Central Corridor
Light Rail Transit
Metropolitan Council

Supplemental Environmental Assessment
Construction - Related Potential Impacts on Business Revenues

Record of Comments Received on the
Draft Supplemental Environmental Assessment
Published on March 2011

April 2011

Volume 3 of 3

Appendix A

Affidavits, Emails & other Documents

Referenced in the Comments

TABLE OF CONTENTS OF DOCUMENTS REFERENCED IN COMMENTS (ALPHABETICAL ORDER)

DOCUMENT TITLE	SUMMARY OF CONTENT
Affidavit Gerry McInerney	Gerry McInerney -- Lowertown Wine and Spirits-lost $53,000 in revenue , unsafe zone for customers, threatened by Metropolitan Council staff, poor or no signage and poor and inaccurate communication from Metropolitan Council
Affidavit Jim Golden	Jim Golden -- Golden's Deli-Lowertown-lost 40% of revenues, took the $10,000 loan and still owe over $40,000 in back rent, as a Director of Farmers' Market also saw significant decrease in the vendors at the Farmers' Market due to the lack of parking and loss of access, delayed expansion and no access to front of building on many occasions for a day at a time so the public could not get into the building.
Affidavit Mary Leonard	Mary Leonard -- Chocolat Celeste-University and 280-moved recently because of loss of on street parking-landlord has no off-street parking-incurred relocation costs of over $40,000.
Affidavit Roger Nielsen	Roger Nielsen -- Master Framers-Lowertown-a net loss of $29,000, basement flooded, poor and inaccurate communication regarding construction start and finish dates.
Affidavit Sara Remke	Sara Remke -- Black Dog Café-Lowertown-lost over 20% of revenues-dust and noise prevented use of patio-couldn't cross street to Farmers' Market so on Saturdays and Sundays business was significantly impacted
Article, As light-rail work shrinks parking on University Avenue, businesses say they must adapt or die	By Frederick Melo, Saint Paul Pioneer Press, March 23, 2011
Article, Gas leak shuts down busy area of St. Paul	B Chao Xiong and Paul Walsh, Star Tribune, March 25, 2011

Article, Help keep businesses alive while streets are torn up	Pioneer Press, updated 03/23/2011
Article, Light Rail Pushes Porky's Owners to Seek Sale	From Finance & Commerce, 03/28/2011
Article, St. Paul City Council seeks larger aid fund for businesses hurt by Central Corridor construction	By Frederick Melo, Saint Paul Pioneer Press, March 23, 2011
Column, What does University Ave. really need? A thrill ride	By Joe Soucheray, Saint Paul Pioneer Press, March 26, 2011
Comment Form	Created by the University Avenue Business Association to address the adverse impacts of the construction of the Central Corridor LRT on University Avenue business, employees and the community
Document, Construction Public Information and Communication Plan	For Civil East – Segment 1, dated February 2011; submitted by The Central Corridor Project Office on behalf of the Metropolitan Council
Email, Tina Lehmann	Tina Lehmann, Metro Dental Care – no notice of major gas leak; had to seek out information herself; damage to property in business;
Flyer, Central Corridor LRT 2011 Construction Schedule	University Avenue: Emerald to Hamline. Undated
Flyer, Notice of meetings set for February 17, 2011`	Notice of two town hall meetings "to consider the views of the general public and local merchants and to gather data" for the supplemental environmental assessment
Flyer, Ready for Rail Small Business Loan Program	No date
Letter, from UABA to City of Saint Paul Mayor Chris Coleman	Dated January 12, 2011 Re: Parking Management Proposal

Letter, to FTA from UABA & AEDA	Freedom of Information Act request, dated January 4, 2011.
Letter, from FTA to UABA & AEDA	Date stamped March 15, 2011, received March 21, 2011, in response to Freedom of Information Act request dated January 4, 2011. Attached documents: Real Estate Acquisition Management Plan dated August 2010, Real Estate Acquisition Management Plan dated February 2010, untitled two page chart and Access List – Saint Paul.
Matrix, Comparative Analysis: Precedents for University Avenue	
Opinion piece, We talk, but it seems as if nobody listens	By Jack McCann, Saint Paul Pioneer Press, March 25, 2011
Public Comment Form, Tim Holden	Tim Holden-AAdded Value Improvements-1607 University-lost tenant due to the construction-Loss of $10,000 so far since construction started in 2011-begged for signs to be put up before construction started on 3-7-11-still no adequate signs directing customers to the newly leased parking lot, told by city to not make my own signs-they would take care of it. No parking = no revenue.
Public Comment Form, Habtamu Market	Habtamu Market-grocery store-1900 University-customers come from outside of area and rely on parking and vehicle access-expect a 30% decrease in sales revenue.
Public Comment Form, Korey Niesen	Korey Niesen-Bonded Transmission-1790 University-have already lost 10% since start of construction in 2011-will lay off 1-3 employees-been in business 28 years-expect to lose over 50% of revenues
Public Comment Form, Michael & Jean Hafner	Michael and Jean Hafner-Hotel Furniture Liquidators-1800 Univeristy-13 employees – will lay off half of them during construction, Metropolitan Council will not address or solve our inability to have delivery trucks access our building with no parking lane on the street and no access to our garage door-expect 50-70% loss in revenue.
Public Comment Form, Midway Liquor Store	Midway Liquor Store-1944 University – since start of construction in 2011 have seen a 30% decrease in revenue-customers say "good luck" surviving during construction-expect 50-60% decrease in sales.

Public Comment Form, Roger Fuerstenberg	.Roger Furstenberg-Twin City Saw-1932 University-loss of rental income from tenants in building of about $30,000 and due to no parking and no ability to find us-expect 40% loss of revenue and lay off two employees.
Public Comment Form, Tom & Kathy Stransky	Tom and Kathy Stransky-Midway Used and Rare Books-Snelling and University-was not told that Snelling as well as University would be closed for 8 months in 2011-will lay off 2-3 employees and loose 60% of sales revenue-$10,000 is the monthly breakeven point-loan program is no help.
Report, Economic Indicators of the Lake Street Corridor	Prepared by Jose Diaz, research assistance, University of Minnesota, conducted on behalf of Lake Street Council, December 2009
Report, Taking it to the Street: How roadway design helped shape a neighborhood's development	By Tony Proscio, exerpt from case study from the Payne-Lake Community Partners, April 2005.
Report, Light Rail Transit Construction Impact Mitigation Strategies: Case Studies and Recommendations from the Central Corridor	By Reuben R. Collins, a MURP Professional Paper, in partial fulfillment of the Master of Urban & Regional Planning Degree Requirements, the Hubert H. Humphrey Institute of Public Affairs, the University of Minnesota, dated December 21, 2007,
Report, Results of the Supplemental Mitigation Assistance Program on Businesses Impacted by Light Rail Construction in the Rainier Valley	By Alex Krieg, candidate for Masters in Urban & Regional Planning, University of Florida, December 2009.
Resolution, # RES 11-576, City of Saint Paul	Urging the Metropolitan Council to add to construction and business mitigation efforts along Central Corridor given new information in the FTA's recent Supplemental Environmental Assessment
Statement, U7's Position Statement on LRT Best Practices	No date

Last year's utility relocation which lasted from December 2009, through December 2010, was very problematic for businesses on Fourth Street. We suffered from inaccurate and constantly changing timelines from staff that posed significant problems for areas businesses since we could not plan our expenditures accurately. These issues were further complicated by staff's inability to work with small business on directional signage.

For example:

We hired Leonard, Street and Deinard at a cost of over $1,000 to address the Met Council on a signage issue relate to placing directional signs on 5th St and Kellogg Blvd. to indicate access points to 4th Street businesses. This after numerous conversations that finally resulted in the Project Director *stating that 5th and Kellogg were out of the project service area and he would not* sign those areas.

There were at least five timelines for finishing the street; September 30, October 30, November 10, November 20 and finally December 1 to be completely finished.

Numerous emails indicating street closures and openings were inaccurate within hours after being sent.

Signage for access was inaccurate, misplaced or missing on numerous occasions, usually every time a "new" dig was occurring.

Additionally, staff on two occasions were threatening to our business. On the first occasion, the woman project director came into the store to indicate that access to our parking lot was going to closed for a period of time. When I asked for how long, the reply was that through the civil east contract they had the authority to close access for the duration of the contract through December, 2010. I asked if that was a threat and further explained that that would constitute a public taking and asked her to leave. I talked to Mike Pretel and asked that she not talk to us or come in the shop again.

The second occasion occurred when the sidewalk had been done but the brickwork had not been completed. We contacted the hotline because there was a 5 inch drop on top of warming blankets in the boulevard and people were slipping and falling. They (construction workers) placed a 4x8 sheet of plywood that became slippery by afternoon. We called again and received a phone call from a hotline employee that indicated that they were going to have the police stationed at mid block to ticket customers "jaywalking" to our shop. When asked to identify himself the caller hang up twice on us in our attempt to identify. He had used his cell phone so we identified by that with the supervisor. He was brought into the shop and subsequently lied to our face about what was said.

Finally, we lost over $53,000 in revenue from the mismanagement of this project and anticipate that we will lose that again in 2011.

Addendum

Today March 16, 2011, I received a call from Met Council staff indicating that they would not print off 4K flyers to indicate a parking change. The project has basically taken our parking by closing the street for access. They have provided parking at Wacouta and 4th St, but refuse to print more than 200 flyers so we can notify our customers. We service over 2000 customers a week.

3/16/11

Gerry McInerney

Co-owner Lowertown Wine and Spirits

LARRY J P... ON
Notary ...
Minn...
My Comm... Exp... 31, 2015

LARRY J PETERSON
Notary Public
Minnesota
My Commission Expires January 31, 2015

Larry J Peterson 3/16/11

IN RE: PUBLIC COMMENT ON SUPPLEMENTAL EIS REPORT
MARCH 16, 2011

AFFIDAVIT OF JIM GOLDEN

COUNTY OF RAMSEY
STATE OF MINNESOTA

I SWEARUNDER OATH OR AFFIRM AS FOLLOWS:

I.

My name is Jim Golden and I am the owner of Golden's Deli located at 275 E. 4th Street, St. Paul, MN. I am also on the Board of the Farmers' Market which is across the street from my deli. I make this affidavit in response to the draft Supplemental Environmental Assessment, Construction-Related Potential Impacts on Business Revenues for Central Corridor LRT Project dated March, 2011 and to advise the Metropolitan Council and Federal Transit Administration of the impact the street and utility construction for the Central Corridor LRT has had on my business.

II.

This business has been at this location since 1984 in the Farmers' Market and at the indoor location year around since 1998.

III.

This is a small business as defined in the draft EA as a business with revenues of less than $2 million per year.
Our business provides the following goods or services: Food and beverage sales both in-side my deli as well as across the street in the Farmers' Market during the growing season.

IV.

Street and utility construction necessitated by the Central Corridor Light Rail Project occurred near my business approximately from March, 2010 to December, 2010.

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Affidavit of Jim Golden

V.

During the construction I experienced a 40% decrease in my gross revenues compared to my average monthly gross revenues for the previous 12 months. I am still grossing less than before this construction started. As the a member of the Board of Farmers' Market I know that many vendors had a significant loss of revenue last summer because customers of the Farmers' Market could not access the market; parking was difficult to locate within a reasonable walking distance from the market and people just gave up trying to come to the market on Saturdays or Sundays.

VI.

I believe this decrease in my gross revenues is directly related to the street and utility construction necessitated by the Central Corridor LRT Project for the following reasons (circle all that apply):

1. Fewer customers came to my business.
2. Customers who came to my business complained about issues relating to construction.
3. I lost some or all of the On-street parking which customers relied upon.
4. Customers had difficult gaining access to my business due to the sidewalk and street construction.
5. There was a lack of signage directing customers to my business.
6. The construction equipment blocked the view of my business.
7. Customers were discouraged from patronizing my business because announcements, press releases and signs said my street was closed for construction.
8. Exterior lighting to assist customers in walking through the construction zone was poor or absent.
9. My business lost utility services during construction, requiring me to close the business or restrict hours of service.
10. When I lost utility services, my business suffered damage to products or supplies.

VII.

I am willing to supply financial records showing my losses if I am assured that they will be kept confidential pursuant to a valid agreement or court order. I have already supplied my records to U7 to obtain $10,000 in financing. That money was used to pay some of my back sales tax and past due wages. I am still nearly $40,000 behind in rent.

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Affidavit of Jim Golden

VIII.

What were you told about the construction by the Metropolitan Council or City of St. Paul before construction started that was not true during construction?

The city or Metropolitan Council told us that access by customers and vendors should not be a problem. However, after construction started there were many days that neither I nor my employees could even get into our business through the front door. We built a stair way off the back to get in. My suppliers experienced problems making deliveries. Both Wall and 4th Streets were both closed at times thus my access from those two streets was eliminated. The sidewalks were not maintained so access could occur. At time we had to walk through the construction zone to get into our deli. When sending out our catering to customers we had a difficult time getting to our delivery vans and then some of our customers had no place for us to park and deliver our catering because they had construction occurring in front of their business.

IX.

What impact has the construction near your business caused on your business?

Before construction started, my business cash flowed. After construction started I was no longer able to cash flow.

X.

Did you have to lay off employees as a result of the loss of business revenues? If yes, how many?

Yes. Three full time equivalents.

XI.

Have you had a difficult time obtaining financing due to the decrease in gross revenues?

Yes. I have borrowed from personal sources and from U7. I am not able to get an additional financing from my regular bank. The $10,000 loan through U7 is totally inadequate. It is insufficient and came too late.

XII.

Did the construction change the direction your business was going or where you intended to take it?

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Affidavit of Jim Golden

Yes. Before the construction I had planned to expand my deli to add a beer and wine bar on the patio. I have had to delay that expansion.

XIII.

What impact has this construction had on your personal life? ↓ money ↑ stress....
↑ work hrs.

XIV.

How have you personally dealt with this negative impact on your business?
Communicate with everyone....

Jim Golden

Subscribed and sworn or affirmed this 16 day of March, 2011.

LARRY J PETERSON
Notary Public
Minnesota
My Commission Expires January 31, 2015

Notary Stamp

IN RE: PUBLIC COMMENT ON DRAFT SUPPLEMENTAL EA REPORT
MARCH, 2011

AFFIDAVIT OF MARY LEONARD

COUNTY OF RAMSEY
STATE OF MINNESOTA

I SWEARUNDER OATH OR AFFIRM AS FOLLOWS:

I.

My name is Mary Leonard and I am the owner of Chocolat Céleste located at 652 Transfer Road and formerly of 2506 University Avenue W, St. Paul, MN. I make this affidavit in response to the draft Supplemental Environmental Assessment, Construction-Related Potential Impacts on Business Revenues for Central Corridor LRT Project dated March, 2011 and to advise the Metropolitan Council and Federal Transit Administration of the impact the street and utility construction for the Central Corridor LRT has had on my business.

II.

This business had been at 2506 University Avenue W. since 2001.

III.

This is a small business as defined in the draft EA as a business with revenues of less than $2 million per year.

Our business provides the following goods or services: Chocolate Gifts and Chocolate Manufacturing. It depends on customers being able to come into our store to taste and select chocolates. Some of our customers are businesses or business sales persons who are purchasing our chocolates for business gifts or marketing.

IV.

Parking at 2506 has always been a problem with no off street spaces available and limited on-street parking spots. When I learned that starting in the spring of 2011 that I would have no parking at all for that construction season and that nearly all on-street parking would be removed permanently, I knew that I had to move.

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Affidavit of Mary Leonard.

V.

Because of the arrival of the LRT, the negative talk about litigation and construction impacts I already saw a significant decrease in 2010.

Revenues in 2010 were down 39.3%

Revenues in 2011 are down 21.8% through March 12.

The landlord at 2506 University requested a new lease. I did not feel that I could commit to a new lease with the potential revenue impact of the LRT construction .

VI.

The manufacturing business of chocolate specialties can not tolerate the interruption of water or electrical utilities. Service interruptions would have forced me to be closed at times and risk the loss of my goods.

VII.

My relocation costs consisted of the following:

$10,000 loan for the construction of the new kitchen
$22,000 loan for cash flow
$2000 moving costs
$400 signage
$3000 for set-up of the computer network
$2000 for the move of the phone lines
$750 for storage

The Metropolitan Council did not make any relocation money available to me.

VIII.

Did you have to lay off employees as a result of the loss of business revenues? If yes, how many?

Yes, one person.

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Affidavit of Mary Leonard

IX.

Have you had a difficult time obtaining financing due to the decrease in gross revenues?

Yes. See below.

X.

Did the relocation change the direction your business was going or where you intended to take it?

YES. I had to move forward rather than wait for the unpredictable impact from construction. I am changing the business model to B2B (business to business).

XI.

What impact has the relocation had on your personal life?

I had to rethink everything. I had to spend money on the business relocation. I increased my personal indebtedness. I am considering alternative employment.

XII.

How have you personally dealt with this negative impact on your business?

I now have additional loans totaling $32,000 that are all secured by my home.

Mary Leonard

Mary Leonard

Subscribed and sworn or affirmed this 21 day of March, 2011.

Notary Stamp

LARRY J PETERSON
Notary Public
Minnesota
My Commission Expires January 31, 2015

IN RE: PUBLIC COMMENT ON DRAFT SUPPLEMENTAL EA REPORT
MARCH 2011

AFFIDAVIT OF ROGER NIELSEN

COUNTY OF RAMSEY
STATE OF MINNESOTA

I SWEARUNDER OATH OR AFFIRM AS FOLLOWS:

I.

My name is Roger Nielsen and I am the owner of Master Framers, Incorporated and 262 Studios located at 262 East 4th Street, St. Paul, MN. I also own the building at 262 East 4th Street. I make this affidavit in response to the draft Supplemental Environmental Assessment, Construction-Related Potential Impacts on Business Revenues for Central Corridor LRT Project dated March, 2011 and to advise the Metropolitan Council and Federal Transit Administration of the impact the street and utility construction for the Central Corridor LRT has had on my business.

II.

This business has been at this location continuously since 1974.

III.

This is a small business as defined in the draft EA as a business with revenues of less than $2 million per year.
Our business provides the following goods or services: Master Framers does custom picture frames, art and frame restoration; 262 Studios provides rental space for businesses and artists.

IV.

Street and utility construction necessitated by the Central Corridor Light Rail Project occurred in front of my business approximately from April, 2010 to December, 2010.

V.

Because of the construction I experienced a $29,000.00 net loss for the year. We were not able to raise our prices to meet the additional costs of having to pick up

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Affidavit of Roger Nielsen

and deliver framing projects due to the lack of parking and access to our shop and increases in our materials and supplies.

VI.

I believe my net loss is directly related to the street and utility construction necessitated by the Central Corridor LRT Project for the following reasons:

1. Fewer customers came to my business.
2. Customers who came to my business complained about issues relating to construction.
3. I lost all of the 0n-street parking which customers relied upon.
4. Customers had difficult gaining access to my business due to the sidewalk and street construction.
5. There was a lack of signage directing customers to my business.
6. The construction equipment blocked the view of my business.
7. Customers were discouraged from patronizing my business because announcements, press releases and signs said my street was closed for construction.
8. Exterior lighting to assist customers in walking through the construction zone was poor or absent. Crime in the area increased substantially during construction. My employees did not feel safe.
9. My business lost utility services during construction, requiring me to close the business or restrict hours of service. 262 East 4th Street tenants were inconvienced and there was a flood in our basement.

VII.

I was told that construction on our street for the CCLRT would not disrupt access; customers would always have access; communication would be timely and correct; our vendors would have access to unload. None of these assertions were true and in fact their assurances lead me to believe that I did not have to worry about a loss of business. The exact opposite happened in all categories. As we prepared for this year's construction, a meeting was held with the city, Metropolitan Council and Walsh Construction on January 19, 2011. We were told for the first time at that meeting that there would be construction once again this year. We had been told last year that the rail would be laid after at least 2011. At this meeting the Contractor told us that 4th Street would be closed down from March 1, 2011 to December 30, 2011. Neither the city nor the Met Council was aware of this work schedule. Walsh Construction stated at this meeting that their contract allowed them to close the street and they intended to do it for the entire 2011 construction season. I and other business owners were very upset and reminded the city and the Met Council of St. Patrick's Day Parade and the Art Crawl the end of April. A second meeting

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Affidavit of Roger Nielsen

was scheduled to address these issues. We met again on February 4, 2011 with the city, Met Council and Walsh and those three parties had worked out an arrangement to wait until March 21 to start construction and then to close down the street until the Art Crawl and then to re-open it and to finish the construction later for another 5-6 week closure of the street. This once again proved that we were always told not to worry and that there would be little if any interruption to our businesses. Whereas in reality, once construction starts the contractor does what he wants and none of the promises made by the city or Met Council are remembered or enforced.

VIII.

What impact has the construction near your business caused on your business?

Master Framers – lack of convenience for our customers caused extra expense of having to pick up and deliver their items; stress to employees; inconvenience to our vendors having to deliver boxes of glass, sheet goods etc.

262 Building-Loss of tenants. This resulted in vacancies rather than a waiting list which had not occurred in many years

IX.

Did your business incur additional costs as a result of the construction? If yes, what were those costs?

Cost of having to rely on outside sales rather than rely on walk–in customers and pick up and delivery expenses that were higher than usual.

X.

Have you had a difficult time obtaining financing due to your $29,000 loss?

I did not try because I knew I would not qualify with my business showing a net loss. I used my retirement funds to make up for the lost income.

XI.

Did the construction change the direction your business was going or where you intended to take it?
Yes. I was in a two year growth mode and it stopped. We had to change how we worked with our customers. More outside sales, pick-up and delivery at no cost. We couldn't increase our prices to compensate.

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Affidavit of Roger Nielsen

XII.

How have you personally dealt with this negative impact on your business?

I have had to work harder at retaining our customers and it's made me work longer hours and make less money.

Roger Nielsen

Subscribed and sworn or affirmed this 25 day of March, 2011.

Notary Stamp

LARRY J PETERSON
Notary Public
Minnesota
My Commission Expires January 31, 2015

IN RE: PUBLIC COMMENT ON DRAFT SUPPLEMENTAL EA REPORT
MARCH, 2011

AFFIDAVIT OF SARA REMKE

COUNTY OF RAMSEY
STATE OF MINNESOTA

I SWEARUNDER OATH OR AFFIRM AS FOLLOWS:

I.

My name is Sara Remke and I am one of the owners of Black Dog Coffee and Wine Bar located at 308 Prince Street, St. Paul, MN. I make this affidavit in response to the draft Supplemental Environmental Assessment, Construction-Related Potential Impacts on Business Revenues for Central Corridor LRT Project dated March, 2011 and to advise the Metropolitan Council and Federal Transit Administration of the impact the street and utility construction for the Central Corridor LRT has had on my business.

II.

This business has been at this location for 12 years. I own this business with my brother and sister.

III.

This is a small business as defined in the draft EA as a business with revenues of less than $2 million per year.
Our business provides the following goods or services; coffee, wine, food and entertainment.

IV.

Street and utility construction necessitated by the Central Corridor Light Rail Project occurred in front of our my business approximately from April, 2010 to December, 2010 and it has started again effective March 21, 2011 with 4th Street East totally closed to vehicle traffic and at times pedestrian traffic. We do not know yet how much our losses will be this year.

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Affidavit of Sara Remke

V.

During the construction we experienced over a 20% decrease in gross revenues compared to our average monthly gross revenues for the previous 12 months. We even raised prices in an effort to maintain cash flow.

VI.

I believe this decrease in my gross revenues is directly related to the street and utility construction necessitated by the Central Corridor LRT Project for the following reasons (circle all that apply):

1. Fewer customers came to my business.
2. Customers who came to my business complained about issues relating to construction.
3. I lost some or all of the 0n-street parking which customers relied upon.
4. Customers had difficult gaining access to my business due to the sidewalk and street construction.
5. There was a lack of signage directing customers to my business.
6. The construction equipment blocked the view of my business.
7. Customers were discouraged from patronizing my business because announcements, press releases and signs said my street was closed for construction.
8. Exterior lighting to assist customers in walking through the construction zone was poor or absent. We were robbed three times. I think it was easier to commit crime in the area because there was little or no exterior lighting in the street and there were so few people around to deter crime.

VII.

What were you told about the construction by the Metropolitan Council or City of St. Paul before construction started that was not true during construction?

The Metropolitan Council representatives with whom we met had no authority to address our concerns. The communication with them changed daily and many times didn't even tell us when there was a change in construction activity. Sometimes we received as little as a day's notice of construction activity that would impact access to our business or our ability to get supplies into the business.

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Affidavit of Sara Remke

VIII.

What impact has the construction near your business caused on your business?

Due to the construction dust and noise we were unable to use our out door patio. The Farmers' Market is across the street from us. This usually resulted in significant Saturday and Sunday business. However with the street closed between us and the Farmers' Market we lost many walk-in customers. At one time during construction it was necessary to walk 2.5 blocks to get from our business to the Farmers' Market which is right across the street from us. We rely on the Farmers' Market for much of our produce and food supplies. Due to the inability to cross the street it was very time consuming and inconvenient to access the Market.

Dust from the Construction also leaked into our restaurant making it very unpleasant and required more hours of cleaning than usual.

(Name and title)

Subscribed and sworn or affirmed this 25 day of March, 2011.

Notary Stamp

LARRY J PETERSON
Notary Public
Minnesota
My Commission Expires January 31, 2015

TwinCities●com

As light-rail work shrinks parking on University Avenue, businesses say they must adapt or die

By Frederick Melo fmelo@pioneerpress.com
Updated: 03/23/2011 10:33:39 AM CDT

No-parking signs are posted in front of the Edge Coffee House on University Avenue in St. Paul. Owner Patricia Y says she s taken on a second job, among other measures, to survive the drop in business. I ain t going nowhere until I have to, she says. (Pioneer Press: John Doman)

Patricia Y has a colorful résumé, and these days, she's thinking of polishing it.

The former DJ, known as 'YaYa' to most everybody, runs the Edge Coffee House in St. Paul near the corner of University and Raymond avenues, where construction of the Central Corridor light-rail line began in earnest this month, eliminating traffic lanes and parking meters for her entire block.

"People would stop in front, run in, get a coffee and go to work," YaYa said. "That's gone. ... Right now, two-fifths of my business is gone."

To compensate, she has resorted to making her own baked goods instead of ordering them from local stores. She's thought up different flavors of Rice Krispie treats. She's about to advertise home delivery. And she's taken a second, part-time job bartending at Lindey's Prime Steak House in Arden Hills.

It still may not be enough.

"I ain't going nowhere until I have to," YaYa said, contemplating the day when she may have to call it quits.

Up and down University Avenue, YaYa and retailers like her are bracing for an unforgiving construction season. A few have closed or relocated. Others are reinventing themselves by taking second jobs, offering delivery, sharing parking or turning to the Internet for survival.

The $957 million light-rail project entered its "heavy construction" phase this month near University and Raymond avenues. Work is reducing University Avenue traffic to one lane in each direction and closing southern access from the

avenue to several side streets. In 2014, the line will connect downtown St. Paul to downtown Minneapolis.

Business owners say the concrete jersey barriers down what eventually will be a track corridor aren't the worst of their worries. The 11-mile project will eliminate 975 parking spots along University Avenue, or 85 percent of the avenue's on-street parking.

Those parking spots aren't coming back. And by the time light rail rolls in 2014, city officials plan to install parking meters on the 195 spots remaining

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along the avenue to encourage customer turnover. The overall vision is to create a transit corridor that is accessible to and dominated by pedestrians and public transit, instead of vehicular traffic.

"We're looking forward to it," said Bill Ladwig, a digital-imaging manager with MTS Business Solutions, which shares an off-street lot with other businesses off University and Prior avenues. "We think it might give us more business once it's complete."

City officials say the loss of parking isn't as severe as it sounds. At least two studies have noted that off-street parking along University Avenue is heavily underused. In 2006, a report by the Midway Transportation Management Organization found that even at peak periods, only about 40 percent to 60 percent of off-street parking sites were occupied.

In fact, studies showed more than 15,000 off-street parking spaces within a block of the avenue, and 25,000 spaces in private lots within a quarter-mile of the future transit stations.

Those numbers may sound high, but some business advocates say the city hasn't done enough to facilitate conversations between the owners of vacant or underused lots and business owners.

Getting drivers to those lots takes signs and coordination. "The issue is access," said Va-Megn Thoj, executive director of the Asian Economic Development Association. "Right now, we need the city to work with the lot owners."

City officials say they're doing what they can with the resources they have, but they say property owners also need to take the initiative to work together.

And that's exactly what some business owners are doing.

Barbara Hunn, founder of Keys Cafe and Bakery on Raymond Avenue, said a U.S. Bank branch across the street makes its lot available to her customers on weekends.

In turn, she opens the seven parking spots in her back lot to customers of nearby Sharrett's Liquors after she closes at 3 p.m.

