

Amended Record of Decision  
on the  
CENTRAL CORRIDOR LIGHT RAIL TRANSIT PROJECT  
  
In Minneapolis-St. Paul, Minnesota  
by the  
Federal Transit Administration

August 2013

## DECISION

The Federal Transit Administration (FTA) has determined that the requirements of the National Environmental Policy Act (NEPA) of 1969 have been satisfied for the Central Corridor Light Rail Transit Project (the Project) proposed by Metropolitan Council and is issuing this Amended Record of Decision (ROD) pursuant to title 23 of the Code of Federal Regulations (CFR), Part 771 and Title 40 CFR parts 1500–1508.

This FTA decision applies to the Preferred Alternative, which is described in the *Central Corridor Light Rail Transit Project Final Environmental Impact Statement and Section 4(f) Evaluation* (FEIS) signed on June 18, 2009 and the *Central Corridor Light Rail Transit Supplemental Final Environmental Impact Statement Construction Related Potential Impacts on Business Revenue* (SFEIS) signed on May 24, 2013. Neither the 2009 FEIS/2013 SFEIS, nor this Amended ROD constitutes an FTA commitment to provide financial assistance for construction of the Project.

The proposed action (Project) includes 10.9 miles of fixed guideway (9.7 miles of new guideway for the Project and 1.2 miles of shared guideway with the existing Blue Line (Hiawatha) LRT). There will be 23 stations along the line, including five shared with the Blue Line LRT. The Project will provide a transit connection from downtown Minneapolis to downtown St. Paul, via the University of Minnesota and the State Capitol complex in St. Paul.

The FTA issued a ROD based on the 2009 FEIS on August 2009. This Amended ROD supersedes the FTA ROD previously issued in August 2009, which, by the issuance of this Amended ROD, became null and void. The decisions made in the August 2009 Record of Decision, however, are unaltered but for the limited supplemental environmental review contained in the December 2012 Supplemental Draft Environmental Impact Statement (2012 SDEIS) and June 2013 Supplemental Final Environmental Impact Statement (2013 SFEIS), as well as the findings in this Amended ROD concerning those supplemental environmental documents. Moreover, the limitation on claims that may be brought against decisions made on the project through the August 2009 ROD, which concluded on March 1, 2010, pursuant to notice published in the *Federal Register* on September 2, 2009, remains in effect. The Project's 2011 Finding of No Significant Impact (FONSI) issued as part of the *Supplemental Environmental Assessment on Construction-Related Potential Impacts on Business Revenues* is superseded by this Amended ROD.

This Amended ROD describes the Project (also referred to as Preferred Alternative) and its development, alternatives considered, the public opportunity to comment, the public comments and responses thereto, and the basis for the decision and mitigation measures required. The descriptions provided in this Central Corridor LRT Amended ROD are intended to provide a summary of the basis of the ROD. This summary does not supersede or negate any of the information, descriptions, or evaluations provided in the Central Corridor LRT 2009 FEIS and 2013 SFEIS which provide a complete description of the Project and proposed action.

## Basis for Decision

This Amended ROD is based on the close monitoring and independent evaluation of the process followed by the Metropolitan Council in setting forth and considering the effects of the Project and the available alternatives. This process includes the alternatives analysis, technical considerations, and social, economic, and environmental evaluations and determinations found

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in the *Central Corridor Alternatives Analysis/Draft Environmental Impact Statement (AA/DEIS)* and *Draft Section 4(f) Evaluation* (April 2006), the *Supplemental Draft Environmental Impact Statement (SDEIS)* (July 2008), the *Central Corridor Light Rail Transit Project Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation* (June 2009), and the *Supplemental Draft Environmental Impact Statement (December 2012)* and the *Supplemental Final Environmental Impact Statement (June 2013)* evaluating construction-related potential impacts on business revenue (collectively, Environmental Review Documents).

The *Supplemental Draft Environmental Impact Statement (SDEIS) (December 2012)* and the *Supplemental Final Environmental Impact Statement (SFEIS) (June 2013)* evaluating construction-related potential impacts on business revenue were prepared to comply with a January 26, 2011, order of the U.S. District Court of Minnesota in *St. Paul Branch of the NAACP, et. al., v. U.S. Department of Transportation, et. al.*, CIV 10-147, which held that the Central Corridor LRT Project FEIS prepared in June 2009 was inadequate insofar as it failed to address the impact of Project construction on business revenue.

## Background

The following briefly describes in chronological order the various Central Corridor LRT Project documents referenced above, which form in part the basis of the administrative record for the Project and this Amended ROD. A description highlighting the focus of each document is provided.

Rapid transit in the Central Corridor was initially explored in the *Midway Corridor Light Rail Transit Draft Environmental Impact Statement* (1991). A few years later the idea of providing a rapid transit connection between downtown St. Paul and downtown Minneapolis was further evaluated in the *Twin Cities Metropolitan Commuter Rail Feasibility Study, Phase II, Final Summary Report*, which was prepared by the Office of Freight, Railroads, and Waterways of the Minnesota Department of Transportation in January 1999.

### Alternatives Analysis and Draft Environmental Impact Statement, April 2006

To further evaluate recommendations and respond to the continued need for transportation improvements in the Central Corridor, Ramsey County (with financial support from Hennepin County and the State of Minnesota), the Metropolitan Council, and FTA prepared the AA/DEIS. The AA/DEIS was published in April 2006 to document the evaluation of alternative transit improvements for the Central Corridor. Based on the analysis in the AA/DEIS, public hearings, and comments received on the AA/DEIS, the locally preferred alternative (AA/DEIS LPA) for the Project was adopted by the Metropolitan Council in June 2006 (Resolution #2006-15). The AA/DEIS LPA was 11 miles in length of which 9.8 miles consisted of new alignment and 1.2 miles used the existing Hiawatha LRT alignment in downtown Minneapolis.

### Supplemental Draft Environmental Impact Statement, June 2008

In response to comments received on the AA/DEIS and to identified engineering and financial constraints, several design options to the AA/DEIS LPA were identified requiring further study and public discussion. An SDEIS was prepared to consider these options within the context of NEPA. The 2008 SDEIS process explored in a public setting the potentially significant effects of implementing proposed changes to the AA/DEIS LPA. Potential impacts were evaluated for both the short-term construction period and long-term operations. Measures to avoid, minimize, or mitigate any potentially significant adverse impacts were identified.

**Final Environmental Impact Statement and Record of Decision, June 2009**

Following the publication and review period for the 2008 SDEIS, the Metropolitan Council selected a preferred alternative (the “Preferred Alternative”) for the Central Corridor, which was fully described in the 2009 FEIS. The Preferred Alternative was selected based on analysis documented in the AA/DEIS and the 2008 SDEIS, consultation with permitting agencies, and comments received during the AA/DEIS and 2008 SDEIS review and comment periods. The Preferred Alternative selected for the Central Corridor is LRT operating at-grade on Washington and University avenues, passing north of the State Capitol and turning south on Robert Street, turning west at 12th Street to Cedar Street, and then continuing south on Cedar Street into downtown St. Paul turning diagonally at 4th Street, and continuing east to end at St. Paul’s Union Depot with tail track leading to an Operations and Maintenance Facility (OMF) farther east (Metropolitan Council Resolution No. 2008-26). This alternative was evaluated in the 2009 FEIS.

**Supplemental Environmental Assessment- Construction-Related Potential Impacts on Business Revenues, April 2011**

Following the publication of the 2009 FEIS and 2009 ROD, a lawsuit was filed against the United States Department of Transportation (US DOT), the FTA, and the Metropolitan Council by a coalition of local businesses, residents, and non-profit organizations. Among the many claims made in this lawsuit was that the environmental review of the Project violated NEPA by failing to adequately analyze the impact on business revenues potentially caused by construction of the Project. The Court ruled in favor of the US DOT on all claims, including the environmental justice claims, except one – the Court directed the FTA and the Metropolitan Council to supplement the 2009 FEIS to address the potential loss of business revenues as an adverse impact of the construction of the Central Corridor LRT.

In March 2011, the FTA and the Metropolitan Council prepared the Draft Supplemental Environmental Assessment- Construction-Related Impacts on Business Revenues (2011 Draft Supplemental EA) to document construction-related impacts on businesses. The 2011 Draft Supplemental EA was prepared pursuant to 23 C.F.R. Section 771.130 which allows the supplementation of an EIS with a supplemental EA. A public comment period was held from March 1 through March 31, 2011, and two public hearings were held on March 16, 2011. Comments received during the public comment period and responses to these comments were included in the Final Supplemental Environmental Assessment- Construction-Related Impacts on Business Revenues (2011 Final Supplemental EA) published in April 2011. Concurrent with publication of the 2011 Final Supplemental EA, the FTA issued the NEPA Process Finding of No Significant Impact with Respect to Potential Construction-Related Impacts on Business Revenues (2011 FONSI) which included specific mitigation to minimize impacts to business revenue due to construction of the LRT. Mitigation included a number of measures and financial commitments designed to either avoid impacts during construction or provide mitigation of impacts.

