedar and Fourth Streets will amplify train horns.

When the LRT trains turn at corners bordering the central LRT station, and another in Lowertown if ever there is a spur line added, train wheels grating against steel rails will produce loud metal on metal screeching. Jackson LRT would have had no street level turns.

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- With its traffic lane reductions, interference with busy intersections, closure of the front vehicular Union Depot access, bus stop reductions and lost parking meters Cedar/Fourth LRT will not only slow vehicular traffic, but cause much idling and countless vehicles to forever spend more time *circling* while looking for parking in downtown. Traffic engineers should be waving flags. Jackson LRT over Cedar/Fourth LRT would have brought far less automobile exhaust and far more environmental benefits to Saint Paul.

10. Anti-Social Behavior.

Problem and criminal behavior has for years grown and become common at several Metro Transit bus stops near the proposed central LRT station (police records will show this area has the highest number of police calls in downtown). This is not discussed in the FEIS report. With the Metropolitan Council and Saint Paul’s leadership not addressing this problem in a meaningful way the core central business district’s environment has been and will continue to be seriously damaged. One of the primary problem stops is on Fifth Street at Minnesota Street. The other stop serving routes 16, 50 and 94 is nearby on Minnesota at Sixth Street.

- Plans call for LRT to replace most route 50 (and 94?) buses and many route 16 buses. This will force much of the anti-social activity at Minnesota and Sixth to relocate to the nearby central LRT station, which will be adjacent to the Fifth at Minnesota bus stop.
- A public plaza is planned for this area. LRT planners says this will become “a dynamic new plaza in the heart of the city” as well as “This square would be a place of arrival and transfers for many users entering the downtown by transit, and as such has the opportunity to become the place to *see and be seen*.”
- This Cedar/Fourth LRT central station plaza **will be** disastrous for downtown.
- Currently those waiting for route 50, 16 or 94 buses on Minnesota at Sixth who do not like anti-social behavior, anger and discontent, have the option of walking up one block or down two blocks to the next bus stop. From the Cedar/Fourth LRT central station the next LRT station will be 4 blocks east or 5 blocks north.
- To accommodate LRT the elimination of two, possibly three, Cedar Street bus stops will concentrate anti-social individuals on Cedar at Fourth directly in front of the Pioneer Press. Those who do not like anti-social behavior will have only one other Cedar Street stop to go to, seven blocks away.
- The historic University Athletic Club Building across the street from the Pioneer Press will then be surrounded by problematic transit stops. Planners say (at great expense to taxpayers) transit police officers can be installed at the central LRT station.

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Jackson LRT, with its two downtown street-level station stops placed as suggested would have dispersed anti-social behaviors.

11. Improved Riverfront Access.

To ease current and future traffic congestion on Jackson Street near Kellogg and to allow vehicles, pedestrians and bike riders another option for access to our riverfront and to help Union Depot better serve the public as it emerges as a transportation hub, would be to have two-way Wall Street become a thru street to Warner Road. For a number of reasons Wacouta and Broadway are less desirable options. At Kellogg Boulevard, Wall Street could continue under the depot platform (openings will be needed in the platform’s south concrete wall) to an intersection on Warner Road much as Jackson and Sibley do.

12. Costs and Inconvenience.

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According to the FEIS report LRT on Fourth at Minnesota will turn diagonally across the block to Cedar at Fifth. This will require the purchase and demolition of the vacant Bremer Bank Building and its arterial skyway level corridor and purchase of privately owned surface parking lots. The FEIS report does not mention that with a 300' LRT station stop in the diagonal of this block bordered on one side by a 45'x14'x11' high Traction Power Substation there will remain only two, smaller triangular parcels of vacant land on either side of this station. In the heart of downtown this will be unsightly and unsettling. The redevelopment of this block will in turn be more difficult and costly, developers will need to build over the massive LRT station and Traction Power Substation (is this legally possible to build over a substation?) to create larger floor plates. With the Bremer Building gone, and without redevelopment, a replacement skyway from the now *open-ended* Alliance Bank Center skyway over LRT to the University Club will need to span a half block. The FEIS reports funds for a replacement skyway are in place. It does not give a timeline for the reconstruction of the "temporary" skyway that is economically vital to downtown. Will this temporary skyway may be in place for decades.

Nothing less than a permanent skyway should be installed, I suggest duplicating the attractive skyway that features a center tower, which spans Seventh Street between the Wells Fargo Center and the World Trade Center Ramp.

For Jackson LRT a nominal amount of private surface lot property would have been needed for the Metro Square station. Budget Car Rental at Seventh and Jackson would have needed to be relocated or the small business structure moved east a short distance. Also, rather than placing the mobile home sized Traction Powered Substation in full view, for perhaps many years, in the heart of downtown for Cedar/Fourth LRT it could have been placed more discretely along Jackson Street.

13. Street Level Businesses and Development.

At past public meetings LRT planners and politicians did not convincingly say or show how other city's LRT lines within bustling districts, which they showed as examples of what could occur here, could actually happen. Factually, most of those are not situations which can be replicated on much of Cedar and Fourth Streets.

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Planners predicted LRT will draw new street level retail/restaurant businesses.