"We are encouraging business and property owners to use their entrepreneurial creativity to find ways to share off-street parking," said Craig Blakely, a city planner.

That's appreciated, but it's still not enough, says Sharrett's co-owner Dana Rose. His father started the corner shop at University and Raymond as a pharmacy in 1949, and Rose converted it into a liquor store in 1977. He'd hate to see it close.

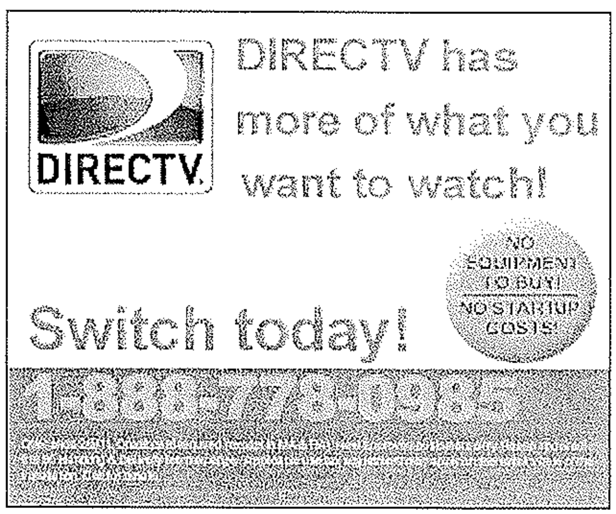
But he and co-owner Jim Forsland recently saw all the parking on their block of University Avenue disappear, and he said last weekend's sales were down by about 15 percent — a decline that might not be sustainable.

"The main thing is parking, parking, parking," Rose said. "You can only survive so much on walk-up business."

The city has begun using recently acquired license-plate-recognition technology to enforce new two-hour parking limits from 8 a.m. to 6 p.m. on nearby Charles Avenue and Territorial Road. That means retail workers accustomed to parking along those streets will have to find new spots or move their cars several times a day.

"I don't know where my employees are going to park now," Rose said.

On the city's parking-management website (tinyurl. com/ 4bbypdb), the rationale for the two-hour limits is that they discourage customers and construction workers from camping out in a parking spot.



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"It's good and bad," said Hunn, the Keys Cafe founder. "For me as a business, it's good, because people aren't going to park there all day. They can't. For people who work in the area, it's bad, because now they don't know where to park."

City officials say they haven't turned a deaf ear to parking concerns. They've outlined a "Top Ten" list (tinyurl.com/4vcw97d) of approaches to manage parking during and after construction. In key locations, they're testing parking meters that accept credit cards and repaving alleys parallel to the avenue to turn them into better access routes to off-street lots.

The city's Housing and Redevelopment Authority has put $150,000 toward creating a shared parking lot at the northwest corner of University Avenue and Dale Street. The HRA is even farther along with plans to put $250,000 toward leasing land behind businesses in the northwest corner of University and Snelling avenues, with surrounding property owners assessed for the operating costs, including the rent.

The city is also offering businesses $1.3 million in "forgivable" loans of up to $25,000 apiece so they can improve their existing off-street lots. The loans "disappear," gradually, over seven years.

City officials have called those terms generous, but Mary Leonard isn't convinced. She considers added debt another nightmare for a small business. "No, I won't take out more loans," said Leonard, owner of Chocolat Celeste at University Avenue and Minnesota 280.

Actually, that's her former location. Anticipating a sharp drop in walk-in business during light-rail construction, Leonard shuttered her 10-year-old store in May, rethought her business plan and reopened in October on Transfer Road, in a business park near the Amtrak station. Walk-in customers once constituted 85 percent of her clientele, but that number has dropped to half.

Now, a good 30 percent of her sales are business-to-business — personalized packages for law firm o ffice parties and other corporate special events.

Leonard supports the idea of a light-rail transit line connecting the two downtowns. She just wishes it didn't involve losing all the parking in front of her old location.

"I have said many times that I'm pro light rail. I believe in it," Leonard said. "But I wasn't going to make it through long construction periods of not being accessible. This week, there's a fence up on the sidewalk of where I was formerly located. It's a complete chain-link fence drilled into the sidewalk."

Frederick Melo can be reached at 651-228-2172.

- **St. Paul parking study:**stpaul.gov/DocumentView.aspx?DID=8599
- **St. Paul parking-management efforts:**stpaul.gov/index.aspx?NID=2734

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StarTribune.com

Gas leak shuts down busy area of St. Paul

A dozen buildings near Snelling and University had to be cleared after a cap blew off during work related to light-rail construction. Xcel Energy isn't exactly sure why.

By **CHAO XIONG and PAUL WALSH**, Star Tribune staff writers

Trudy Schamberger had just helped a dog recover from anesthesia at Banfield, the Pet Hospital, on Thursday morning when a firefighter commanded everyone to get out because a nearby gas leak was spewing noxious fumes.

"We were definitely worried," said Schamberger, a vet tech at the clinic in the Spruce Tree Center in St. Paul. "As we were told to leave, our first response was to think, 'How do we get out eight pets with three people?'"

A cap on the end of a main gas line under University Avenue at Fry Street in St. Paul blew off about 10:40 a.m. during what was supposed to be routine utility work.

While no one was injured, hundreds were evacuated from about 12 businesses. Traffic was snarled for hours around Snelling and University Avenues, one of the busiest intersections in the Twin Cities, as area roads were closed.

Workers from the businesses waited in a cold parking lot, on a bus or at nearby restaurants. Some took cabs home because they weren't allowed to use their cars.

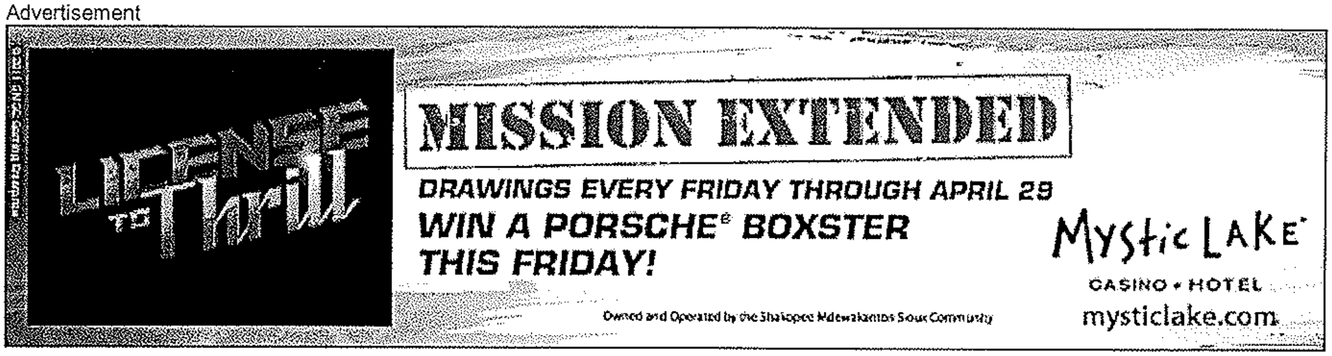
The strong, rotten-egg odor with the gas wafted for more than two hours, drifting blocks from the leak as authorities worked to shut off underground valves in about 14 locations.

Gas was completely shut off about 12:45 p. m., leaving about 1,200 customers with no service. Xcel Energy said its best forecast was to have everyone back in service by midnight.

Babak Oskoui said he felt light-headed as he evacuated the Spruce Tree Center about 11 a. m. Misty Becken said she was worried because she's pregnant.

"My lungs were burning right away," said Becken, who works at Metro Dental Care. "People just went into [auto-pilot] mode and got out. It was very smooth."

Advertisement



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StarTribune.com

Schamberger and her coworkers had to leave behind the eight dogs and cats recovering from surgery. They boarded a city bus, where they called the animals' owners. Authorities tested gas levels in the clinic to assuage their concerns; the air was safe.

"It was a very interesting day at work," Schamberger said.

Xcel crew members were rerouting a 12-inch-diameter, 20-foot-long section of pipe in preparation for Central Corridor light-rail construction, Xcel spokesman Steve Roalstad said. Workers had capped one end of the pipe, and the cap blew off.

"We're not sure how the cap came off, quite honestly," Roalstad said, adding that it could take days to determine.

University Avenue was closed from Snelling west to Fairview Avenue and reopened about 1:45 p.m. Most workers were able to reenter their businesses at 1:50 p.m., but Pawn America had to be fanned out because of high gas levels, St. Paul police Senior Cmdr. Todd Axtell said.

Fire Marshal Steve Zaccard said that calm winds helped limit the spread of gas.

Xcel called in extra crews to help with the tedious task of going door to door Thursday to inspect appliances and then relight pilot lights.

"If it takes a while, it takes a while," Roalstad said. "We'll get it done. We got the outcome we wanted today, which is nothing happened other than gas blowing in the air."

The state Office of Pipeline Safety has been notified of the leak.

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Help keep businesses alive while streets are torn up

Pioneer Press
Updated: 03/23/2011 05:56:22 PM CDT

We encourage patronage of businesses whose streets are being torn up. The coming of the Central Corridor light-rail transit project ensures a constant supply of excavated, lane-limited, fenced-off streets, most recently along University Avenue in the Midway area. The brunt is borne by street-level businesses on or near University, as it was borne by businesses along Fourth Street in downtown last year. The abstract idea of a new train zipping between St. Paul and Minneapolis by 2014 is one thing; the reality of businesses who depend on walk-up and drive-up businesses surviving construction of the project between now and then is quite another.

A report by Frederick Melo on Wednesday's front page showed small businesses trying to scramble when their turn comes. It's not easy. University Avenue is a commercially diverse corridor, a place where people drive up for auto parts and groceries as well as for coffee and dining. Change along the avenue is inevitable and constant, but no one wants University to become so cool and "transit-friendly" that it ceases to become a lure for businesses of all kinds.

We hope the city, the Metropolitan Council (which is building the line), foundations and other groups interested in the corridor redouble their efforts to check up on struggling businesses to see what they need for short-term survival. Kari Canfield, the new president of the Midway Chamber of Commerce, said businesses are concerned about construction keeping away customers, particularly during challenging economic times, and also about the permanent loss of parking on University Avenue. The Midway and St. Paul Area chambers are working on a marketing plan to get customers to patronize Central Corridor businesses. It will include a rewards program for loyal shoppers, a tool kit for businesses and events aimed at bringing shoppers to open-for-business construction zones.

She emphasized what several business owners and workers told reporter Melo — that the permanent changes in parking on and near University Avenue will be a major adjustment. "There's lots of work to be done on the parking issue," Canfield said. When holes are being dug next to a business, communication is key. Businesses need to be able to talk to a real person when a specific problem develops. Solutions will not always be perfect, but by keeping the lines open and committing to working together, some of the worst problems can be avoided.

Let's not pretend that those businesses that point out problems and raise concerns are somehow blocking progress or resisting the line. We need to hear their concerns, particularly when the construction is having a serious impact on business. The line is a major change and it cannot happen without reshaping the urban landscape. That is exciting and ultimately in the best interest of our community. But it is also difficult and painful. We owe it to our business owners to try to mitigate harm wherever possible.

We have seen in the construction work downtown that there are ebbs and flows in the project, and that there is light at the end of the tunnel. We value the businesses of the corridor and we encourage shoppers to make the extra effort to patronize those enterprises that are doing their best to cope with the coming of the train.

The plan would change the focus of transit from **light rail** and bus rapid transit to ... wouldn't affect money committed to the **Central Corridor** project, ...
http://www.startribune.com/politics/local/118406964.html

Fury at council over **Central Corridor** LRT report
Finance and Commerce
The hearings were moderated by **Central Corridor** Project Director Rich Rovang and Met Council Environmental Services Manager Kathryn O'Brien. ...
See article below...

Central Corridor Tracker: Keeping tabs on how rail line changes a ...
MinnPost.com
By that Sage-Martinson, coordinator of the Central Corridor Funders Collaborative, means construction of the **Central Corridor Light Rail** Line will send ...
http://www.minnpost.com/communitysketchbook/2011/03/16/26633/central_corridor_tracker_keeping_tabs_on_how_rail_line_changes_a_community

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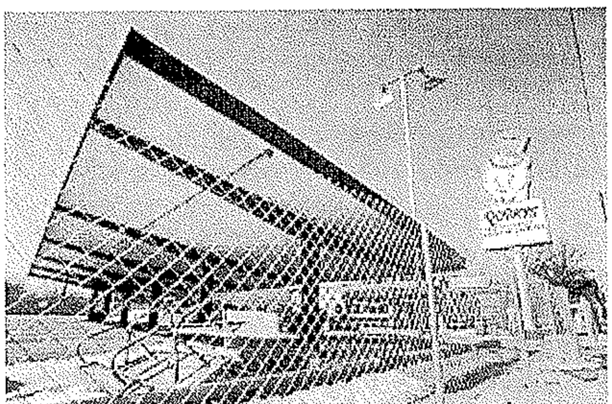
Finance & Commerce

Light rail pushes Porky's owners to seek sale

by Burl Gilyard

Published: March 28th, 2011



The restaurant is still open despite the chain-link fence on the site. But the owners are exploring a sale. (Staff photo: Bill Klotz)

For nearly six decades, Porky's restaurant on University Avenue in St. Paul has been known as a summertime hangout for classic car buffs. But down the line, the family that owns Porky's doesn't see a good fit with light rail trains rolling along University Avenue.

"Because of the light rail we decided that it was a good time to get out of there," said Nora Truelson, whose family owns Porky's. "I don't think that's going to be good for the avenue. They're taking all the parking away. I think everyone's going to be suffering over there."

Construction has begun for the 11-mile Central Corridor light rail transit line, which will connect the downtowns of St. Paul and Minneapolis when it opens in 2014. Many small business owners along University Avenue have been critical of the anticipated impact on their businesses during light rail construction.

In 1953, Ray Truelson opened Porky's at 1890 University Ave. W. in St. Paul. His future bride, Nora, began working there a few years later. (Ray Truelson is now deceased.)

The Truelson family is in talks with St. Paul-based Episcopal Homes of Minnesota, which operates a 280-unit senior housing campus and has its headquarters next door to the restaurant. At this point, no purchase agreement has been signed.

"It's just kind of in the works right now," Nora Truelson said Monday.

The deal has been taking shape since last summer.

"We've been talking off and on for nine months," said Marvin Plakut, president and chief executive officer of Episcopal Homes. "We were approached first back in July of last year. That was their notice to us that they were interested in selling. We've been talking ever since."

Episcopal Homes, which traces its history to 1894, has been at the corner of University and Fairview avenues since the 1920s.

"Anytime there's construction in an area, it hurts traffic; it hurts business. That's life. Short term it's a problem; long term it's a plus," Plakut said of light rail. "We're inconvenienced, but we're not threatened by the construction. I suspect there are a number of small businesses that don't necessarily have the same perspective."

Plakut declined to discuss specific plans for the site if a deal should go through, but he noted that Episcopal Homes provides housing and services to seniors.

In the long run, new development is expected in the light rail corridor. But commercial real estate observers say that much of the area will be in a holding pattern while construction is under way.

"Even if the developers are anxious, I think lenders are going to be very cautious," said Bill Morrissey, president of the St. Paul-based Morrissey Hospitality Cos.

The Porky's property is assessed at $700,000, according to Ramsey County property records. The site measures about half an acre.

Porky's once had four locations across the Twin Cities. The family still operates Tryg's, an upscale restaurant at 3118 Lake Street W. in Minneapolis, once the site of another Porky's location.

Historically, Porky's was a drive-in hamburger joint. In recent times, Porky's has not offered carhop service. But many customers park their vehicles in the Porky's lot after getting food at the drive-up window.

Nora Truelson fondly recalled the early days of the drive-in.

"It was great. There were proms on University Avenue. It was a very popular place. It was the first drive-in on University Avenue," Truelson said. "Everybody went there."

She knows that many longtime customers will be sad to see Porky's close.

"I'm kind of sad myself," Truelson said.

Complete URL: http://finance-commerce.com/2011/03/light-rail-pushes-porkys-owners-to-seek-sale/
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Finance & Commerce

Fury at council over Central Corridor LRT report

by Dan Heilman

Published: March 16th, 2011

TwinCities.com

St. Paul City Council seeks larger aid fund for businesses hurt by Central Corridor construction

By Frederick Melo
fmelo@pioneerpress.com

Updated: 03/23/2011 11:46:19 PM CDT

The Central Corridor light-rail transit project will have a major impact on small businesses in downtown St. Paul and along University Avenue, and the Metropolitan Council should look harder for at least $3.6 million in mitigation funds to reimburse shopkeepers for their expected losses.

That sums up the resolution approved Wednesday by the St. Paul City Council, which is urging organizers of the largest public works project in state history to pay closer attention to the needs of small businesses along the 11-mile route.

Council members Russ Stark and Melvin Carter III, whose wards are directly affected by Central Corridor construction, sponsored the resolution. The $957 million project entered its "heavy construction" phase earlier this month, with rail cars expected to connect downtown Minneapolis to downtown St. Paul in 2014.

The council members fear some businesses may not survive until then. Even if shops suffer as little as a 2.5 percent decline in revenue during the nine months of construction outside their front doors, as federal consultants recently predicted, that would total $9.75 million in losses, according to the resolution.

To date, "forgivable" loans, grants, marketing programs, alley improvements, new streetlights and other mitigation efforts in the works add up to "a little over $6 million," Stark said. "That gap is about $3.6 million."

The resolution urges the Metropolitan Council, the regional planning agency, "to mitigate anticipated losses of $9.75 million due to construction by adding $3.625 million to the $6.025 million already invested in mitigation measures." It recommends that the additional funding be directed to a small-business loan fund, the city's Neighborhood Commercial Parking Program and marketing efforts.

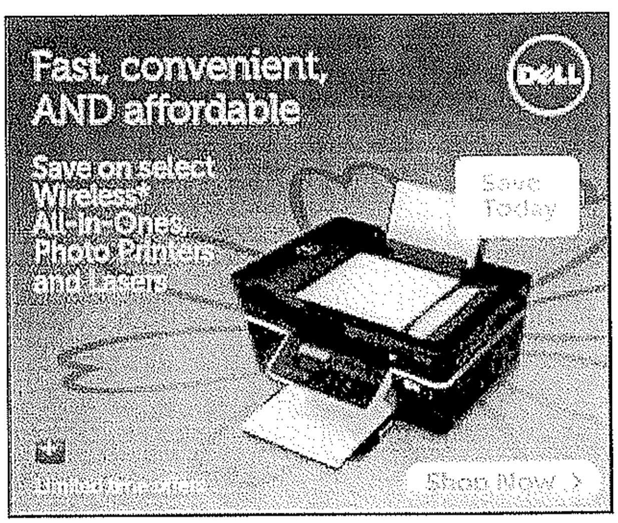
Laura Baenen, a spokeswoman for the Central Corridor project, said her office is withholding comment until a court-ordered business assessment of the corridor is complete.

"The only thing I can say is the Met Council is taking public comment through the end of this month," Baenen said. "We can't say anything else. We welcome public comment through the end of the month."

Responding to a lawsuit from the NAACP and community organizations, a federal judge recently ordered the Federal Transit Administration and the Met Council to redo a formal assessment of the impact construction will have on businesses along the corridor.

The FTA this month released a draft of its business assessment, which used a major 1993 highway-w idening project in Houston as a point of comparison. The assessment, which has been widely criticized by business advocates, found that the average revenue loss to small businesses in the Houston example — those shops generating less than $2 million in revenue per year — hovered between 2.5 percent and 0.

Even if that were to hold true in St. Paul, Stark said,



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averages can be misleading. His resolution notes that 67 of the 798 University and Washington Avenue businesses in the FTA's draft assessment are in the four classes of business most likely to be affected by construction.

Groceries in the Houston study suffered revenue losses of 37 percent during construction. Auto retailers suffered losses of 32 percent. Furniture stores lost 17 percent. And general merchandise stores lost 28 percent of their revenue.

"The headline was losses of 0 to 2.5 percent for businesses, on average," Stark said. "But if you add up all the losses that the study projects, it adds up to about $10 million."

"The work of the study is imperfect," Stark added. "Whether or not (the Houston) example is apples to apples is unclear. But it's the best data we have to this point."

The FTA and the Met Council held two open-house meetings in mid-February and two public hearings this month. Public comments on the business assessment are due by March 31.

Wednesday's resolution passed 5-0, with Carter and Dan Bostrom absent.

Frederick Melo can be reached at 651-228-2172.

- Written comments on the Federal Transit Administration business assessment can be mailed by March 31 to Kathryn O'Brien, environmental services manager, at Central Corridor Project Office, 540 N. Fairview Ave., Suite 200, St. Paul, MN 55104, or e-mailed to kathryn.obrien@metc. state.mn.us.
- Central Corridor information: CentralCorridor. org

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Joe Soucheray: What does University Ave. really need? A thrill ride

By Joe Soucheray
Updated: 03/26/2011 08:00:44 PM CDT

Patricia YaYa Y, who runs the Edge Coffee House near the corner of University and Raymond avenues in St. Paul, says her business has dropped considerably since Central Corridor construction eliminated traffic lanes and parking meters for her block. (Pioneer Press: John Dom)

Confirming my suspicion that University Avenue, in segments, is becoming funkified was the front-page photo in the Pioneer Press the other day of Patricia "YaYa" Y, sitting forlornly in her deserted Edge Coffee House at University and Raymond avenues.

It might be presumptuous of me to confer on Ms. Y a funky status, but there aren't that many of us with a single letter as a last name. It suggests a Bohemian indifference to convention, as does the beret she is wearing in the photograph.

As for her coffee house appearing deserted, her gaze took her out her window, to University Avenue, which has become impassable in her neck of the woods because of light-rail construction. Her spontaneous trade has all but dried up because there is no place to park, and though she claims she can hang on — "I ain't going nowhere until I have to" — Y admitted that she faces the prospect of having to call it quits.

How many others are there like Y? Many, I am afraid. It cannot be said often enough that the new urban visionaries bent on public transportation apparently haven't given a hoot about the small proprietors who will be put out of business, just as a previous generation ruined Rondo Avenue. They would deny this.

The Metropolitan Council has a established a pool of loan money, ostensibly to mitigate parking problems, but that doesn't make the council much different than a Saudi prince handing out hush money to keep the peasants from rebelling; they both know

something is wrong and hope that papering the subjects with cash will put the insurrection at bay.

Judo clubs, bartending schools, art galleries, fledgling restaurants, used-car lots, old-line hardware retailers — why, they are all in trouble.

Too late now, but the lesson we have learned is that the public class will do what it wants to do without there being any money to do it. Maybe we didn't take it seriously in the beginning. When it was a plan on paper, there were those of us who didn't think it was plausible to commit a billion dollars to such a project. Surely, someone would come to their senses. There is no billion dollars. It is all made up, fairytale money.

And keeping in mind that a train going down University Avenue has nothing whatsoever to do

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with alleviating traffic congestion, it is a shame we also didn't realize that the people bringing us this boondoggle are so humorless.

Yes, humorless. So long as we are going to continue witnessing the government spending us into untold debt, we might at least have some fun before we crash and burn.

Why, for example, didn't we build this thing underground? That way, we could have tiled the tunnels and pretended we were in London. That's what these people want, our Europeanization. Or above ground, down the middle of Interstate 94? That at least would have driven traffic onto University Avenue, and the likes of Y would be busy instead of despondent.

An emailer suggested above the street.

Better yet, and for ultimate fun, why didn't we build it in the air? Imagine a transportation thrill ride looping and curving and flying us along to Minneapolis and back on a large Mad Mouse. We could have thrown a few heart-stopping twists and turns in there in the shape of the dollar signs we don't have.

What a tourist attraction!

The billion-dollar boondoggle with loopty loops in the shape of dollar signs would bring visitors here in droves. We could have made the thing so frightening that they would have walked back to St. Paul and stopped at Y's for a breather.

Joe Soucheray can be reached at jsoucheray@pioneerpress.com.

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UNIVERSITY avenue business association

COMMENT FORM

TO ADDRESS THE ADVERSE IMPACTS OF THE CONSTRUCTION OF THE CENTRAL CORRIDOR LRT ON UNIVERSITY AVENUE BUSINESSES, EMPLOYEES & THE COMMUNITY

Name of Business:

Address of Business:

Number of years business has been in operation:

Number of years business has been at this location:

This business employs ___________ fulltime workers and _________ parttime workers.

During the construction of the Central Corridor LRT, this business will lose income and revenue because

Once the Central Corridor LRT is in operation, I expect this business will lose income and revenue because

Has the Metropolitan Council sufficiently resolved these issues? ☐ YES ☐ NO

Are you aware of any mitigation programs? ☐ YES ☐ NO

Have you utilized any mitigation programs? ☐ YES ☐ NO

To address these problems, I support the following:

- ☐ Creating more parking spaces for employees and customers to replace the loss of parking on University Avenue
- ☐ Creating a business compensation fund to compensate businesses for the loss of income and revenue caused by the construction and operation of the Central Corridor LRT
- ☐ Awarding relocation benefits for those businesses forced to leave University Avenue because of the construction and operation of the Central Corridor LRT

OTHER WAYS TO MITIGATE THE LOSES MY BUSINESS WILL HAVE:

Central Corridor
Light Rail Transit
Metropolitan Council

CONSTRUCTION PUBLIC INFORMATION AND COMMUNICATION PLAN
Civil East – Segment 1

February 2011

Submitted by
The Central Corridor Project Office

On behalf of
The Metropolitan Council

TABLE OF CONTENTS

1.0 INTRODUCTION

This Central Corridor LRT Communications and Public Involvement Plan is critical to the success of CCLRT. The objectives of the Plan are to:

- Build broad public awareness of, and support for, the project as an essential means to improve our transportation system and maintain regional competitiveness
- Identify key community, business, racial and ethnic groups within the corridor to maximize opportunities for public involvement and communication during the design and construction process to promote public ownership of the project
- Prepare project-area residents, businesses, property owners, and commuters for realistic expectations during construction, listen and respond to their concerns, and develop plans to minimize harmful or disruptive effects

This Construction Communication and Public Information Plan is a key component in the efforts to minimize impacts to businesses, properties and residents. The purpose of this plan is to guide the Metropolitan Council, Contractor, and project partners in involving the public and maintaining positive community relations during construction of the Central Corridor LRT Line. The Metropolitan Council, through the Central Corridor Project Office (CCPO) will be prepared to respond to the public's comment and concerns related to construction of Central Corridor LRT.

2.0 ROLES AND RESPONSIBILITIES

The Public Information and Communications Plan for the construction phase of the Central Corridor LRT project involves three entities:

- Central Corridor Project Office (CCPO)
- Construction Communication Committees (CCC)
- Contractor (Walsh)

This plan outlines the roles and responsibilities of each of these entities.

2.1 Central Corridor Project Office

The CCPO will have primary responsibility to assure that the activities specified herein are communicated to the public. The CCPO will be responsible for day-to-day public information and communications activities. The CCPO's public information activities will be directed by the Manager of Public Involvement and will involve the following staff:

- Community Outreach Coordinator
- Communications Manager
- Engineering staff
- Construction staff

In addition to day to day activities, CCPO responsibilities include:

- Implementing the Public Involvement and Communications Strategic Plan
- Responding to media requests and inquiries
- Complying with the public information requirements outlined in this document
- Supporting the CCC
- Conducting CCPO-sponsored public information and community relation's activities
- Seeking public feedback on effectiveness of the public involvement and communications activities

2.2 Construction Communication Committees

The CCPO will create a Construction Communication Committee for each of the construction areas. Each CCC will have community representation:

- Resident
- Business
- Non profit
- Student
- Transit user
- Accessibility

And technical staff:

- CCPO community outreach coordinator
- CCPO construction staff
- Contractor
- City public works designated staff
- County public works designated staff
- Utilities

The responsibilities of each of the CCC include:

- Assisting with implementation of a coordinated, proactive communications effort that supports the Central Corridor LRT project.
- Advising the Central Corridor Project Office (CCPO) on communications and access during construction.
- Facilitating public participation and input into the construction process.
- Coordinating the dissemination of information to the public and identifying opportunities to leverage existing communications vehicles about the Central Corridor LRT project.
- Reviewing construction activities to ensure compliance with standards outlined in the Construction Public Information and Communication Plan.
- Participating in periodic assessments of the communications effort and providing feedback to adjust the communications plan as needed.

- Convening on a quarterly basis with other CCC's in the Civil East construction zone to evaluate the contractor's performance and adherence to set standards and make a recommendation for allocation of the contractor incentive.

  For more information on the CCC and other community based meetings, see section 3.4.1, 3.4.2, and 3.4.3.