**Supplemental Draft Environmental Impact Statement- Construction-Related Potential Impacts on Business Revenue, December 2012**

In a second order dated January 23, 2012, the Court clarified that the consideration of impacts on business revenue loss required by the January 2011 ruling must be completed in the form of a

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Supplemental EIS. To comply with the Court ruling, Metropolitan Council developed a scope of work and hired a consultant to complete a Supplemental EIS.

The Metropolitan Council conducted an exhaustive literature review in an attempt to identify methodologies related to quantifying business revenue loss as an adverse impact of construction projects; however, no examples were found that clearly identified a quantitative methodology to measure these impacts. The FTA and the Metropolitan Council's approach to completing a Supplemental EIS sought to incorporate locally collected data regarding business impacts during construction. Much of this data was not available until late summer/early fall of 2012.

In December 2012, the Supplemental Draft Environmental Impact Statement for Construction-Related Potential Impacts on Business Revenues (2012SDEIS) was published. A public comment period was held between December 14, 2012, and January 31, 2013. Two public hearings were held on January 10, 2013.

### Supplemental Final Environmental Impact Statement- Construction-Related Potential Impacts on Business Revenue, June 2013

The SFEIS was published in June 2013 and provided an update regarding ongoing mitigation programs, concluding with a discussion of comments received on the 2012 SDEIS. Responses to substantive comments received, including clarification of the 2012 SDEIS findings were also provided in the 2013 SFEIS.

## Project Purpose and Need

The purpose and need for the Central Corridor LRT project was documented in the 2006 AA/DEIS, the 2008 SDEIS, and the 2009 FEIS. The purpose of the Central Corridor LRT Project is to meet the future transit needs of the Central Corridor LRT study area and the Twin Cities metropolitan region, and to support the economic development goals for the Central Corridor LRT study area. The Metropolitan Council's regional 2030 Transportation Policy Plan identified this corridor as a top priority for early implementation. Due to increasing traffic congestion and major redevelopment in the physically constrained corridor, a need currently exists for an alternative to auto travel. The introduction of fixed-guideway transit to the Central Corridor is proposed as a cost-effective measure aimed at improving mobility by offering an alternative to auto travel for commuting and discretionary trips. The Central Corridor LRT would help to minimize congestion increases, offer travel time savings, provide better transit service and capacity to the diverse population of existing and future riders in the corridor, and optimize significant public investments in the regional transit system.

The FTA in consultation with the Metropolitan Council has determined that the Central Corridor Light Rail Transit Project, as put forth in the 2009 FEIS and as described herein, meets the purpose and need for the Project and the goals established for the Project as described and evaluated in each of the Environmental Review Documents.

## Alternatives Considered

The alternatives considered in the 2009 FEIS consisted of a No-Build Alternative that serves as a basis for the evaluation of social, economic, and environmental impacts, a Baseline Alternative that demonstrates the "best that can be done" to improve transit service in the Central Corridor

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LRT study area without a major capital investment, and the Preferred Alternative (PA) providing for the implementation of LRT service in the Central Corridor.

**No-Build Alternative:** The No-Build Alternative included Metro Transit services and facilities that were programmed to be in operation in fiscal year 2014 (the Central Corridor LRT opening year) and the regional roadway/highway facilities that were programmed to be in place by 2030. The No-Build Alternative was defined as existing and committed transportation projects. The regional roadway/highway facilities included in the analysis assume implementation of all projects included in the financially constrained 2030 Transportation Policy Plan. For the transit component of this analysis, the Metropolitan Council took a more conservative approach and only included committed transit projects (i.e., only those projects with committed funding for capital and operations through 2014). The No-Build Alternative includes no other new high-capacity transit service.

**Baseline Alternative:** The New Starts Baseline Alternative serves as a basis for comparison to the build alternatives as part of the FTA's New Starts Process. It is designed to demonstrate the "best that can be done" to improve transit service in the Central Corridor LRT study area without a major capital investment. Low capital cost infrastructure and bus transit improvements for the Central Corridor included bus operations, intelligent transportation system (ITS) technologies, transportation demand management (TDM), and other system improvements.

**Preferred Alternative:** The Preferred Alternative (described below and documented in the Central Corridor LRT 2009 FEIS) consists of a light rail transit system traveling on city streets between the central business districts of St. Paul and Minneapolis. It incorporates refinements necessary to remedy design issues, reduce costs, and minimize specific environmental and community impacts along the corridor. It also responds to comments received on the 2008 SDEIS, continued coordination with project partners, and refinements made during preliminary engineering:

- Construction of 10.9-miles of double-tracked LRT alignment between downtown Minneapolis and downtown St. Paul with service to the University of Minnesota (U of M) and the State Capitol complex. The Central Corridor Preferred Alternative would be primarily at-grade except for a new aerial structure over I-35W, and use of existing bridges over Trunk Highway 280 (TH 280), Interstate Highway 94, and the Washington Avenue Bridge over the Mississippi River.
- Connectivity with the existing Hiawatha LRT, sharing alignment and five stations between the Downtown East/Metrodome Station and the Downtown Minneapolis Ballpark Station at 5<sup>th</sup> Street and 5th Avenue.
- Modifications to the Washington Avenue Bridge over the Mississippi River to correct current design code conditions that must be addressed (the bridge is currently rated "fracture critical") and to provide for LRT operations.
- Conversion of Washington Avenue on the U of M's East Bank Campus to a transit/pedestrian mall extending from Walnut Street to Pleasant Street.
- Installation of 15 new LRT stations exclusive to Central Corridor (five stations will be shared with the existing Hiawatha Line). Station platforms will be constructed to accommodate three-car trains in the future.
- Installation of systems infrastructure including traction power substations (TPSS) and signal bungalows along the alignment.

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- Modifications to existing bus service to support and complement Central Corridor LRT service, including adding two new bus routes, and changing service frequencies on other routes
- Modification of an existing industrial building in downtown St. Paul (known as Diamond Products) to serve as an LRT Operations and Maintenance Facility (OMF). This building is currently vacant and will be re-used for purposes of providing an OMF.
- Based on the analysis in and comments received on the AA/DEIS and 2008 SDEIS from neighborhood groups, Ramsey County, the City of St. Paul, and the communities comprised of minority and/or low income populations (“the Environmental Justice Community”), the Preferred Alternative includes below-grade infrastructure for three future infill stations at Hamline Avenue, Victoria Street, and Western Avenue in the City of St. Paul.<sup>1</sup>

Alternatives evaluated in the 2012 SDEIS included the following:

**No-Build Alternative:** This alternative included Council services and facilities programmed to be operating in fiscal year 2014 (Central Corridor LRT opening year) and the regional roadway/highway facilities that are programmed to be in place by 2030.

**Baseline Alternative:** This alternative served as a basis for comparison to the build alternatives and is designed to do the “best that can be done” to improve transit service in the Central Corridor Study Area without a major capital improvement.

**Preferred Alternative:** The Central Corridor Preferred Alternative is proposed to be a 10.9-mile double tracked alignment with a total of 23 stations (18 new and 5 existing shared with the Blue Line LRT between downtown Minneapolis and downtown St. Paul with intermediate service to the University of Minnesota. The 2012 SDEIS evaluated the impact of construction on business revenue for two LRT alternatives.

- LRT with Initial Construction Mitigation: This alternative was defined as the Preferred Alternative Project, with initial construction mitigation as identified in the 2009 FEIS.
- LRT with Final Construction Mitigation: This alternative was defined as the Preferred Alternative Project, with final construction mitigation as identified and assembled by the Metropolitan Council and other project stakeholders. This alternative is currently under construction by the FTA and the Metropolitan Council and is over 90 percent complete as of the issuance of this SROD.

**BRT on University Avenue:** A BRT Alternative was defined for the purposes of the 2012 SDEIS and was evaluated as a comparison to Preferred Alternative (LRT on University Avenue) impacts.