- A number of commercial properties along Cedar and Fourth Streets languish, additionally if one walks along these streets one would note that the street-level design of most properties here will not allow for convenient street-level commerce. Along the entire Cedar and Fourth LRT route only three vacant, readily developable lots exist. Two lots are adjacent to Union Depot, each of will be redeveloped with Union Depot emerging as a transportation hub, with or without LRT on Fourth Street. The other site will be halved and greatly diminished to accommodate the central LRT station and Traction Power Substation.
- LRT Planners, in a further effort to promote LRT on Cedar and Fourth Streets, showed four surrealistic *after* LRT scenes: Colorful street and sidewalk pavers were everywhere, as were many trees, benches and people walking about to where? Sunlight fell upon people from different angles within the same scene, in one, while they were walking *in the shadow* of KTCA. Across from Union Depot a building replaced an existing parking ramp. Buses were in place where no stops would remain. LRT tracks realistically wide looking up Cedar past Fifth in one scene became too narrow from Cedar and Fifth heading into the central station under an imaginary high-rise. In every illustration, the LRT track was laid in a beautiful imaginary unending bed of bricks or pressed concrete which will not exist.

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Misleading on a number of levels, they were colorful, alien streetscapes largely void of traffic, delivery vehicles and commerce. The public at that time was not allowed to see more honest interpretations of the LRT streetscape which will exist after the route is open.

- Despite published reports of office vacancies in the high twenty percents downtown Saint Paul office vacancies, when taking into account the buildings now off the market, has office vacancies above 30%. Despite assurances of “renaissances” and “resurgences” over more recent years, as a business center downtown Saint Paul has declined.
- Conversion of commercial buildings into residences has occurred not as planned, but as a result of downtown’s declining desirability for doing business. Property owners, forced to give up looking for office tenants, created condominiums, market rate apartments and most recently subsidized apartments. That growth has basically ended for now.
- As office sector jobs have left downtown retail business has declined. It is great news new office tenants Microsoft and Cray are coming to downtown coming to downtown however “Combined, the deals do little to reduce St. Paul’s office vacancy rate...” Minnesota Real Estate Journal – June 2009.
- The increase in downtown residences can not off set the lost buying power of the contracted workforce or the many shoppers who used to come downtown. LRT on Cedar, with its lane closures and elimination of on street parking/stopping and elimination of Macy’s parcel pick-up lane will ensure the closure of Macy’s.

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- Planners for LRT specifically did not mention that in downtown Minneapolis after nearly six years Hiawatha LRT has brought few improvements to its nine blocks stretch from the Metrodome to Hennepin Avenue. There is no new street-level commerce. Retail sales on Nicollet Mall, which LRT intersects, have decreased, not increased since LRT’s introduction in 2004. Several blocks north of the current terminus of Hiawatha LRT at Hennepin Avenue, a new Twins Stadium is nearing completion. While its proximity to LRT and the new commuter rail line from Big Lake is/was a plus, it was the availability of land here that helped bring the new stadium.
- There remains greater potential for improved street level commerce on Cedar and Fourth Streets with LRT *nearby*, but not directly *on*, these streets.
- Compared to Cedar and Fourth Streets, Jackson Street has *within one block*, more vacant land, vacant properties and commercial buildings with higher vacancies that are available for new development or redevelopment. The Jackson Street Ramp in need of structural upgrades and the underutilized Block 19 Ramp would both have been adjacent to the proposed Jackson LRT stations.
- Commercial buildings with existing, or suitable for conversion to, *true* street level commerce directly on or close to Jackson Street are: Produce Exchange, Embassy Suites, Eisenberg’s, Rossmor, Smyth, Metro Square, Galtier Plaza, Endicott Arcade on Fifth, 180 East Fifth and Jackson Ramp.

- Most of Wacouta Common’s newer retail/commercial space on Seventh has languished since opening. Its proximity to and design flow towards a Jackson Metro Square LRT station would have improved occupancy prospects.
- Redevelopment of vacant property along Jackson would remove the void between downtown and Lowertown. Jackson Street offers the best opportunity to create the ideal streetscape LRT planners envision for downtown Saint Paul. Over time, downtown’s population center will shift towards Jackson.
- By remaining on Jackson Street and the Union Depot concourse LRT would have: traveled six fewer downtown blocks, passed 7 fewer intersections, have had no turns on any block, required no skyway connection to be removed *and* rebuilt, required no purchase *and* demolition of an office building, required a nominal purchase of surface property, required only two street level station stops and created no tangle of overhead lines into the heart of Lowertown. By not constructing a 300’ LRT station in front of it or closing its historic front drive Jackson LRT would have most respected Union Depot.

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Pertinent excerpts from FEIS report. Areas I question are highlighted. Most pertain to my belief LRT on Cedar and Fourth Streets versus Jackson Street does not uphold requirements or statements made.

*Central Corridor LRT Project Chapter
Final EIS 1-1 June 2009*

1.0 PURPOSE AND NEED FOR THE PROPOSED ACTION National Environmental Policy Act

While NEPA sets a broad policy of disclosure, a more explicit statutory mandate for *mitigating adverse impacts* is set for the Federal Transit Laws.

Specifically, before approving a construction grant FTA must make a finding that: ...the preservation and enhancement of the environment, and the interest of the community in which the project is located, were considered; and no adverse environmental effect is likely to result from the project, or no feasible and prudent alternative to the effect exists and all reasonable steps have been taken to minimize the effect.

Table 1-2 compares current population in the six corridor segments to projected 2010 and 2030 populations. Population growth is anticipated in all six segments. Of particular note are the population projections for Downtown St. Paul, Capitol Area, and Downtown Minneapolis, where population in 2030 is projected to increase by 114 percent, 31 percent, and 59 percent, respectively. **Downtown Saint Paul is projected to grow from 7,310 to 15,620 persons by 2030 (21 years).**

Source: The Metropolitan Council, Metro GIS Data finder, Transportation Analysis Zones 2000, Updated June, 2008

The eastern terminus of the Central Corridor LRT would be at the Union Depot in downtown St. Paul. **The redevelopment of the Union Depot as a multi-modal hub for downtown St. Paul has been designated by Congress as a project of national and regional significance** (Sec. 1301, Projects of National and Regional Significance, August 10, 2005) and the Ramsey County Railroad Authority (RCRRA) is preparing an environmental assessment.