2.3 Contractor

The Contractor will designate a Community Relations point person to work with the CCPO outreach, engineering, and construction staff. That person will be responsible for supporting the flow of public information and communication efforts:

- Be one of the Contractors key personnel that can commit the contractor to action
- Have "real time" access to all project details that the contractor is currently engaged in
- Attend and report on construction progress at all CCC meetings
- Attend and report on construction progress at all PCIM's
- Respond to issues/concerns brought forth by the community and CCPO outreach
- Support CCPO public information and communication efforts
- Ensure that the contractor responds to community concerns
- Provide adequate access for all snow and garbage removal
- Provide and maintaining signage as described in Section 3.4.3.

Contractor responsibilities established in this section will be subject to Contractor performance requirements identified in the contract General Conditions.

3.0 PUBLIC INFORMATION AND COMMUNICATION PLAN

3.1 Public Interaction

The CCPO is the first and preferred point of contact for residents, businesses or other member of the public with questions or comments on the Project. The CCPO and the contractor will take necessary steps to foster these contacts, including continuous interaction with the public and community.

3.1.1 Public Notifications

The CCPO will notify affected businesses, affected properties, affected residents, and general public of construction progress, upcoming events and specific notifications, as shown in table 3.2-1. Notification of directly affected businesses and residents will be through personal contact and other communication strategies.

Table 3.1-1
Notifications

Notice	Requirement
• 30-day Construction Notification	Written notification of construction will be given 30 days prior to construction. Access maps will be provided per the Maintenance of Traffic and Access plan
• 72-hour Business/Commercial Utility Shutdown	Written notification by utility company of utility shutdown for businesses and commercial property.
• 48-hour Residential Utility Shutdown	Written notification by utility company of shutdown for residential property.
• Weekly Construction Updates	A construction update will be provided to each business or resident fronting a Construction Zone. The update will be a personal visit, email or letter based on business or resident's preference
• Emergency Unforeseen Utility Disruptions, Hazardous Conditions, Traffic Signal Emergencies, Security and Loss of Access	See Section 3.3
• Road and Driveway Closures	Written notice, email or personal contact at least 72-hours in advance of closure.
• Construction Schedule	One (1) month prior to start of construction

3.1.2 24-Hour Hotline

The CCPO established a 24-hour hotline that is staffed by a call center. The CCPO will provide the call center with instructions to guide personnel in responding to call and ensuring it is forwarded to the appropriate CCPO staff. The CCPO will develop procedures for addressing, responding to and documenting all calls to the hotline as well as emergency phone procedures. These procedures will be updated on a quarterly basis so that information contained therein is current.

Calls will be classified and addressed accordingly,

- Emergency call relating to risk to life, limb will be responded to according to emergency procedures
- Urgent construction related issue that requires response within a hour such as loss of access
- Non urgent issue or complaint that requires a response or resolution within 1 business day
- Comments or questions that require follow up from outreach or appropriate CCPO staff within 5 days

The CCPO will acknowledge receipt of complaint and indicate estimated time to resolve the complaint. The CCPO will review all complaints received and resolution or response of the issue to the CCC meetings. If the CCPO or Contractor is unable to resolve a complaint regarding Contractor's response to a complaint or concern within two (2) days, the Contractor will notify the Project Director. The Contractor will provide necessary information, staff support and representation to assist in resolving the issue.

3.1.3 Database

All calls and contacts from the general public regarding construction will be logged onto a form supplied by the CCPO. The CCPO will create a database to document contacts with individuals with construction comments or concerns:

- Contact name
- Business name, if applicable
- Address
- Phone number including business, mobile and home phone for emergencies
- Information about the contact including date, time, method of contact and a brief description of the nature of the contact,
- A brief description of handouts and a document control number that identifies a hardcopy of the contact information.

The database will document all contact with the public and to be able to recreate what transpired during the Project.

The CCPO will provide access to the database for the Contractor's use in documenting contacts consistent with the database. The Contractor will provide all contact information to the CCPO within 24 hours.

3.1.4 Construction Schedule/Maintenance of Traffic and Access

The CCPO will notify properties, businesses, and residents along the Project and will publicize commencement of construction prior to the beginning of construction in any area of the Project. This notification will publicize the projected dates for the construction by individual notices to stakeholders, community groups, businesses, and residents along the corridor, in the neighborhoods surrounding the construction including Union Park, St. Anthony Park, Hamline

Midway and Prospect Park, as well as along alternative routes. The Contractor will provide all relevant information concerning the construction schedule to CCPO who will then publicize the information.

The advertisements and notices will address:
- Road and lane changes
- Sidewalk and crosswalk closures
- Alternative routes
- Any other impacts such as street parking

Construction in any area will be constrained by the requirements of Contract. Each area where active construction is being conducted will be treated as a distinct entity in all notification activities.

Information regarding Project design and construction will be readily available in a form that can be quickly disseminated to the public.

3.2 Emergency Response

The Contractor will provide immediate response to emergencies by trained personnel from an incident response team within 30 minutes of receiving notification from CCPO, Utility Owner and/or affected business(es) and/or resident(s). Emergencies include, but are not limited to:

- Unforeseen utility disruptions
- Hazardous conditions
- Traffic signal emergencies
- Security concerns
- Loss of access notifications

All emergency and/or unforeseen disruptions will be explained to the public immediately by a personal contact from the CCPO. The person making the contact will provide to the affected party(ies) information such as:

- Cause of disruption (i.e., whether it is construction oriented or not);
- Actions being taken to alleviate the problem; and
- Anticipated duration of the disruption.

3.2.1 Telephone Trees

The CCPO and Contractor will establish and manage an emergency response telephone tree. All appropriate CCPO, project partner and Contractor personnel will be included on this telephone tree for immediate response in the event of an emergency. The telephone tree will be divided into areas of expertise so the proper people are called for specific emergency situations.

3.2.2 Documentation

All Emergencies will be logged into the construction issues database including contact information, reason for the emergency and response.

3.3 Business and Residential Impact Mitigation

The CCPO, CCC, and Contractor will take steps to mitigate the impacts of construction by providing frequent and accurate information to businesses and residents.

3.3.1 Access Maps

The Contractor with the CCPO will develop access plans with businesses and residents on each block and will provide maps showing existing and planned patron and delivery and residential access during any construction period.

3.3.2 Changes to Access

The CCPO will inform businesses and residents in writing or by personal contact, of any changes to access that may impact them, at least 2 weeks prior to start of construction. Contractor will submit a new access map to the CCPO Construction manger at least 2 weeks prior to construction for a written statement of no objection.

The Contractor will provide adequate access for all snow and garbage removal.

3.3.3 Signage

The Contractor will maintain public information and warning signage throughout the Project at each construction site consistent with the construction contract provisions.

3.4 Public Meetings

The CCPO will have a variety of opportunities and forums to provide construction information and listen to community concerns including:

- Construction tours
- Bi-weekly committee meetings in each neighborhood district (CCC)
- Hosting monthly community meetings in each neighborhood district (PCIM)
- Presenting at area business associations
- Presenting at adjacent District Council's

The Contractor's Community Outreach Liaison will attend these meetings. CCPO representatives will include the Project Resident Engineer and Community Outreach Coordinator.

The CCPO outreach staff will evaluate the effectiveness of these meetings and make adjustments based on community feedback.

3.5.1 Construction Communication Committee (CCC)

Twice per month during peak construction work and once per month during off-peak in each active construction community, the CCPO will host the CCC that is open only to technical staff and nominated CCC members. During each CCC, the Contractor will present work that has occurred in the past month and work that is planned to occur within the next four weeks. Technical staff from all project parties including contractor, City, County, private utilities, and the U of M will be in attendance to address the CCC members' concerns or issues with construction and create an action plan to address those concerns. Issues brought up at the PCIM will be addressed and Construction Hotline calls from the previous weeks will be reviewed. During the following CCC, those action items will be reviewed to ensure that the action taken was sufficient for the issue.

3.4.2 Public Construction Information Meeting (PCIM)

Once per month in each active construction community, the CCPO will host a construction information meeting that is open to the public. During each PCIM, the Contractor will present work that has occurred in the past month and work that is planned to occur within the next four weeks. Technical staff from all project parties including contractor, city, county, private utilities, and the U of M will be in attendance to address the public's concerns or issues with construction and create an action plan to address those concerns. During the following month's PCIM, those action items will be reviewed to ensure that the action taken was sufficient for the issue.

3.4.3 Quarterly Construction Evaluation Meeting (QCEM)

Once every three months all CCC members in active construction areas will meet to evaluate the contractor. QCEM's are open only to CCC members and CCPO. CCC members bring their evaluations of the contractor's work from the previous quarter, turn in the evaluations to be tallied, and discuss the final tally and ensure the total represents their feedback.

3.5 Media Relations

An ongoing media relations campaign will occur and be managed by CCPO's Communications Manager. The Contractor will assist in giving timely information to CCPO's Communications Manager regarding construction activities for use in media events.

The CCPO's Communication Manager is responsible for conducting all media interviews and responding to inquiries. The Contractor, their Subcontractor and their employees will not conduct or participate in media events, radio or television broadcasts, without the written consent of CCPO, except in emergencies. In emergency situations, the Contractor will immediately notify CCPO's Public Involvement Manager and Communications Manager of any situations that may involve the media.

From: Tina Lehmann [mailto:TLehmann@metro-dentalcare.com]
Sent: Monday, March 28, 2011 10:25 AM
To: shannon.tyree@ci.stpaul.mn.us
Cc: Rodriguez, Rita; Robin.Caufman@metc.state.mn.us; Russ Stark
Subject: Lack of communication regarding the gas leak on 3/24/2011

Shannon, Rita & Robin,

I am writing to express my disappointment in the lack of communication with business during last Thursdays major gas leak that forced the evacuation of many of the buildings located on and near the 1600 block of University Avenue. I want you to know that no one from Xcel or the fire department came into Metro Dentalcare or Merit Lab to notify us of the problem. I had to go out on to the middle of the street and ask the Excel worker what was happening in order the get the information to evacuate the 85 employees and patients that we had in our building. Joey Browner was entering our building for a dental appointment and can confirm this information. This is a major concern because this is not the first gas leak we have had on the 1600 block of University Avenue due to the LRT project and both times we we not informed. Our building is with in feet of where the "dresser cap" blew. I feel this is unacceptable and want what to know what can be done to prevent this form happening again? Also I want it noted that the staff and patient were also evacuated from Spruce Tree next and after that from Central Baptist Church. There was no communication to me with updates on the situation and we had 85 people walking around the area not knowing what was happening. My boss Jared Greupner had to drive into the area and park in the Big Top to provide me with updated information over the three hour ordeal. When I was allowed to enter the building the compressors were down and we needed Patterson Dental to come out and do a repair. We also had two blown computer screens due to cutting the power to the building. The gas was not turned back on until after 5:30 so we were not able to provide care to our patients for the remainder if the day. I need to know who I can contact regarding the costs associated with our lost revenue and equipment?

Please contact me at 651-645-4671

Tina Lehmann
Midway Practice Manager

Improving mobility
Easing congestion
Strengthening our communities

Central Corridor LRT 2011 Construction Schedule

University Avenue: Emerald to Hamline

Finished Product

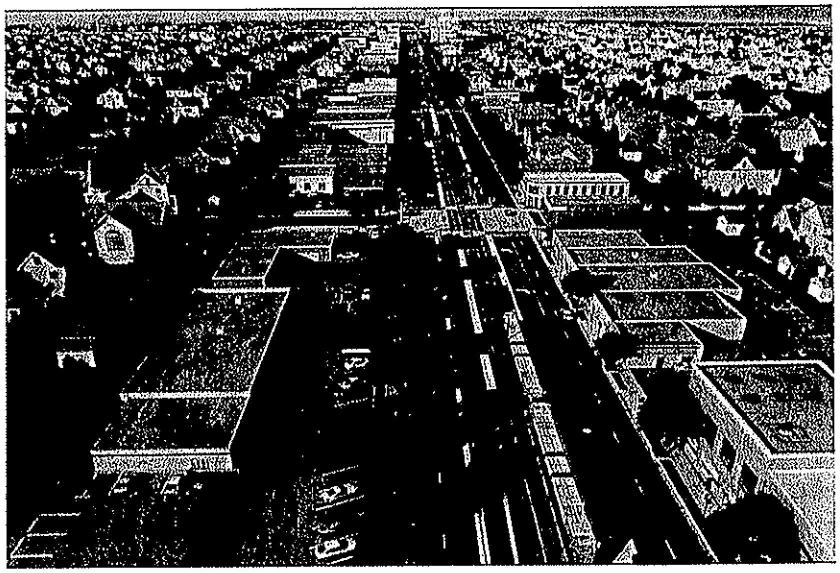
LRT tracks and stations

New sidewalks

New curbs and gutter

New street surface

New landscaping



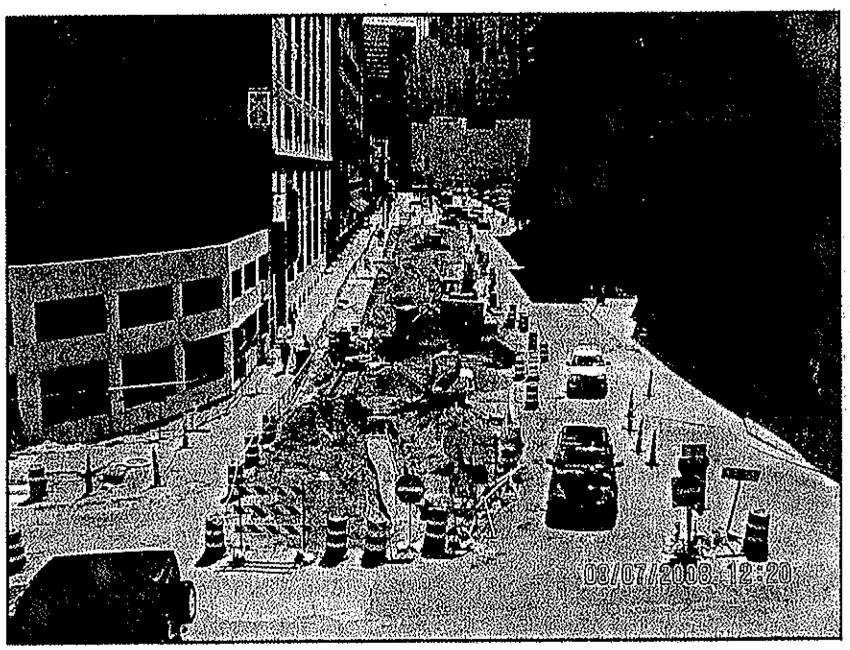
Work in Progress

One through lane of traffic each way on University Avenue

Alternate vehicle access to buildings

Temporary sidewalks, ramps over construction

Pavement restored within 150 days, sidewalks within 15 days

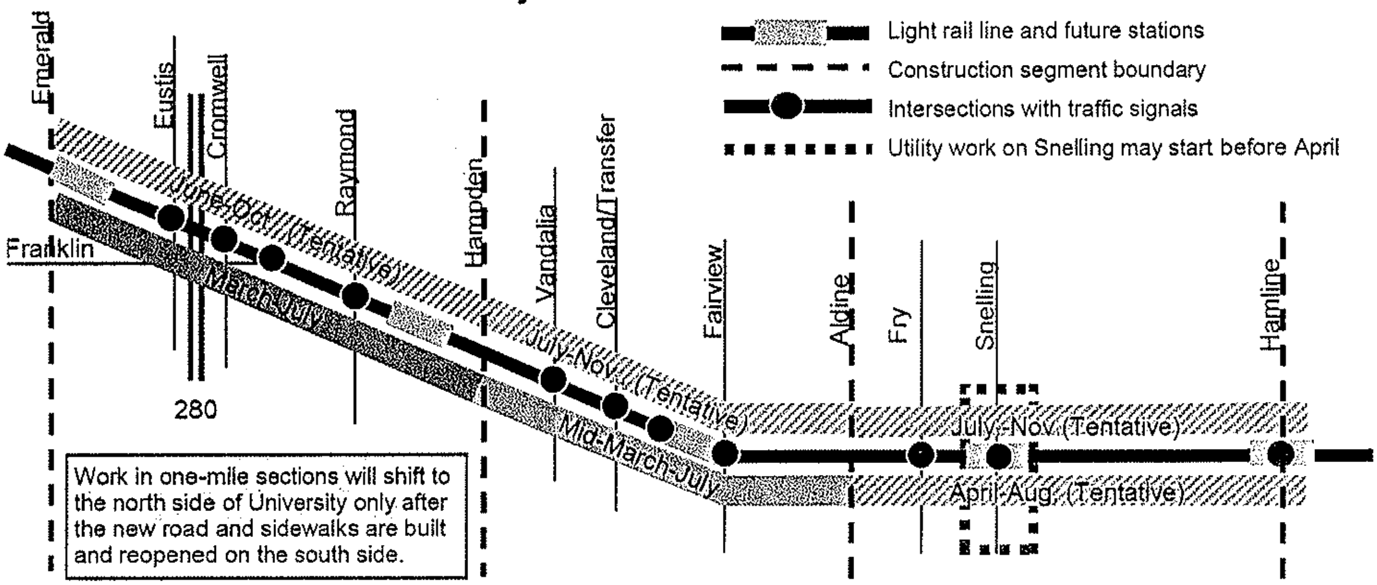


www.centralcorridor.org

What to Expect from 2011 Construction

- Heavy construction will start in March on the south side of University at Emerald and progress eastward in approximately one-mile sections to just east of Hamline.
- Work in the one-mile sections will shift to the north side of University only after the new road and sidewalks are built and reopened on the south; project staff will provide notification prior to shifting traffic lanes.
- When work is done on the north side, two lanes of traffic will be restored in each direction with work continuing in the middle of the road on track, guideway and stations through 2012.
- Snelling Avenue will be open during the State Fair.

Planned Construction Schedule by One-Mile Sections

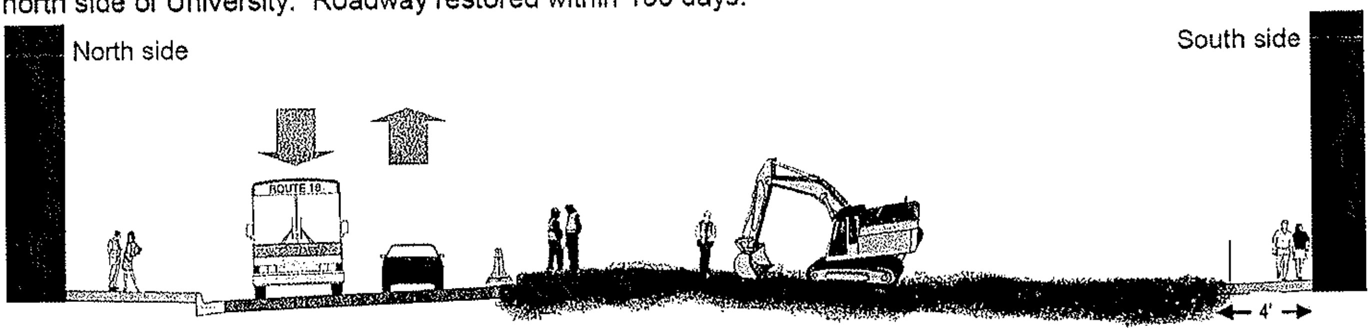


1. Traffic control measures, including barricades, signage, temporary traffic signalization and temporary accesses will be installed. Left turns across University will be restricted to 11 signalized crossings.
2. Partial removal of the street surface (on one side of the street at a time), sidewalks, curbs, gutters, median, trees and other vegetation. At least four feet of sidewalk width will be maintained, except when the existing or new sidewalk is being constructed.
3. Relocation of public and private utilities, such as water, storm and sanitary sewers and electrical and phone lines.
4. Excavation for the track guideway and stations; station foundation work.
5. Removal of remainder of curbs and other half of sidewalks and construction of new sidewalks. Contractor is required to provide alternate pedestrian access via ramps and temporary walkways over construction and to restore the sidewalk within 15 days of removal.
6. Reinstallation of curbs, gutters, medians and trees.
7. Asphalt paving of street.
8. Traffic switch to newly paved south side of University so crews can work on the north side of the street, repeat steps 1-7.
9. Construction of guideway and stations and welding of embedded track in the middle of the street.

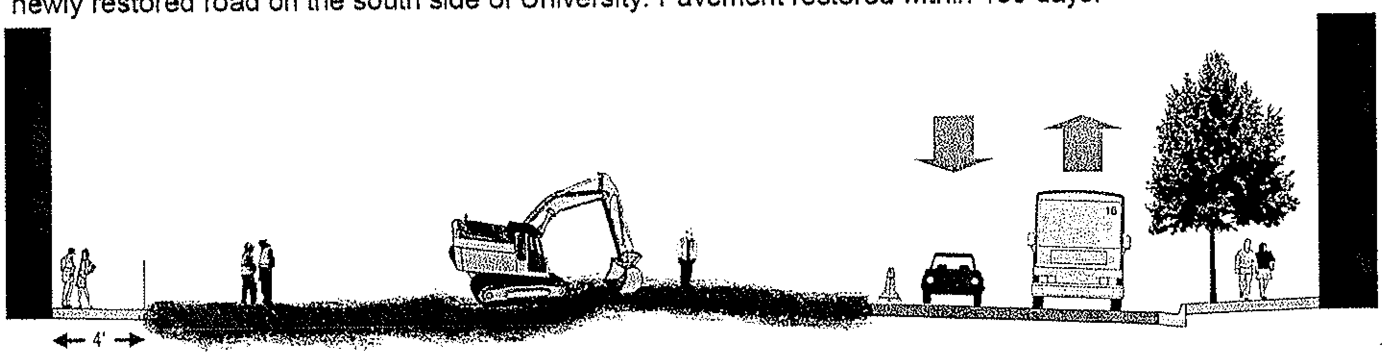
Construction Will Be Staged to Maintain Traffic and Pedestrian Access

Crews will stage construction to maintain one lane of through traffic in each direction on University Avenue. The contractor is required to restore the roadway within 150 days after the pavement is removed. During this time, traffic and pedestrian access will be maintained to all businesses and properties. Construction and outreach staff will meet with each building to discuss access plans and timing of sidewalk replacement. At least four feet of sidewalk will be maintained, except when the new sidewalk is being constructed. The following graphics demonstrate how the contractor will remove portions of the road and sidewalk in stages.

Stage 1: Work starts on south two-thirds of University. One lane of traffic maintained in each direction on the north side of University. Roadway restored within 150 days.

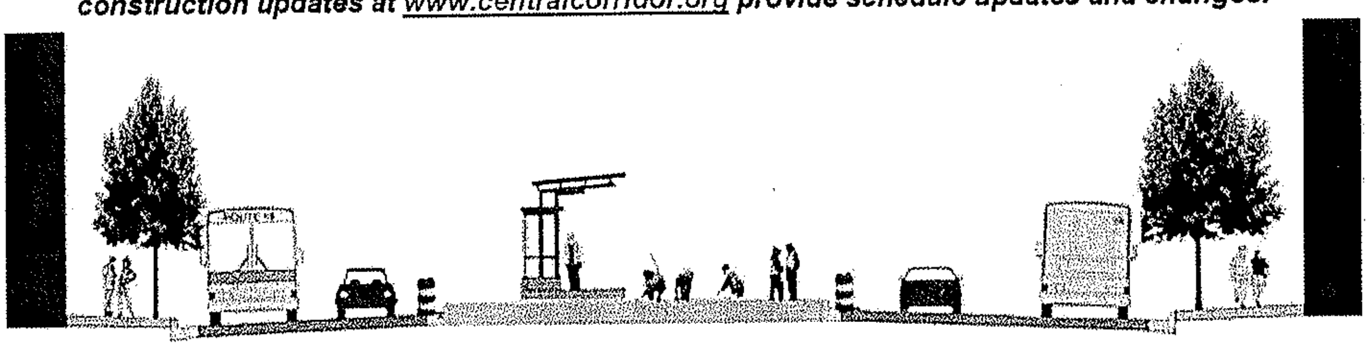


Stage 2: Work shifts to north two-thirds of University. One lane of traffic maintained in each direction on the newly restored road on the south side of University. Pavement restored within 150 days.



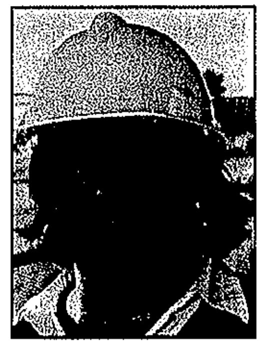
Stage 3: Two lanes of traffic restored in each direction. Work continues on guideway, track and stations in the middle of University through November 2011. In 2012, crews return to complete station and tracks and install overhead wires and communication systems.

Schedules subject to changes due to weather and other unforeseen circumstances! Weekly online construction updates at www.centralcorridor.org provide schedule updates and changes.



24-hour hotline 651-602-1404

Contacts and More Information



Community outreach coordinators for the Central Corridor LRT Project are liaisons between the public and contractors. For questions or concerns about 2011 construction activities on the western Saint Paul portion of University Avenue, contact outreach coordinators:

- Rita Rodriguez, 651-602-1805, rita.rodriguez@metc.state.mn.us
- Joey Browner, 651-602-1953 joey.browner@metc.state.mn.us
- Construction hotline at 651-602-1404

To stay informed ahead of the construction work:

- Get email updates every Friday on road, sidewalk and crosswalk detours and relocated bus stops for the coming week. To sign up, fill in your email address in the yellow box at the top right of the www.centralcorridor.org homepage.
- Attend regular meetings for businesses and residents in the construction zone. To receive meeting notices, contact outreach coordinator Rita Rodriguez at rita.rodriguez@metc.state.mn.us or 651-602-1805 or the general project email address at centralcorridor@metc.state.mn.us

To get business assistance:

- Contact the Business Resources Collaborative at www.readyforrail.net

For non-construction related questions, contact City of Saint Paul staff:

- **Land-Use**
  Christina Morrison, Planner, (651) 266-6546, christina.morrison@ci.stpaul.mn.us
- **Parking**
  Craig Blakely, Senior planner, (651) 266-6697, craig.blakely@ci.stpaul.mn.us
- **Public Works**
  Shannon Tyree, Public Relations Manager, (651) 266-6063, shannon.tyree@ci.stpaul.mn.us

Please don't go around barriers into construction zones. Construction hours will generally be from 7 a.m. to 5 p.m. weekdays, but crews will be allowed to work from 7 a.m. to 10 p.m. seven days a week if needed. ***Schedules are subject to change due to weather and other unforeseen circumstances! Check www.centralcorridor.org frequently for updates.***

About the project: The Central Corridor Light Rail Transit Project will link downtown Saint Paul and downtown Minneapolis along Washington and University avenues via the state Capitol and the University of Minnesota. Construction began in late summer 2010 on the planned 11-mile Central Corridor line, and service will begin in 2014. The line will connect with the Hiawatha LRT line at the Metrodome station in Minneapolis and the Northstar commuter rail line at the Target Field Station. The Metropolitan Council will be the grantee of federal funds. The regional government agency is charged with building the line in partnership with the Minnesota Department of Transportation. The Central Corridor Management Committee, which includes commissioners from Ramsey and Hennepin counties, the mayors of Saint Paul and Minneapolis and the University of Minnesota, provides advice and oversight. Funding is provided by the Federal Transit Administration, Counties Transit Improvement Board, state of Minnesota, Ramsey and Hennepin counties' regional railroad authorities, city of Saint Paul, Metropolitan Council and the Central Corridor Funders Collaborative.

Central Corridor
Light Rail Transit

News Advisory

Two meetings set for Feb. 17 as part of environmental assessment

ST. PAUL - Feb. 4, 2011 -- The Federal Transit Administration, in cooperation with the Metropolitan Council, will undertake a supplemental environmental assessment for the Central Corridor LRT Project.

The purpose is to address the potential loss of revenue by local businesses during construction. This environmental review is being conducted in response to U.S. District Judge Donovan Frank's Jan. 26 ruling in the NAACP's lawsuit against the U.S. Department of Transportation.

Two town hall meetings are scheduled for 8 a.m. to 10 a.m. and 6 p.m. to 8 p.m. Feb. 17 at Model Cities Brownstone conference room, 849 University Ave. W., in St. Paul to consider the views of the general public and local merchants and to gather data.

Staff from the FTA and Central Corridor LRT Project will be available at the meetings to discuss the proposed project and the supplemental environmental review process. Further information will be available at the meetings and also may be obtained from www.centralcorridor.org

People with special needs should contact community outreach coordinator Shoua Lee for reasonable accommodations. Her contact information is Shoua.Lee@metc.state.mn.us or 651-602-1014.