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<sup>1</sup> Subsequent to the issuance of the August 2009 ROD, the project sponsors decided to fully construct the three stations at Western, Victoria, and Hamline. An Environmental Assessment-Three Infill Stations was prepared in January 2010. This document analyzed the social, economic, and environmental impacts of construction of above-grade elements of these stations and a FONSI was issued February 2010. These documents are also part of the Environmental Review Documents.

## Public Opportunity to Comment

**2006 AA/DEIS:** A Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Central Corridor Transit Project was published in the Federal Register on June 5, 2001. The Notice of Availability (NOA) of the Central Corridor Scoping Booklet and announcements of the Scoping Meetings were published in the Minnesota Environmental Quality Board (EQB) Monitor on June 11, 2001. Three public scoping meetings and one agency scoping meeting were held. The formal scoping comment period extended from June 11 to July 20, 2001.

The AA/DEIS NOA was published in the Federal Register on April 21, 2006, signaling the start of a 45-day public comment period. The comment period concluded on June 5, 2006. Upon completion of the AA/DEIS and subsequent selection of a Locally Preferred Alternative, the Metropolitan Council became the lead agency responsible for the Central Corridor LRT project's oversight and implementation.

**Post AA/DEIS:** In February 2007, the Metropolitan Council drafted the Central Corridor LRT Communication and Public Involvement Strategic Plan. Implementation of this plan included the hiring of a nine-person community outreach team, including a manager of public involvement and outreach coordinators assigned to geographic segments of the corridor. The coordinators are fluent in languages spoken by community residents, including Hmong, Vietnamese, and Spanish. After considering comments received during circulation of the AA/DEIS and the public hearings, the Metropolitan Council established a Community Advisory Committee (CAC) and Business Advisory Committee (BAC) to consider the resolution of outstanding issues. The committees also facilitated communication with residents and businesses.

**AA/DEIS Comment Summary and Response:** A total of 916 people, agencies and organizations offered comments on the AA/DEIS. Of these comments, 684 favored LRT as the locally preferred alternative, 92 opposed LRT, and 140 expressed no opinion on mode. More than 570 people attended the four public hearings, held at the University of Minnesota (U of M), the Minnesota History Center, the Lao Family Center, and St. Paul's Central High School. Comments received influenced the identification of "key issues" for resolution during the early stages of preliminary engineering. Specifically:

- Analysis of additional LRT stations at Hamline Avenue, Victoria Street, and Western Avenue
- Analysis of parking impacts of LRT
- Analysis and identification of additional pedestrian crossings of University Avenue
- Inclusion of reconstruction of sidewalks adjacent to streets on which LRT will operate and identification of streetscaping improvements.
- Formation of a CAC and BAC representing the neighborhoods, communities, and businesses along the Central Corridor.

All substantive comments were responded to in Appendix K of the 2009 FEIS, "Response to Comments."

**2008 SDEIS:** A Notice of Intent to prepare an SDEIS for the Central Corridor LRT Project was published in the Federal Register and the Minnesota EQB Monitor on February 25, 2008. Upon completion of the document, a Notice of Availability was published in the Federal Register on July 11, 2008, and the Minnesota EQB Monitor on July 14, 2008, signaling the start of a 45-day

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public comment period. The comment period concluded on August 25, 2008. Three public hearings were held at various sites along the Central Corridor LRT study area during the comment period.

2008 SDEIS Comment Summary and Response: Approximately 70 people, agencies, and organizations offered comments on the 2008 SDEIS. Comments received led to:

- Development of a Parking Solutions Team to identify mitigation strategies for loss of on-street parking.
- More detailed evaluation of noise and vibration impacts to sensitive receptors.
- A change in location of the LRT operations and maintenance facility (OMF) in downtown St. Paul.
- The addition of below-grade infrastructure for the three infill stations at Hamline Avenue, Victoria Street, and Western Avenue.
- Relocation of certain traction power substations (TPSSs) to avoid conflicts with neighborhood plans as well as impacts to historic properties.
- Relocation of crossover tracks to avoid noise impacts.

All substantive comments were responded to in Appendix K of the FEIS, "Response to Comments."

**Post SDEIS:** Since completion of the 2008 SDEIS process, over twenty meetings have been held to discuss solutions to public concerns about the Project. These included four meetings of the BAC, three meetings of the CAC, and five open house meetings on the preliminary findings through the FEIS preparation process in December 2008 (December 1, 2, 3, 4, and 6) where the public was invited to speak to technical staff. Notable topics covered in these meetings included the Washington Avenue Bridge, traffic modeling, the Transit/Pedestrian Mall, TPSS locations, the OMF, and parking. In addition, the Metropolitan Council held many other meetings with Downtown St. Paul neighborhoods and City representatives to resolve issues related to the OMF; representatives from U of M to resolve issues related to the LRT alignment through the campus; representatives of Minnesota Public Radio (MPR), St. Louis King of France Church, and Central Presbyterian Church to resolve issues related to the Cedar Street LRT alignment, and representatives of the Environmental Justice Community to resolve issues related to the Project's impact on that community.

2009 FEIS: A Notice of Availability for the Central Corridor LRT FEIS was published in the June 26, 2009, Federal Register and in the Minnesota EQB Monitor on June 29, 2009. The 2009 FEIS included responses to all written and verbal comments received on the AA/DEIS and the 2008 SDEIS.

The AA/DEIS, 2008 SDEIS, and 2009 FEIS for the Project was available for review at local libraries, including the Rondo Community Library, the St. Paul Central Library, the Minneapolis Central Library, and the Central Corridor Resource Center.

2009 FEIS Comment Summary and Response: Comments received on the 2009 FEIS during the FEIS review period and summary responses are discussed below. Copies of comment letters submitted on the 2009 FEIS and detailed responses are included in Attachments E and F of this Amended ROD.

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A total of eight letters were received from regulatory agencies, local jurisdictions and public entities. Commenters included:

- **United States Coast Guard:** The U.S. Coast Guard noted that the Metropolitan Council will be required to submit owner-approved contractor work plans and procedures for their review for possible effects on navigation.
- **United States Environmental Protection Agency:** The USEPA recommended the ROD address the following issues:
  - Hazardous Waste Sites: Specifically, USEPA requested that the ROD define parameters for addressing induced secondary impacts associated with potential redevelopment of brownfield sites adjacent to the CCLRT. The Metropolitan Council partnered with the City of St. Paul and Ramsey County and was successful in receiving a grant of approximately \$1 million from the USEPA to conduct Phase I and Phase II environmental site investigations of properties adjacent to the Central Corridor LRT alignment identified as having high potential for redevelopment in the City's *Central Corridor Development Strategies* plan. Grant-funded assessment work will begin in October 2009 and continue through the end of September 2012. Among other factors, prioritization of sites for assessment using grant dollars will be based on redevelopment potential. Overall, the criteria used in selecting and prioritizing sites will help ensure that all assessed sites are well-positioned to compete for federal, state, and local funds available to assist in clean-up.
  - Stormwater Runoff: Specifically, the USEPA noted the potential for karst terrains in the project area and recommended the ROD clearly state measures for avoiding spill and run-off risks at such sites. Although the 2009 FEIS noted in Section 4.1.5.2 the potential to encounter karst terrains along the project alignment, soil geo-borings completed along the entirety of the alignment have determined that no such terrains are present within the project construction area. Therefore, no special measures of managing stormwater runoff are being proposed based on the presence of karst terrains. The Metropolitan Council staff have participated in a joint workshop with the City of St. Paul and Capitol Region Watershed District on June 25, 2009, to discuss options for stormwater management practices on the CCLRT project. This workshop included planners, educators, engineers, regulators, landscape architects and government officials from the Metropolitan Council, the cities of St. Paul and Minneapolis, Capitol Region Watershed District, Ramsey County, the University of Minnesota, and Chicago and Portland. This workshop resulted in the identification of creative designs to manage stormwater runoff, including infiltration trenches, sidewalk pavers, "green roofs," tree plantings, vegetated medians, sediment traps, and rain gardens, among other ideas. The Metropolitan Council will continue to work with the City and the CRWD to implement the most effective designs to maximize stormwater management along the corridor.
  - Environmental Justice: USEPA recommended specific plans for loss of on-street parking, completion of the three additional stations at Hamline Avenue, Victoria Street, and Western Avenue, and continued discussions with the Rondo community about cumulative impacts of the project on community cohesion and

function. Since these issues were raised by several commenters to the 2009 FEIS, a single response was made to these issues and can be found in Attachment E.