The environmental assessment is currently not available to the public, but Metropolitan Council is coordinating with the RCRRA because the Regional Transportation Plan includes several transit corridors, including the Central Corridor LRT, that would converge at Union Depot.

An additional corridor of note is a future line running southeast from downtown St. Paul toward Hastings and Red Wing, which will contain the Upper Midwest High Speed Rail connection from Chicago. The federal government has designated the St. Paul Union Depot as the northern terminus for high-speed rail.

GOAL 1: ECONOMIC OPPORTUNITY AND INVESTMENT OBJECTIVES

Support investments in infrastructure, business, and community that sustain the heart of the region. Promote a reliable transit system that allows an efficient, effective land use development pattern in major activity centers that minimizes parking demand facilitates the highest and best use of adjacent properties, and gives employers confidence that employees can travel to/from work.

GOAL 2: COMMUNITIES AND ENVIRONMENT OBJECTIVES

Facilitate the preservation and enhancement of neighborhoods in the Central Corridor LRT Study Area. Acknowledge the individual character and aspirations of each place served, and of the region as a whole. Support regional goals for cleaner air and water, more efficient energy use, and a safer and healthier environment.

GOAL 3: TRANSPORTATION AND MOBILITY OBJECTIVES:

Create transportation improvements that add people-carrying capacity, minimize operating costs, improve operating efficiency, provide high-quality modal alternatives, and reinforce the region's transportation system.

Expand opportunities for all users to move freely to, through, and within the Central Corridor LRT Study Area.

Enhance the existing transportation infrastructure to serve the high number of transit dependent persons in the Central Corridor LRT Study Area.

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*Central Corridor LRT Project Chapter 2 Alternatives Considered
Final EIS 2-1 June 2009*

1.0 ALTERNATIVES CONSIDERED OPERATING HOURS AND FREQUENCY

The Central Corridor LRT was proposed to operate from 5:00 a.m. to 12:30 a.m. seven days a week. Frequency would vary between 7.5 minutes during peak hours to 10 minutes during off-peak hours and weekends. The standard operating plan would be modified to accommodate special events (for example, evening or weekend cultural or sporting events).

*Central Corridor LRT Project Social Effects Chapter 3
June 2009 3.1-2 Final EIS*

3.1 LAND USE AND SOCIOECONOMICS

This section discusses the existing conditions and potential impacts on land use, zoning, and socioeconomics of the Central Corridor Light Rail Transit (LRT) Study Area. Table 3.1-1 provides a summary of the land use impacts for the Preferred Alternative.

3.1-1 SUMMARY OF IMPACTS

PLANNING SEGMENT CENTRAL CORRIDOR LRT ELEMENTS AND POTENTIAL IMPACTS

Downtown St. Paul A vacant building at 360 Cedar Street will be demolished. Portions of existing surface parking lots will be used for the alignment.

2030 TRANSPORTATION POLICY PLAN

In accordance with the 2030 Regional Development Framework, the 2030 Transportation Policy Plan (2004) outlines the necessity of planning for and investing in multi-modal transportation, as well as encouraging mixed-use development along main transportation corridors to reduce overall transportation needs. Building

transit ridership through expanding the existing bus system and developing dedicated rail and bus transit-ways is stressed, with a goal of doubling transit ridership by 2030.

The Central Corridor is specified as a Tier I Corridor, with light rail transit identified as the preferred mode of transportation for investment. Other central issues addressed in the plan include focusing highway investments on maintaining the existing system and reducing traffic congestion. The encouragement of local communities to establish an interconnected system of streets, walking paths, and bikeways is also emphasized. This plan is in the process of being updated. The public comment period has concluded and the plan is ready for the Metropolitan Council to adopt in early January 2009.

THE SAINT PAUL COMPREHENSIVE PLAN

The City of St. Paul adopted its most current comprehensive plan in January 2002. The City is currently updating the plan. Draft chapters of the plan have been completed and will undergo review and approval by the City Council in early 2009.

The Comprehensive Plan is generally focused on three main themes: 1) welcoming growth to aid in revitalization; 2) ensuring the well-being of St. Paul citizens through safe, economically diverse neighborhoods and providing educational and cultural opportunities; and 3) establishing "quality of place" through attractive neighborhoods and housing that promote pedestrian activity and are connected to natural areas (City of St. Paul, 2002).

Development guidelines are based on the principles outlined in the *St. Paul on the Mississippi Development Framework*, which stresses neighborhoods as urban villages, investing in the public realm, establishing a mix of uses, and providing a balance of transportation modes.

ST. PAUL DOWNTOWN DEVELOPMENT STRATEGY

Adopted as a chapter of the *Comprehensive Plan* in 2003 and updated in 2005, the development strategy is based on the principles outlined in the *St. Paul on the Mississippi Development Framework*. The plan was created in response to the increases in the residential population in downtown and the emergence of a cultural and entertainment area.

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The plan recommends the creation of a more vibrant street life, the establishment of central green spaces, and a mix of uses that meet the needs of downtown residents, workers, and visitors. The plan supports balancing transportation options in the area and implementing LRT and commuter rail as a means to reduce automobile traffic.