About the project: The Central Corridor Light Rail Transit Project will link downtown St. Paul and downtown Minneapolis along Washington and University avenues via the state Capitol and the University of Minnesota. Construction began in late summer 2010 on the planned 11-mile Central Corridor line, and service will begin in 2014. The line will connect with the Hiawatha LRT line at the Metrodome station in Minneapolis and the Northstar commuter rail line at the Target Field Station. The Metropolitan Council will be the grantee of federal funds. The regional government agency is charged with building the line in partnership with the Minnesota Department of Transportation. The Central Corridor Management Committee, which includes commissioners from Ramsey and Hennepin counties, the mayors of St. Paul and Minneapolis and the University of Minnesota,

Small Business Loan Program

READY FOR RAIL

You're taking the right steps to get your business ready for construction of the Central Corridor LRT Line. That may qualify you for extra help if you need it.

0% INTEREST BUSINESS LOAN

Interest-free deferred loans will be available for qualified small businesses on the Central Corridor LRT Line. The funds provide a modest "safety net" for businesses that have prepared for the construction phase and still show significant loss of gross sales.

Depending on the availability of resources, some portion of individual loans may be forgiven.

Who qualifies?

- Independent, for-profit business with up to $2 million in annual gross sales
- Located on the Central Corridor line
- At current Central Corridor location for one year or more
- Can show taxes, rent/mortgage, utility and employee payments were current at the start of construction
- Must have completed "Ready for Rail" training prior to construction

Ready for Rail training:

Prepare your business now, before construction starts. Workshops will be offered to help you:

- Know details of construction plans and how to maintain access to your business
- Get the most benefit from your financial record keeping and reports
- Select free training or services that help you manage your business
- Set a goal and a plan for saving money before construction starts.

After the training, you will complete a one-page Construction Preparation financial plan. It can be used to establish the financial impact of construction on your business.

When to apply:

Loan applications may be submitted 60 days or more after construction has started in your immediate area.

For more information or help with an application, talk to your **Central Corridor Business Consultant.**

Loan documentation:

The Ready for Rail training will help you understand and prepare documents you will need for your loan application. You must:

- Show you were current on taxes, rent/mortgage, utility, and employee payments at the beginning of the LRT line construction in your area.
- Present at least *three years* of financial records (or as long as you have been in business, if less than three years) to show your inability to cover your basic business expenses is related to construction.
- Certify that the loan will be used for basic business expenses including taxes, rent/mortgage, utility or personnel payments.

Loan features and terms:

- 0% interest
- Secured by signed note/personal guaranty
- Loan principal shall be repaid, beginning one year after the loan is closed. The maximum loan term will be five years, including the one-year deferral period. Equal monthly payments will be due starting a year after closing.
- Depending on the availability of resources, some portion of individual loans may be forgiven in equal amounts over five years.
- Loan balance payable on sale of the business or relocation from Central Corridor.
- Maximum loan amount: $10,000

UABA
plan / partner / prosper

712 University Ave
St. Paul, MN 55104
651-641-0334

January 12, 2011

Mayor Chris Coleman
390 City Hall
15 W. Kellog Blvd.
Saint Paul, MN 55102

Re: Parking Management Proposal

Dear Mayor Coleman,

On behalf of the University Avenue Business Association, we wanted to thank you for your time and efforts in presenting the City's plan to the UABA Parking Committee. It is our belief, however, that this plan is inadequate. It does not address the replacement of lost parking and assumes the prime spaces nearest University Avenue are underutilized. There is an ongoing parking shortage, which has been understood for years by both business owners and the City and cannot be denied. If the City sees a need for additional enforcement to better manage their resource then that is the city's prerogative. We, however, feel that it will further add to tensions between business and residential users and will eventually lead to permit parking which will again eliminate the options for the business corridor. It must be remembered that these businesses are already in a pressured situation, and that any plan that falls short will cause businesses having to close or move off the avenue.

In particular, we believe that the City has fallen short on their promises to mitigate parking through the acquisition of land that can be turned into temporary lots. We have heard the claims that there is a lack of proper funding, but, we believe that this is a unrealistic response to the businesses who have clearly requested for a replacement of the parking that they will lose. This is especially disappointing when, in the report "Mitigating the Loss of Parking in the Central Corridor", co-written by the City's Parking Solutions Team, they cited obtaining and creating new lots with established funding as a solution, saying, "*The City Council should create a new program to fund the capital costs of developing shared public parking facilities and assess the benefiting property owners for all of the costs, including the rent*" (p.13, 2009). Now, businesses are being forced to hear that it is a solution that cannot be fulfilled. We believe that it is possible for the City to adequately mitigate this loss of parking, and to do it in a matter that will cause as little disruption as possible to the livelihoods of business owners and employees, customers, and residents.

Below is a proposal from UABA, and our partner organization, the Asian Economic Development Association. Our proposed course of action is a study that will clearly

January 12, 2011
Chris Coleman
Re: Parking Management Proposal
Page 2

determine where there are shortages of parking, and, where these shortages can be alleviated through effective solutions, including the identification of acquirable land, or land that can be utilized as a temporary parking solution.

Proposal for a Plan to Address Loss of Street Parking Along University Avenue from Emerald to Hamline Avenues Due to Construction of LRT (First Phase of Construction Commencing March 1, 2011)

The removal of all street parking along University Avenue during construction of LRT, and the permanent removal of an estimated 1,000 parking spaces after construction, creates a serious deficit of parking supply that has been available to businesses for decades. The business community along University Avenue believes it is imperative that new parking spaces be created to sustain existing levels of commerce. Efforts to date by the City and Metropolitan Council have not sufficiently addressed the critical parking needs of businesses. This proposal outlines a process that can help lead to the creation of additional parking spaces. This proposal is submitted by a joint venture group comprised of the University Avenue Business Association, the Asian Economic Development Association, and described below.

Scope of Work:

1.) Consultants will review all of the previous work done by the City, Metropolitan Council, and other parties to address the parking issues related to the construction of LRT.

2.) Consultants will meet with as many property and business owners as possible to ascertain current parking needs and likely impacts due to construction.

3.) Consultants will review studies and reports showing on-street and off-street parking currently available to owners and businesses along the corridor and the first blocks adjoining the corridor.

4.) Consultants will prepare a "Supply Model" showing parking that will likely be available during construction.

5.) Based upon conversations with business and property owners, consultants will prepare a "Demand Model

6.) Consultants will analyze Parking Demand and Parking Supply and identify areas that will likely have a shortage of parking because of the loss of street parking.

7.) Consultants will make recommendations for enhancing management of existing parking supply, and identifying places where parking supply can be increased.

8.) Consultants will make recommendations as to financing options for creating additional parking supply, and recommendations as to management/ governance entities needed to implement the recommendations.

January 12, 2011
Chris Coleman
Re: Parking Management Proposal
Page 3

9.) Consultants will submit a final report for the first phase of LRT construction within two months of a signed contract that will accomplish all of the above items.

In our opinion, this is the best way to show how the lost parking can be properly replaced, in order to give the businesses the best chance of surviving what will surely be a trying time for many. We hope that you recognize the severity of our message, and ask you to strongly consider our proposal, and provide us with a swift response. Thank you.

Sincerely,

Jack McCann, President of UABA

CC: Council Member Russ Stark
Council Member Melvin Carter
Council Member Dan Bostrom
Council Member Kathy Lantry
Council Member Dave Thune
Council Member Lee Helgen
Council Member Pat Harris
Cecile Bedor, Director of Planning and Economic Development

AEDA
Asian Economic Development Association

712 University Ave. Suite 105
St. Paul, MN 55103
651-641-0334
universityavenuebiz.com/aeda-mn.com

UABA
plan / partner / prosper

January 4, 2011

Ray LaHood
Office of the Secretary
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Federal Relocation Funding for Displaced Businesses on the Central Corridor Light Rail Project in Minnesota That Do Not Have Eminent Domain Remedies

Dear Secretary LaHood:

The University Avenue Business Association (UABA) and Asian Economic Development Association (AEDA) represent over 400 businesses on University Avenue in Minneapolis and St. Paul, Minnesota. Enclosed is the letter that we recently sent to all local, state and federal elected officials asking for a delay in the execution of the Full Funding Grant Agreement until an adequate compensation and relocation fund is established to assist businesses during construction.
Under the Freedom of Information Act we request at this time the following data as they relate to the Central Corridor Light Rail Project in Minnesota (unless otherwise noted):

1. Any documents relating to a Relocation Planning Report, data, evaluation process and conclusions required under 42 USC 4625 and 49 CFR 24.205(a) for this project.
2. Any documents relating to a Relocation Assistance Advisory Services Program for this project required under 42 USC 4625 and 49 CFR 24.205(c).
3. Any documents relating to displacements resulting from "rehabilitation, demolition or other such displacing activities that the lead agency (DOT) may prescribe...." under 42 USC 4601(6) (A) (i) (II) and 4601(6) (A) (ii) (II).
4. A list of all businesses and property owners who have received notice of their eligibility for relocation funding.
5. Disclose by date, town, county or state and name of project where the U.S. DOT or a displacing agency has paid Uniform Relocation Funds where there was no acquisition of real property to non-residential persons/entities as a result of the construction of a DOT transportation project.
6. Any documents relating to the evaluation of the relocation needs of any non-residential persons/entities on the Central Corridor and the notice given to any non-residential persons/entities under 49 CFR 24.205(c) (2) (i).

Construction of this project will cause a loss of all on-street parking, closure of cross streets, restrictions on left hand turns, up to three closures of an intersection for 56 hours at a time over the next four construction seasons, loss of access to businesses (at least 20 businesses are land locked once the street is torn up and an additional 30 will require the contractor to make an access), lack of

RE: Federal Relocation Funding for Displaced Businesses on the Central Corridor
Page 2
January 4, 2011

customers due to traffic re-routing and a loss of 30-60% of revenues. These are displacing activities. Yet there is no eminent domain remedy for these businesses.

The Findings supporting the adoption of the Uniform Relocation Act is that "...(2) relocation assistance policies must provide for fair, uniform, and equitable treatment of **all affected persons**" (our emphasis) and "(4) minimizing the adverse impact of displacement is essential to maintaining the economic and social well-being of communities;" . See 42 USC 4621(a) (2) and (4).

The policy section of the Act says that the act "establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance....." and the primary purpose is to ensure that displaced persons "shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons." See 42 USC 4621(b). Appendix A of the regulations states that there can be an adverse impact on an occupant without permanent displacement so "great care must be exercised to ensure (the occupant of the property is) treated fairly and equitably". The DOT comments to these regulations address temporary relocation benefits by stating the "regulations clarify that assistance is required even when a project causes hardship to a business even though it did not permanently displace the business".

We request on behalf of the over 1300 businesses and thousands of employees that as the lead agency of this project DOT require the displacing agency (Metropolitan Council) to establish an adequate Relocation Fund and make this fund available to businesses forced to relocate because of the adverse economic impact caused by the construction of this project.

We ask that you, as the Secretary of the Department of Transportation, make this a condition of your executing the Full Funding Grant Agreement with the Metropolitan Council.

Sincerely,

Jack McCann
President
University Avenue Business
Association

Va-Megn Thoj
Executive Director
Asian Economic Development
Association

Enclosure: 1

cc: Peter Rogoff, FTA Administrator
Nancy Sipes, FOIA Public Liaison

U.S. Department
Of Transportation
Federal Transit Administration

Headquarters

1200 New Jersey Avenue S.E.
Washington DC 20590

MAR 1 5 2011

Rcd. 3/21/11

Jack McCann
President
University Avenue Business Association
712 University Avenue, Suite 105
St. Paul, MN 55103

Mr.Va-Megn Thoj
Executive Director
Asian Economic Development Association
712 University Avenue, Suite 105
St. Paul, MN 55103

Our File No: FY11-0062

Dear Mr. McCann and Mr. Thoj:

This is in response to your letter dated January 4, 2011, requesting information under the Freedom of Information Act (FOIA). Although the letter was addressed to the Secretary of Transportation, the Secretary referred it to the Federal Transit Administration (FTA) to provide a response since the majority of the requested information related to the Central Corridor Light Rail Transit project which is being funded by the FTA. Specifically, you requested the following information as related to the Central Corridor Light Rail Project in Minnesota (unless otherwise noted):

"1. Any documents relating to a Relocation Planning Report, data, evaluation process and conclusions required under 42 USC 4625 and 49 CFR 24.205(a) for this project.
2. Any documents relating to a Relocation Assistance Advisory Services Program for this project required under 42 USC 4625 and 49 CFR 24.205(c).
3. Any documents relating to displacements resulting from 'rehabilitation, demolition or other such displacing activities that the lead agency (DOT) may prescribe....' under 42 USC 4601(6) (A) (i) (II) and 4601 (6) (A) (ii) (II).
4. A list of all businesses and property owners who have received notice of their eligibility for relocation funding.
5. Disclose by date, town, county or state and name of project where the U.S. DOT or a displacing agency has paid Uniform Relocation Funds where there was no

acquisition of real property to non-residential persons/entities as a result of the construction of a DOT transportation project.

6. Any documents relating to the evaluation of the relocation needs of any non-residential persons/entities on the Central Corridor and the notice given to any non-residential persons/entities under 49 CFR 24.205I (2) (i)."

FTA has searched its records and finds that it has the following documents that are responsive to your request and they are enclosed:

1) Real Estate Acquisition Management Plan (Rev. 04.00) dated August 2010
2) Real Estate Acquisition Management Plan (Rev.03.00) dated February 2010
3) Driveway Access Plan - Minneapolis
4) Driveway Access Plan – Saint Paul

Regarding item 5 of your request, which is the only item which encompasses more than the Central Corridor Light Rail Transit project, FTA does not have the information. In addition, FTA has consulted with the only other DOT agency that is likely to have it, the Federal Highway Administration, which has reported to FTA that it also does not have it. FTA is unaware of any other agency within DOT which would be likely to possess this information. FTA concludes from this that we have made a reasonable search for this information, which is all that FOIA requires us to do. See *Oglesby v. U.S. Dep't of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990).

With regard to the other requests beyond what FTA is providing, FTA does not have those additional documents that you requested. To the extent that some information is not available, this is a partial denial of your request. If you are not satisfied with this response, you may appeal by writing to the Deputy Administrator of the Federal Transit Administration, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. An appeal must be submitted within thirty (30) days after you receive this determination. It should contain any information and argument on which you may wish to rely, and the envelope in which the appeal is sent should be prominently marked "FOIA APPEAL." The Deputy Administrator's determination will be administratively final.

Finally, this response is only a response to the FOIA request. In light of the recent U.S. District Court decision regarding the potential business revenue loss issue during construction, FTA is undertaking an Environmental Assessment (EA) under the National Environmental Policy Act. Your comments regarding that particular issue will be included in the public comment docket for the EA and will be addressed in the Response to Comments. It would not be appropriate for FTA to comment further on those issues because of the litigation. Therefore, anything beyond the scope of the FOIA request is not being addressed in this response.

-3-

The duplication fee for these documents is negligible and is waived pursuant to the FOIA and the Department of Transportation regulations, 49 C.F.R. Section 7.44(c). I hope this information meets your needs.

Sincerely,

Tommy Carter, Director
Office of Management Planning

Enclosure

Central Corridor
Light Rail Transit
Metropolitan Council

REAL ESTATE ACQUISITION MANAGEMENT PLAN

Project Management Plan Appendix 14-A

(Rev. 04.00)

AUGUST 2010

Submitted by

The Central Corridor Project Office

On behalf of

The Metropolitan Council

Central Corridor
Light Rail Transit
Metropolitan Council

CENTRAL CORRIDOR LRT PROJECT
MANAGEMENT SIGNATURE FORM

REAL ESTATE ACQUISITION MANAGEMENT PLAN

Project Management Plan Appendix 14-A

Rev. 04.00

AUGUST 2010

The above referenced document is a controlled copy document ready for circulation in accordance with Policy and Procedure 225-08 – Controlled Distribution.

Signature: Mark W. Fuhrmann Date: 8.15.10

Print Name: MARK W. FUHRMANN

Instructions: This form must be signed by one of the following: CCPO Director, Deputy Project Director, or one of the Assistant Project Directors and placed behind the cover page of the Controlled Document before circulation.

ACROYNMS	
ACOT	Attorney's Condition of Title
CCLRT	Central Corridor Light Rail Transit
CCPO	Central Corridor Project Office
CO	Central Office – Mn/DOT
EDMS	Electronic Document Management System – Mn/DOT
ESA	Environmental Site Assessment
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
Met Council	Metropolitan Council
Mn/DOT	Minnesota Department of Transportation
MPCA	Minnesota Pollution Control Agency
PBP	Petroleum Brownfields
PMP	Project Management Plan
RAMP	Real Estate Acquisition Management Plan
RCRRA	Ramsey County Regional Railroad Authority
REALMS	Right of Way Electronic Acquisition and Land Management System
ROW	Right of Way
SOW	Scope of Work
VIC	Voluntary Investigation and Clean-up

Revision Table:

Revision Level	Revision Date	Summary
Rev. 01.00	August 2008	Draft Application to Enter Final Design
Rev. 02.00	April 2009	Response to FTA and Internal Comments
Rev. 03.00	February 2010	Response to FTA Real Estate Workshop dated August 17, 2009 and Application for FFGA
Rev. 04.00	August 2010	Respond to FTA RAMP Comments dated August 6, 2010

Contents

1.0 INTRODUCTION

For a complete geographical description and history of the Central Corridor Light Rail Transit (CCLRT) Project (Project) see Chapter 1 of the Project Management Plan (PMP). This document, Real Estate Acquisition Management Plan (RAMP), is Appendix 14-A of the PMP.

Right of Way (ROW), as defined for the Project, is a parcel of land required for the Project (for example, the guideway construction,the maintenace facility or communications facilities). The limits of the project ROW are defined by public land survey. ROW is a general term denoting land, property, or interest(s) therein, often in a strip, acquired for or devoted to a transit or roadway project.

Since the Project uses federal funds, it must comply with 49 CFR Part 24 which contains the implementing regulations for the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended to date. The Project must also comply with Minnesota law.

The CCLRT RAMP describes policies and procedures for how property rights will be acquired for the construction and operation of the Project. This RAMP follows Federal Transit Administration (FTA) guidance as provided in Circular 5010.1D, dated 11/01/2008, and from the hyperlink – http://www.fta.dot.gov/planning/planning_environment_5937.html. Property rights to be acquired may include ownership in fee, permanent and temporary easements, leases for specified uses and duration, air rights, access rights, and underground easements. The Project will acquire real estate interests for track, stations, maintenance facility, and other infrastructure necessary for construction and operation of the CCLRT system.

To accomplish the real estate acquisition process, the Metropolitan Council (Met Council) entered into a cooperative agreement with the Minnesota Department of Transportation (Mn/DOT) on December 13, 2006, included herein by reference. This agreement defines the basis and extent of assistance being provided to the Met Council by Mn/DOT. The Met Council created the Central Corridor Project Office (CCPO) to carry out the technical activities of the Project, including the identification of Project real estate needs and to provide assistance to the Met Council and Mn/DOT, as needed, in the acquisition of real estate.

In this agreement, Met Council delegated to Mn/DOT certain responsibilities for the acquisition of property rights for construction of the Project. Met Council will approve all property acquisitions and ultimately be the owner of any property acquired for this project. When property needs to be acquired from other governmental units or agencies, the Met Council will negotiate directly with these entities, with the assistance of Mn/DOT, to arrange for the transfer of property rights to the Met Council. When property needs to be acquired from private citizens or businesses, Mn/DOT will acquire the property or assist the Met Council with the acquisition if requested.

The Mn/DOT Right of Way Manual will be followed to acquire real estate and perform relocation assistance except as modified by sections 1.1 and 1.2 of this document. The manual complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et. seq.), and 49 CFR Part 24 promulgated pursuant thereto, on the CCLRT Project. The authority for this assurance is found in Minnesota Statutes, chapter 117, and sections 161.36, 174.35, and 473.405. See Attachment A for the index to the manual. The complete manual can be found at: http://www.olmweb.dot.state.mn.us/manual/home.html.

It is Mn/DOT's intent to transfer ownership of the property Mn/DOT acquired for the Project to Met Council as expeditiously as possible. Temporary easements acquired by Mn/DOT will revert back to the underlying fee owner upon expiration and all permanent interests, including but not limited to fee title and permanent easements, will be transferred to the Met Council.

This RAMP outlines departures from the Mn/DOT Right of Way Manual for the Project acquisitions due to the Met Council and Mn/DOT partnership on CCLRT and differences in procedures between the Federal Highway Administration (FHWA) and FTA.

A Master Funding Agreement, dated November 8, 2007, between the Met Council and Mn/DOT, included herein by reference, facilitates the transfer of funds between the two agencies. Subordinate Funding Agreements will be the vehicle to allow the passage of funds to occur. The funds for real estate acquisition, relocation assistance, and other related expenses will be approved and paid in accordance with Met Council CCLRT Procedure 210.06 Right Of Way Property Acquisition (Approval and Payment Process)

1.1 FTA Requirements

FTA Circular 5010.1D dated November 1, 2008, as amended, titled "Federal Transit Administration Grant Management Requirements", will apply to all real estate acquisitions.

The Met Council, and Mn/DOT as its agent, will abide by all FTA requirements relating to acquisition of property. The requirements include:

- Prior concurrence by FTA before the Grantee can make offers on properties which have a certified appraisal exceeding $500,000.
- Prior concurrence by the FTA before initiating eminent domain on parcels exceeding $500,000.
- Prior concurrence by FTA on negotiated administrative settlements which are $50,000 above the certified appraised value. All settlements must be justified in writing. The justification shall be thorough, document the entire settlement process, demonstrate the logic and reason supporting the settlement, and be able to withstand the scrutiny of an independent review.

1.2 Legal Compliance Policy

The Met Council, and Mn/DOT as its agent, will fully comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et. seq.) and 49 CFR Part 24 promulgated pursuant thereto, on the CCLRT Project. The authority for this assurance is found in Minnesota Statutes, chapter 117 and sections 161.36, 174.35, and 473.405.

2.0 Acquisition Schedule

The Project schedule includes an overview of the property acquisition process. Refer to the current Integrated Project Management Schedule. As design continues, a schedule for property acquisition and individual parcel information will be included in the FTA Monthly Status Report.

3.0 Cost Estimate

The Real Estate cost estimate can be found in the current Project cost estimate. The cost estimate is reflective of all private property acquisition identified to accommodate the CCLRT Project. It includes all temporary and permanent private property acquisition, building demolition and relocation costs required for the Project.

There are no costs for public property acquisition included in the cost estimate as it is assumed that these property interests will be donated or access permitted by the public entity. Among these properties are those owned by the Regents of the University of Minnesota, Ramsey County Regional Railroad Authority (RCRRA), State of Minnesota Department of Administration, Mn/DOT, Hennepin County, Minneapolis Park and Recreation Board, and the City of St. Paul.

The project may, under state law, have expenses that exceed federal participation; costs for which state mandated thresholds exceed federal thresholds. Items may include, but are not limited to: minimum compensation, attorney fees, litigation expenses, landowners' appraisal fees, other experts fees, loss of going concern, and other related costs. An example, pursuant to 49 CFR 24.304, the acquiring authority must reimburse the landowner for reestablishment costs not to exceed $10,000. Under Minnesota Statute, section 117.51, the acquiring authority must reimburse the displaced business for eligible reestablishment expenses up to $50,000. Funds for the difference in this case will be the responsibility of the Met Council and will be obtained from non-federal sources.

The estimate will be updated to reflect more refined costs as the project progresses. The first update will occur with the appraisal reports and review appraisals. As the acquisition process continues, properties acquired by direct purchase will be used to update the estimate. Contingencies will be maintained to account for properties that may be higher than estimated values.

4.0 ACQUISITION PROCESS

4.1 Acquisition of Property from Public Entities

Some property required for the project is under the ownership of a public entity. These properties will be donated or access permitted to the Project. Rights will be transferred directly to the Met Council by fee title, temporary easement, permanent easement, or permit. Property transfer agreements and/or documents which formally transfer these property interests will be jointly prepared by the entity involved and the Met Council.

Minnesota Statutes, section 473.411 subdivision 5 allows Met Council to engineer, construct, equip, and operate transit and maintenance/garage facilities on public roadways or appurtenances without payment of any compensation, provided the use does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance or entail any substantial additional cost of maintenance.

4.2 Acquisition of Property from Private Entities

The real estate acquisition for private property will proceed in three stages. Detailed steps are identified below and are graphically presented in Attachment B: Acquisition Process Flow Chart.

Stage I: Identification and Certification of Required Real Estate Interests

Stage II: Appraisal of Required Real Estate Interests

Stage III: Offers for Required Real Estate Interest Acquisition

4.2.1 Stage I. Identification and Certification of Required Real Estate Interests

Step 1: Property acquisition requirements are identified during preliminary engineering and reviewed and accurately defined during advanced and final design. Once Met Council defines "privately-owned" real property interests needed for the CCLRT Project, Mn/DOT commences the acquisition process.

Prior to site visits by appraisers, Mn/DOT will deliver early notification letters to property owners.

Where the existing sidewalk is on private property, the impacts are minor, adjacent to a county road or trunk highway, and the project intent is to replace in-kind, the project will use Minnesota Statute, section 160.05, Dedication of Roads, and not consider the property an acquisition.

Step 2a: Met Council, assisted by Mn/DOT, determines if environmental review has been completed. If not, Mn/DOT will determine if it is required as defined in the Cooperation Agreement.

Note: A Phase I Environmental Site Assessment (Phase I ESA) was conducted as part of the NEPA process for this project. The Phase I ESA identified several known and potentially contaminated sites along the project corridor, some of which will be acquired in part or in whole as part of the project.

The Met Council and Mn/DOT intend to address acquisition of known or potentially contaminated properties in accordance with Circular 5010.1D except as modified by Step 2b.

Step 2b: As required, drilling investigations will be completed on known or potentially contaminated parcels to be acquired and in areas of construction excavation on or adjacent to known or potentially contaminated sites. These investigations will define the nature, magnitude, and extent of soil and groundwater contamination on parcels impacted by acquisition or Project construction. This information is available to the appraisal consultants for them to consider the effect, if any, contamination has on the market value of the subject property.

The legal responsibility for regulated material clean-up and disposal rests with parties within the property title chain, with parties responsible for the placement of the material on the property, and with parties disturbing contamination during construction activities. Since disturbance of the contamination associated with the Project is solely Project related and since the contamination otherwise most likely would have been allowed to remain in place for current land use, Mn/DOT and the Met Council will not seek reimbursement from previous responsible parties for management or remediation of contamination during construction. However, the Met Council and Mn/DOT do not intend to conduct remediation beyond that necessary for construction; if additional remediation is necessary for regulatory closure, the responsibility and cost for that remediation will be left to the previous responsible parties.

In order to absolve Mn/DOT and the Met Council of the short and long term liabilities associated with acquisition of and construction on contaminated properties, Mn/DOT and the Met Council will apply to the Voluntary Investigation and Clean-up (VIC) and Petroleum Brownfields (PBP) Programs of the Minnesota Pollution Control Agency (MPCA) to obtain approval of the proposed management and clean-up actions prior to construction and to obtain liability releases (known as No Association Determinations for non-petroleum contamination or General Liability Letters for petroleum releases) for the Project's proposed actions; acquisition, construction, remediation during construction, and operation and maintenance of the Project.

4.2.2 Stage II. Appraisal of Required Real Estate Interests

The appraisal process will be as follows:

Step 3: Mn/DOT, with Met Council concurrence, will be responsible for selecting an independent appraiser in accordance with Mn/DOT procurement policies and FTA procurement requirements. This will include negotiating mutually agreed upon Scopes of Work (SOWs) in accordance with FTA Circular 5010.1D, Chapter IV, Section 2b and Appendix C. The appraisal consultant will prepare an appraisal report for each parcel and submit these reports to Mn/DOT.

The confirmation of contamination, as recorded in applicable environmental documents or as found in pertinent environmental site assessments, will be factored into the appraisal price through the appraiser's highest and best use analysis. The following will be included in the SOW to provide direction to the appraiser: Consistent with FTA guidance, the appraisal method will factor the impact of known contamination into the appraised value of the property. Information regarding the known contamination is documented in regulatory files and/or reports developed during project site assessments and will be provided upon request. Impact of contamination, if any, will be applied to the value placed on the highest and best use of the property. A statement documenting the consideration of contamination in the value of the property will be included in the appraisal, whether or not contamination impacts the appraised value of the property.

Mn/DOT provides the appraiser a packet with the parcel sketch showing proposed taking, title report, field title report, market data report, design impacts, and a contamination report if applicable; and directed to begin work in accordance with the contract, Mn/DOT Right of Way Manual, FTA Circular 5010.1D, and all applicable state and federal laws, rules, regulations, and codes.

On more complicated parcels, or as requested by the appraiser, Mn/DOT will hold meetings with the appraiser to clarify the SOW and provide an opportunity for the appraiser to consult with technical experts from Mn/DOT and Met Council (design, contamination, surveying, right of way, etc.) The technical experts are available for consultation at any time during the appraisal process.