- Historic Preservation: Included in the 2009 FEIS was a signed copy of a Programmatic Agreement (PA) between FTA, the MnSHPO, the Advisory Council on Historic Preservation and the Metropolitan Council. This document describes commitments for ongoing consultation to avoid, or minimize potential for adverse effects of implementing the proposed action. In the event that adverse effects cannot be avoided, the PA contains measures for mitigating such effects.
- **Minnesota Department of Transportation:** The Minnesota Department of Transportation (Mn/DOT) noted that they had no additional comments on the Central Corridor LRT 2009 FEIS, beyond those previously submitted on the AA/DEIS and the 2008 SDEIS. They also noted that the CCLRT project will cross roadways under Mn/DOT jurisdiction and the requirement of the Metropolitan Council to submit intersection geometric designs and traffic analyses for Mn/DOT staff review and approval. They further noted that this coordination of data exchange is currently underway.
- **Minnesota State Historic Preservation Office:** The MnSHPO submitted comments focused on the sufficiency of the Section 4(f) Evaluation in the 2009 FEIS relative to the project's use of historic properties. Response to these comments is included in Attachment E. Additionally, this Amended ROD contains an analysis of the project's use of portions of the Prospect Park Residential Historic District and changes to East River Parkway, a contributing element of the Grand Rounds Historic District.
- **Dakota County:** Dakota County acknowledged receipt of the 2009 FEIS and their understanding of the purpose of and need for the proposed action and its benefits and impacts.
- **Capitol Region Watershed District:** The CRWD noted that recommendations from their comments submitted on the 2008 SDEIS have been incorporated and that the Metropolitan Council would be required to secure a permit from the CRWD. They also requested that a Summary Report from a Workshop be included in the 2009 FEIS and that the FEIS acknowledge the impairment of the Mississippi River and address how this may affect compliance with the National Pollution Discharge Elimination System (NPDES) permit for the project.

Staff from the Central Corridor Project Office contacted staff at CRWD to discuss comments submitted. It was determined in this conversation that the Summary Report will not be prepared as a completed document in time for inclusion in the 2009 FEIS. Metropolitan Council will continue to work with the CRWD to further evaluate concepts and implement effective stormwater designs at locations where soil and site conditions are suitable. This ongoing coordination will include ensuring that appropriate permits are secured from the CRWD, including receipt of an NPDES permit for potential discharge of stormwater into the Mississippi River, which, as was noted by the CRWD, is an impaired water, listed on the State of Minnesota's official list of such waters (303d list).
- **City of Minneapolis:** The City of Minneapolis submitted comments on the 2009 FEIS focused on parking impacts (specifically, the removal of parking), design of sanitary sewer along Washington Avenue, and issues related to traffic effects and proposed mitigation.

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A meeting with City of Minneapolis staff took place on August 3, 2009, to discuss their comments. Responses to all comments received from the City of Minneapolis are included in Attachment E.

- **University of Minnesota:** The University of Minnesota's General Counsel, Mark Rotenberg, submitted comments focused on the sufficiency of the 2009 FEIS in regard to three key areas: environmental effects related to vibration and electromagnetic interference and the sufficiency of mitigation commitments to ensure that University research activities could continue unimpeded, the sufficiency of the Section 4(f) Evaluation and the constructive use of the University of Minnesota's Campus Mall Historic and the effects of construction of the Central Corridor LRT on critical campus activities.

Response to the U of M's comments is included in Attachment E.

- **Natural Resources Conservation Council:** The NRCS submitted a letter of comment. As the letter noted, there is no impact to agricultural lands of the Central Corridor LRT project. The comment letter also identified agencies that should be consulted regarding project effects. All noted agencies have been consulted with and the results of consultation are discussed in the 2009 FEIS.

A total of three letters were received from public officials, including comments from Ramsey County Commissioner Janice Rettman, State Representative Alice Hausman, and State Senator Larry Pogemiller.

- **Commissioner Janice Rettman:** Commissioner Rettman's submitted her personal comments on the 2009 FEIS, stating that it lacked specificity and the requisite dollars and commitments of the Metropolitan Council to address identified concerns and issues. She specifically mentioned loss of parking, issues with gentrification, and that the full construction of the three stations at Hamline Avenue, Victoria Street, and Western Avenue should be part of initial project construction. She also mentioned requirements to mitigate impacts to the historic churches (Central Presbyterian and St. Louis King of France) in downtown St. Paul.

Responses to the issues raised by Commissioner Rettman can be found in Attachment E.

- **Representative Alice Hausman:** Representative Hausman requested consideration of an alternative route for the LRT in the Capitol Area, specifically to use an alignment along Rice Street to St. Peter Street into downtown St. Paul. She further stated her intention that such a consideration not derail or delay the project.

A similar option to the one proposed by Representative Hausman was analyzed during the Central Corridor LRT scoping process in 2001. This alternative was not carried forward for consideration in the AA/DEIS as it did not meet criteria developed during the scoping process to identify alternatives best capable of meeting project purpose and need. Specifically, this alternative did not serve the core of St. Paul's downtown business district and, since it entered downtown St. Paul on 5<sup>th</sup> and 6<sup>th</sup> Streets, would disrupt bus service. This alternative would also have had negative impacts by routing LRT on streets that had direct and indirect access to the regional roadway system.

- **Senator Larry Pogemiller:** Senator Pogemiller expressed concerns about the impacts of the CCLRT project on the Minneapolis neighborhoods surrounding the East and West Banks of the U of M, specifically, traffic mitigation, long-term population patterns, vibration issues near the campus, and livability in and around the campus. Senator

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Pogemiller requested that the Northern Alignment, using a corridor currently used for freight rail movements north of East Bank campus and owned by the Burlington Northern Sante Fe railroad be further investigated as a potential preferred alignment for Central Corridor LRT.

Responses to Senator Pogemiller's comments regarding project impacts, as well as a response to whether further review of the Northern Alignment is warranted are found in Attachment E.

A total of nine comments were submitted from community groups, non-profit organizations and private entities. Responses to comments submitted are found in Attachment E. Commenters included:

- **Alliance for Metropolitan Stability:** The Alliance for Metropolitan Stability submitted comments focused on the environmental justice analysis as presented in the 2009 FEIS, specifically on the Metropolitan Council's demographic analysis. The Alliance also called for the Metropolitan Council to include construction of the three additional stations at Hamline Avenue, Victoria Street, and Western Avenue.
- **Macalester Groveland Community Council:** The Macalester Groveland Community Council submitted a resolution encouraging that concerns for construction of stations at Hamline Avenue, Victoria Street, Western Avenue and Cretin Vandalia, maintaining the frequency of Route 16 local bus service, and impacts to businesses during construction be resolved prior to federal action.
- **Jewish Community Action:** Jewish Community Action submitted comments focused on the environmental justice analysis as presented in the 2009 FEIS. They acknowledged the Metropolitan Council's advance in responding to concerns regarding the sufficiency of the analysis as expressed during the 2008 SDEIS comment period. However, they noted continuing concerns with various project effects on environmental justice populations
- **District Councils Collaborative:** The DCC acknowledged the Metropolitan Council's response to many of the issues and concerns raised in the 2008 SDEIS. However, they voiced continued concerns regarding environmental justice impacts of the project, traffic impacts on surrounding neighborhoods due to closure of Washington Avenue to vehicular traffic, and the compatibility of the CCLRT operations and maintenance facility with neighborhood plans.
- **Preserve and Benefit Historic Rondo Committee:** The PBHRC submitted comments focused on the sufficiency of the environmental justice analysis in the 2009 FEIS, the identification of adverse effects, findings of disproportionately high and adverse effects and the sufficiency of committed mitigation to address identified effects.
- **St. Louis King of France Church:** Comments from the St. Louis King of France Church (submitted by Meier, Kennedy and Quinn) focused on environmental effects associated with noise and vibration effects.
- **Minnesota Public Radio:** Comments from MPR (submitted by Leonard, Street and Deinard) were received. They noted the expectation that mitigation commitments made in the 2009 FEIS be fulfilled by the Metropolitan Council. They further noted specific matters relative to the noise analysis documented in the 2009 FEIS as well as

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expectations relative to the design of the floating slab proposed to mitigate for groundborne noise impacts.

- **Big Top Liquors:** Comments from Big Top Liquors (submitted by Zamansky Professional Association) focused on project impacts that may have an adverse impact on their business, including parking loss, access impacts, visual effects, and other business impacts.
- **SchmoeCo LLC:** SchmoeCo indicated that they were lessees of a suite at 1951 University Avenue, which was a space identified in the 2009 FEIS as being impacted by LRT vibration, requiring mitigation in the form of relocation assistance. SchmoeCo noted the requirement to provide relocation assistance in conformance with NEPA and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act).