FITZGERALD PARK PRECINCT PLAN

Adopted in 2006 and thereby included in the City's *Comprehensive Plan*, the *Fitzgerald Park Precinct Plan* promotes an area that accommodates the needs of residents and patrons, establishes a pedestrian-friendly streetscape, and requires new development to be human scaled and coincident with existing neighborhood and historic character. The plan stresses balancing multiple modes of transportation, and recommends implementation of LRT to increase options for transit, beautify Cedar Street, and create new development interest in the area.

CENTRAL CORRIDOR DEVELOPMENT STRATEGY

The key document for land use planning in relation to Central Corridor LRT for St. Paul, the *Central Corridor Development Strategy* (CCDS) was adopted as a chapter to the *Comprehensive Plan* in 2007. The CCDS is referenced in the draft comprehensive plan because it will continue to be the guide for development in St. Paul's Central Corridor.

The CCDS "establishes a vision and set of strategies for how the Central Corridor should grow and change over the next 25-30 years in response to the LRT investment" (City of St. Paul, 2007). Serving as a framework for more detailed planning in the future, the CCDS outlines development standards and policies that would enable the Central Corridor to become a pedestrian-oriented area that preserves current diversity, helps to balance various modes of transportation, and takes full advantage of the LRT investment to bring in new economic opportunities.

3.1-8 FINAL EIS

Using LRT as a means to establish St. Paul regionally and nationally as an “innovative, diverse, and progressive place to live, work, play, and invest” (City of St. Paul, 2007)

Maintaining and “lifting up” the existing, diverse neighborhoods and businesses in the study area
Fostering economic activity

Establishing a balance of various modes of transportation to limit the use of the automobile

Improving the image and quality of life in the corridor, which emphasizes the design and maintenance of a “beautiful, green, vibrant, and pedestrian-friendly” corridor with integrated LRT and bus stations, parks, and street cafes (City of St. Paul, 2007)

Working with neighborhoods and stakeholders to ensure the implementation of LRT is as successful as possible.

RAMSEY COUNTY

The draft Transportation, Transit, and Surface Water Management section of the *Ramsey County 2008 Comprehensive Plan* recognizes the importance of providing efficient and affordable transit service throughout the county as an alternative to the automobile.

Although Ramsey County does not provide transit, the county stresses planning for and promoting transit that meets the needs of its citizens through coordination with such organizations as the Metropolitan Council. Further, the plan describes the county’s cooperation with municipalities to encourage land use planning that supports a multi-modal transportation system and encourages transit use. In addition to improving the existing bus system, it recommends LRT in the Central Corridor, commuter rail, and bus rapid transit as elements of the multi-modal system. A policy supporting a dedicated and sufficient transit funding source is also stressed. The plan is expected to be reviewed by the Metropolitan Council in early-to-mid 2009.

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ST. PAUL ON THE MISSISSIPPI DEVELOPMENT FRAMEWORK

Adopted in 1997, the development framework outlined in this document has been used in the adopted *Comprehensive Plan* to help guide development throughout the city. This document, which specifically addresses downtown St. Paul, stresses the creation of “urban villages.” Urban Villages are defined as areas that are centered around a green gathering space, are interconnected, and contain a balance of uses and a strong public realm. The comfort of the pedestrian is a guiding principle, with development focused on creating an inviting street front, aided by balancing various modes of transportation to limit the influence of the automobile. Establishing a local transit system that further reduces automobile use is also stressed—one that serves downtown and the urban villages throughout the day and is understandable, safe, and attractive.

HISTORIC LOWERTOWN SMALL AREA PLAN

This plan was adopted in 1994 and works to consolidate and improve previous efforts to ensure the success of the area. The plan recommends development of the area as a mixed-use neighborhood that is oriented towards pedestrians and encourages bicycle activity, and helps maintain existing natural features and the historic character of the area. The plan supports the development of LRT through the neighborhood, including the implementation of a station at Union Depot and on the “diagonal alignment across the St. Paul Athletic Club Block” (City of St. Paul, 1994). A station is also recommended at 11th and Cedar.

3.1.2.1 DOWNTOWN ST. PAUL LAND USE

As depicted in Figure 3.1-3, the Downtown St. Paul segment contains a compact concentration of offices, residential units, and entertainment venues, all of which are situated on a bluff above the Mississippi River. Cedar Street is lined by the largest office towers in downtown St. Paul and bisects the core into east and west sides.

Jackson Street defines the eastern extent of the core and is the western boundary of the Lowertown Historic District, and includes Union Depot and large warehouse buildings that have been converted to office and residential uses. The Xcel Energy Center Arena and the Science Museum on the southwest edge of downtown St. Paul anchor a growing entertainment district that includes Roy Wilkins Auditorium and the RiverCentre convention venue.

3.1.4.1 REGIONAL LAND USE

Potential land use effects from the No-Build and Preferred Alternatives are discussed below.

PREFERRED ALTERNATIVE

The Preferred Alternative, by establishing an attractive and efficient regional transit system, of which Central Corridor LRT would be a crucial part, would encourage transit-oriented development throughout the region. As described in numerous city, county, and regional plans in Sections 3.1.1.1 and 3.1.1.5, focusing new development around mass transit will help decrease dependency on the private automobile, establish pedestrian-oriented land

3.1.4.2 CONSISTENCY WITH LOCAL PLANS

PREFERRED ALTERNATIVE

The Preferred Alternative would result in a substantial public investment in the Central Corridor, which has the potential to leverage other long-term public investments. The Preferred Alternative is consistent with local and regional plans, all of which are discussed in detail in Sections 3.1.1.1, and 3.1.1.5, with the exception of land use plans concerning the reuse of the Diamond Products site in downtown St. Paul. Current plans, namely the *Report of the Diamond Products Task Force*, call for urban scale residential and mixed commercial, institutional, and entertainment uses in this portion of downtown St. Paul. However, the City of St. Paul approved the OMF location on March 18, 2009 in the Municipal Consent process (see Appendix E). Overall, although some documents are more concerned with Central Corridor LRT than others, each is generally supportive of improving transit and establishing more pedestrian-friendly environments, which would be aided through the implementation of Central Corridor LRT.

