



U.S. Department
of Transportation
Federal Transit
Administration

REGION V
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Ohio, Wisconsin

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August 17, 2011

Ms. Mary Gustafson
Grants Manager
Metropolitan Council
560 Sixth Avenue North
Minneapolis, MN 55411

Re: Finding of No Significant Impact (FONSI) for the Cedar Avenue Bus Rapid Transit (BRT) Station-to-Station Service

Dear Ms. Gustafson:

Based on our review of the Environmental Assessment dated July, 2011, we have issued a Finding of No Significant Impact (FONSI) for the Cedar Avenue Bus Rapid Transit (BRT) Station-to-Station Service.

A copy of the FONSI is enclosed. A notice of the availability of the FONSI must be sent by the Metropolitan Council to the affected units of Federal, State, and local government, and the document shall be made available upon request by the public, in accordance with 23 C.F.R. Section 771.121(b). The Metropolitan Council may also want to send copies to all the consulting parties.

Thank you for your cooperation in meeting the requirements of the National Environmental Policy Act. If you have any questions, please contact Bill Wheeler of my staff at (312) 353-2639.

Sincerely,

for Marisol R. Simon
Regional Administrator

Enclosures

Cc: Philip Forst, FHWA-Minnesota Division

**FEDERAL TRANSIT ADMINISTRATION
REGION V**

FINDING OF NO SIGNIFICANT IMPACT

Project: Cedar Avenue Bus Rapid Transit (BRT) Station-to-Station Service

Applicant: Minnesota Valley Transit Authority
Metropolitan Council

Location: Cities of Lakeville, Apple Valley, Eagan, and Bloomington, Minnesota

Introduction

The Minnesota Valley Transit Authority (MVTA), in cooperation with the Metropolitan Council (MC) seeks to operate new bus rapid transit (BRT) station-to-station service along the Cedar Avenue Transitway Corridor between the 28th Avenue Transit Center in Bloomington, Hennepin County and 215th Street in Lakeville, Dakota County. The Cedar Avenue BRT Project ("Cedar Ave BRT") is a proposed bus rapid transit system that extends along Cedar Avenue for a distance of approximately 16 miles through the cities of Lakeville, Apple Valley, Eagan, and Bloomington.

The Federal Transit Administration (FTA) prepared an Environmental Assessment (EA) to determine the Cedar Ave BRT's potential social, environmental, and economic impacts in accordance with the National Environmental Policy Act of 1969 (NEPA). On June 9, 2011, FTA issued the Environmental Assessment for public comment pursuant to 23 C.F.R. § 771.119. The Environmental Assessment evaluated a Build Alternative (the Cedar Ave BRT) and a No Build Alternative, which serves as a baseline against which to evaluate the effects of the Cedar Ave BRT on transportation, social, economic, and environmental factors. The No Build Alternative undertakes no major transit system improvements or investments within the Cedar Avenue Corridor, but rather maintains the existing transit system. The corridor is already being served by buses, including bus shoulder operations during peak periods.

Proposed Project

The purpose of the Cedar Ave BRT project is to improve mobility, travel safety and foster economic growth within the corridor. The proposed Cedar Ave BRT project consists of the procurement of branded BRT vehicles for new station-to-station service along the Cedar Avenue Corridor between the 28th Avenue Transit Center in Bloomington, Hennepin County and 215th Street in Lakeville, Dakota County. This project also includes the construction of walk-up transit stations at 140th and 147th Street, and the use of five (5) existing transit stations located at the 28th Avenue Transit Center in Bloomington, Mall of America Transit Center in Bloomington, Cedar Avenue Transit Center in Eagan, Cedar Avenue Transit Center in Apple Valley, and the Lakeville Cedar Park-and-Ride Transit Center in Lakeville.

This project will require right-of-way (ROW) acquisition associated with the construction of the transit walk up stations located at 140th and 147th Street in Apple Valley. The ROW acquisition consists of approximately 500 square feet of ROW from one parcel east of Cedar Avenue and approximately 1,000 square feet of ROW from two parcels west of Cedar Avenue at the 140th Street Walk-up Transit Station. The 147th Street Walk-up Transit Station will require approximately 2,500 square feet of ROW from two parcels east of Cedar Avenue and approximately 3,000 square feet ROW from four parcels west of Cedar Avenue. These acquisitions do not require any residential or business relocation(s).