Right-of-way acquisition and relocation assistance will take place consistent with statutory and regulatory requirements of NEPA and the Uniform Act.

A total of nine comments were received from members of the general public. Comments focused on the following issues. Responses to comments received are found in Attachment E:

- Purpose and need of project
- Impacts to businesses
- Parking impacts
- Vibration and noise impacts to residents
- Safety and security
- Operations and maintenance costs
- Ridership forecasting process
- Constructing the CCLRT underground in a tunnel alignment
- Constructing the LRT on the U of M transitway behind KSTP Production Studios and Transmission Tower
- Constructing sidewalk to the maximum feasible width
- Benefits of selecting an LRT alignment along Jackson Street in downtown St. Paul

Approximately 170 comments were received from private entities and individuals and from researchers, faculty and staff at the U of M in response to the 2009 CCLRT FEIS, and in response to a solicitation for FEIS comments posted on the University of Minnesota's Web site. Many of these comments focused on the adequacy of committed mitigation at the U of M's East Bank campus area to address environmental effects associated with vibration and electromagnetic interference that could interfere with campus research activities. Concerns were also expressed regarding the ability to mitigate adverse effects to research activities during project construction. Other issues raised in these comments included the following:

- Using alternative alignments for the LRT to avoid impacts, specifically, alignments north of the East Bank campus area. (Responded to as Comment AL-1 in Attachment E)
- Using alternative modes, such as Personal Rapid Transit (PRT). (Responded to as Comment PRT-1 in Attachment E)

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Approximately four comments were submitted supporting the LRT alignment on Washington Avenue at the U of M's East Bank campus and urging the U of M to support the CCLRT project.

As previously noted, responses to all comments received during the 2009 FEIS review period are found in Attachment E.

Opportunities for the public to provide comments to the 2012 SDEIS and the 2013 SFEIS are summarized as follows:

**2012 SDEIS Construction-Related Potential Impacts on Business Revenue:** A Notice of Intent to prepare a SDEIS for the Central Corridor LRT Project was published in the Federal Register on May 14, 2012. Upon completion of the document, a Notice of Availability was published in the Federal Register on December 14, 2012, signaling the start of a 45-day public comment period. The comment period concluded on January 30, 2013. Public hearings were held on January 10, 2013, at 8 am at Model Cities (849 University Avenue West, St. Paul) and at 6 pm at Goodwill Easter Seals (553 Fairview Avenue North, St. Paul).

**2012 SDEIS Comment Summary and Response:** Approximately 30 people, agencies, and organizations offered comments on the 2012 SDEIS. Comments received addressed:

- The methodology used to assess revenue impacts to businesses in the Central Corridor
- The quality and sufficiency of the information on businesses
- Access to mitigation programs and the duration of those programs
- The lack of analysis of impacts specific to minority-owned businesses

All substantive comments were responded to in Chapter 3 of the 2013 SFEIS, "Responses to Comments on the Supplemental Draft EIS".

**2013 SFEIS Construction-Related Potential Impacts on Business Revenue:** Upon completion of the 2013 SFEIS, a Notice of Availability was published in the Federal Register on June 7, 2013, signaling the start of a 30-day public comment period. The comment period concluded on July 8, 2013.

**2013 SFEIS Comment Summary and Response:** During this review period, one comment letter was received from the USEPA, commending Project outreach efforts, record keeping, and business mitigation programs. Please see Attachment F for the comment letter from USEPA.

## Community Outreach

The Project's public involvement activities have included extensive and intentional efforts to engage minority and low-income communities, informing residents about the Project and providing opportunities for participation in the Project's evaluation, planning, alternatives development, station locations development activities, and environmental issues. These efforts have included public presentations to, and meetings with, minority and low-income community groups and civic organizations, public open houses and general information sessions, stakeholder meetings, small group and one-on-one meetings, diversity training and strategies to engage non-traditional stakeholders.

Regular meetings have occurred with groups such as the National Association for the Advancement of Colored People, the Urban League, the St. Paul African American Leadership Council, the Listening House Homeless Shelter, Union Gospel Mission, Berean Church, and

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Central Towers Assisted Living as well as with several other community groups, churches and organizations.

The Community Outreach Staff of the Metropolitan Council include persons fluent in languages spoken by community residents for whom English is a second language. Interviews and public service announcements were also made in local and regionally broadcast ethnic media outlets including, print, television and radio programs in Somali, Hmong, Vietnamese, and Spanish. Media outlets have included the Minnesota Spokesman Recorder, Hmong Today, Hmong Times, African News Journal, Asian American Press, the Minnesota Women's Press, Vietnamese Broadcasting of Minnesota, and Hmong and Somali local television news programs.

Subsequent to the publication of the FEIS in June 2009, the Project has undertaken a substantial and continual outreach effort during construction of the LRT line that included:

- providing construction information in-person, at group meetings, over the phone, via email, via letters, and on flyers posted throughout the corridor
- working with individual businesses on access plans
- promoting and facilitating applications for mitigation funds and programs
- conducting a multi-media marketing and advertising campaign for the corridor

The project website hosts up-to-date construction information and a project telephone hotline (651-602-1645) was established in 2007 and a 24-hour construction hotline (651-602-1404) was established in September 2009.

Before heavy construction began in the Central Corridor, Metropolitan Council outreach coordinators conducted a comprehensive census of businesses adjacent to the LRT alignment. Outreach staff walked the alignment, block-by-block, making note of all businesses that had a physical presence on the alignment. Metropolitan Council outreach and construction staff also met with all property owners that have driveways or parking lots on the corridor at nearly 500 individual meetings, and staff notified 400-plus businesses in-person regarding sidewalk reconstruction in front of their businesses.

## Agency Coordination

In studying, planning, and designing the Project, the Metropolitan Council is working closely with the FTA, Mn/DOT, Ramsey and Hennepin counties, the cities of St. Paul and Minneapolis, and the U of M. The Federal Highway Administration (FHWA) also agreed to be a Cooperating Agency for the Project. The Project draws on several advisory committees that provide input from policy makers, government entities and community groups, businesses, and residents. These committees are the Central Corridor Management Committee (CCMC), CAC, BAC, Central Corridor Project Office (CCPO), Project Advisory Committee (PAC), Communication Steering Committee (CSC), Land Use Coordinating Committee (LUCC), the Artist Selection Committee (ASC) and 14 Station Art Committees (SAC).

In addition to ongoing coordination with stakeholders and the public, the CCPO has coordinated and consulted with other federal, state, and local agencies and interested parties, including the Capitol Area Architectural and Planning Board (CAAPB), the U.S. Department of Agriculture, the U.S. Department of Commerce, the Minnesota Department of Health, the U.S. Department of Interior, the Minnesota Department of Natural Resources (DNR), the Minnesota Pollution Control Agency (MPCA), the State Archaeologist, the State Historic Preservation Office, the federal

Advisory Council on Historic Preservation (AChP), the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the National Park Service, and the Minnesota Indian Affairs Council.

## Mitigation Measures to Minimize Harm

The mitigation measures and other Project features that are intended to minimize adverse impacts, as identified in the 2009 FEIS and 2013 SFEIS, are summarized in Attachments B and C. The summary tables are provided in this Amended ROD to facilitate the monitoring of the implementation of the mitigation measures. A complete discussion of mitigation measures that are included in the Project can be found in the Central Corridor LRT 2009 FEIS, Chapters 3 through 7 and Chapter 2 of the Central Corridor LRT 2013 SFEIS for Construction-Related Potential Impacts on Business Revenues.

If FTA provides financial assistance or Letter(s) of No Prejudice (LONP) to the Project, FTA will require in the funding agreement with the Metropolitan Council and as a condition of its grant that the Metropolitan Council shall implement the mitigation referenced in Attachment B and as may be further and more fully described and identified in the 2009 FEIS. Implementation of the mitigation measures in Attachment B are material conditions of this Amended ROD. To the extent that the same or substantially similar impacts caused by the Project, as identified in the 2009 FEIS or 2009 ROD, are discovered during project implementation, these mitigation measures shall be undertaken for those impacts. The Metropolitan Council shall further coordinate with other public agencies on design issues related to the Project as stipulated in the 2009 FEIS and Section 106 Programmatic Agreement.