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3.1.4.3 LOCAL LAND USE

PREFERRED ALTERNATIVE

Future Development

The Preferred Alternative will be a major public investment in the Central Corridor, which provides the opportunity to encourage substantial new development and improvements in the area. Investments from private developers, coupled with location-specific land use controls, can create the desired development pattern of a higher-density, transit- and pedestrian-oriented environment.

Development is likely to be focused at each transit station, because the increase in activity and desire for transit-supportive, mixed-use developments will be best suited for areas within one-quarter mile of each station. Although development is likely to be less intense between stations, many other major development areas have also been identified by the *Central Corridor Development Strategy* (CCDS) and associated Station Area Plans for land beyond one-quarter mile of the station platforms.

In downtown St. Paul, the focus of new development will be at the diagonal alignment between Cedar and Minnesota Streets. Due to the proposed demolition of a vacant building and use of existing surface parking

lots to accommodate the alignment, a significant opportunity for new construction exists in this dense urban center. As outlined in the CCDS, this new development can incorporate the 4th and Cedar Streets Station and its associated plaza into the base of the building, thereby creating a new center of activity.

3.1.5 SHORT-TERM CONSTRUCTION EFFECTS

PREFERRED ALTERNATIVE

Land use would not be affected during construction.

One skyway bridge in downtown St. Paul will be removed to allow for construction of the diagonal alignment between 4th and Cedar Streets and the 4th and Cedar Streets Station platform.

3.1.6 MITIGATION OPERATIONS AND MAINTENANCE FACILITY

To help ensure that surrounding residential and commercial uses are enhanced by the construction of an OMF at the Diamond Products site, the proposed design includes façade treatments to the Diamond Products building and the accommodation of leasable commercial space on Broadway Street. Treatment of the southern and western façades of the Diamond Products building will be compatible with surrounding development, which may include the placement of architectural treatments to break up the building façade. Efforts will also be made to ensure that openings in the Diamond Products building, including those used by LRVs, will be appropriate for surrounding land use.

To address further concerns raised by the Lowertown neighborhood, the alignment on 4th Street between Wacouta Street and Broadway was refined to maintain two-way traffic and provide alternative access for the adjacent St. Paul Farmers' Market from 5th Street, as a means to reduce access conflicts. Potential treatments will be developed in partnership with the City of St. Paul and other stakeholders. Any required operational procedures will be in place prior to beginning revenue service.

3.1.6.2 SHORT-TERM

The project includes funds for a skyway bridge connection to be reconstructed to reconnect the downtown St. Paul skyway system between 4th and 5th Streets. The structure will be temporary in nature but built to current design and safety standards, and will be in the same general location as the existing bridge and will maintain current pedestrian access. This connection will be permanently restored with redevelopment of this site.

3.2 NEIGHBORHOODS, COMMUNITY SERVICES, AND COMMUNITY COHESION

The alignment is not expected to have long term adverse impact on neighborhood cohesion or identity. LRT should act as a catalyst for greater pedestrian activity. The project will reconstruct the street and sidewalks and provide a unified, clean streetscape. An existing skyway connection through the Athletic Club block will need to be removed and replaced due to demolition of a vacant building at 360 Cedar.

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No adverse impacts are expected to occur. Stations are expected to become additional foci of activity and neighborhood assets.

3.2.3.1 NEIGHBORHOOD COHESION

Concern has been expressed about the effect of associated loss of on-street parking, which would prevent direct vehicle access to certain businesses and residences along the alignment. On-street parking, however, will be available on adjacent streets and this area has many parking facilities. Thus, an adequate supply of parking spaces is located near the alignment.

The two TPSS in this segment will be located at the OMF and the 4th and Cedar Streets Station, and will not create impacts to neighborhood connectivity or identity.

A portion of the existing warehouse facility, which is currently vacant, will house the OMF with a small portion of track extending beyond the facility to the northeast. Because the majority of the OMF will be housed in an existing structure and façade treatments will be implemented to respond to the historic

character of the area, the OMF is not expected to have an adverse impact on the visual identity of the surrounding neighborhood and has been approved by the City of St. Paul through Municipal Consent.

Further, in response to concerns of Lowertown residents and businesses, approximately 5,000 square feet of leasable commercial space off of Broadway Street would be included in the OMF to help advance the mixed-use character of the Lowertown area. **The alignment on 4th Street was also adjusted to maintain two-way traffic and provide alternative access for the adjacent St. Paul Farmers Market.**

Although trains will need access to the Diamond Products building, this will generally be at longer intervals than LRT traffic throughout the corridor. Because the OMF is located east of the Union Depot Station and only non-revenue service trains would utilize it, trains will need access to this portion of the line before or after a train is in service. With the exception of higher frequency intervals during special events, the maximum train interval will be the peak hour service of 7.5 minutes and this will occur at limited times of the day. **This limited amount of LRT activity, with at-grade tracks, crosswalks, and other safety measures implemented, will ensure continued neighborhood access and connectivity around the facility.**

3.6-1 SUMMARY OF POTENTIAL VISUAL/AESTHETIC EFFECTS FOR THE PREFERRED ALTERNATIVE

Downtown St. Paul, Minimal to Moderate, Minimal with the exception of: a) Moderate effects from a transit station as a new element in front of the historic Union Depot, b) Moderate effects from the 4th and Cedar Streets Station and diagonal alignment on the block bordered by 4th- Cedar-5th-Minnesota Streets.