Step 4: Review appraisal consultants will be chosen by Mn/DOT and approved by the Met Council to review all appraisals. Mn/DOT, if approved by the Met Council, may act as the review appraiser in some instances. Mn/DOT then certifies the appraisal reports and submits to the Met Council for approval.

Met Council's approval establishes the appraisal amount as the offer of Just Compensation..

Step 5: The Met Council will request FTA concurrence if the recommended Just Compensation Amount exceeds $500,000.

4.2.3 Stage III. Offers for Required Real Estate Acquisition

Step 6: The Met Council directs Mn/DOT to proceed to acquire properties; Mn/DOT encumbers the Just Compensation Amount prior to making an offer.

Acquisition by Negotiation:

Every reasonable effort will be made to acquire property through negotiation. A typical negotiation process is as follows:

Met Council will not seek to obtain right-of-entry permits for construction purposes prior to first presenting an offer of Just Compensation to the landowner. In exceptional circumstances, with the prior approval of the owner, Met Council may obtain right-of-entry for construction purposes before making payment available to an owner as authorized in 49 CFR part 24.102(j) and Appendix A.

Step 7: Mn/DOT offers the Just Compensation Amount, as established in Step 4, to the landowner.

Step 8: Mn/DOT negotiates purchase .

Step 9: The Met Council requests FTA concurrence if the negotiated settlement exceeds the Just Compensation Amount by $50,000.

As stated in FTA C 5010.1D, the Met Council must document that reasonable efforts to purchase the property at the Just Compensation Amount have failed and prepare written justification supporting why the settlement is reasonable, prudent, and in the public interest. Such a settlement will be handled in accordance with administrative settlement requirements at 49 CFR Section 24.102(i). If the settlement request represents a significant increase over the Just Compensation Amount and if trial risks are a key factor in the settlement justification, a litigation attorney must be consulted to provide advice in this regard.

Step 10a: Owner accepts the offer from Mn/DOT.

Step 11a: Mn/DOT acquires the property.

Acquisition by Eminent Domain:

Step 10b: Owner fails to accept the last written offer from Mn/DOT.

Last written offer means the final value Mn/DOT offers in writing prior to filing the petition for condemnation.

Mn/DOT is empowered by Minnesota Statutes, chapter 117 and sections 161.20, 473.399, and 473.411 to condemn property rights necessary for the Project. Should Mn/DOT fail to reach an agreed upon settlement to acquire property through direct purchase, or in the event there is a property title problem, eminent domain will be utilized. Mn/DOT notifies the Met Council that an agreement was not reached with the property owner.

The eminent domain quick take process requires providing the property owner with a 90-day notice of intent to take possession and either providing direct payment to the owner or depositing with the court the Just Compensation Amount for the acquisition.

Step 11b: If Mn/DOT is unable to reach agreement with the property owner, Mn/DOT requests approval from the Met Council to proceed with eminent domain.

The Met Council must request FTA concurrence to enter the eminent domain process if the Just Compensation Amount exceeds $500,000.

Step 12: Mn/DOT initiates eminent domain process.

Upon request of Mn/DOT, the court will establish a hearing date. Mn/DOT is required to serve notice on owners of the pending eminent domain process and advise owners of the court established hearing date. Mn/DOT is required to file proof of service with the court administrator.

Minnesota Statutes, Chapter 117 governs the procedure for condemning actions in Minnesota. Under a "traditional" condemnation action, title and possession does not transfer to the condemning authority until the action is completed and the landowner is paid. This is a lengthy process which makes it difficult to schedule construction projects; therefore, a traditional condemnation process is rarely used. Minnesota has a "Quick Take" statute, Minnesota Statute, section 117.042, which entitles the condemning authority to take title and possession of the property prior to the completion of the condemnation action. To comply with the statute, the acquiring authority must provide the owners ninety (90) days notice by certified mail of their intent to take possession by quick take. The condemning authority must move the District Court for an Order transferring the property under this statute. The condemning authority must also pay the owner or deposit with the Court the amount determined to be Just Compensation for the taking to perfect title and possession of the property. If, as a result of a Commissioner Award or Jury Verdict, it is determined that the Just Compensation Amount for the taking is greater than the amount determined by the acquiring authority, i.e., the "Just Compensation Amount", the balance of the award must be paid to the landowner plus interest from the title and possession date.

Step 13: Mn/DOT appears at the hearing on petition, along with the Met Council personnel, to justify the necessity for the taking.

After the hearing on petition, the judge signs the order. The order is served on respondents.

Step 14: Mn/DOT obtains title and possession of property.

Mn/DOT, with the Met Council approval, makes the quick take payment and obtains title and possession of property. Appraisals are updated to title and possession date.

The eminent domain process continues with Commissioners hearings. The Commissioners award compensation based on the input of both parties. If the award from the "Report of Commissioners" is disputed by either side, each has the right to appeal for a jury trial. If the amount of the award exceeds FTA's threshold for approval (award more than $500,000 or award $50,000 greater than the Just Compensation Amount), it must be submitted to FTA for advance concurrence before the settlement is consummated.

4.3 Acquisition of Access Control

The Met Council may need to acquire access control where it is desired to eliminate vehicle access to a roadway. The Met Council will direct Mn/DOT to purchase vehicle access control on parcels where access rights are being removed as part of the project. The process of acquiring access control will be the same as the process for acquiring real estate as outlined above.

4.4 Joint Use of Acquired Real Estate

The Met Council will acquire fee titles for the Operations and Maintenance Facility (OMF) property; Mn/DOT will assist in the acquisition process if requested by Met Council. Met Council and Mn/DOT will enter into an agreement to allow the construction of Mn/DOT's Lafayette Bridge Project; this agreement will also cover operations and maintenance of both agency's facilities. Mn/DOT will obtain a permanent easement for the additional property needed for the Lafayette Bridge Project once Met Council obtains the final certificate.

Minnesota Statute, section 473.411 subdivision 5 allows Met Council to engineer, construct, equip, and operate transit and maintenance/garage facilities on public roadways or appurtenances without payment of any compensation, provided the use does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance or entails any substantial additional cost of maintenance.

5.0 Relocation Assistance

For relocations, Mn/DOT will assist the Met Council in providing the occupants of the properties requiring relocation adequate explanation and guidance in the relocation process including claim forms, brochures, and other support activities.

Mn/DOT will fully comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*) and 49 C.F.R. Part 24 promulgated pursuant thereto. The authority for this assurance is found in Minnesota Statutes, chapter 117 and section 161.36, subdivision 1, and FTA Circular 5010.1D.

6.0 Property Management and Demolition

Mn/DOT's will transfer ownership of the property Mn/DOT acquires for the Project to Met Council as expeditiously as possible. While the title is in Mn/DOT's name, Met Council will be responsible for the maintenance of the unoccupied property and will continue to be after the transfer of title from Mn/DOT to Met Council. If Met Council is unable to maintain unoccupied property prior to the transfer of title, Met Council will request Mn/DOT to complete the work with internal forces or hire a contractor to complete the work. Met Council will fund all expenses incurred by Mn/DOT for maintenance of the property, including the use of internal forces, prior to transfer.

Prior to the demolition of any structure, or part of a structure, Met Council will determine the presence of regulated materials. If the presence of regulated materials is determined, Met Council will develop a plan to remove the regulated materials per state and federal requirements. Met Council will then have the regulated materials removed per a regulated materials removal plan. To ensure the thoroughness of each of these activities, Met Council will obtain the services of separate contractors to perform each task.

7.0 Property Disposal

No excess properties are anticipated. No property disposals or surpluses have been identified as necessary for the project. However, if any disposals are required, Mn/DOT and the Met Council will comply with all federal, state and local regulations for disposal of excess or surplus property and the terms and conditions of the grant agreements. Minnesota Statute 117.226 provides the right of first refusal which requires that the former property owner be offered any surplus property first, at a price to be determined.

8.0 Transfer of Rights

It is Mn/DOT's intent to transfer ownership of the property Mn/DOT acquires for the Project to Met Council as expeditiously as possible. Temporary easements acquired by Mn/DOT will revert back to the underlying fee owner upon expiration and all permanent easement and fee title property will be transferred to the Met Council using a quit claim deed.

9.0 Inverse Condemnation and Mandamus Actions

This Project may be subject to inverse condemnation and mandamus actions. The Met Council will not intentionally make it necessary for land owners to prove the fact that a taking has occurred in accordance with 24 CFR 24.120 (I). However, if a land owner brings a claim against the Met Council, Mn/DOT, or both, seeking a determination that there has been a taking of a property right, Mn/DOT, represented by the Attorney Generals Office, will seek a dismissal and the Met Council as lead agency will defend the claim. The Met Council may request to be represented by the Attorney General's Office or obtain outside council. If the court determines that there has been a taking and the Met Council does not appeal the decision, then the Met Council will acquire the property rights that have been determined to be taken. The Met Council shall also pay the owner for reasonable attorney fees and costs as required by Minnesota Statutes, chapter 586 and sections 117.045 and 49 CRF 24.107. The Met Council may direct Mn/DOT to purchase these property rights or could choose to proceed using its own council. This decision will be made on a case by case basis.

10.0 Document Control

10.1 Records

All records maintained by the Met Council or designee, are secured and treated as confidential regarding their use as public information, unless applicable law provides otherwise. The full record for property acquisition will be stored in Mn/DOT's Right of Way Electronic Acquisition and Land Management System (REALMS). All documents requiring approval from Met Council or concurrence from FTA will be located in the Met Council Document Management System. Records located at Mn/DOT will be accessible to Met Council at any time by request. Following is a list of working ROW documents and their locations:

- Met Council Document Management System – field titles, authorization map, parcel sketches, exhibits, appraisals, appraisal contracts, property management (rentals/leases, regulated materials), and descriptions.

- REALMS – market data, relocation study, replacement housing, rent studies, acquisition documents, orders, relocation files, and direct purchase files.

Mn/DOT will turn over relevant records to the Met Council as part of project close-out or as the title is transferred.

- Records will be kept with sufficient detail to demonstrate compliance with state and federal regulations.
- All records will be retained for at least three years from the date of the final voucher for the project is submitted, or as otherwise required by FTA policy

10.2 Reports

The Met Council, with the assistance of Mn/DOT, will prepare monthly status reports required by the FTA. The following reports are required, but are not a comprehensive list:

- Federal uniform relocation assistance and real property acquisition;
- Relocation appeals;
- Monthly relocation activities reports included in the FTA Monthly Report.

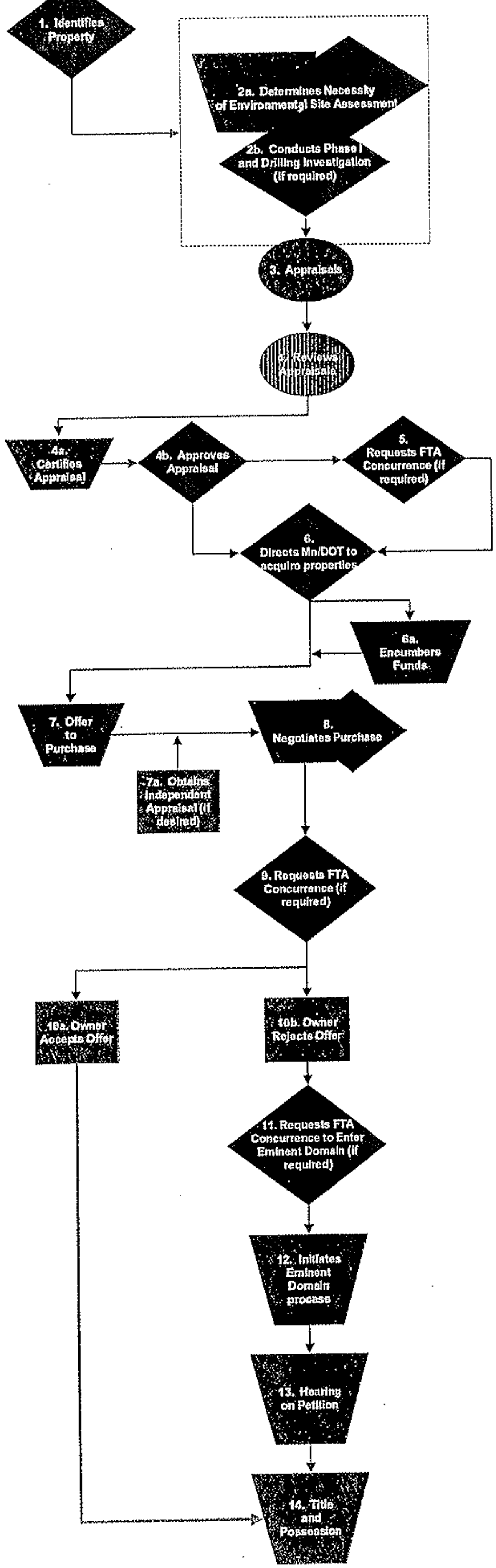
MINNESOTA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MANUAL

SEPTEMBER 2007

GENERAL INDEX

PRE-ACQUISITION (5-491.100)



STAGE I

Step 1: **Property Identification.** The Met Council defines real property needed for the Project, Mn/DOT commences the acquisition process.

Step 2a: **Necessity of Environmental Site Assessments.** Met Council and Mn/DOT determine if an environmental site assessment has been completed. If not, Mn/DOT determines if environmental review is required.

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STAGE II

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STAGE III

Step 6: **Met Council directs Mn/DOT to acquire.**

Step 6a: **Mndot encumbers the approved appraised amount.** Then proceeds to acquire properties.

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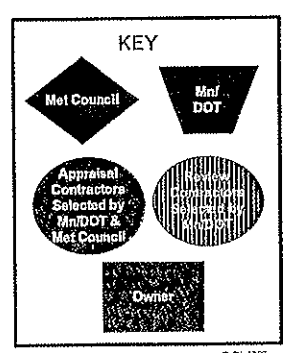


CCLRT RAMP

Central Corridor
Light Rail Transit
Metropolitan Council

REAL ESTATE ACQUISITION MANAGEMENT PLAN

Project Management Plan Appendix 14-A
(Rev. 03.00)

FEBRUARY 2010

Submitted by

The Central Corridor Project Office

On behalf of

The Metropolitan Council

Central Corridor
Light Rail Transit
Metropolitan Council

CENTRAL CORRIDOR LRT PROJECT
MANAGEMENT SIGNATURE FORM

REAL ESTATE ACQUISITION MANAGEMENT PLAN

Project Management Plan Appendix 14-A

Rev. 03.00

FEBRUARY 2010

The above referenced document is a controlled copy document ready for circulation in accordance with Policy and Procedure 225-08 – Controlled Distribution.

Signature: Richard M. Rovang   Date: 2/23/10

Print Name: Richard M. Rovang

Instructions: This form must be signed by one of the following: CCPO Director, Deputy Project Director, or one of the Assistant Project Directors and placed behind the cover page of the Controlled Document before circulation.

ACROYNMS	
ACOT	Attorney's Condition of Title
CCLRT	Central Corridor Light Rail Transit
CCPO	Central Corridor Project Office
CO	Central Office – Mn/DOT
EDMS	Electronic Document Management System – Mn/DOT
ESA	Environmental Site Assessment
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
Met Council	Metropolitan Council
Mn/DOT	Minnesota Department of Transportation
MPCA	Minnesota Pollution Control Agency
PBP	Petroleum Brownfields
PMP	Project Management Plan
RAMP	Real Estate Acquisition Management Plan
RCRRA	Ramsey County Regional Railroad Authority
REALMS	Right of Way Electronic Acquisition and Land Management System
ROW	Right of Way
VIC	Voluntary Investigation and Clean-up

Revision Table:

Revision Level	Revision Date	Summary
Rev. 01.00	August 2008	Draft Application to Enter Final Design
Rev. 02.00	April 2009	Response to FTA and Internal Comments
Rev. 03.00	February 2010	Response to FTA Real Estate Workshop dated August 17, 2009 and Application for FFGA

Contents

1.0 INTRODUCTION

For a complete geographical description and history of the Central Corridor Light Rail Transit (CCLRT) Project (Project) see Chapter 1 of the Project Management Plan (PMP). This document, Real Estate Acquisition Management Plan (RAMP), is Appendix 14-A of the PMP.

Right of Way (ROW), as defined for the Project, is a parcel of land required for the Project (for example, the guideway construction,the maintenace facility or communications facilities). The limits of the project ROW are defined by public land survey. ROW is a general term denoting land, property, or interest(s) therein, often in a strip, acquired for or devoted to a transit or roadway project.

Since the Project uses federal funds, it must comply with 49 CFR Part 24 which contains the implementing regulations for the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended to date. The Project must also comply with Minnesota law.

The CCLRT RAMP describes policies and procedures for how property rights will be acquired for the construction and operation of the Project. This RAMP follows Federal Transit Administration (FTA) guidance as provided in Circular 5010.1D, dated 11/01/2008, and from the hyperlink -- http://www.fta.dot.gov/planning/planning_environment_5937.html. Property rights to be acquired may include ownership in fee, permanent and temporary easements, leases for specified uses and duration, air rights, access rights, and underground easements. The Project will acquire real estate interests for track, stations, maintenance facility, and other infrastructure necessary for construction and operation of the CCLRT system.

To accomplish the real estate acquisition process, the Metropolitan Council (Met Council) entered into a cooperative agreement with the Minnesota Department of Transportation (Mn/DOT) on December 13, 2006, included herein by reference. This agreement defines the basis and extent of assistance being provided to the Met Council by Mn/DOT. The Met Council created the Central Corridor Project Office (CCPO) to carry out the technical activities of the Project, including the identification of Project real estate needs and to provide assistance to the Met Council and Mn/DOT, as needed, in the acquisition of real estate.

In this agreement, Met Council delegated to Mn/DOT certain responsibilities for the acquisition of property rights for construction of the Project. Met Council will approve all property acquisitions and ultimately be the owner of any property acquired for this project. When property needs to be acquired from other governmental units or agencies, the Met Council will negotiate directly with these entities, with the assistance of Mn/DOT, to arrange for the transfer of property rights to the Met Council. When property needs to be acquired from private citizens or businesses, Mn/DOT will acquire the property or assist the Met Council with the acquisition if requested.

The Mn/DOT Right of Way Manual will be followed to acquire real estate except as modified by sections 1.1 and 1.2 of this document. The manual complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et. seq.), and 49 CFR Part 24 promulgated pursuant thereto, on the CCLRT Project. The authority for this assurance is found in Minnesota Statutes, chapter 117, and sections 161.36, 174.35, and 473.405. See Attachment A for the index to the manual. The complete manual can be found at: http://www.olmweb.dot.state.mn.us/manual/home.html.

It is Mn/DOT's intent to transfer ownership of the property Mn/DOT acquired for the Project to Met Council as expeditiously as possible. Temporary easements acquired by Mn/DOT will revert back to the underlying fee owner upon expiration and all permanent interests, including but not limited to fee title and permanent easements, will be transferred to the Met Council.

This RAMP outlines departures from the Mn/DOT Right of Way Manual for the Project acquisitions due to the Met Council and Mn/DOT partnership on CCLRT and differences in procedures between the Federal Highway Administration (FHWA) and FTA.

A Master Funding Agreement, dated November 8, 2007, between the Met Council and Mn/DOT, included herein by reference, facilitates the transfer of funds between the two agencies. Subordinate Funding Agreements will be the vehicle to allow the passage of funds to occur.

1.1 FTA Requirements

FTA Circular 5010.1D dated November 1, 2008, as amended, titled "Federal Transit Administration Grant Management Requirements", will apply to all real estate acquisitions.

The Met Council, and Mn/DOT as its agent, will abide by all FTA requirements relating to acquisition of property. The requirements include:

- Prior concurrence by FTA before the Grantee can make offers on properties which have a certified appraisal exceeding $500,000.
- Prior concurrence by the FTA before initiating eminent domain on parcels exceeding $500,000.
- Prior concurrence by FTA on negotiated administrative settlements which are $50,000 above the certified appraised value. All settlements must be justified in writing. The justification shall be thorough, document the entire settlement process, demonstrate the logic and reason supporting the settlement, and be able to withstand the scrutiny of an independent review.

1.2 Legal Compliance Policy

The Met Council, and Mn/DOT as its agent, will fully comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et. seq.) and 49 CFR Part 24 promulgated pursuant thereto, on the CCLRT Project. The authority for this assurance is found in Minnesota Statutes, chapter 117 and sections 161.36, 174.35, and 473.405.

2.0 Acquisition Schedule

The Project schedule includes an overview of the property acquisition process. Refer to the current Integrated Project Management Schedule. As design continues, a schedule for property acquisition and individual parcel information will be included in the FTA Monthly Status Report.

3.0 Cost Estimate

The Real Estate cost estimate can be found in the current Project cost estimate. The cost estimate is reflective of all private property acquisition identified to accommodate the CCLRT Project. It includes all temporary and permanent private property acquisition, building demolition and relocation costs required for the Project.

There are no costs for public property acquisition included in the cost estimate as it is assumed that these property interests will be donated or access permitted by the public entity. Among these properties are those owned by the Regents of the University of Minnesota, Ramsey County Regional Railroad Authority (RCRRA), State of Minnesota Department of Administration, Mn/DOT, Hennepin County,Minneapolis Park and Recreation Board, and the City of St. Paul.

The project may, under state law, have expenses that exceed federal participation; costs for which state mandated thresholds exceed federal thresholds. Items may include, but are not limited to: minimum compensation, attorney fees, litigation expenses, landowners' appraisal fees, other experts fees, loss of going concern, and other related costs. An example, pursuant to 49 CFR 24.304, the acquiring authority must reimburse the landowner for reestablishment costs not to exceed $10,000. Under Minnesota Statute, section 117.51, the acquiring authority must reimburse the displaced business for eligible reestablishment expenses up to $50,000. Funds for the difference in this case will be the responsibility of the Met Council and will be obtained from non-federal sources.

The estimate will be updated to reflect more refined costs as the project progresses. The first update will occur with the appraisal reports and review appraisals. As the acquisition process continues, properties acquired by direct purchase will be used to update the estimate. Contingencies will be maintained to account for properties that may be higher than estimated values.

4.0 ACQUISITION PROCESS

4.1 Acquisition of Property from Public Entities

Some property required for the project is under the ownership of a public entity. These properties will be donated or access permitted to the Project. Rights will be transferred directly to the Met Council by fee title, temporary easement, permanent easement, or permit. Property transfer agreements and/or documents which formally transfer these property interests will be jointly prepared by the entity involved and the Met Council.

Minnesota Statute, section 473.411 subdivision 5 allows Met Council to engineer, construct, equip, and operate transit and maintenance/garage facilities on public roadways or appurtenances without payment of any compensation, provided the use does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance or entail any substantial additional cost of maintenance.

4.2 Acquisition of Property from Private Entities

The real estate acquisition for private property will proceed in three stages. Detailed steps are identified below and are graphically presented in Attachment B: Acquisition Process Flow Chart.

Stage I: Identification and Certification of Required Real Estate Interests

Stage II: Appraisal of Required Real Estate Interests

Stage III: Offers for Required Real Estate Interest Acquisition

4.2.1 Stage I. Identification and Certification of Required Real Estate Interests

Step 1: Property acquisition requirements are identified during preliminary engineering and reviewed and accurately defined during advanced and final design. Once Met Council defines "privately-owned" real property interests needed for the CCLRT Project, Mn/DOT commences the acquisition process.

Prior to site visits by appraisers, Mn/DOT will deliver early notification letters to property owners.

Where the existing sidewalk is on private property, the impacts are minor, adjacent to a county road or trunk highway, and the project intent is to replace in-kind, the project will use Minnesota Statute, section 160.05, Dedication of Roads, and not consider the property an acquisition.

Step 2a: Met Council, assisted by Mn/DOT, determines if environmental review has been completed. If not, Mn/DOT will determine if it is required as defined in the Cooperation Agreement.

Note: A Phase I Environmental Site Assessment (Phase I ESA), was conducted as part of the NEPA process for this project. The Phase I ESA identified several known and potentially contaminated sites along the project corridor, some of which will be acquired in part or in whole as part of the project.

The Met Council and Mn/DOT intend to address acquisition of known or potentially contaminated properties in accordance with Chapter II of the FTA's Grant Management Guidelines contained in FTA Circular 2010.1C except as modified by Step 2b.

Step 2b: As required, drilling investigations will be completed on known or potentially contaminated parcels to be acquired and in areas of construction excavation on or adjacent to known or potentially contaminated sites. These investigations will define the nature, magnitude, and extent of soil and groundwater contamination on parcels impacted by acquisition or Project construction.

The legal responsibility for regulated material clean-up and disposal rests with parties within the property title chain, with parties responsible for the placement of the material on the property, and with parties disturbing contamination during construction activities. Since disturbance of the contamination associated with the Project is solely Project related and since the contamination otherwise most likely would have been allowed to remain in place for current land use, Mn/DOT and the Met Council will not seek reimbursement from previous responsible parties for management or remediation of contamination during construction. However, the Met Council and Mn/DOT do not intend to conduct remediation beyond that necessary for construction; if additional remediation is necessary for regulatory closure, the responsibility and cost for that remediation will be left to the previous responsible parties.

In order to absolve Mn/DOT and the Met Council of the short and long term liabilities associated with acquisition of and construction on contaminated properties, Mn/DOT and the Met Council will apply to the Voluntary Investigation and Clean-up (VIC) and Petroleum Brownfields (PBP) Programs of the Minnesota Pollution Control Agency (MPCA) to obtain approval of the proposed management and clean-up actions prior to construction and to obtain liability releases (known as No Association Determinations for non-petroleum contamination or General Liability Letters for petroleum releases) for the Project's proposed actions; acquisition, construction, remediation during construction, and operation and maintenance of the Project.

4.2.2 Stage II. Appraisal of Required Real Estate Interests

The appraisal process will be as follows:

Step 3: Mn/DOT, with Met Council concurrence, will be responsible for selecting an independent appraiser in accordance with Mn/DOT procurement policies and FTA procurement requirements. This will include negotiating mutually agreed upon Scope of Works (SOW's) in accordance with FTA Circular 5010.1D. The appraisal consultant will prepare an appraisal report,for each parcel and submit these reports to Mn/DOT.

The confirmation of contamination, as recorded in applicable environmental documents or as found in pertinent environmental site assessments, will be factored into the appraisal price through the appraiser's highest and best use analysis.

Step 4: Review appraisal consultants will be chosen by Mn/DOT and approved by the Met Council to review all appraisals. Mn/DOT, if approved by the Met Council, may act as the review appraiser in some instances. Mn/DOT then certifies the appraisal reports and submits to the Met Council for approval.

Met Council's approval establishes the appraisal amount as the offer of Just Compensation..

Step 5: The Met Council will request FTA concurrence if the recommended Just Compensation Amount exceeds $500,000.

4.2.3 Stage III. Offers for Required Real Estate Acquisition

Step 6: The Met Council directs Mn/DOT to proceed to acquire properties; Mn/DOT encumbers the Just Compensation Amount prior to making an offer.

Acquisition by Negotiation:

Every reasonable effort will be made to acquire property through negotiation. A typical negotiation process is as follows:

Met Council will not seek to obtain right-of-entry permits for construction purposes prior to first presenting an offer of Just Compensation to the landowner. In exceptional circumstances, with the prior approval of the owner, Met Council may obtain right-of-entry for construction purposes before making payment available to an owner as authorized in 49 CFR part 24.102(j) and Appendix A.

Step 7: Mn/DOT offers the Just Compensation Amount, as established in Step 4, to the landowner.

Step 8: Mn/DOT negotiates purchase .

Step 9: The Met Council requests FTA concurrence if the negotiated settlement exceeds the Just Compensation Amount by $50,000.

As stated in FTA C 5010.1D, the Met Council must document that reasonable efforts to purchase the property at the Just Compensation Amount have failed and prepare written justification supporting why the settlement is reasonable, prudent, and in the public interest. Such a settlement will be handled in accordance with administrative settlement requirements at 49 CFR Section 24.102(i). If the settlement request represents a significant increase over the Just Compensation Amount and if trial risks are a key factor in the settlement justification, a litigation attorney must be consulted to provide advice in this regard.

Step 10a: Owner accepts the offer from Mn/DOT.

Step 11a: Mn/DOT acquires the property.

Acquisition by Eminent Domain:

Step 10b: Owner fails to accept the last written offer from Mn/DOT.

Last written offer means the final value Mn/DOT offers in writing prior to filing the petition for condemnation.

Mn/DOT is empowered by Minnesota Statutes, chapter 117 and sections 161.20, 473.399, and 473.411 to condemn property rights necessary for the Project. Should Mn/DOT fail to reach an agreed upon settlement to acquire property through direct purchase, or in the event there is a property title problem, eminent domain will be utilized. Mn/DOT notifies the Met Council that an agreement was not reached with the property owner.

The eminent domain quick take process requires providing the property owner with a 90-day notice of intent to take possession and either providing direct payment to the owner or depositing with the court the Just Compensation Amount for the acquisition.