As part of this Amended ROD, FTA is further requiring the Metropolitan Council to continue providing status reports to FTA on the business mitigation measures it has agreed to implement as set forth in the 2013 SFEIS and Appendix C of this Amended ROD. These status reports will include, at a minimum, the following information: (1) Funds expended to date; (2) Details regarding pending requests for mitigation and disposition of mitigation requests; (3) Number of openings and closings of businesses along the alignment; and (4) Complaints regarding construction activities and the response and/or resolution of those complaints. These reports will be provided on a quarterly basis through Project Construction, which is currently anticipated for December 2013. Furthermore, FTA will continue to require that the Metropolitan Council submit quarterly written reports on their progress in implementing all required mitigation measures. FTA will monitor this progress through quarterly reviews of final engineering and design, land acquisition required for the Project, and construction of the Project. The mitigation-monitoring program may, upon approval of FTA, be revised as necessary during the permitting process in order to facilitate implementation of those measures during final design and construction. The Metropolitan Council shall designate an environmental manager who will be responsible to conduct regular audits and reviews for compliance with environmental mitigation commitments and make corrective actions as may be required.

The FTA finds that with the accomplishment of these mitigation commitments the Metropolitan Council will have taken all reasonable, prudent and feasible means to avoid or minimize impacts from the Preferred Alternative.

## DETERMINATIONS AND FINDINGS

The environmental record for the Central Corridor LRT project consists of the Environmental Review Documents and this Amended ROD.

On the basis of the evaluation of social, environmental, and economic impacts contained in the environmental record, and the written and oral comments offered by the public and other agencies, the FTA has determined that:

- Adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest in the project and that fair consideration has been given to the preservation and enhancement of the environment and to the interests of the community in which the proposed project is to be located; and
- All reasonable steps have been taken to minimize the adverse environmental effects of the proposed project and where adverse environmental effects remain, no feasible and prudent alternative to avoid or further mitigate such effects exists.

### Conformity with Air Quality Plans

The Project is subject to conformity requirements imposed by the Clean Air Act (CAA) (42 U.S.C. 7506(c)), which requires that transportation projects conform with the State Implementation Plan's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and of achieving expeditious attainment of such standards.

The EPA conformity regulation (40 CFR part 93) establishes criteria that a transportation project must meet in order to be found by FTA to conform to the air quality plan. The conformity criteria are that the project be included in a conforming Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP), and that the project not cause or contribute to any localized exceedances of the NAAQS, known as "hot spots." The Project is included in the Metropolitan Council's 2030 Transportation Policy Plan (TPP) and in the 2009-2012 Transportation Improvement Program. The TPP and the TIP were determined to conform to the requirements of the 1990 Clean Air Act (according to 40 CFR Parts 5, 1, and 93) by FTA and FHWA with the concurrence of the Minnesota Pollution Control Agency on August 29, 2008, in accordance with the aforementioned EPA regulation.

Further, for carbon monoxide (CO), analyses at specific intersections described in Section 4.5 of the Central Corridor LRT 2009 FEIS show that the Project would not create a new localized violation of the NAAQS for CO and would not worsen an existing violation. For the Project, intersections analyzed in Section 4.5 of the 2009 FEIS represent the "worst case" conditions. Therefore, no violations of air quality standards are predicted. FTA therefore finds that the Project meets the criteria in 40 CFR Part 93 for projects from a conforming plan and TIP, and conforms with air quality plans for the Twin Cities metropolitan region and with the Clean Air Act Amendments of 1990.

This area was not re-evaluated in the 2013 SFEIS.

### Floodplains

Pursuant to Executive Order 11988 Floodplain Management, issued May 24, 1977, impacts to floodplain areas from implementation of the Project were assessed in order to avoid potential

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adverse effects. The Central Corridor LRT will not encroach into any 100-year floodplains. The Project will be constructed on land that is currently developed and has significant impervious surface cover. The Project is not anticipated to have any long-term adverse impacts to water resources or to significantly increase the quantity of surface run-off; however, the use of sustainable and context sensitive best management practices to improve surface water management will be included as part of the Project. The Central Corridor Project Office will incorporate water quality best management practices as required to meet applicable federal, state, and local stormwater standards. FTA finds that no adverse impacts to any 100-year floodplains or floodways would occur as a result of the Project.

This area was not re-evaluated in the 2013 SFEIS.

### Wetlands

Two major federal laws apply to wetland resources as they are documented in the NEPA process: the Clean Water Act, and the Rivers and Harbors Act. The Clean Water Act (CWA), administered by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency (EPA), includes two sections applicable to the Project. Section 404 regulates placement of dredge or fill material into the waters of the U.S., including wetlands. Section 401 of the CWA requires the affected state to issue a water quality certification, or a waiver, for each Section 404 permit required. The Rivers and Harbors Act's Section 10 applies to activities in, over, and affecting navigable waters to preserve the navigability of U.S. waters. The Corps of Engineers administers the permit process. The only defined wetland or public water identified within the Central Corridor LRT project area is the Mississippi River, which is a navigable water. The Project is not expected to have long-term impacts on the Mississippi River. Modifications to the Washington Avenue Bridge will take place, but will not significantly alter the existing bridge profile. No additional bridge piers will be added to the bridge structure. Existing piers will be modified and short-term water access for construction may be required. The proposed activities will not alter the course, current or cross-section of the Mississippi River or its floodplain. FTA finds that no adverse impacts to any wetlands would occur as a result of the proposed Project.

This area was not re-evaluated in the 2013 SFEIS.

### Endangered Species Act (ESA)

Section 7 of the Endangered Species Act (ESA) of 1973 (16 USC 1531-1544) requires that all federal agencies consider and avoid, if possible, adverse impacts to federally listed threatened or endangered species or their critical habitats, which may result from their direct, regulatory, or funding actions. Minnesota's endangered species law (MN Statute 84.0895) and associated rules (MN Rules 6212.1800-2300) regulate the taking, importation, transportation, and sale of state endangered or threatened species. The Minnesota Department of Natural Resources (DNR) administers the state listed rare, threatened, and endangered species (RTE). In 2001, consultation was initiated with the DNR and the U.S. Fish and Wildlife Service (USFWS) to identify the potential for adverse impacts to RTE species. In DNR and USFWS letters dated April 16, 2001 and August 24, 2001 respectively, the agencies responded that the Project is not likely to affect any known occurrences of state or federally protected species. FTA find that no adverse impacts to any RTE species would occur as a result of the Project.

This area was not re-evaluated in the 2013 SFEIS.

### Environmental Justice

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority and Low-Income Populations” (February 11, 1994), provides that “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.” The United States Department of Transportation (DOT) Final Order on Environmental Justice requires the agency to 1) explicitly consider human health and environmental effects related to transit projects that may have a disproportionately high and adverse effect on minority and low-income populations, and 2) implement procedures to provide “meaningful opportunities for public involvement” by members of these populations during project planning and development. Specifically, the DOT Final Order states, in part:

8.b. In making determinations regarding disproportionately high and adverse effects on minority and low-income populations, mitigation and enhancements measures that will be taken and all offsetting benefits to the affected minority and low-income populations may be taken into account, as well as the design and comparative impacts and the relevant number of similar existing system elements in non-minority and non-low-income areas.

8.c. The Operating Administrators and other responsible DOT officials will 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 or an alternative is “practicable,” the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.

Circular 4702. 1.A “Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients,” published May 13, 2007, provides guidance on conducting an analysis of construction projects to integrate environmental justice analysis into NEPA documentation. FTA finds that the analysis conducted in Section 3.8 of the 2009 FEIS conforms to this guidance document and to the orders referenced above.

As part of Project planning processes through completion of the Central Corridor LRT 2009 FEIS, the Metropolitan Council and FTA implemented meaningful outreach efforts to engage minority and low-income communities in the process and secure their active participation. These outreach efforts are described in Appendix F of the 2009 FEIS and are summarized in Section 3.8 of the 2009 FEIS.

The AA/DEIS, 2008 SDEIS, and 2009 FEIS indicate that there are no disproportionately “high and adverse” effects on minority and/or low-income populations. The detailed analysis demonstrates that (1) the potential adverse effects are not predominantly borne by a minority or low-income populations (the potential adverse effects are shared by all populations along the proposed

route, including non-minority and non-low-income populations); and (2) the potential adverse effects suffered by the minority or low-income populations are not appreciably more severe or greater in magnitude than the adverse effects that will be suffered by other populations along the proposed route. These documents confirm that the majority of the impacts identified will be experienced along the entire route and, in some instances, may be greater in magnitude in the non-minority and non-low income areas.