3.7 SAFETY AND SECURITY

The Metropolitan Council follows safety and security policies that establish minimum requirements for facilities based on local, state, and national codes or standards.

*Central Corridor LRT Project Chapter 4 Environmental Effects
Final EIS 4.1-1 June 2009*

1.0 ENVIRONMENTAL EFFECTS

4.5 AIR QUALITY

This section describes the air quality impact analysis conducted for the Central Corridor LRT Project. **Potential air quality impacts would occur as a result of emissions from motor vehicle traffic associated with the project. Motor vehicle emissions vary with traffic volumes, distances traveled, travel speeds, and vehicle types.**

4.5.6 MITIGATION

A project-level air quality analysis for CO has been conducted for the Central Corridor LRT Project and no receptor sites are forecast to experience concentrations in excess of the current 1-hour or 8-hour NAAQS. This evaluation is based on procedures that address NEPA and federal conformity guidance for transportation projects. Based on this analysis, **it can be concluded that the project will have no adverse impact on air quality as a result of CO emissions.**

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4.6 NOISE ANALYSIS

This section discusses the methodology, existing conditions, and potential impacts related to operational and construction-related airborne noise from the proposed Central Corridor LRT Project. The noise analysis followed Federal Transit Administration (FTA) guidelines published in "Transit Noise and Vibration Impact Assessment" (May 2006).

The project team performed a Detailed Noise Assessment in accordance with FTA guidelines to assess project-related airborne noise. **Analysis results identified a limited number of potential noise impacts throughout the project corridor. Noise from bells, crossovers, wheel squeal, and wheel-rail interaction (wayside noise) contribute to the projected noise impacts.**

The project team also performed LRT bell and horn noise simulation tests to determine if audible warning devices could be heard or measured inside two recording studios at Minnesota Public Radio (MPR), and two nearby churches. Noise Analysis results determined that, prior to mitigation, the proposed project has potential to cause 16 Severe and 128 Moderate noise impacts per FTA definition throughout the project corridor.

The project team also measured LRT bell volume levels on the Hiawatha LRT line and reviewed Metro Transit standard operating procedures for bell use and volume setting. The project team also performed a simulation of LRT horn and bell use at MPR (discussed in Section 4.6.5). When LRT bells are operated at the volume setting used on the Hiawatha LRT line, those bells were audible inside Studio M at MPR, and were faintly audible in St. Louis King of France Church. With this insight, the project team performed a preliminary Detailed Noise Assessment based on FTA methods, to determine how the current LRT bell volume setting would affect noise-sensitive land uses in other portions of the project area.

Analysis results indicated that noise impacts were predicted to occur in the project corridor due to LRT bells. As a result of this preliminary noise assessment, the project team studied the duration of bell use and the bell volume setting. The intent of these activities was to identify an SEL value for the LRT bells that would minimize potential noise impacts throughout the project corridor.

The policy for using LRT bells on the Hiawatha LRT is for the operator to ring them three to five times, therefore the analysis assumed bells would be rung five times. The project team determined that the duration of five bell soundings is seven seconds.

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198 LRT trips during the day (7 a.m.-10 p.m.)

60 LRT trips during the night (10 p.m.-7 a.m.)

16 trips during each peak hour of operation (6:00 a.m. - 9:00 a.m., 3:00 p.m. - 6:30 p.m.)

Three cars per transit train

DOWNTOWN ST. PAUL

This planning segment begins at the Operation and Maintenance Facility (OMF), proceeds east along 4th Street, turns north on Cedar Street, and ends just north of I-94 at 12th Street East. This planning segment includes all receptors that may be considered in downtown St. Paul and is approximately 5,200 feet long.

Project related airborne noise levels in this planning segment are dominated by way-side noise, wheel squeal, bell noise, and from crossovers. From east to west, there is a station at Union Depot, a crossover on East 4th Street located between North Sibley Street and North Jackson Street, a curve and station at North Minnesota Street, another curve at East 5th Street and a station at East 10th Street.

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4.6.6.3 ADDITIONAL ANALYSES IN CEDAR STREET PORTION OF DOWNTOWN ST. PAUL

Project stakeholders along Cedar Street in St. Paul expressed concerns about potential noise related to LRT operations: the stakeholders included MPR, the St. Louis King of France Church and Central Presbyterian Church.

The CCPO performed a detailed outside simulation of light rail vehicle (LRV) horn and bell pass-by noise events on October 22, 2008. The simulation included use of an actual LRV audible warning device (speaker), mounted on a pickup truck at the actual height above ground as it exists on an LRV. The LRV speaker was attached to the same type of signal control unit that exists in LRVs operating on the Hiawatha LRT line, facilitating an accurate simulation of LRV horn and bell noise.

A Metropolitan Council employee who trains Hiawatha LRT drivers/operators activated the horn and bell signals during the simulation activities; a second Metropolitan Council employee drove the truck, which allowed the signal operator to focus on simulating horn and bell use. Using chalk, the pavement was marked to indicate the location of the nearest LRT station. This allowed the horn and bell operator to activate the audible warning devices in locations representative of horn and bell use under the Preferred Alternative. In this way, these activities simulated horn and bell use during LRV pass-by events.

Figure 4.6-8 shows the vehicle used in the LRV horn and bell simulation.