Step 11b: If Mn/DOT is unable to reach agreement with the property owner, Mn/DOT requests approval from the Met Council to proceed with eminent domain.

The Met Council must request FTA concurrence to enter the eminent domain process if the Just Compensation Amount exceeds $500,000.

Step 12: Mn/DOT initiates eminent domain process.

Upon request of Mn/DOT, the court will establish a hearing date. Mn/DOT is required to serve notice on owners of the pending eminent domain process and advise owners of the court established hearing date. Mn/DOT is required to file proof of service with the court administrator.

Minnesota Statutes, Chapter 117 governs the procedure for condemning actions in Minnesota. Under a "traditional" condemnation action, title and possession does not transfer to the condemning authority until the action is completed and the landowner is paid. This is a lengthy process which makes it difficult to schedule construction projects; therefore, a traditional condemnation process is rarely used. Minnesota has a "Quick Take" statute, Minnesota Statute, section 117.042, which entitles the condemning authority to take title and possession of the property prior to the completion of the condemnation action. To comply with the statute, the acquiring authority must provide the owners ninety (90) days notice by certified mail of their intent to take possession by quick take. The condemning authority must move the District Court for an Order transferring the property under this statute. The condemning authority must also pay the owner or deposit with the Court the amount determined to be Just Compensation for the taking to perfect title and possession of the property. If, as a result of a Commissioner Award or Jury Verdict, it is determined that the Just Compensation Amount for the taking is greater than the amount determined by the acquiring authority, i.e., the "Just Compensation Amount", the balance of the award must be paid to the landowner plus interest from the title and possession date.

Step 13: Mn/DOT appears at the hearing on petition, along with the Met Council personnel, to justify the necessity for the taking.

After the hearing on petition, the judge signs the order. The order is served on respondents.

Step 14: Mn/DOT obtains title and possession of property.

Mn/DOT, with the Met Council approval, makes the quick take payment and obtains title and possession of property. Appraisals are updated to title and possession date.

The eminent domain process continues with Commissioners hearings. The Commissioners award compensation based on the input of both parties. If the award from the "Report of Commissioners" is disputed by either side, each has the right to appeal for a jury trial. If the amount of the award exceeds FTA's threshold for approval (award more than $500,000 or award $50,000 greater than the Just Compensation Amount), it must be submitted to FTA for advance concurrence before the settlement is consummated.

4.3 Acquisition of Access Control

The Met Council may need to acquire access control where it is desired to eliminate vehicle access to a roadway. The Met Council will direct Mn/DOT to purchase vehicle access control on parcels where access rights are being removed as part of the project. The process of acquiring access control will be the same as the process for acquiring real estate as outlined above.

4.4 Joint Use of Acquired Real Estate

The Met Council will acquire fee titles for the Operations and Maintenance Facility (OMF) property; Mn/DOT will assist in the acquisition process if requested by Met Council. Met Council and Mn/DOT will enter into an agreement to allow the construction of Mn/DOT's Lafayette Bridge Project; this agreement will also cover operations and maintenance of both agency's facilities. Mn/DOT will obtain a permanent easement for the additional property needed for the Lafayette Bridge Project once Met Council obtains the final certificate.

Minnesota Statute, section 473.411 subdivision 5 allows Met Council to engineer, construct, equip, and operate transit and maintenance/garage facilities on public roadways or appurtenances without payment of any compensation, provided the use does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance or entails any substantial additional cost of maintenance.

5.0 Relocation Assistance

For relocations, Mn/DOT will assist the Met Council in providing the occupants of the properties requiring relocation adequate explanation and guidance in the relocation process including claim forms, brochures, and other support activities.

Mn/DOT will also assist in developing recommendations for relocation payments to the Met Council. The Met Council will approve all relocation payments.

Mn/DOT will fully comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*) and 49 C.F.R. Part 24 promulgated pursuant thereto. The authority for this assurance is found in Minnesota Statutes, chapter 117 and section 161.36, subdivision 1, and FTA Circular 5010.1D.

6.0 Property Management and Demolition

Mn/DOT's will transfer ownership of the property Mn/DOT acquires for the Project to Met Council as expeditiously as possible. While the title is in Mn/DOT's name, Met Council will be responsible for the maintenance of the unoccupied property and will continue to be after the transfer of title from Mn/DOT to Met Council. If Met Council is unable to maintain unoccupied property prior to the transfer of title, Met Council will request Mn/DOT to complete the work with internal forces or hire a contractor to complete the work. Met Council will fund all expenses incurred by Mn/DOT for maintenance of the property, including the use of internal forces, prior to transfer.

Prior to the demolition of any structure, or part of a structure, Met Council will determine the presence of regulated materials. If the presence of regulated materials is determined, Met Council will develop a plan to remove the regulated materials per state and federal requirements. Met Council will then have the regulated materials removed per a regulated materials removal plan. To ensure the thoroughness of each of these activities, Met Council will obtain the services of separate contractors to perform each task.

7.0 Property Disposal

No excess properties are anticipated. No property disposals or surpluses have been identified as necessary for the project. However, if any disposals are required, Mn/DOT and the Met Council will comply with all federal, state and local regulations for disposal of excess or surplus property and the terms and conditions of the grant agreements. Minnesota Statute 117.226 provides the right of first refusal which requires that the former property owner be offered any surplus property first, at a price to be determined..

8.0 Transfer of Rights

It is Mn/DOT's intent to transfer ownership of the property Mn/DOT acquires for the Project to Met Council as expeditiously as possible. Temporary easements acquired by Mn/DOT will revert back to the underlying fee owner upon expiration and all permanent easement and fee title property will be transferred to the Met Council using a quit claim deed.

9.0 Inverse Condemnation and Mandamus Actions

This Project may be subject to inverse condemnation and mandamus actions. The Met Council will not intentionally make it necessary for land owners to prove the fact that a taking has occurred in accordance with 24 CFR 24.120 (I). However, if a land owner brings a claim against the Met Council, Mn/DOT, or both, seeking a determination that there has been a taking of a property right, Mn/DOT, represented by the Attorney Generals Office, will seek a dismissal and the Met Council as lead agency will defend the claim. The Met Council may request to be represented by the Attorney General's Office or obtain outside council. If the court determines that there has been a taking and the Met Council does not appeal the decision, then the Met Council will acquire the property rights that have been determined to be taken. The Met Council shall also pay the owner for reasonable attorney fees and costs as required by Minnesota Statutes, chapter 586 and sections 117.045 and 49 CRF 24.107. The Met Council may direct Mn/DOT to purchase these property rights or could choose to proceed using its own council. This decision will be made on a case by case basis.

10.0 Document Control

10.1 Records

All records maintained by the Met Council or designee, are secured and treated as confidential regarding their use as public information, unless applicable law provides otherwise. The full record for property acquisition will be stored in Mn/DOT's Right of Way Electronic Acquisition and Land Management System (REALMS). All documents requiring approval from Met Council or concurrence from FTA will be located in the Met Council Document Management System. Records located at Mn/DOT will be accessible to Met Council at any time by request. Following is a list of working ROW documents and their locations:

- Met Council Document Management System – field titles, authorization map, parcel sketches, exhibits, appraisals, appraisal contracts, property management (rentals/leases, regulated materials), and descriptions.
- REALMS – market data, relocation study, replacement housing, rent studies, acquisition documents, orders, relocation files, and direct purchase files.

Mn/DOT will turn over relevant records to the Met Council as part of project close-out or as the title is transferred.

- Records will be kept with sufficient detail to demonstrate compliance with state and federal regulations.
- All records will be retained for at least three years from the date of the final voucher for the project is submitted, or as otherwise required by FTA policy

10.2 Reports

The Met Council, with the assistance of Mn/DOT, will prepare monthly status reports required by the FTA. The following reports are required, but are not a comprehensive list:

- Federal uniform relocation assistance and real property acquisition;
- Relocation appeals;
- Monthly relocation activities reports included in the FTA Monthly Report.

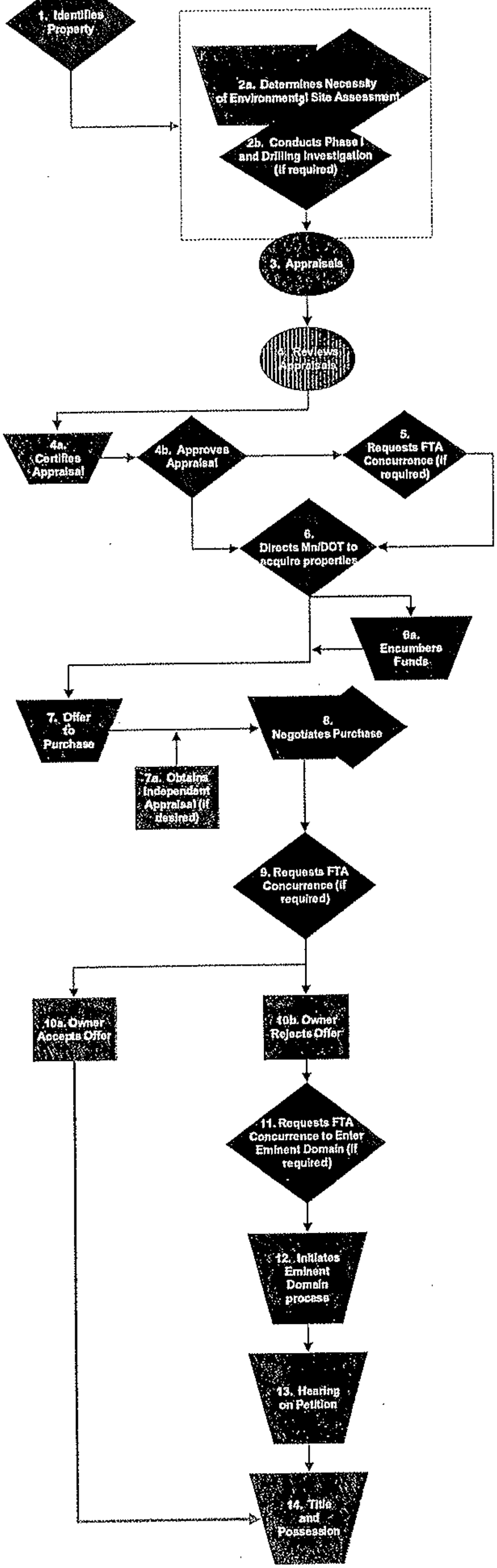
RIGHT OF WAY MANUAL

SEPTEMBER 2007

GENERAL INDEX

PRE-ACQUISITION (5-491.100)

Attachment 2
Acquisition Process Flow Chart



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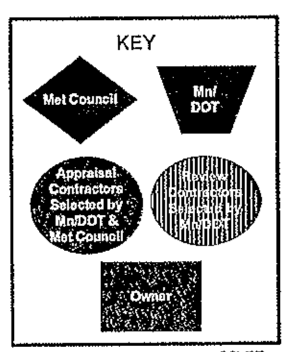

Central Corridor
Light Rail Transit
Metropolitan Council

REAL ESTATE ACQUISITION MANAGEMENT PLAN

Project Management Plan Appendix 14-A

(Rev. 03.00)

FEBRUARY 2010

Submitted by

The Central Corridor Project Office

On behalf of

The Metropolitan Council

Central Corridor
Light Rail Transit
Metropolitan Council

CENTRAL CORRIDOR LRT PROJECT
MANAGEMENT SIGNATURE FORM

REAL ESTATE ACQUISITION MANAGEMENT PLAN

Project Management Plan Appendix 14-A

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FEBRUARY 2010

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Signature: Richard M. Rovang Date: 2/23/10

Print Name: Richard M. Rovang

Instructions: This form must be signed by one of the following: CCPO Director, Deputy Project Director, or one of the Assistant Project Directors and placed behind the cover page of the Controlled Document before circulation.

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Met Council	Metropolitan Council
Mn/DOT	Minnesota Department of Transportation
MPCA	Minnesota Pollution Control Agency
PBP	Petroleum Brownfields
PMP	Project Management Plan
RAMP	Real Estate Acquisition Management Plan
RCRRA	Ramsey County Regional Railroad Authority
REALMS	Right of Way Electronic Acquisition and Land Management System
ROW	Right of Way
VIC	Voluntary Investigation and Clean-up

Revision Table:

Revision Level	Revision Date	Summary
Rev. 01.00	August 2008	Draft Application to Enter Final Design
Rev. 02.00	April 2009	Response to FTA and Internal Comments
Rev. 03.00	February 2010	Response to FTA Real Estate Workshop dated August 17, 2009 and Application for FFGA

Contents

1.0 INTRODUCTION

For a complete geographical description and history of the Central Corridor Light Rail Transit (CCLRT) Project (Project) see Chapter 1 of the Project Management Plan (PMP). This document, Real Estate Acquisition Management Plan (RAMP), is Appendix 14-A of the PMP.

Right of Way (ROW), as defined for the Project, is a parcel of land required for the Project (for example, the guideway construction,the maintenace facility or communications facilities). The limits of the project ROW are defined by public land survey. ROW is a general term denoting land, property, or interest(s) therein, often in a strip, acquired for or devoted to a transit or roadway project.

Since the Project uses federal funds, it must comply with 49 CFR Part 24 which contains the implementing regulations for the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended to date. The Project must also comply with Minnesota law.

The CCLRT RAMP describes policies and procedures for how property rights will be acquired for the construction and operation of the Project. This RAMP follows Federal Transit Administration (FTA) guidance as provided in Circular 5010.1D, dated 11/01/2008, and from the hyperlink – http://www.fta.dot.gov/planning/planning_environment_5937.html. Property rights to be acquired may include ownership in fee, permanent and temporary easements, leases for specified uses and duration, air rights, access rights, and underground easements. The Project will acquire real estate interests for track, stations, maintenance facility, and other infrastructure necessary for construction and operation of the CCLRT system.

To accomplish the real estate acquisition process, the Metropolitan Council (Met Council) entered into a cooperative agreement with the Minnesota Department of Transportation (Mn/DOT) on December 13, 2006, included herein by reference. This agreement defines the basis and extent of assistance being provided to the Met Council by Mn/DOT. The Met Council created the Central Corridor Project Office (CCPO) to carry out the technical activities of the Project, including the identification of Project real estate needs and to provide assistance to the Met Council and Mn/DOT, as needed, in the acquisition of real estate.

In this agreement, Met Council delegated to Mn/DOT certain responsibilities for the acquisition of property rights for construction of the Project. Met Council will approve all property acquisitions and ultimately be the owner of any property acquired for this project. When property needs to be acquired from other governmental units or agencies, the Met Council will negotiate directly with these entities, with the assistance of Mn/DOT, to arrange for the transfer of property rights to the Met Council. When property needs to be acquired from private citizens or businesses, Mn/DOT will acquire the property or assist the Met Council with the acquisition if requested.

The Mn/DOT Right of Way Manual will be followed to acquire real estate except as modified by sections 1.1 and 1.2 of this document. The manual complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et. seq.), and 49 CFR Part 24 promulgated pursuant thereto, on the CCLRT Project. The authority for this assurance is found in Minnesota Statutes, chapter 117, and sections 161.36, 174.35, and 473.405. See Attachment A for the index to the manual. The complete manual can be found at: http://www.olmweb.dot.state.mn.us/manual/home.html.

It is Mn/DOT's intent to transfer ownership of the property Mn/DOT acquired for the Project to Met Council as expeditiously as possible. Temporary easements acquired by Mn/DOT will revert back to the underlying fee owner upon expiration and all permanent interests, including but not limited to fee title and permanent easements, will be transferred to the Met Council.

This RAMP outlines departures from the Mn/DOT Right of Way Manual for the Project acquisitions due to the Met Council and Mn/DOT partnership on CCLRT and differences in procedures between the Federal Highway Administration (FHWA) and FTA.

A Master Funding Agreement, dated November 8, 2007, between the Met Council and Mn/DOT, included herein by reference, facilitates the transfer of funds between the two agencies. Subordinate Funding Agreements will be the vehicle to allow the passage of funds to occur.

1.1 FTA Requirements

FTA Circular 5010.1D dated November 1, 2008, as amended, titled "Federal Transit Administration Grant Management Requirements", will apply to all real estate acquisitions.

The Met Council, and Mn/DOT as its agent, will abide by all FTA requirements relating to acquisition of property. The requirements include:

- Prior concurrence by FTA before the Grantee can make offers on properties which have a certified appraisal exceeding $500,000.
- Prior concurrence by the FTA before initiating eminent domain on parcels exceeding $500,000.
- Prior concurrence by FTA on negotiated administrative settlements which are $50,000 above the certified appraised value. All settlements must be justified in writing. The justification shall be thorough, document the entire settlement process, demonstrate the logic and reason supporting the settlement, and be able to withstand the scrutiny of an independent review.

1.2 Legal Compliance Policy

The Met Council, and Mn/DOT as its agent, will fully comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et. seq.) and 49 CFR Part 24 promulgated pursuant thereto, on the CCLRT Project. The authority for this assurance is found in Minnesota Statutes, chapter 117 and sections 161.36, 174.35, and 473.405.

2.0 Acquisition Schedule

The Project schedule includes an overview of the property acquisition process. Refer to the current Integrated Project Management Schedule. As design continues, a schedule for property acquisition and individual parcel information will be included in the FTA Monthly Status Report.

3.0 Cost Estimate

The Real Estate cost estimate can be found in the current Project cost estimate. The cost estimate is reflective of all private property acquisition identified to accommodate the CCLRT Project. It includes all temporary and permanent private property acquisition, building demolition and relocation costs required for the Project.

There are no costs for public property acquisition included in the cost estimate as it is assumed that these property interests will be donated or access permitted by the public entity. Among these properties are those owned by the Regents of the University of Minnesota, Ramsey County Regional Railroad Authority (RCRRA), State of Minnesota Department of Administration, Mn/DOT, Hennepin County,Minneapolis Park and Recreation Board, and the City of St. Paul.

The project may, under state law, have expenses that exceed federal participation; costs for which state mandated thresholds exceed federal thresholds. Items may include, but are not limited to: minimum compensation, attorney fees, litigation expenses, landowners' appraisal fees, other experts fees, loss of going concern, and other related costs. An example, pursuant to 49 CFR 24.304, the acquiring authority must reimburse the landowner for reestablishment costs not to exceed $10,000. Under Minnesota Statute, section 117.51, the acquiring authority must reimburse the displaced business for eligible reestablishment expenses up to $50,000. Funds for the difference in this case will be the responsibility of the Met Council and will be obtained from non-federal sources.

The estimate will be updated to reflect more refined costs as the project progresses. The first update will occur with the appraisal reports and review appraisals. As the acquisition process continues, properties acquired by direct purchase will be used to update the estimate. Contingencies will be maintained to account for properties that may be higher than estimated values.

4.0 ACQUISITION PROCESS

4.1 Acquisition of Property from Public Entities

Some property required for the project is under the ownership of a public entity. These properties will be donated or access permitted to the Project. Rights will be transferred directly to the Met Council by fee title, temporary easement, permanent easement, or permit. Property transfer agreements and/or documents which formally transfer these property interests will be jointly prepared by the entity involved and the Met Council.

Minnesota Statute, section 473.411 subdivision 5 allows Met Council to engineer, construct, equip, and operate transit and maintenance/garage facilities on public roadways or appurtenances without payment of any compensation, provided the use does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance or entail any substantial additional cost of maintenance.

4.2 Acquisition of Property from Private Entities

The real estate acquisition for private property will proceed in three stages. Detailed steps are identified below and are graphically presented in Attachment B: Acquisition Process Flow Chart.

Stage I: Identification and Certification of Required Real Estate Interests

Stage II: Appraisal of Required Real Estate Interests

Stage III: Offers for Required Real Estate Interest Acquisition

4.2.1 Stage I. Identification and Certification of Required Real Estate Interests

Step 1: Property acquisition requirements are identified during preliminary engineering and reviewed and accurately defined during advanced and final design. Once Met Council defines "privately-owned" real property interests needed for the CCLRT Project, Mn/DOT commences the acquisition process.

Prior to site visits by appraisers, Mn/DOT will deliver early notification letters to property owners.

Where the existing sidewalk is on private property, the impacts are minor, adjacent to a county road or trunk highway, and the project intent is to replace in-kind, the project will use Minnesota Statute, section 160.05, Dedication of Roads, and not consider the property an acquisition.

Step 2a: Met Council, assisted by Mn/DOT, determines if environmental review has been completed. If not, Mn/DOT will determine if it is required as defined in the Cooperation Agreement.

Note: A Phase I Environmental Site Assessment (Phase I ESA), was conducted as part of the NEPA process for this project. The Phase I ESA identified several known and potentially contaminated sites along the project corridor, some of which will be acquired in part or in whole as part of the project.

The Met Council and Mn/DOT intend to address acquisition of known or potentially contaminated properties in accordance with Chapter II of the FTA's Grant Management Guidelines contained in FTA Circular 2010.1C except as modified by Step 2b.

Step 2b: As required, drilling investigations will be completed on known or potentially contaminated parcels to be acquired and in areas of construction excavation on or adjacent to known or potentially contaminated sites. These investigations will define the nature, magnitude, and extent of soil and groundwater contamination on parcels impacted by acquisition or Project construction.

The legal responsibility for regulated material clean-up and disposal rests with parties within the property title chain, with parties responsible for the placement of the material on the property, and with parties disturbing contamination during construction activities. Since disturbance of the contamination associated with the Project is solely Project related and since the contamination otherwise most likely would have been allowed to remain in place for current land use, Mn/DOT and the Met Council will not seek reimbursement from previous responsible parties for management or remediation of contamination during construction. However, the Met Council and Mn/DOT do not intend to conduct remediation beyond that necessary for construction; if additional remediation is necessary for regulatory closure, the responsibility and cost for that remediation will be left to the previous responsible parties.

In order to absolve Mn/DOT and the Met Council of the short and long term liabilities associated with acquisition of and construction on contaminated properties, Mn/DOT and the Met Council will apply to the Voluntary Investigation and Clean-up (VIC) and Petroleum Brownfields (PBP) Programs of the Minnesota Pollution Control Agency (MPCA) to obtain approval of the proposed management and clean-up actions prior to construction and to obtain liability releases (known as No Association Determinations for non-petroleum contamination or General Liability Letters for petroleum releases) for the Project's proposed actions; acquisition, construction, remediation during construction, and operation and maintenance of the Project.

4.2.2 Stage II. Appraisal of Required Real Estate Interests

The appraisal process will be as follows:

Step 3: Mn/DOT, with Met Council concurrence, will be responsible for selecting an independent appraiser in accordance with Mn/DOT procurement policies and FTA procurement requirements. This will include negotiating mutually agreed upon Scope of Works (SOW's) in accordance with FTA Circular 5010.1D. The appraisal consultant will prepare an appraisal report,for each parcel and submit these reports to Mn/DOT.

The confirmation of contamination, as recorded in applicable environmental documents or as found in pertinent environmental site assessments, will be factored into the appraisal price through the appraiser's highest and best use analysis.

Step 4: Review appraisal consultants will be chosen by Mn/DOT and approved by the Met Council to review all appraisals. Mn/DOT, if approved by the Met Council, may act as the review appraiser in some instances. Mn/DOT then certifies the appraisal reports and submits to the Met Council for approval.

Met Council's approval establishes the appraisal amount as the offer of Just Compensation..

Step 5: The Met Council will request FTA concurrence if the recommended Just Compensation Amount exceeds $500,000.

4.2.3 Stage III. Offers for Required Real Estate Acquisition

Step 6: The Met Council directs Mn/DOT to proceed to acquire properties; Mn/DOT encumbers the Just Compensation Amount prior to making an offer.

Acquisition by Negotiation:

Every reasonable effort will be made to acquire property through negotiation. A typical negotiation process is as follows:

Met Council will not seek to obtain right-of-entry permits for construction purposes prior to first presenting an offer of Just Compensation to the landowner. In exceptional circumstances, with the prior approval of the owner, Met Council may obtain right-of-entry for construction purposes before making payment available to an owner as authorized in 49 CFR part 24.102(j) and Appendix A.

Step 7: Mn/DOT offers the Just Compensation Amount, as established in Step 4, to the landowner.

Step 8: Mn/DOT negotiates purchase .

Step 9: The Met Council requests FTA concurrence if the negotiated settlement exceeds the Just Compensation Amount by $50,000.

As stated in FTA C 5010.1D, the Met Council must document that reasonable efforts to purchase the property at the Just Compensation Amount have failed and prepare written justification supporting why the settlement is reasonable, prudent, and in the public interest. Such a settlement will be handled in accordance with administrative settlement requirements at 49 CFR Section 24.102(i). If the settlement request represents a significant increase over the Just Compensation Amount and if trial risks are a key factor in the settlement justification, a litigation attorney must be consulted to provide advice in this regard.

Step 10a: Owner accepts the offer from Mn/DOT.

Step 11a: Mn/DOT acquires the property.

Acquisition by Eminent Domain:

Step 10b: Owner fails to accept the last written offer from Mn/DOT.

Last written offer means the final value Mn/DOT offers in writing prior to filing the petition for condemnation.

Mn/DOT is empowered by Minnesota Statutes, chapter 117 and sections 161.20, 473.399, and 473.411 to condemn property rights necessary for the Project. Should Mn/DOT fail to reach an agreed upon settlement to acquire property through direct purchase, or in the event there is a property title problem, eminent domain will be utilized. Mn/DOT notifies the Met Council that an agreement was not reached with the property owner.

The eminent domain quick take process requires providing the property owner with a 90-day notice of intent to take possession and either providing direct payment to the owner or depositing with the court the Just Compensation Amount for the acquisition.

Step 11b: If Mn/DOT is unable to reach agreement with the property owner, Mn/DOT requests approval from the Met Council to proceed with eminent domain.

The Met Council must request FTA concurrence to enter the eminent domain process if the Just Compensation Amount exceeds $500,000.

Step 12: Mn/DOT initiates eminent domain process.

Upon request of Mn/DOT, the court will establish a hearing date. Mn/DOT is required to serve notice on owners of the pending eminent domain process and advise owners of the court established hearing date. Mn/DOT is required to file proof of service with the court administrator.

Minnesota Statutes, Chapter 117 governs the procedure for condemning actions in Minnesota. Under a "traditional" condemnation action, title and possession does not transfer to the condemning authority until the action is completed and the landowner is paid. This is a lengthy process which makes it difficult to schedule construction projects; therefore, a traditional condemnation process is rarely used. Minnesota has a "Quick Take" statute, Minnesota Statute, section 117.042, which entitles the condemning authority to take title and possession of the property prior to the completion of the condemnation action. To comply with the statute, the acquiring authority must provide the owners ninety (90) days notice by certified mail of their intent to take possession by quick take. The condemning authority must move the District Court for an Order transferring the property under this statute. The condemning authority must also pay the owner or deposit with the Court the amount determined to be Just Compensation for the taking to perfect title and possession of the property. If, as a result of a Commissioner Award or Jury Verdict, it is determined that the Just Compensation Amount for the taking is greater than the amount determined by the acquiring authority, i.e., the "Just Compensation Amount", the balance of the award must be paid to the landowner plus interest from the title and possession date.

Step 13: Mn/DOT appears at the hearing on petition, along with the Met Council personnel, to justify the necessity for the taking.

After the hearing on petition, the judge signs the order. The order is served on respondents.

Step 14: Mn/DOT obtains title and possession of property.

Mn/DOT, with the Met Council approval, makes the quick take payment and obtains title and possession of property. Appraisals are updated to title and possession date.

The eminent domain process continues with Commissioners hearings. The Commissioners award compensation based on the input of both parties. If the award from the "Report of Commissioners" is disputed by either side, each has the right to appeal for a jury trial. If the amount of the award exceeds FTA's threshold for approval (award more than $500,000 or award $50,000 greater than the Just Compensation Amount), it must be submitted to FTA for advance concurrence before the settlement is consummated.

4.3 Acquisition of Access Control

The Met Council may need to acquire access control where it is desired to eliminate vehicle access to a roadway. The Met Council will direct Mn/DOT to purchase vehicle access control on parcels where access rights are being removed as part of the project. The process of acquiring access control will be the same as the process for acquiring real estate as outlined above.

4.4 Joint Use of Acquired Real Estate

The Met Council will acquire fee titles for the Operations and Maintenance Facility (OMF) property; Mn/DOT will assist in the acquisition process if requested by Met Council. Met Council and Mn/DOT will enter into an agreement to allow the construction of Mn/DOT's Lafayette Bridge Project; this agreement will also cover operations and maintenance of both agency's facilities. Mn/DOT will obtain a permanent easement for the additional property needed for the Lafayette Bridge Project once Met Council obtains the final certificate.

Minnesota Statute, section 473.411 subdivision 5 allows Met Council to engineer, construct, equip, and operate transit and maintenance/garage facilities on public roadways or appurtenances without payment of any compensation, provided the use does not interfere unreasonably with the public use or maintenance of the roadway or appurtenance or entails any substantial additional cost of maintenance.