Agency Coordination and Public Opportunity to Comment

The Cedar Ave BRT Environmental Assessment was made available for public review from June 9, 2011 through July 8, 2011. Notifications of the availability of the Environmental Assessment and the public hearing appeared in area newspapers on June 9, 2011, and were sent to stakeholders in the project corridor including local, regional, and state agencies. The Environmental Assessment was made available for viewing online at MVTA's website and print copies were available to the public at the MVTA Office in Burnsville, as well as public libraries in the cities of Lakeville, Apple Valley, Bloomington, and Eagan. During the public comment period, comments were submitted by four (4) organizations. There were no comments received from private citizens, business representatives, or interest groups during the comment period. All comments have been addressed and the comments and associated responses are included in the *Appendix*.

Environmental Effects

The MVTA in cooperation with the MC will construct the project in accordance with the design features as described in the Environmental Assessment. There are no mitigation measures necessary for this project. This Finding of No Significant Impact is a result of the Environmental Assessment for the preferred alternative.

Determinations and Findings

National Environmental Policy Act (NEPA) Finding

FTA, in cooperation with the Federal Highway Administration (FHWA), served as the lead agency under NEPA for the project. The MVTA in cooperation with the MC prepared the Environmental Assessment in compliance with NEPA, 42 U.S.C. Section 4321 et seq., and with FTA's regulations, 23 CFR Part 771. FTA has made an independent evaluation of the Environmental Assessment.

After reviewing the Environmental Assessment and supporting documents, including public comments and responses made thereof, the FTA finds under 23 C.F.R. § 7721.121 that the proposed project will have no significant adverse impact on the environment. The record provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

The FTA also finds, in accordance with Federal Transit Law at 49 U.S.C. § 5324(b), that an adequate opportunity to present views was given to all parties with significant economic, social, cultural, or environmental interest, that the preservation and enhancement of the environment and the interest of the community in which the Cedar Ave BRT is located were considered.

Environmental Justice Finding

Executive Order 12898 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.” A disproportionately high and adverse effect on human health or environment is defined as an effect predominantly borne by, or would be suffered by, low-income populations or minority populations (collectively “environmental justice populations”) and that is appreciably more severe and greater in magnitude than adverse effects suffered by a non-environmental justice population. While environmental justice populations are present in the study area, there are no identifiable concentrations along the corridor, and the effects associated with the Cedar Ave BRT Project are similar throughout the area. No environmental justice population will experience appreciably more severe or greater in magnitude impacts than those experienced by non-environmental justice communities. FTA finds that the Cedar Ave BRT will not have disproportionately high and adverse effects on low-income or minority populations.

The Cedar Ave BRT will have short-term impacts along Cedar Avenue during construction of the walk-up transit stations at 140th and 147th Street. These impacts are expected to be minimal and will likely involve closing one lane (from three lanes down to two) for several hours during non-hour times. The populations along the alignment include low income or minority populations. However, there are no identifiable concentrations along the project corridor.

National Ambient Air Quality Standards

The United State Environmental Protection Agency (USEPA) has developed National Ambient Air Quality Standards (NAAQS) for each of six criteria air pollutants: sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone, lead, and particulate matter less than or equal to 10 micrometers (PM₁₀). Current air quality designations for the region, as determined by USEPA, are “attainment” for all listed pollutants, except for carbon monoxide (CO), where it is a maintenance area.

The Cedar Ave BRT is included in the Metropolitan Council’s 2030 Transportation Policy Plan and 2011-2014 Transportation Improvement Program (TIP). On May 17, 2010, the Minnesota Pollution Control Agency determined that the TIP conformed with the Joint Transportation Conformity Rule of the United States Environmental Protection Agency and the United States Department of Transportation. The FTA finds that the Cedar Ave BRT meets the criteria in 40 C.F.R. Part 93 (“Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved under Title 23 USC or the Federal

Transit Act") 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.

Section 106 Compliance

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, FTA has determined, with the concurrence of the Minnesota State Historic Preservation Office, that the Cedar Ave BRT will not have any adverse effects on historic properties within the area of potential effects, and that the Section 106 consultation requirements for this project have been fulfilled.