Moreover, the substantial benefits that will accrue to the minority, low-income, and transit dependent populations more than offset nearly all of the potential adverse impacts of the Project. Among other benefits, the Project will provide increased transit access to employment and activity centers, significant travel time savings, and the creation of jobs through new development along the route. (2009 FEIS, Chapter 5 (Economic Effects) and Chapter 6 (Transportation Effects))

The only potential effect, which is not completely offset by a corresponding benefit, is a projected decrease in transit service for individuals residing in a three-census block area of the larger minority population. As explained in section 3.8 of the 2009 FEIS, this potential effect is not limited to the minority population and will be experienced by individuals residing in a total of ten census blocks – including seven census blocks in non-minority and non-low-income areas. To address this potential effect, the Metropolitan Council has committed to developing a transit plan, which will mitigate completely the potential decrease in transit service for the affected three-census block area.

Since there is no basis for concluding that the Project will have disproportionately high and adverse effects on minority or low-income populations, FTA finds that the Metropolitan Council was not required to demonstrate that alternatives with less adverse effects on protected populations would (1) result in more severe adverse effects or (2) involve increased costs of extraordinary magnitude before proceeding with the Project. Therefore, FTA finds that the additional analysis required by the Department of Transportation Order to Address Environmental Justice in Minority Populations and Low-Income Populations, 62 Fed. Reg. 18,377, 18,380 (Apr. 15, 1997), is not required because the Project does not and will not have a disproportionately high and adverse effect on minority or low-income populations.

This area was not re-evaluated in the 2013 SFEIS.

## Section 106

Section 106 of the National Historic Preservation Act of 1966, as amended, requires analysis of the effects of the proposed undertaking on historic properties listed in or determined eligible for listing in the National Register of Historic Places. Following the identification of historic properties (36 CFR 800.4) within the Project's APE and in consultation with the Minnesota State Historic Preservation Office (MnSHPO), the FTA, and the Advisory Council on Historic Preservation (AChP), a Programmatic Agreement (Agreement) was developed to assess and mitigate the effects that the Project will have on historic properties. This Agreement has been signed by the FTA, the AChP, and by the MnSHPO. The Metropolitan Council was an invited signatory to this Agreement (see Attachment A).

The Agreement outlines a number of compensatory mitigation measures for historic properties. A summary of the key tasks outlined in the Agreement are:

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- Where historic properties need to be considered as part of the design process, all elements of the Project design will meet the Secretary of the Interior's Standards for Archaeology and Historic Preservation (SOI Standards), taking into account the suggested approaches to new construction in historic areas in the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties (SOI Rehabilitation Standards).
- A Vibration and Noise Management and Remediation Plan will be developed to address issues related to vibrations and noise caused by LRT construction and operations.
- Metropolitan Council will consult with MnSHPO and with consulting parties (Preservation Alliance of Minnesota, St. Paul Heritage Preservation Commission, Historic St. Paul, the Prospect Park and East River Road Improvement Association, St. Louis King of France Church, and Central Presbyterian Church) throughout the design process and integrate historic values into the Project design. Final designs for all Project elements in historic areas will be submitted to MnSHPO for review and written concurrence regarding effects on historic properties.
- The Project will include all below-grade infrastructure to facilitate future construction of LRT stations at Hamline Avenue, Victoria Street, and Western Avenue in the City of St. Paul.
  - When construction is possible, Metropolitan Council will consult with MnSHPO and other consulting parties regarding plans for station design and construction.
  - Consultation will occur throughout the design process to allow Project designers to effectively integrate historic values into the design.
  - Final designs for any or all of these stations will be submitted to MnSHPO for review and written concurrence regarding effects on historic properties.
- Metropolitan Council will record Midwest Federal Building (aka First Federal Savings and Loan) at 360 Cedar Street, a contributing property within the St. Paul Urban Renewal Historic District, according to the standards of the Minnesota Historic Property Record.
  - The documentation will be completed in consultation with MnSHPO, and will be submitted to MnSHPO for review and approval before any demolition of the property begins.
  - Metropolitan Council will develop design guidelines for future development of the site of 360 Cedar Street and adjacent parcels. These guidelines will establish parameters for new construction, consistent with the SOI Standards, with reference to the St. Paul Athletic Club and the St. Urban Renewal Historic District.
- Metropolitan Council will prepare National Register nomination forms, in conformance with the guidelines of the National Park Service and MnSHPO, for the following historic properties located along the Project corridor: First National Bank Building; St. Paul Athletic Club; St. Louis King of France Church and Rectory; Norwegian Evangelical Lutheran Church; Ford Motor Company Building; Minnesota Milk Company Building; Owens Motor Company Building; Fire Station No. 18; Brioschi-Minuti Company Building; Raths, Mills, Bell and Company Building; St. Paul Casket Company Factory; Quality Park Investment Company Building; Griggs, Cooper & Company Sanitary Food Manufacturing Plant; Porky's Drive-In Restaurant; Great Lakes Coal and Dock Company Building; Fire Station No. 20; KSTP Production Studios and Transmission Tower; U of M Mall Historic

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District; Pioneer Hall; Mines Experiment Station Building; Washington Avenue Bridge; Fire Station G; and Minnesota Linseed Oil & Paint Company Building.

- The nomination forms will be completed in consultation with MnSHPO, and will be submitted to MnSHPO for review and concurrence.
- Actual nomination of these properties to the National Register of Historic Places will be at the discretion of MnSHPO and will follow the established procedures of the National Park Service (36CFR60) and MnSHPO.
- Metropolitan Council will develop an educational Field Guide of historic properties (including historic districts) along the Central Corridor.
  - The Field Guide will highlight the listed and eligible National Register properties, as well as those which are located along the portion of the Central Corridor line which parallels the Hiawatha LRT in downtown Minneapolis.
  - The Field Guide will be developed in consultation with MnSHPO and the final draft will be submitted to MnSHPO for review and concurrence.
  - Metropolitan Council will make the Field Guide available to the public in both print and electronic formats.
- In consultation with MnSHPO, Metropolitan Council will develop and implement an educational effort to encourage the rehabilitation of historic properties located along the Central Corridor.
  - This effort will include an information packet with information about proper rehabilitation practices and financial resources.
  - It will also include individual consultations with owners of historic properties and/or public workshops, as appropriate.
  - At the conclusion of the consultation and workshops, Metropolitan Council will submit a report on the effort to MnSHPO and other cooperating organizations.
- If there are any portions of the Project where it is not feasible to reach a design that meets the SOI Standards, the Project will be considered to have an adverse effect, and mitigation measures will be developed and implemented in accordance with stipulations contained in the PA.
  - Mitigation measures will be determined based on the type and level of impact.
  - Metropolitan Council agrees to take into account the views and concerns of consulting parties in the resolution of adverse effects.
- Before Project construction begins, Metropolitan Council will prepare a comprehensive summary of all identified measures needed to protect historic properties.
  - A copy of this summary will be submitted to MnSHPO for review and concurrence.
  - Copies will also be provided to consulting parties to the Agreement.
  - Before Project construction begins, Metropolitan Council will meet with the construction contractor to ensure that construction plans are consistent with the

Project design as approved by MnSHPO, and with all identified protection measures.

- During construction, Metropolitan Council will monitor Project construction and shall provide a record of those monitoring activities quarterly reports prepared tracking the progress of implementation of Agreement stipulations.

Based on the cultural resources analysis, consultation and coordination with the MnSHPO, the ACHP, Indian Tribes and other interested parties and the public and with the execution of the Programmatic Agreement in Attachment A, FTA finds that the requirements of Section 106 have been fulfilled.

This area was not re-evaluated in the 2013 SFEIS.

#### Section 4(f)

Section 4(f) of the Department of Transportation (DOT) Act of 1966, 49 U.S.C. 303(c) requires that use of land from a significant publicly owned park, recreation area, wildlife and waterfowl refuge, or historic site, be approved and constructed only if: 1) there is no feasible and prudent alternative to the use of the land, and 2) the project includes all possible planning to minimize harm to the site. A Section 4(f) evaluation was prepared describing the affected resources, the direct and proximity impacts that could impair the use of these resources, and identifies and evaluates alternatives that avoid such impacts as well as measures to minimize harm. This analysis is included in Chapter 7 of the Central Corridor LRT 2009 FEIS.