5.0 Relocation Assistance

For relocations, Mn/DOT will assist the Met Council in providing the occupants of the properties requiring relocation adequate explanation and guidance in the relocation process including claim forms, brochures, and other support activities.

Mn/DOT will also assist in developing recommendations for relocation payments to the Met Council. The Met Council will approve all relocation payments.

Mn/DOT will fully comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*) and 49 C.F.R. Part 24 promulgated pursuant thereto. The authority for this assurance is found in Minnesota Statutes, chapter 117 and section 161.36, subdivision 1, and FTA Circular 5010.1D.

6.0 Property Management and Demolition

Mn/DOT's will transfer ownership of the property Mn/DOT acquires for the Project to Met Council as expeditiously as possible. While the title is in Mn/DOT's name, Met Council will be responsible for the maintenance of the unoccupied property and will continue to be after the transfer of title from Mn/DOT to Met Council. If Met Council is unable to maintain unoccupied property prior to the transfer of title, Met Council will request Mn/DOT to complete the work with internal forces or hire a contractor to complete the work. Met Council will fund all expenses incurred by Mn/DOT for maintenance of the property, including the use of internal forces, prior to transfer.

Prior to the demolition of any structure, or part of a structure, Met Council will determine the presence of regulated materials. If the presence of regulated materials is determined, Met Council will develop a plan to remove the regulated materials per state and federal requirements. Met Council will then have the regulated materials removed per a regulated materials removal plan. To ensure the thoroughness of each of these activities, Met Council will obtain the services of separate contractors to perform each task.

7.0 Property Disposal

No excess properties are anticipated. No property disposals or surpluses have been identified as necessary for the project. However, if any disposals are required, Mn/DOT and the Met Council will comply with all federal, state and local regulations for disposal of excess or surplus property and the terms and conditions of the grant agreements. Minnesota Statute 117.226 provides the right of first refusal which requires that the former property owner be offered any surplus property first, at a price to be determined..

8.0 Transfer of Rights

It is Mn/DOT's intent to transfer ownership of the property Mn/DOT acquires for the Project to Met Council as expeditiously as possible. Temporary easements acquired by Mn/DOT will revert back to the underlying fee owner upon expiration and all permanent easement and fee title property will be transferred to the Met Council using a quit claim deed.

9.0 Inverse Condemnation and Mandamus Actions

This Project may be subject to inverse condemnation and mandamus actions. The Met Council will not intentionally make it necessary for land owners to prove the fact that a taking has occurred in accordance with 24 CFR 24.120 (l). However, if a land owner brings a claim against the Met Council, Mn/DOT, or both, seeking a determination that there has been a taking of a property right, Mn/DOT, represented by the Attorney Generals Office, will seek a dismissal and the Met Council as lead agency will defend the claim. The Met Council may request to be represented by the Attorney General's Office or obtain outside council. If the court determines that there has been a taking and the Met Council does not appeal the decision, then the Met Council will acquire the property rights that have been determined to be taken. The Met Council shall also pay the owner for reasonable attorney fees and costs as required by Minnesota Statutes, chapter 586 and sections 117.045 and 49 CRF 24.107. The Met Council may direct Mn/DOT to purchase these property rights or could choose to proceed using its own council. This decision will be made on a case by case basis.

10.0 Document Control

10.1 Records

All records maintained by the Met Council or designee, are secured and treated as confidential regarding their use as public information, unless applicable law provides otherwise. The full record for property acquisition will be stored in Mn/DOT's Right of Way Electronic Acquisition and Land Management System (REALMS). All documents requiring approval from Met Council or concurrence from FTA will be located in the Met Council Document Management System. Records located at Mn/DOT will be accessible to Met Council at any time by request. Following is a list of working ROW documents and their locations:

- Met Council Document Management System – field titles, authorization map, parcel sketches, exhibits, appraisals, appraisal contracts, property management (rentals/leases, regulated materials), and descriptions.
- REALMS – market data, relocation study, replacement housing, rent studies, acquisition documents, orders, relocation files, and direct purchase files.

Mn/DOT will turn over relevant records to the Met Council as part of project close-out or as the title is transferred.

- Records will be kept with sufficient detail to demonstrate compliance with state and federal regulations.
- All records will be retained for at least three years from the date of the final voucher for the project is submitted, or as otherwise required by FTA policy

10.2 Reports

The Met Council, with the assistance of Mn/DOT, will prepare monthly status reports required by the FTA. The following reports are required, but are not a comprehensive list:

- Federal uniform relocation assistance and real property acquisition;
- Relocation appeals;
- Monthly relocation activities reports included in the FTA Monthly Report.

ATTACHMENT A

MINNESOTA DEPARTMENT OF TRANSPORTATION

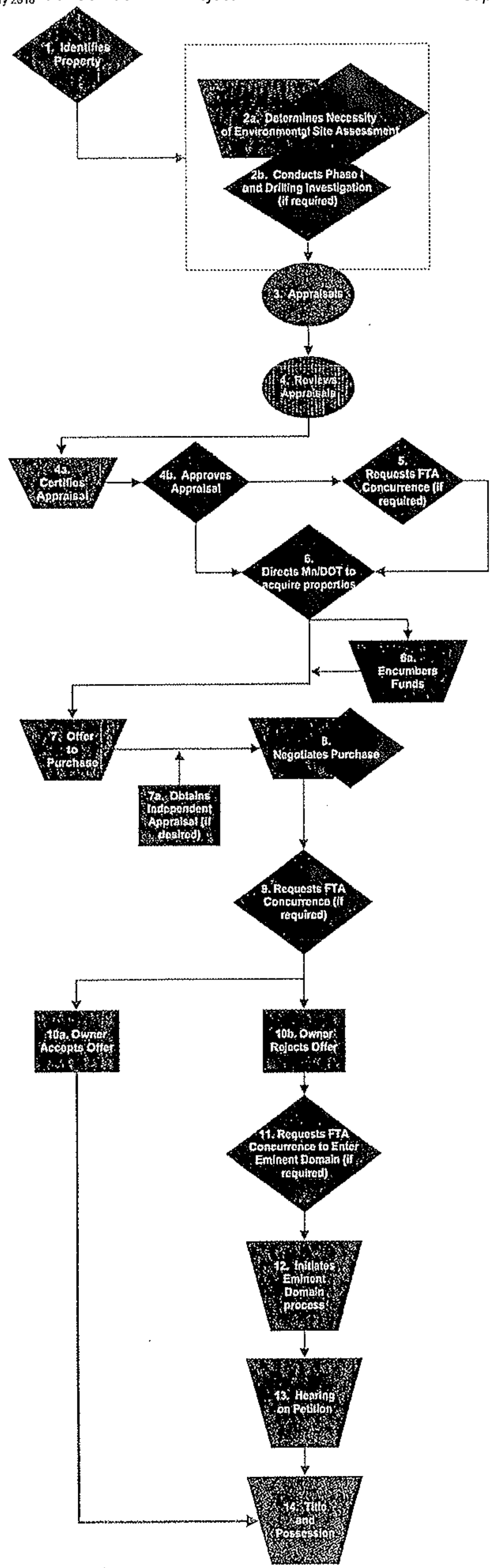
RIGHT OF WAY MANUAL

SEPTEMBER 2007

GENERAL INDEX

PRE-ACQUISITION (5-491.100)

Attachment 2
Acquisition Process Flow Chart



STAGE I

Step 1: Property Identification. The Met Council defines real property needed for the Project, Mn/DOT commences the acquisition process.

Step 2a: Necessity of Environmental Site Assessments. Met Council and Mn/DOT determine if an environmental site assessment has been completed. If not, Mn/DOT determines if environmental review is required.

Step 2b: Phase I Environmental Site Assessments and Drilling Investigation (if required).

STAGE II

Step 3: Appraisals. Mn/DOT with the concurrence of Met Council will select consultants following FTA and Mn/DOT policies. The consultants will develop appraisal reports and submit them.

Step 4: Appraisal Reviews. Mn/DOT with the concurrence of Met Council, will select review appraisers. Mn/DOT certifies appraisal report and submits to Met Council for approval. Met Council's approval establishes the Just Compensation Amount.

Step 5: FTA Concurrence on Appraisal (if required). If the Just Compensation Amount of a parcel exceeds $500,000, Met Council requests FTA concurrence on the appraisal.

STAGE III

Step 6: Met Council directs Mn/DOT to acquire.

Step 6a: Mndot encumbers the approved appraised amount. Then proceeds to acquire properties.

Step 7: Offer to Purchase. Mn/DOT makes an offer to the landowner.

Step 7A: Seller obtains independent appraisal if desired and is reimbursed by Met Council up to applicable limits.

Step 8: Negotiates Purchase. Mn/DOT seeks approval from the Met Council per identified threshold values.

Step 9: FTA Concurrence of Negotiated Offer (if required). If a negotiated settlement exceeds the Just Compensation Amount by $50,000, Met Council requests FTA concurrence on the settlement amount.

Step 10a: Owner Accepts Offer.

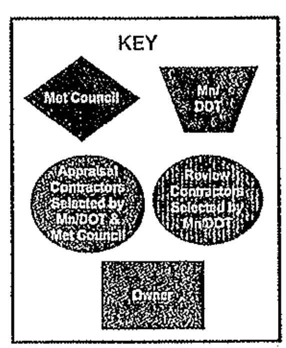
Step 10b: Owner Rejects Offer.

Step 11: FTA Concurrence to Enter Eminent Domain (if required). Mn/DOT requests approval from Met Council to proceed to Eminent Domain if unable to negotiate agreement with property owner. Met Council requests FTA concurrence if over $500,000.

Step 12: Initiates Eminent Domain Process. Mn/DOT initiates Eminent Domain process.

Step 13: Hearing on Petition. Mn/DOT appears at hearing on petition.

Step 14: Acquire Property. Mn/DOT obtains title and possession of property.



POC	Business Name	Address	Proposed Access Plan	Access Category				
				a) Side street access available	b) Alley access available	c) New side street access	d) Maintain main access	Other
JH	Mercil's Auto Body	601 Washington	Curb cut will be permanently closed on Washington. Access via Walnut curb cut.	X				
JH	Stub and Herb's	801 Washington	Close Washington access, alt. access via Oak Street	X				
JH	Hien Tran	815 Washington	Shares access with Stub and Herb's, see above. Alternative access is owned by only Stub and Herb's but they have agreed to allow Hien Tran to use their access point on a temp basis while construction blocks parking lot access.	X				
JH	DFP	810 Washington	Property may be redeveloped prior to our construction. Curb cut then will no longer exist.	X				
JH	U Liquor	901 Washington	Landlocked parcel. KEEP OPEN				X	
JH	Stadium Village Plaza- Burger King	935 Washington	Drive through pickup and exit. No alternative. KEEP OPEN				X	
JH	Arby's	1016 Washington	Drive through pickup and exit. No alternative. KEEP OPEN				X	
JH	ZLB Plasma	1032 Washington	Access on Washington closed, alt. access to east through alley				X	
JH	Parking Lot	2813 4th Street	New Alt. Access via 4th street being built.			X		
JH	University Park Plaza- Ramp Entrance	2829 University	Parking ramp access. KEEP OPEN				X	
JH	Prospect Park Properties	2929 University	Access will be permanently closed.					X
JH	Osvald Building	2828 University	Alt. Access via Arthur (Driveway does not currently exist but should be in place by time of construction.)	X				
JH	General Nanosystems	3014 University	Two curb cuts for parking lot currently exist, though the east cut will be permanently removed. Maintain alternate access between two cuts.	X				
JH	Rental House	3020 University	Residential, land locked. KEEP OPEN				X	
JH	Rental House	3024 University	Residential, land locked. KEEP OPEN				X	
JH	Mark-It Graphics	3033 University	Close University access, alt. access via Malcolm	X				
JH	Genesis	3036 University	Landlocked parcel. KEEP OPEN				X	
JH	Spire Bank	3117 University	Landlocked parcel. KEEP OPEN				X	
JH	Rental House	3125 University	Residential, land locked. KEEP OPEN				X	
JH	Rental House	3301 University	Residential, land locked. KEEP OPEN				X	
JH	Rental House	3307 University	Residential, land locked. KEEP OPEN				X	
JH	Rental House	3309 University	Residential, land locked. KEEP OPEN				X	

COC	Business Name	Address	Proposed Access Plan	Access Category				
				a) Side street access available	b) Alley access available	c) New side street access	d) Maintain main access	Other
H	Rental House	3315 University	Residential, land locked. KEEP OPEN				X	
H	Tierney Brothers	3300 University	Landlocked parcel. KEEP OPEN				X	
H	4 Star Auto/ Great Brakes	3324 University	Maintain access via alternate opening of two driveways.				X	
H	Alliance Clinic	3329 University	Maintain access via alternate opening of two driveways.				X	
H	Fraser	3349 University	Access can be closed, alt. access via Bedford	X				
H	Asphalt Driveway Corp.	3360 University	Access to be permanently closed, alt access via Bedford	X				
H	Super America	3357 University	Access can be closed, alt. access via Bedford	X				
			SUBTOTAL CW SEGMENT 5	10	0	1	17	

Page 2 of 2

Access List - Saint Paul

COC	Business Name	Address	Proposed Access Plan	Access Category per Spec 01 10 00-1.09 A: a) Side street access available	b) Alley access available	c) Alley access w/ modifications	d) Maintain Univ Ave access	Other	Notes
SL	League of Minnesota Cities	145 University Ave W	Maintain University access.				X		
SL	R & C Insurance Inc	156 University Ave W	University access permanently closed, LRT side running					X	
SL	Greyhound Bus Lines	166 University Ave W	University access permanently closed, LRT side running					X	
SL	University National Bank	200 University Ave W	University access permanently closed, LRT side running					X	
SL	McDonald's	471 Marion St		X					
SL	Vang Dental Clinic Inc	225 University Ave W	Maintain University access.				X		Property owner wants driveway to remain open.
SL	HRA LAAND redevelopment site	253, 255, 263 University Ave W and partially vacated alley & 259 University Ave W	Maintain University access.				X		HRA is vacating alley and must provide access to 259 University Ave.'s back parking spaces via existing curb cut on University.
SL	Office building	277 University Ave W	Maintain University access.				X		Landlocked parcel.
SL	88 Oriental Foods	291 University Ave W	Maintain University access.				X		Landlocked parcel.
SL	Vacant - old Saxon Ford site	296 University Ave W	Maintain University access.				X		Landlocked parcel.
SL	Animal Emergency Clinic	301 University Ave W	Landlocked parcel.				X		Landlocked parcel.
SL	Hmong Town Office Building/Tay Ho Restaurant	302 University Ave W					X		Ok with property owner, Xang Vang, to close, but need restaurant okay. Restaurant not responsive.
SL	Lao Family Community Of Mn Inc	320 University Ave W	Close University access, alt. access via alley		X				
	(cont'd)	333 University Ave W	Maintain University access.				X		Keep drive-thru access open
SL	Burger King	333 University Ave W	Close University access. Alt. access via Farrington	X					
SL	Ha Tien Grocery Store & 365 University Ave. (Dr. Kou Vang)	353 University Ave W & 365 University Ave.	Maintain University access.				X		353 agrees to close University Ave. access if he has access through 365 and 361 University. 365 agrees to close access to University Ave. only if both adjacent prop. owners agree not to tow any residents & customers of 365 building if they park in their lots. No agreement yet so likely that we must maintain University access.
SL	Old Home Foods (vacant)	370 University Ave W	Close University access. Alt. access via Virginia.	X					
SL	Mai Village	394 University Ave W	Close University access. Alt. access via alley.		X				
SL	Asian American Press	417 University Ave W	Close University access. Modify fence to provide access via alley.			X			
SL	Little Szechuan	422 University Ave W	Maintain University access.				X		
SL	Krua Thailand	432 University Ave W			X				
SL	Tracie's All Auto	433 University Ave W	Maintain University access.				X		Auto shop set up for enter only from University Ave. Property owner says tenant insists on driveway staying open.

COC	Business Name	Address	Proposed Access Plan	Access Category per Spec 01 10 00 1.09 A: a) Side street access available	b) Alley access available	c) Alley access w/ modifications	d) Maintain Univ Ave access	Other	Notes
SL	Cheng Heng Restaurant	448 University Ave W	Maintain University access.				X		Landlocked parcel.
SL	Kim Hung Oriental Grocery	455-459 University Ave W			X				
SL	Rondo Community Outreach Library	461 Dale St N	Maintain University access.				X		Landlocked parcel.
SL	Ritter & Fenske LTD	461 University Ave W	Close University access. Modify fence to provide access via alley.			X			
SL	Le's Auto Service	468 University Ave W	Landlocked parcel				X		Landlocked parcel.
SL	Hynan Chiropractic Clinic, P.A.	475 University Ave W	Close University access. Alt. access via Sherburne.	X					
SL	Max It Pawn	490 University Ave W	Maintain University access.				X		Landlocked parcel.
SL	Lor Dental Clinic	491 University Ave W	Maintain University access.				X		Property owner wants driveway to remain open.
SL	Trieu Chau Restaurant	500 University Ave W					X		Property owner hasn't given answer. Business has been unresponsive to meeting.
SL	Olympic Auto Glass	510 University Ave W					X		Property owner hasn't given answer. Business has been unresponsive to meeting.
SL	Paul's Tire & Service Inc	519 University Ave W	Close University access. Modify fence to provide access via alley.			X			
SL	Midas Auto Svc Experts	520 University Ave W					X		Property/business owner hasn't given answer.
SL	Sun Foods	544 University Ave W					X		Maintain one of three access locations
SL	3N Enterprise	545 University Ave W	Maintain University access.				X		Landlocked parcel.
SL	Auto Max Brake & Muffler Specs	555 University Ave W	Close University access. Alt. access via Kent.	X					
SL	Ken Mc Intosh & Assoc	575 University Ave W	Maintain University access.				X		Lot is angled parking only from alley.
SL	Mi Linda Tierra	585 University Ave W				X			Property owner has not gotten back to me about closing off University access and modifying bollards for access to alley.
SL	Frogtown Sqaure site	591 University Ave W	Maintain University access.				X		Property owner insists on keeping University access open.
SL	Wendy's	612 University Ave W		X					
SL	Twin Cities Rise Awali East	633 University Ave W			X				
SL	Shuang Hur Supermarket	654 University Ave W	Maintain University access.				X		Property owner insists on keeping University access open.
SL	Western Bank	663 University Ave W	Close University access. Modify area between both lots to provide access via St. Albans.			X			
SL	A-1 Vacuum	666 University Ave W	Maintain University access.				X		This will change if City parking program completes new loading station on west side of buidling before 2012.
SL	American Auto Radiator & AC	680 University Ave W	Close University access. Alt. access via St. Albans.	X					
SL	St Paul Fire Dept	681 University Ave W	Maintain University access.				X		Contractor must maintain access to Fire Station at all times. Access for staff parking can be closed - access from alley.

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COC	Business Name	Address	Proposed Access Plan	Access Category per Spec 01 10 00 1.09 A a) Side street access available	b) Alley access available	c) Alley access w/ modifications	d) Maintain Univ Ave access	Other	Notes
SL	Payless Tires	698 University Ave W					X		Property owner unresponsive, but likely answer is maintain access. Lot is angled parking entered only via University.
SL	Saigon Restaurant & Bakery	704 University Ave W	Maintain University access.				X		
SL	Lifetrack Resources Inc	709 University Ave W	Close University access. Modify fence to provide access via alley.			X			
SL	Globe Building (office & retail)	712 University Ave W	Maintain University access.				X		
SL	Lifetrack Resources Inc	738 University Ave W	Close University access. Alt. access via alley		X				
SL	Trung Nam French Bakery	739 University Ave W	Close University access. Modify fence to provide access via alley.			X			City awarded funds to redesign lot. If completed before 2012, modifications may not be necessary by CCPO.
SL	Glasgow Automotive Service	740 Unviversity Ave W	Close University access. Alt. access via Grotto	X					
SL	Milan's Motor Towing & Svc	741 University Ave W	Close University access. Alt. access via Grotto	X					
SL	University Furniture / East African Bakery	786 University Ave W	Close University access. Alt. access via Avon	X					Modify gate on Avon to ease delivery access
SL	Phil Oriental	799 University Ave W	Close University access. Modify fence to provide access via alley			X			Remove alley fence for access to parking lot. Restore fence after construction.
SL	Ngon Vietnamese Bistro	799 University Ave W	Close University access. Modify fence to provide access via alley			X			Remove portion of alley fence for access to parking lot. Restore fence after construction.
SL	Halal Meat Express	804 University Ave W	Close University access. Alt. access via alley.		X				
SL	Ryan Plumbing & Heating Co	811 University Ave W	Close University access. Alt. access via Avon.	X					
SL	Tuan Video	813 University Ave W	Close University access. Modify fence to provide access via alley.			X			
SL	Ashama Auto Repair	814 University Ave W	Close University access. Alt. access via alley		X				Open driveway on west side of building to improve circulaton
SL	Ala Francaise	823 University Ave W	Close University access. Modify fence to provide access via alley			X			Install vehicular gate in alley fence.
SL	Model Cities Of St Paul Inc	839 University Ave W	Maintain University access				X		
SL	842 Residence	842 University Ave W	Close University access. Alt access via alley		X				
SL	Car-X Auto Svc	861 University Ave W	Close University access. Alt. access via Victoria.	X					
SL	Latuff Bros Auto Body Inc	880 University Ave W	Close University access. Alt access via alley		X				Move recycle bin to widen entrance
SL	U-Haul Co	883 University Ave W	Close University access. Modify fence to provide access via alley			X			
SL	Enterprise	900 University Ave W	Close University access. Alt access via alley		X				use Latuff alley entrance
SL	Thong Auto General Repair Inc	904 University Ave W	Maintain University access				X		
SL	Gil's Paint & Body	928 University Ave W	Maintain University access				X		
SL	Deeper Life Bible Church	945 University Ave W	Close University access. Modify fence to provide access via alley			X			Modify wall and fence. Install vehicular gate in fence.
SL	Vacant	946 University Ave W							Vacant
SL	Vacant	962 University Ave W							Vacant
SL	Superamerica	970 University Ave W	Close University access. Alt access via Chatworth	X					

COC	Business Name	Address	Proposed Access Plan	Access Category per Spec 01 10 00, 1.09 A					Notes
				a) Side street access available	b) Alley access available	c) Alley access w/ modifications	d) Maintain Univ Ave access	Other	
SL	Sunrise Properties / Johnny Baby's	995 University Ave W	Close University access. Alt access via Chatworth or Oxford	X					Close two entrances on University during construction. Reconstruct west entrance.
SL	Whitaker Buick (vacant)	1010 University Ave W							Vacant
SL	Creative Arts High School	1037 University Ave W	Close University access. Alt access via Oxford.	X					May need to open gate at rear of parking lot to expand parking area
SL	ZLB Plasma Svc	1054 University Ave W	Close University access. Alt access via Lexington.	X					
SL	AUTO ZONE	1075 University Ave W	Close University access. Modify fence to provide access via alley			X			close two curbs on University Ave. Provide gate in alley fence
SL	Central Corridor Resource Center	1080 University Ave W	Close University access. Alt access via Lexington.	X					
SL	KFC	1089 University Ave W	Maintain University access				X		Maintain two curb cuts on University Ave (Main entrance and drive through exit)
SL	Hoa Bien Vietnamese Restaurant	1105 University Ave W	Close University access. Modify fence to provide access via alley			X			
SL	White Castle	1120 University Av W	Close University access. Alt access via Lexington.	X					(no contact)
SL	Aldi	1134 University Ave W	Close University access. Alt access via Lexington.	X					(no contact)
SL	Vietnam Center	1159 University Ave W # 105	Close University access. Modify fence to provide access via alley			X			
SL	Brothers Sales Inc. / Schweiser Auto	1161 University Ave W	Close University access. Alt access via Dunlap.	X					
SL	Midway Car Wash	1169 University Ave W	Maintain University access				X		Maintain car wash exit onto University
SL	Amellia's	1183 University Ave W	Close University access. Alt access via alley		X				
SL	Bally / ABRA Auto Body & Glass	1190 University Ave W	Close University access. Alt access via Dunlap	X					Use side street but ABRA needs to navigate through Bally parking lot
SL	Vacant	1197 University Ave W							Vacant
SL	Keith Schweiger's Auto World	1205 University Ave W	Close University access. Alt access via Griggs	X					
SL	Whitaker Buick (vacant)	1221 University Ave W							Vacant
SL	Menlo Park Saint Paul	1246 University Ave W #100	Maintain University access				X		Maintain two access locations. Building has special ADA drop-off access needs.
SL	NAPA Auto Parts	1271 University Ave W	Close University access. Alt access via alley		X				
SL	Catholic Charities/Seton Svc	1276 University Ave W	Close University access. Alt access via Syndicate.	X					
SL	Target	1300 University Ave W	Close University access. Alt access via Hamline.	X					
	SUBTOTAL SEGMENT 2			24	13	16	36		
RR	Hamline Amoco	1347 University Ave W	Close University access. Alt access via Hamline.	X					
RR	Midway Chevrolet (vacant)	1389 University Ave W							Vacant (two access locations)

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COC	Business Name	Address	Proposed Access Plan	Access Category per Spec 01 10 00 1.09 A					Notes
				a) Side street access available	b) Alley access available	c) Alley access w/ modifications	d) Maintain Univ Ave access	Other	
RR	Herberger's / Walmart et al	1400 University Ave W	Close University access. Alt access via Pascal and Hamline.	X					Midway Marketplace Shopping Center entrance serves 10+ businesses
RR	Spin Cycle Coin Laundry	1491 University Ave W	Close University access. No alt. access required.					X	Alt. parking to be provided on Simpson Street.
RR	Perkins Restaurant & Bakery	1544 University Ave W	Close University access. Alt access via Pascal and Snelling.	X					Midway Shopping Center entrance at Simpson
RR	Rainbow Foods / McDonalds et al	1566 University Ave W	Close University access. Alt access via Pascal and Snelling.	X					Midway Shopping Center entrance near McDonalds
RR	CVS	1581 University Ave W	Close University access. Alt access via Snelling and Sherburne.	X					
RR	Spruce Tree	1600 University Ave W	Close University access. Alt access via Spruce Tree.	X					
RR	Café Bonxai	1613 University Ave W	Close University access. Alt access via alley		X				
RR	Metro Dental	1630 University Ave W	Maintain University access				X		
RR	J J Fish & Chicken	1647 University Ave W	Maintain University access				X		
RR	Kim Huoy Chor Asian Cuisine	1664 University Ave W	Close University access. Alt. access via Fry and Pierce .	X					
RR	Awards By Hammond Inc	1669 University Ave W	Close University access. No alternate access required.					X	Parking will move to JJFish & Chicken site (same owner) during construction
RR	St Paul Goodyear	1671 University Ave W	Maintain University access				X		Two access locations
RR	Royal Tire	1695 University Ave W	Close University access. Alt. access via Aldine.	X					
RR	1708 Residence	1708 University Ave W	Maintain University access				X		
RR	USSI Universal Satellite Systems Inc	1716 University Ave W	Maintain University access				X		
RR	Ricoh Business Systems	1730 University Ave W	Maintain University access				X		
RR	YMCA	1761 University Ave W	Maintain University access				X		
RR	Wendy's	1780 University Ave W	Close University acess. Alt. access via Beacon or Wheeler	X					Create temporary drive-thru exit across Russian Tea House parking lot to Beacon or Wheeler?
RR	Hotel Furniture Liquidators	1800 University Ave W	Close University access, alt access via Beacon	X					
RR	Arby's	1810 University Ave W	Close University access, alt access via Beacon	X					Re-route drive-thru traffic thru parking lot to Beacon
RR	Griggs Midway Building	1821 University Ave W UNIT 144	Close University access. Alt. access via Fairview.	X					
RR	Second Debut	1825 University Ave W	Close University access. Alt. access via Fairview.	X					
RR	Major Tire Co	1831 University Ave W	Close University access. Alt. access via Fairview.	X					
RR	Episcopal Homes - Cornelia House	1840 University Ave W	Maintain University access				X		Reconstruct driveway in two phases & allow 24/7 access.
RR	Goodwill Parking Lot	1849 University Ave W	Close University access. Alt. access via Charles	X					
RR	Porky's	1890 University Ave W	Maintain University access				X		