Section 4(f) Findings

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966, codified at 49 U.S.C. 303, declares a national policy that a special effort shall be made to preserve the natural beauty of the countryside, public park and recreational lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation may not approve transportation projects requiring the use of publicly owned land of a public park, recreation area, or wildlife or waterfowl refuge of national state or local significance, or land of an historic site of national, state or local significance (as determined by the Federal, State or local officials having jurisdiction over the park, area, refuge or site) unless a determination is made that: (i) there is no feasible and prudent alternative to the use of the land: and (ii) the action includes all possible planning to minimize harm to the property resulting from such use.

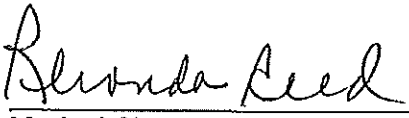
The existence of potential Section 4(f) resources was evaluated as part of the Environmental Assessment. The Cedar Ave BRT will travel on existing streets and all station elements will be located on public right of way. Based on the documentation provided by MVTA in cooperation with the MC, FTA has determined, in accordance with 23 C.F.R. § 771.135, that the proposed project will not use or significantly impact any park, recreational, or historic resources protected by Section 4(f).

General Findings

The FTA also finds, in accordance with Federal Transit Law at U.S.C. §5324(b), that an adequate opportunity to present views was given to all parties with significant economic, social, or environmental interests, that the preservation and the enhancement of the environment, and the interest of the community in which the project is located were considered.

Incorporation by Reference

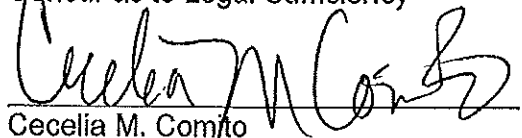
The full text of the Environmental Assessment, prepared by the MVTA in cooperation with the MC and approved and issued by FTA in cooperation with FHWA, are hereby incorporated by reference in this Finding of No Significant Impact.



Marisol Simon
Regional Administrator
Federal Transit Administration, Region V

8/12/11
Date

Concur as to Legal Sufficiency



Cecelia M. Comito
Regional Counsel

Date

Appendix

Comments Received and Responses

| Committer Name, Affiliation | Comment No. | Capsule Summary | Response |
|---|------------------|---|---|
| <p>Tamara E. Cameron, U.S. Army Corps of Engineers</p> | <p>USACE #1</p> | <p>If the proposal involves activity in navigable waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10).</p> | <p>The Preferred Alternative will utilize an existing bridge that crosses a navigable waterway (Minnesota River). The Preferred Alternative does not require the modification of the existing bridge and there will be no effect to any portion of the navigable waterway (refer to Section 8.1 Wetlands).</p> |
| | <p>USACE #2</p> | <p>If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404).</p> | <p>The Preferred Alternative will not involve placement of fill into waters of the U.S. (defined in 33 CFR 328) (refer to Section 8.1 Wetlands).</p> |
| <p>William Goff, Minnesota Department of Transportation</p> | <p>Mn/DOT #1</p> | <p>The EAW needs to address the Minnesota State Noise Standards and Noise Rules.</p> | <p>The Federal EA for the proposed project did not include a state Environmental Assessment Worksheet (EAW) because no thresholds requiring preparation of an EAW were met. Given this, only Federal noise regulations were addressed. Federal noise regulations require that every reasonable and feasible effort be made to provide noise mitigation when applicable federal abatement criteria are approached or exceeded. Since noise sensitive receivers (residences) were located within the noise screening area, an FTA General Noise Assessment was conducted which assessed the noise impacts of the station-to-station service using the FTA Noise Impact Assessment Spreadsheet, July 2007. The General Noise Assessment presented in the EA shows that the proposed project would have no impacts on noise sensitive receivers. The Preferred Alternative is not a Type I project; FHWA procedures for abatement of highway traffic noise do not apply, in accordance with 23 CFR 772.</p> |