There will be no permanent use of parkland resources for the Project. There will be a *de minimis* use of a small portion of the Leif Erikson lawn at the State Capitol to site the Rice Street Station at the northwest corner of this property. Coordination regarding this use and its *de minimis* character is included in Appendix E3 of the 2009 FEIS indicating that placement of the LRT station in this portion of Leif Erikson lawn will not adversely affect the features, attributes or activities of this resource as a public space. Permanent uses of Section 4(f) properties will be made of the following historic resources:

- **Lowertown Historic District:** A portion of the landscaped lawn area in front of Union Depot will be used for construction of the Union Depot LRT station. This will include conversion of up to 14-feet of land from the street-side part of the building's lot, alteration of landscaping, and closure of the semi-circular driveway to automobile access.
- **St. Paul Urban Renewal Historic District:** A contributing property to this district, the vacant Midwest Federal Building (aka First Federal Savings and Loan), will be demolished in order to construct the 4<sup>th</sup> and Cedar Streets station, LRT tracks and other systems infrastructure on this parcel of property.
- **State Capitol Mall Historic District:** Lawn panels in the median of Cedar Street south of Interstate Highway 94, identified as part of the historic district, will be removed to construct the LRT tracks and station at 10<sup>th</sup> Street. A portion (approximately 2,200 square feet from a narrow strip along the northwest boundary) of Leif Erikson lawn, identified as part of the historic district, will be used to construct the Rice Street Station and LRT tracks.

- **Prospect Park Residential Historic District:** Section 7.5.1.12 of the 2009 FEIS includes a description of this National Register-eligible historic district that is bounded by University Avenue, Southeast Williams Avenue, Interstate 94, and Emerald Street Southeast. The Historic District consists of a primarily residential, planned neighborhood along the south side of University Avenue. The City of Minneapolis owns the streets and sidewalks within the Historic District. The 2009 FEIS indicates (page 7-21) that
  - “the proposed project would be located within the existing right-of way of University Avenue and would not require the incorporation of property from the Prospect Park Residential Historic Distinct. The proposed project would require temporary occupancy of land along University Avenue and would cause temporary access disruptions during construction. The proposed project would require temporary occupancy of land along University Avenue and would cause temporary disruptions during construction. The existing sidewalk within the University Avenue right-of-way would be reconstructed. Access points at University and Malcom and at University and Clarence would be reconstructed within existing right-of-way to limit turning movements to right in/right out movements only.”
  - Additionally, the 2009 FEIS states that the “proposed project does not incorporate land from contributing elements of the Prospect Park Residential Historic District.”

Based on further review of the proposed project definition specific to this location, along with comments raised by the State Historic Preservation Office in their letter dated July 23, 2009 (included in Attachment D); the determination has been made that the reconstruction of the two landscaped triangles, at the above noted intersections, both of which are contributing elements to the historic district would constitute a use of Section 4(f) property.

Based on design requirements associated with locating LRT on University Avenue, more specifically, the ability to provide for left-turning movements from University Avenue into the Prospect Park neighborhood to the south of University Avenue, there is no feasible and prudent alternative to the use of the contributing element of the District. The proposed action has been designed to include all possible planning to minimize harm to the 4(f) properties resulting from this use as detailed. The Programmatic Agreement (included as Attachment A to this Amended ROD) stipulates ongoing consultation regarding project design, including the requirement to consult with parties regarding effects on the Prospect Park Residential Historic District.

- **East River Parkway:** Section 7.5.1.14 of the 2009 FEIS includes a description of East River Parkway, which is owned and operated by the Minneapolis Park and Recreation Board (Figure 7-7 of the 2009 FEIS). The 2009 FEIS references that the Parkway is a contributing element of the National Register-eligible Grand Rounds Historic District. The 2009 FEIS further states the following specific to East River Parkway:
  - “The proposed project would require the construction of traffic signals and turn lanes on land within East River Parkway. The proposed project would cause temporary access disruptions to East River Flats; however the proposed changes would not use parkland for East River Flats. The modifications would have no adverse effect o the historic attributes of the road.”

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- Additionally, the 2009 FEIS states that "The proposed project would not substantially impair the features and attributes that qualify the East River Parkway for Section 4(f) protection. Thus there would be no constructive use of the East River Parkway, as discussed in Section 7.1 (2009 FEIS) and as defined in 23 CFR 774.15. Therefore, there is no Section 4(f) use of this property and no avoidance analysis is required.

Based on comments received from the State Historic Preservation Office dated July 23, 2009 (included in Attachment C); the determination has been made that reconfiguration of the East River Road near Pioneer Hall would result in an adverse effect to the historic parkway. The effect is based on the reconfiguration of East River Parkway to favor movement off the Parkway onto Fulton Street on the U of M's East Bank campus and is being made as part of improvements to facilitate traffic diverted from the Washington Avenue Transit Mall. This change in configuration would alter the historic through movement of vehicles on East River Parkway at this intersection, by making traffic on this element of the Grand Rounds make a turning movement to continue their trip on the Parkway.

Based on design requirements associated with implementation of the Transit Mall on Washington Avenue, and specifically the requirement to make improvements to adequately manage the flow of diverted traffic, there is no feasible and prudent alternative to the use of the contributing element of the Grand Rounds Historic District. The proposed action has been designed to include all possible planning to minimize harm to the 4(f) properties resulting from this use as detailed. The Programmatic Agreement (included as Attachment A to the ROD) stipulates ongoing consultation regarding project design, including the requirement to consult with parties regarding effects on East River Parkway as a contributing element to the Grand Rounds Historic District.

A Central Corridor LRT Programmatic Agreement (see Attachment A) between the FTA, the Metropolitan Council, the Minnesota State Historic Preservation Office, and the Advisory Council on Historic Preservation was executed and published in the Central Corridor LRT 2009 FEIS. This Agreement commits to mitigation activities for the above uses and to ongoing consultation with SHPO and other parties so as to minimize harm.

FTA has consulted with the United States Department of the Interior (DOI). Based on this consultation and the Section 4(f) evaluation, published as Chapter 7 of the Central Corridor LRT 2009 FEIS, and the two revisions to Section 4(f) use determinations noted herein, FTA has determined that there is no feasible and prudent alternative to the use of the land from the above-referenced historic properties and that the proposed action includes all possible planning to minimize impacts from such use. By e-mail dated July 22, 2009, DOI agreed with FTA's Section 4(f) determinations referenced in the 2009 FEIS.

This area was not re-evaluated in the 2013 SFEIS.

### Business Revenues

To comply with the Court's order, the 2012 SDEIS and 2013 SFEIS examined construction-related impacts on the revenue of businesses along the Central Corridor alignment by drawing on a collection of studies and surveys.

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The Business Support Fund, identified in the 2012 SDEIS and 2013 SFEIS, provided the best quantitative data set for use in determining the loss of business revenue due to LRT construction. While this data set included only retail businesses with revenues less than \$2 million that had received assistance through the program, it provided independently validated, quantitative measures on which a reliable analysis could be based. The small retail-oriented businesses that applied for assistance through the loan program, when categorized by business type, saw a median average monthly sales loss of 18 percent to 35 percent, with retail businesses at the high end of the range and restaurants and entertainment businesses at the low end of the range. A reasonable inference was made that other small and large retail-oriented businesses in the corridor may also experience similar losses during construction.

Studies of construction-related impacts on business revenues have identified a number of factors that may contribute to loss of business revenue during project construction including loss of access, loss of parking, and reduced traffic flow. These studies also recognize that there are many factors unrelated to construction activity that may also impact business revenues, including local and global economic factors, unemployment rates, seasonal businesses, etc. Indirectly, potential customers also may be discouraged from patronizing businesses due to both real and perceived inconvenience factors including congestion, confusion, safety concerns, noise, and dust.

Mitigation measures intended to minimize adverse impacts to business revenue as a result of Project construction are documented in Attachment C of this Amended ROD. Based on the mitigation measures and other Project features that reduce adverse impacts to business revenues, as identified in the 2013 SFEIS to which Metropolitan Council has committed, FTA finds that the Project's impacts to loss of business revenue due to construction have been minimized and mitigated to the extent practicable.

## ENVIRONMENTAL FINDING

FTA has determined that the environmental documentation prepared for the Preferred Alternative satisfies the statutory and regulatory requirements of NEPA and fully evaluates the potential environmental impacts of the Project. On the basis of the determination made in compliance with relevant provisions of Federal law, FTA finds the Central Corridor LRT project has satisfied the requirements of the National Environmental Policy Act of 1969, the Clean Air Act of 1970, and the U.S. Department of Transportation Act of 1966, all as amended.



8-13-2013

Marisol Simon

Date

FTA Regional Administrator, Region 5

### Attachments:

- Attachment A: Programmatic Agreement
- Attachment B: 2009 FEIS Mitigation and Monitoring Program
- Attachment C: 2013 SFEIS Mitigation Program
- Attachment D: 2009 FEIS Full Record of Comments Received
- Attachment E: 2009 FEIS Response to Comments Received
- Attachment F: 2013 SFEIS Full Record of Comments Received