Central Corridor LRT Project Chapter 5 Economic Effects

Final EIS 5-1 June 2009

5.0 ECONOMIC EFFECTS

This chapter focuses on the potential economic effects of the Central Corridor Light Rail Transit project and its impact on the local economy. With implementation of the Preferred Alternative, direct, indirect, and induced economic benefits related to the construction and long-term expenditures for operations and maintenance (O&M) of the selected alternative will occur. These effects would be realized to varying degrees throughout the region in terms of increased economic output, earnings, and employment. This chapter also describes the potential effects on station area development and land use and policy decisions aimed at encouraging transit-oriented development (TOD).

INFILL AND REDEVELOPMENT POTENTIAL

With the downtown office core experiencing major new construction and investment over the last decade and with most structures and land uses seemingly established and set at this time, redevelopment potential in the vicinity of the proposed 4th Street Station may not be as explosive as it was in the recent past. However, the development of an LRT-focused pedestrian plaza, in association with the Station, presents an opportunity to enliven the area with pedestrian activity and positively impact infill and redevelopment activities.

Nearly all of the property within the one-half mile walk radius of the proposed 4th Street Station is intensely developed. However, two identified parcels have been highlighted in the CCDS as a major redevelopment area, as both parcels are to be partially used for the diagonal LRT alignment and station area. The first is an existing two-story building on Cedar Street that is to be demolished, and the second is an existing surface parking lot mainly on Minnesota Street. The CCDS suggests that development of these two parcels be combined into a single project that incorporates the station and nearby plaza into the building design.

POTENTIAL MAJOR TRIP GENERATORS

Potential major trip generators for the proposed 4th and Cedar Streets Station include the St. Paul central business district office core, Xcel Energy Center arena, other entertainment venues, and high-rise residential towers.

OVERALL TOD POTENTIAL

Based on the above analysis, the overall TOD potential for the proposed 4th and Cedar Streets Station area is considered to be good.

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5.2.2.3 10TH STREET STATION LAND USE PATTERN

The 10th Street Station would be located near the intersection of 10th Street West and Cedar Street. The I-94 and I-35E freeway corridor occupies a full block of land between 12th Street and 16th Street. The land use pattern north of the freeway is controlled by the Capitol Area Architectural and Planning Board (CAAPB) to provide for development of the State Capitol campus. State office buildings are arranged around landscaped spaces and surface parking lots. South of the I-94 and I-35E corridor to 7th Street is a mixed-

use area of downtown St. Paul. Institutional land uses in this area include churches, Health East St. Joseph Hospital, City of St. Paul Public Safety Building and Ramsey County Services.

Residential land uses are found at older buildings with shops on the ground floor and in high-rise towers. A fair amount of land is used for surface parking south of the freeway and east of Cedar Street. A strong demarcation is found between the office core south of 7th Street and the relatively undefined pattern to the north.

OVERALL TOD POTENTIAL

Based on the above analysis, the overall TOD potential for the proposed 10th Street Station area is considered to be good, primarily due to presence of the hospital and the existence of a public Health block as a prime redevelopment site, but somewhat hampered by the I-94 and I-35E freeway corridor.

5.3.2 BUILD ALTERNATIVE

According to population, employment and housing data discussed in Chapters 1 and 3, the Central Corridor is expected to grow at an appreciable rate, but not as rapidly as the metropolitan area as a whole. A factor contributing to the overall slower growth rate for the Central Corridor is the age of the corridor (both of the downtowns, the Midway, and the University of Minnesota). Having been developed over the last 100 years or more, the Central Corridor is largely developed, and, by comparison, there are suburban areas of the metropolitan area where development has not yet occurred.

Experience across the country has shown, that implementation of fixed guide-way transit can catalyze economic development activities at station locations. At the same time, the Preferred Alternative is not expected to have a substantial impact on development outside the influence area of most stations (line haul segments of the alignment) where market forces alone would continue to be the primary impetus for continued development.

*Central Corridor LRT Project Chapter 6 Transportation Effects
Final EIS 6-1 June 2009*

6.0 TRANSPORTATION

This chapter provides an analysis of the transportation impacts of the Central Corridor Light Rail Transit (LRT) project alternatives described in Chapter 2 of this document. Evaluation of these alternatives is based on the projected ridership, transportation network capacity, transportation system performance measures, traffic impacts to the roadway network, and anticipated construction impacts on these facilities.

The data for the transit and roadway analyses were generated from the regional travel demand forecasting model used by the Metropolitan Council for the Twin Cities area. The methodology used to assess these impacts is consistent with those discussed in Chapter 6 of the Central Corridor Alternatives Analysis and Draft Environmental Impact Statement (AA/DEIS), and Supplemental Draft Environmental Impact Statement (SDEIS). The AA/DEIS and the SDEIS are incorporated by reference and are considered a part of this Final Environmental Impact Statement (FEIS).

6.1.3.2 BASELINE ALTERNATIVE

The Baseline Alternative consists of improvements to the transit system that are relatively low in cost and the "best that can be done" to improve transit without major capital investment for new infrastructure.

As disclosed in the SDEIS, the current Baseline Alternative is slightly different from the one assumed in the AA/DEIS. Changes are summarized as follows:

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Route 16 – AA/DEIS assumption of 10-minute all-day service frequency is modified to 20-minute peak period, 30-minute midday, evening, and weekend (same as AA/DEIS LPA service)

Route 50 (new Baseline Service) – AA/DEIS assumption of 15-minute peak/30-minute midday (no evening or weekend service) is modified to 6-minute peak/10-minute midday, evening and weekends

Route 94B – Eliminated midday and weekend service

Route 94C – Eliminated weekday, midday, and evening service

6.2.2.2 LOCAL ROADWAYS AND INTERSECTIONS

In addition to the regional facilities described above, there are numerous local roadways that provide for short to medium length trips within the project corridor. The discussion of the existing intersection operations within the corridor is broken out by geographic area.