| Committer Name, Affiliation | Comment No. | Capsule Summary | Response |
|--|-----------------|--|---|
| | Mn/DOT #2 | Any work that impacts Mn/DOT right-of-way will require a permit. | The Preferred Alternative will not impact Mn/DOT right-of-way (refer to Section 7.6 Right-of-Way and Relocation). |
| Tom Lawell, City Administrator, City of Apple Valley | Apple Valley #1 | The "Northern Apple Valley Park-and-Ride Demand Study" needs to address concerns about massing of facilities and neighborhood compatibility. | Comments have been noted. |
| | Apple Valley #2 | Concern for parking on private property adjacent to the walk-up stations. | MVTA and Dakota County will continue to work with the City of Apple Valley to address ways to avoid, minimize, and mitigate any adverse effects on nearby residential or business communities (refer to Section 10.2 Other Transportation Impacts). |
| | Apple Valley #3 | Request for responsiveness and collaboration when walk-up and park-and-ride conflicts do occur. | MVTA and Dakota County will continue to work with the City of Apple Valley to address ways to avoid, minimize, and mitigate any adverse effects on nearby residential or business communities (refer to Section 10.2 Other Transportation Impacts). |
| | Apple Valley #4 | The walk-up transit station being designed today is for approximately 5,000 sq. ft. of enclosed space plus a platform area, as opposed to a 2,000-square foot bus shelter. | The EA notes that the precise location and configuration of the walk-up transit stations may change based on additional preliminary design. The walk-up transit stations are currently being designed to provide approximately 500 square feet of enclosed passenger area, an overall decrease in size from the 5,000 square feet referenced in the comment and the 2,000 square feet analyzed in the EA. The larger footprint analyzed in the EA results in a more conservative estimate of the project impacts. |

| Committer Name, Affiliation | Comment No. | Capsule Summary | Response |
|-----------------------------|-----------------|--|---|
| | Apple Valley #5 | Transit locations also provide an opportunity for energy and environmental efficiency in building design and site development. | Agreed. |
| | Apple Valley #6 | Project setting description includes several inaccuracies: 1) Garrett Drive should be changed to Garrett Avenue, 2) Commercial businesses extend to Flagstaff Avenue, and 3) "Strip Commercial Centers" are actually planned development commercial/retail nodes within the Downtown. | Revised as requested (see errata sheet in Attachment J-3). |
| | Apple Valley #7 | Requests an updated timeline be included in the EA for the "Northern Apple Valley Park-and-Ride Demand Study." | The EA states that the study is anticipated to commence in the spring of 2011. The relevant agencies are currently in the process of reviewing and revising the timeline for this study. No updates are available at this time. Attachment J-3 contains an errata sheet with revised text that better aligns with this response. |
| | Apple Valley #8 | Estimated capital costs for the proposed walk-up transit stations at 140 th and 147 th Street that are referenced in the EA may no longer be accurate given modified budgets and resources. | The information presented in the EA represents the latest understanding of estimated capital costs for the proposed walk-up transit stations at 140 th and 147 th Street. |

| Committer Name, Affiliation | Comment No. | Capsule Summary | Response |
|--|-----------------------|--|---|
| Jon Hohenstein, Director of Community Development, City of Eagan | Apple Valley #9 | EA lacks discussion of possible skyways at the 140 th and 147 th Street walk-up transit stations. | Construction of a pedestrian skyway, elevator and stairwell are not included in the latest plans for the 140 th Street walk-up transit station. The building will be designed so that these features could be constructed in the future (subject to a separate environmental review, as required, prior to any construction activities). The 147 th Street walk-up transit station no longer has provisions for a future pedestrian skyway. Patrons accessing either the 140 th Street or 147 th Street walk-up transit stations will be required to use the signalized pedestrian crossings at either 140 th Street, 145 th Street, 147 th Street or County Highway 42. |
| | Eagan #1 | Recommends accelerating the study of access improvements at the Cedar Grove Station to determine if improvements are warranted prior to the Stage 3 Timeframe. | In regard to policy issues and the phased implementation plan for facilities and services, MVTA is working within the confines of regional cost sharing arrangements and numerous partnerships both within the corridor and beyond. It is MVTA's understanding that Mn/DOT is making preparations for the study to get underway in the coming months. For the delivery of transit service to be successful, MVTA agrees that improvements will be needed to provide BRT Station-to-Station service at Cedar Grove. MVTA appreciates the City of Eagan's participation and contribution to our shared interest to moving forward with plans for implementation of BRT service. |