DOWNTOWN ST. PAUL

The existing traffic flows on downtown St. Paul streets are relatively low and there is little congestion or delay. The streets in this area generally provide local access and circulation and do not provide for through movement of longer trips. All of the intersections currently operate at LOS “B” or better with the exception of the intersection of Robert Street and 12th Street which operates at an acceptable LOS “C” in the PM peak hour.

6.2.3.3 DOWNTOWN ST. PAUL

Future traffic operations in downtown St. Paul were evaluated for on-corridor and off-corridor intersections.

Cedar Street: The Preferred Alternative will result in Cedar Street being reconfigured to one southbound traffic lane. As a result, Cedar Street will primarily be used for local access with some of the existing traffic being carried by other local streets. As seen in Table 6-7, forecast LOS at intersections on Cedar Street would generally be maintained; however, the street would carry fewer vehicles.

Other Downtown Streets: The results of the operations analysis for both on-corridor and off-corridor intersections is presented in Table 6-7 and Table 6-8 below. In general, the downtown intersections are expected to operate primarily at LOS “A” and “B” with very little change in the LOS in the off-corridor intersections between the No-Build and Preferred Alternative. The worst LOS expected for the No-Build Alternative in 2030 is LOS “B.” There are three intersections that are expected to operate at LOS “D” in 2030 with the Preferred Alternative; Cedar Street and East 7th Street, Cedar Street and 5th Street, and 4th Street and Minnesota Street. LOS “D” is considered an acceptable LOS in an urban area.

6.3.2 EXISTING PARKING DOWNTOWN ST. PAUL

There are nearly 30,000 parking spaces in downtown St. Paul. Over 90 percent of these spaces are off-street parking. There are approximately 121 parking spaces on Cedar Street and 4th Street in downtown St. Paul. On-street parking will remain on side streets and intersecting streets; and off-street parking will not be affected by the Preferred Alternative. It is presumed that an adequate parking supply in downtown St. Paul will remain to meet parking demand under Preferred Alternative conditions.

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Central Corridor LRT Project Chapter 11 Public and Agency Coordination and Comments
Final EIS 11-1 June 2009

11.0 PUBLIC AND AGENCY COORDINATION AND COMMENTS

This chapter describes the public and agency coordination efforts associated with the Central Corridor Light Rail Transit (LRT) Project. At the onset of the project, a Public and Agency Involvement Program was developed that identified public outreach techniques and activities to support the decision-making process. The Public and Agency Involvement Program followed guidelines set forth in the National Environmental Policy Act (NEPA), and the Safe, Accountable, Flexible, and Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU). Activities outlined in the program have guided public and agency involvement from initial planning activities through the Central Corridor Alternatives Analysis and Draft Environmental Impact Statement (AA/DEIS), the Supplemental Draft Environmental Impact Statement (SDEIS), and the Final Environmental Impact Statement (FEIS) process.

11.1 PUBLIC INVOLVEMENT

Public involvement and agency coordination is critical to the success of any project with the potential to affect the surrounding community, metropolitan region, and state. Planning for the Central Corridor LRT Project involved extensive consultation with the affected public and coordination among participating agencies. The affected public includes those residents living within the Central Corridor LRT Study Area, along with individuals, businesses, community groups and social clubs, civic organizations, and others from the greater metropolitan region interested in the Central Corridor LRT Study Area. Public agencies including local government and county, state, and federal regulatory jurisdictions have been important partners contributing to the project's development and success.

11.4 COMMENTS AND RESPONSES ON THE SDEIS

This section provides a summary of comments received on the SDEIS. This FEIS incorporates comments received on the SDEIS during the 45-day comment period following publication of the NOI in the *Federal Register* on July 11, 2008. Approximately 60 parties commented on the SDEIS. A summary of comments and responses is provided below.

11.4.1 ALTERNATIVES CONSIDERED (ALIGNMENTS, MODES, DESIGN OPTIONS)

Comments were received on the SDEIS concerning Central Corridor LRT alignments and other design options. Specifically, comments were made on alignment routes, the U of M tunnel, station locations, and LRT facilities. The AA/DEIS and SDEIS process examined numerous alignment options and station locations/ configurations. The Preferred Alternative includes an alignment and station locations/ configurations that meet the purpose and need most efficiently and minimize project impacts.

11.4.3.3 NEIGHBORHOOD IMPACTS

Comments received on the SDEIS concerned neighborhood cohesion and connectivity, including station design, the location of traction power substations (TPSS), and commitments to support and preserve community character—in other words, sensitivity to and respect for the existing neighborhoods, residents, and businesses of the Central Corridor.

11.4.3.4 NOISE AND VIBRATION

The majority of comments concerning noise and vibration impacts discussed the need to provide detailed analysis and mitigation for sensitive equipment and facilities proximate to the corridor, including the U of M research facilities, Minnesota Public Radio (MPR), recording studios, historic buildings, and places of worship. Additional comments concerned the noise from warning bells, horns, and "wheel squeal." Metropolitan Council performed detailed operation and construction noise analyses based on FTA guidance (2006). Analysis results as discussed in FEIS Section 4.6.6.2-3 guided the selection of mitigation measures throughout the corridor, including the Cedar Street corridor where two historic churches and MPR exist, the U of M where vibration sensitive equipment exists, and local residents in the corridor who may be affected by noise during construction and operation.