COC	Business Name	Address	Proposed Access Plan	Access Category per Spec 01 10 00 1.09 A: a) Side street access available	b) Alley access available	c) Alley access w/ modifications	d) Maintain Univ Ave access	Other	Notes
RR	JB Realty Company (Iris Park)	1919 University Ave W	Close University access. Alt. access via Charles	X					University driveway access is critical as drop off for students. Must create alternative for school buses.
RR	Kuk Sool Won of St. paul	1920 University Ave W	Maintain University Access				X		
RR	Twin City Saw & Svc Co	1932 University Ave W	Close University access. Alt. access via alley		X				
RR	Eritrian Community	1933 University Ave W	Close University access. Alt. access via Charles	X					
RR	Midway Liquor Store	1944 University Ave W	Close University Access, alt access via Prior	X					
RR	Realty Matrix	1949 University Ave W	Close University access. Alt. access via Charles	X					
RR	Days Inn-Midway	1964 University Ave W	Close University access. Alt. access via Prior	X					
RR	Rihm Motor Co	2108 University Ave W	Close University access. Alt. access via Cleveland	X					
RR	SPI Printing & Graphics	2111 University Ave W	Close University access. Alt. access via Transfer Road	X					
RR	Subway	2121 University Ave W	Maintain University Access				X		
RR	Vacant lot	Between 2111 and 2121 University Ave W	Close University access. No alt. access required.					X	Private lot owned by Scott Eustis.
RR	Subway - overflow parking lot	East of 2121 University Ave W	Maintain University access				X		
RR	Midwest Hotel	2144 University Ave W # 22	Maintain University access				X		
RR	Classic Retro At Pete's	2145 University Ave W	Maintain University access				X		
RR	University Midway Properyties, LP	2147 University Ave W	Maintain University access				X		
RR	Bonnie's Cafe	2160 University Ave W	Close University access. Alt. access via Vandalia	X					
RR	Dubliner Pub	2162 University Ave W	Close University access. Alt. access via Vandalia	X					
RR	Park Midway Bank	2171 University Ave W	Maintain University access				X		Maintain access for ATM/Night deposit
RR	St Paul Fire Station #20	2179 University Ave W	Maintain University access				X		Maintain access unless fire engines can be relocated during construction
RR	Holiday Gas Station	2199 University Ave W	Close University access. Alt. access via Pillsbury	X					
RR	Fairview Home Medical Equipment	2200 University Ave W # 240	Close University access. Alt. access via Vandalia	X					Must maintain ADA sidewalk access for patients
RR	Mc Donald's	2213 University Ave W	Close University access. Alt. access via Pillsbury	X					
RR	Cycle Sport Magazine	2225 University Ave W	Close University access. Alt. access via Pillsbury	X					
RR	The Lyric (Carleton Lofts Phase II)	2251 University Ave W	Close University access. Alt. access via Hampden	X					
RR	Summit Amusement	2274 University Ave W	Close University access. Alt. access via Hampden	X					
RR	US Post Office	2334 University Ave W	Close University access. Alt. access via Myrtle	X					
RR	Twin Cities Reptiles	2363 University Ave W	Close University access. Alt access via alley		X				
RR	US Bank	2383 University Ave W	Close Unviersity access. Alt. access via Raymond and Charles	X					

COC	Business Name	Address	Proposed Access Plan	Access Category per Spec 01 10 00 1.09 A					Notes
				a) Side street access available	b) Alley access available	c) Alley access w/ modifications	d) Maintain Univ Ave access	Other	
RR	Security Building	2389 University Ave W	Close University access. Alt. access via Raymond	X					
RR	Midtown Commons	2325 University Ave W	Close University access. Alt. access via LaSalle	X					
RR	Ugaso Grocery Store	2420 University Ave W	Close University access. Alt. access via alley		X				
RR	Church (vacant)	2429 University Ave W	Close University access. Alt. access via Territorial	X					
RR	SOS Office Furniture	2441 University Ave W	Close University access. Alt. access via Territorial	X					
RR	Jordan Realty - Strip Mall	2446 University Ave W	Maintain existing driveway on Pelham.				X		
RR	Strommen Bldg	2469 University Ave W	Close University access. Alt. access via Territorial	X					
RR	Handi Medical Supply	2505 University Ave W	Close University access. Alt. access via Territorial	X					
RR	Court International	2550 University Ave W	Maintain one access to West side of parking lot. Close University access to east side of same parking lot.				X		Close East diveway(access to parking ramp) during construction. Parking ramp alt. access via Franklin
RR	Westgate Business Center	2635 & 2709 University Ave W	Close University access. Alt. access via Berry and Eustis	X					
RR	Minnesota Geological Survey	2642 University Ave W	Close University access. Alt. access via Ellis	X					
RR	Dunn Brothers Coffee	2650 University Ave W	Maintain University access				X		
RR	Hubbard Broadcasting	3515 University Ave W	Maintain University access				X		Two driveways exist. Must maintain one access to Univeristy at all times.
	SUBTOTAL SEGMENT 1			40	4	0	21		

To Be Determined / Confirmed	

Xerox WorkCentre 7328
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Nancy.Sipes

File Name : Document Release Memo 02082011.pdf

Start Page

Memorandum

U.S. Department
of Transportation
Federal Transit Administration

Subject: FOIA FY11-0062

Date: February 8, 2011

From: Cecelia Comito (TRO5)

Reply to Attn. of:

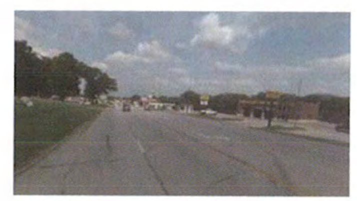
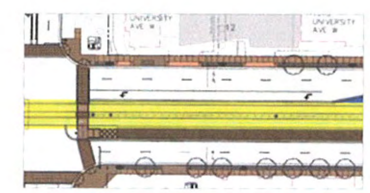
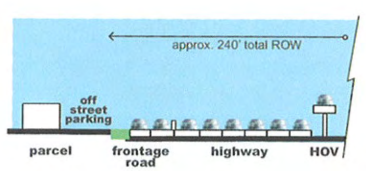
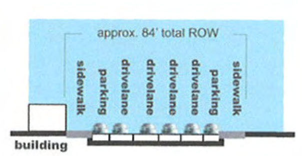
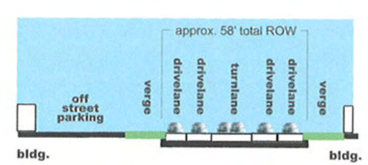
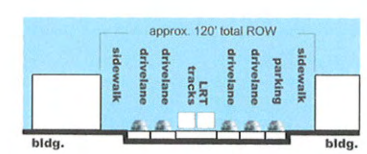
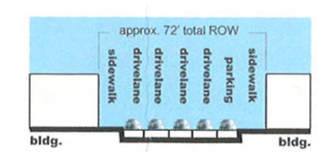
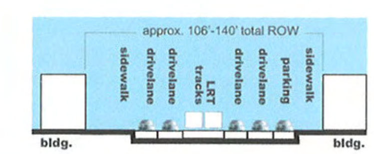
To: Sylvia Marion (TAD-10)

I have reviewed the above referenced FOIA request from Mr. Jack McCann. Mr. McCann requested documents relating to the Central Corridor Light Rail Project. The documents requested include a Relocation Planning Report, Relocation Assistance Advisory Services Program, documents relating to displacements resulting from "rehabilitation, demolition or other such displacing activities," listing of business and property owners who have received notice of their eligibility for relocation funding, disclosure of previous projects where DOT has paid Uniform Relocation Funds and documents relating to the evaluation of relocation needs of any non-residential persons/entities on the Central Corridor.

During our search, we examined the files requested and identified four responsive documents to the request related to the Central Corridor Light Rail Project. Per Mamie (TPM), the extensive documentation requested are the sole responsibility of the grantee, FTA does not have these documents. The enclosed documents are fully releasable. We did not search our files for any other projects in Region V that may have involved payments under the Uniform Relocation Act (see Request No. 5).

COMPARATIVE ANALYSIS: PRECEDENTS FOR UNIVERSITY AVENUE

ANALYSIS PREPARED BY U-PLAN
FOR THE **UNIVERSITY AVENUE BUSINESS ASSOCATION**

	SUPPLEMENTAL STUDY				UNIVERSITY AVE.	SUGGESTED PRECEDENTS	
	DE SOLMINIHAC, ET. AL.	BUDDEMEYER, ET. AL.	WILDENTHAL, ET. AL.	YOUNG, ET. AL.		DIAZ, JOSE	KRIEG, ALEXANDER
LOCATION	Houston, TX	Dubois, WY	Caldwell, TX	12 Cities in WY	University Ave., St. Paul	Lake Street, Minneapolis	MLK Way, Seattle
# OF BUSINESSES	approx. 1532	172	49	28 (avg.)	947	953 (2006)	525 (2009)
COMPLETED	1992	2008	1993	1997-2003	2014 (PROJECTED)	2006	2008
PROJECT TYPE	HIGHWAY REHAB; HOV	HIGHWAY RECONST.	HIGHWAY WIDENING	VARIOUS HWY. IMPROVEMENTS	TOTAL RECONST.; LRT	TOTAL STREETSCAPE RECONSTRUCTION	TOTAL RECONST.; LRT
TYPE OF COMMUNITY	SUBURBAN	RURAL	RURAL	RURAL	URBAN	URBAN	URBAN
AVERAGE DAILY VEHICLE TRIPS	250,000	3,000	14,200 (2007)	varies	28,000	20,000 (2007)	18,200 (2008)
LANES OF TRAFFIC	12 ; 4 FRONT. ; 2 HOV	4	4	varies	4	4	4
IMAGE				information not available			
PLAN: TYPICAL CONFIGURATION POST CONSTRUCTION				information not available			
TYPICAL CROSS SECTION				varies			
BUSINESS IMPACTS	17%-37% REVENUE DECREASE IN TOP 4 CATEGORIES: Food Stores General Merchandise Automotive Retail Furniture Stores	0% IMPACT	0% IMPACT	0% IMPACT	under construction (as of 2011)	10%-40% OF BUSINESSES WITHIN HALF OF THE BLOCKS CLOSED DURING CONSTRUCTION TAX REVENUES DECLINED 10%-33% BETWEEN BLOOMINGTON AND HIAWATHA DURING CONSTRUCTION	25% OF RETAIL, 10% OF SERVICE BUSINESSES CLOSED DURING CONSTRUCTION 2003-2009 TAX REVENUE GROWTH DROPPED BY 11% EVEN AS ECONOMY GREW RAPIDLY

TwinCities.com

Jack McCann: University Avenue businesses are talking, but it seems as if nobody's listening

By Jack McCann
Updated: 03/24/2011 06:42:25 PM CDT

Construction has started on the Central Corridor without full funding in place. Pushing forward has been the cry throughout this project, and it has been done with very little listening.

Over the past several years, University Avenue businesses have showed up at countless meetings held by the Metropolitan Council and begged for consideration as we pointed out the negative impacts of this project, enough to put many out of business and force others to relocate. Early on, we were just naïve, then skeptical and now angry.

Access to this street has been its No. 1 draw. This is the middle of a geographically large metropolitan area. University Avenue is a destination, not just a corridor. Shoehorning a train onto the Avenue e liminates the parking along both sides, and sidewalks have to be narrowed. The Central Corridor Project Office has been saying lately, through the City of St. Paul and their "parking solutions report," that the businesses are responsible for some of the lost parking because we wanted to keep the left turn lanes. Really? The train doesn't fit and instead of admitting it and listening to the businesses, the Project Office has held meetings in accordance with the Federal Transit Administration and pushed forward.

There have been some programs or so-called "solutions" presented by both the Met Council and the City of St. Paul. The University Avenue Betterment Association (UABA), an organization of businesses, has been present for the "unveiling"

of these programs. They outline things like signage and marketing, "limit" the blocking of storefront access, a solution for parking loss, and there is even a small fund for loans in case you get behind. That fund is limited to $10,000 per business and can't be accessed until you're already "in the hole." Businesses with any sense know if you're in a hole, stop digging. The parking solution doesn't replace a single lost parking space but instead asks businesses to "share," and, to date, no marketing, but plenty of orange signs. In their minds they've held meetings, taken comments, formed a solution, let's move on. It's almost as if the Project Office is simply checking off boxes and moving forward.

Federal Judge Donovan Frank has ruled that the Final Economic Impact Study, which should address adverse economic impact, is inadequate. It's a little late for this but the Met Council, along with the FTA, held two meetings on Feb. 17 to gather information on any negative economic impact by asking the folks who attended to fill out a comment card. They proceeded to throw together an "apples and oranges" assessment which did not include local comments but instead referenced a highway project in Texas. From 1993. After 47 pages, the assessment reveals that businesses can expect to lose only an average of 0-2.5 percent. That's 2.5 percent. Sales tax is 7 percent. The owner of the Ax-man Surplus says he loses more than that on a sunny day, just because the sun is out. On March 16, the Met Council again called on the businesses to comment. This time they called it a hearing and actually used the term "public record." What happened to all the notes, from all the meetings, from all the business owners who have been showing up for the past several years, leaving their jobs to give statements and ask questions? It's certain the next report will be slanted as well. I sure hope that federal judge has a sense of humor.

When a plan has a flaw, and this one is riddled with

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them, the solution is not to "move forward." The Central Corridor was under-planned and under-budgeted from the start. It is understood that there is some benefit to the area from such a major infrastructure project, but why was the severe impact on the businesses right on the Avenue not properly assessed? An agenda? A letter from the mayor's office back in 2006 might sum it up. It is s aid in the letter that businesses on the Avenue could suffer but the train is a good thing for the city. Take one for the team. Back in Little League when you leaned in and took a pitch in the shoulder, you got on base. That was taking one for the team. These are lives and livelihoods of real people with families and, let's not forget, JOBS. Anyone heard of supporting a job "killing" project? Specifically, your job?

While it's true that redevelopment will occur, it will be replacing jobs and businesses lost to this project. What is the net gain? There is a claim of construction jobs that building the train will create. This is misleading. These construction companies are already in business and already have employees. Would we want one that has to run out and hire people to build our billion-dollar train? The economy is improving but has been down, and the folks on University Avenue are headed down again due entirely to this Central Corridor project.

These folks are not a bunch of complainers. They weathered the economy as you all have. They have taken the risk to open a business; some, generations ago. They employ thousands of people. They have already made a huge investment in University Avenue. If the government takes one foot of your property for a project like this, you get paid. This project takes away your access, your vitality, your investment and your livelihood. No one is listening and they're pushing forward.

Jack McCann is president of the University Avenue Betterment Association and has been a University Avenue property owner for 23 years.

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Public Comment Form

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AADDED VALUE IMPROVEMENTS
1607 University Ave. W.
St. Paul, MN 55104
(651) 771-2699
Fax (651) 251-8731

Tim Holden
Consultant
License #20608267

•Roofing •Siding •Fascia •Soffit •Doors •Gutters •Windows •Additions •Snow Removal

"Your Satisfaction Is Our Success"

Tim Holden
Name

AVI; Holden
Organization you are representing

timjholden777@aol.com
Email

(651) 7[...]17
Phone

Cell (612) 366-4610

1607 University Avenue
Mailing Address

Summary of Comment: Lost my Tenant due to Light Rail
Lost tenant at $1,500 a month.

Loss to date $10,000 plus

expected lost income (% or dollar amount)
70% +

Relocating? ? City & Met Council are stealing my Property + livelihood

job loss/layoffs yes 3

City of St. Paul + Met Council STARTED construction 3/7/11 in front of my Property. I asked Craig Blakely; Russ Stark; Susan Haigh; Nancy Homans; Rich Rovang; Everyone I could Think of to Have SIGNS posted Before complete Loss of Parking occurred. Today is 3/28/11 And I still do Not Have Necessary SIGNS to direct my customers to The Newly leased parking spots. I would Have made + posted my own signs, However, Craig Blakely told me NOT to, That The City would take care of This!! NO PARKING = NO Revenue =
LOSS OF COMPLETE LIVELIHOOD!!!!

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HABTAMU ~~merkato~~ Merkato grocery store

Name Organization you are representing (leave blank if you are not representing a group)

[illegible]@yahoo.com 651-287-0183

Email Phone

1900 University AVE St. paul, MN 55104

Mailing Address

Summary of Comment:

Most of our costumer they come all over Their city, know b/c of this project. I don't think they will come here. b, it takes more time, and no parking

Loss to date

expected lost income (% or dollar amount)

30% grocy sales

Relocating? ~~maybe~~ No.

job loss/layoffs Yes.

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3-24-11 Bonded Transmission

Name Organization you are representing (leave blank if you are not representing a group)

bondedtrans@qwest 651-642-1813

Email Phone

1790 University Ave. W. St. Paul MN 55104

Mailing Address

Summary of Comment:

We have been in business for 28 years, we believe that this will put us out of Business. We employ 5 full time and anticipate layoffs of 1 to 3 people within the next few months.

Loss to date 10%

expected lost income (% or dollar amount)
50% or more

Relocating? Not Viable

job loss/layoffs Yes

Korey Niesen

BONDED TRANSMISSION
1790 UNIVERSITY AVE
ST PAUL, MN 55104-3510

BONDED TRANSMISSION specialists

(651)642-1813

1790 UNIVERSITY AVE
ST.PAUL, MN 55104

28 years

"Family owned and operated for 26 Years"

KOREY NIESEN
GENERAL MANAGER

Public Comment Form

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Michael + JEAN HAFNER

Name Organization you are representing (leave blank if you are not representing a group)

hotel.furniture@yahoo.com 651-645-9939 651-645 FAX 7207

Email Phone

1800 UNIVERSITY ave St Paul, MN 55104

Mailing Address

Summary of Comment:

TRYing to put us out of Business. we have Appox 13 Employee ½ will lose ~~[illegible]~~ their jobs over this Construction

Loss to date

expected lost income (% or dollar amount)

Expect Lost of 50+70 percent Loss of Revenue

Relocating? NO

job loss/layoffs Yes.

cannot get approval. to unload furniture ~~[illegible]~~ out side our front Door or Garage Door.

Dont Know where customers are going To park!! HELP!

we expect to lose money, Dont Know how to pay our TAXes with no income coming in!

Have to Lay off ½ of our Employee's

Very SAD situation!!

We Dont want lite Rail. who Does.!

Hotel Furniture Liquidators

Hafner Realty

Michael Hafner

Jean Hafner

612-889-6331

1800 University Ave. • St. Paul, MN 55104

Public Comment Form

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Name: Midway Liquor Store

Organization you are representing (leave blank if you are not representing a group):

Email:

Phone: 651 644-7900

Mailing Address: 1944 University Ave St. Paul

Summary of Comment: As of March 29th, 2011 We have already seen a serious decrease in sales & activity. Light rail construction has barely begun. Most customers say Good Luck! That is a sign of what is yet to come.

Loss to date 30%

expected lost income (% or dollar amount) As High as 50%-60%

Relocating? Maybe

job loss/layoffs Maybe

Public Comment Form

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Roger Fuerstenberg
Name

Twin City Saw Co
Organization you are representing (leave blank if you are not representing a group)

Twincitysaw@msn.com
Email

451-645-3531
Phone

1932 University Ave
Mailing Address

Summary of Comment:

Loss to date 2007 - 2010 300 K

expected lost income (% or dollar amount)
40%

Relocating? May have too!

job loss/layoffs 2 people

Will also affect my rental income in the building - estimate $30,000 loss

Chain Saws / Cutoff Saws - Sales, Parts & Service
Phone
(651) 645-3531
Fax
(651) 645-3539
TWIN CITY SAW CO.
Brush Cutters / Grass Trimmers
Blade Sharpening Se...
1932 University Avenue • St. Paul ...
Saw Blades ...

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Name: Tom & Kathy Stransky

Organization you are representing (leave blank if you are not representing a group): Midway Bookstore 1579 University Ave

Email: midwayb2@infionline

Phone: 651-644-7605

Mailing Address: 1579 University Ave St. Paul MN 55104

Summary of Comment: Digging up Snelling Ave at same time as University Ave
60% minimum Loss
Loss of Employees

Loss to date

expected lost income (% or dollar amount) 60% MINIMUM!

Relocating? ?

job loss/layoffs probably 2-3 Employees

Used, Rare & Out of Print books

Thomas Stransky
Kathryn Stransky

MIDWAY USED & RARE BOOKS

1579 University Ave. W.
St. Paul, MN 55104
Phone: (651) 644-7605
Fax: (651) 644-8786
www.midwaybook.com

We were just informed last week (March 23rd) that Snelling Ave will be ripped up for 8 months from April through November for "utility work"! Why wasn't this done last year or 2 years ago?? Why is it being done at the same time as University Ave?? We will be devastated as we are on the corner of University & Snelling. How will anyone get to our store??

Why does the U of M get 50 million dollars in mitigation money & MPR gets millions too, when all 1000 businesses get offered 1½ million dollars in $10,000 loans maximum!?! $10,000 is my break even point every month. This is outrageous! Where is the 3 million dollars that bids came under estimates for building this monstrosity? Why can't that "paltry" amount be given (NOT LOANED) to the 1000 businesses on University Ave. that will be devastated by this monstrous train

Economic Indicators of the Lake Street Corridor

Prepared by
Jose Diaz
Research Assistant, University of Minnesota
Conducted on behalf of
Lake Street Council
December, 2009

This report (NPCR 1303) is also available on the CURA website:
www.cura.umn.edu/search/index.php

December, 2009

Neighborhood Partnerships for Community Research (NPCR) supported the work of the author of this work, but has not reviewed it for publication. The content is solely the responsibility of the author and is not necessarily endorsed by NPCR.

NPCR is coordinated by the Center for Urban and Regional Affairs at the University of Minnesota. NPCR is supported by the McKnight Foundation.

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330 Hubert H. Humphrey Center
301 - 19th Avenue South
Minneapolis, MN 55455
phone: 612/625-1020
e-mail: ksn@umn.edu
website: http://www.npcr.org

Economic Indicators of the Lake Street Corridor

2004-2006

Lake Street Corridor. Center for Urban and Regional Affairs, University of Minnesota

ABSTRACT

The Lake Street corridor is 5-miles stretching west to east from Lake Calhoun to the Mississippi River 30 blocks south of the center of downtown Minneapolis. During the period between 2005 and 2008, three quarters of the street has been under reconstruction. This project and report had two primary goals: First, to present a summary of the changes in two major economic indicators between 2004 and 2006 for the Lake Street Corridor, the number of businesses and the level of sales tax. Second, to identify the impact being in a construction zone may have had on these indicators. When compared to other sections of the corridor, blocks that went under construction tended to show negative growth of rates in the number of businesses. Even though these results are not statistically significant, they provide objective evidence that the construction project may have been one of the factors affecting the economic performance of the corridor.

Table of Contents

Background

The Lake Street corridor is 5-miles stretching west to east from Lake Calhoun to the Mississippi River 30 blocks south of the center of downtown Minneapolis. The corridor includes a commercial area bounded by 14 neighborhoods that are characterized by a multicultural and multiracial mix that make Lake Street one of the most vibrant places in the Twin Cities Metro Area.

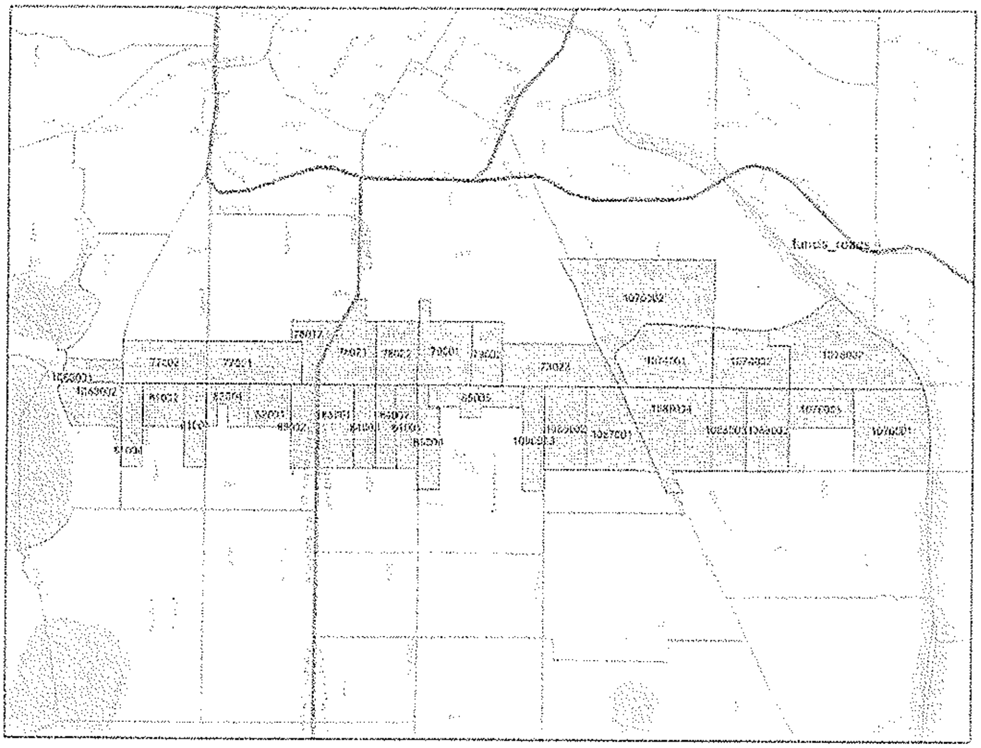
The period between 2005 and 2008 has been one of important changes and events for Lake Street. On one hand, three quarters of the street has been under reconstruction. This project includes new roadways, sidewalks and streetscape. The reconstruction project has had high impact factors for business, residents, and visitors. It affects transit flows, bus and commuting routes; and therefore, it impacts the economy of the zone. On the other hand, the reopening of the vacant Sears Building as the Midtown Exchange and Global Market has brought new vitality into the zone, creating new jobs and providing economic opportunities for local small entrepreneurs.

Data and Methodology

The data used was prepared by M3D, a program in the Center for Urban and Regional Affairs of the University of Minnesota (CURA, 2008). The M3D project is a partnership between the Center for Urban and Regional Affairs, the Minnesota Department of Employment and Economic Development (DEED), the Minnesota Housing Finance Agency, the Minnesota Office of Revenue, the Metropolitan Council, Ramsey and Hennepin Counties, and various Twin Cities neighborhood organizations and community development corporations. The set includes available block level information on sales tax (Dollars in current terms), and number of businesses between 2004 and 2006.

The Lake Street Corridor as studied includes 34 blocks 11 of them are located to the west of highway 35W (Block Group 1); there are 10 blocks between 35W and 13th avenue (Block Group 2), 9 blocks between 13th and 36th Avenue, (Block Group 3); and 9 blocks between Hiawatha and the Mississippi River Block Group 4). Only 29 blocks with information for at least two years were included in the analysis. Three of the missing blocks belong to north side of Block Group 1. Information on the block located in the north side of Lake Street between Bloomington and Hiawatha Avenue is also missing. The last block with missing information is located in the south side of Lake Street between Hiawatha and 31st Street. Figure 1 shows all block groups including those with no data.

Figure 1



Each Block Group correspond to a construction period:

Block Group	Construction Period[1]
Group 1: Lake Calhoun to 35W	No construction during 2004-2006
Group 2: 35W (5th Ave) to 13th Avenue	Start 5-16-05 to 11-23-05
Group 3: 13th Avenue to 36th Avenue.	Start 3-26-06 to 11-16-06
Group 4: 36th Avenue to Mississippi River Blvd	Start 3-26-07 to 12-1-07

This project and report had two primary goals: First, to present a summary of the changes in two major economic indicators between 2004 and 2006 for the Lake Street Corridor, the number of businesses and the level of sales tax. Second, to identify the impact being in a construction zone may have had on these indicators.

[1] Note: area at 27th & Lake at Coliseum Building has been under construction from 5-22-06 to present.

Basic economic indicators

Number of businesses

The evolution of the number of business by Block Group is summarized in Table 1 and in figures 2 to 5. Block groups between Lake Calhoun and 13th Avenue show higher percentage of blocks with negative growth rates between 2004 and 2006, whereas Block Groups 3 and 4 present more blocks with positive growth rates for the same period.

Block Groups 2 and 3 showed the lowest average growth rates in their number of existing businesses, with Block Group 3 showing a decrease of 21% in the number of businesses for the period 2004-2006.

Table 1

	Number of blocks	% Positive growth	% Negative Growth	Average growth rate of all blocks
All Blocks	23	48%	52%	29%
Group 1: Lake Calhoun to 35W	7	43%	57%	35%
Group 2: 35W (5th Ave) to 13th Avenue	7	29%	71%	-21%
Group 3: 13th Avenue to 36th Avenue.	5	60%	40%	6%
Group 4: 36th Avenue to Mississippi River Blvd	4	75%	25%	132%

At the block level, in 2004 blocks located at the extremes of Block Group 1 (Lake Calhoun to 35W) showed the highest number of existing businesses; however, by 2006, businesses were moving to the east of the section towards 35W. See Figure 2, also note that blocks in the chart are presented in geographical order starting with the blocks located at the west and finishing with blocks close to 35W (See Figure 1). One notable fact is the drop in the number of businesses after 2004 of the block located at the east border of the group, bordering with Highway 35W.

Figure 2

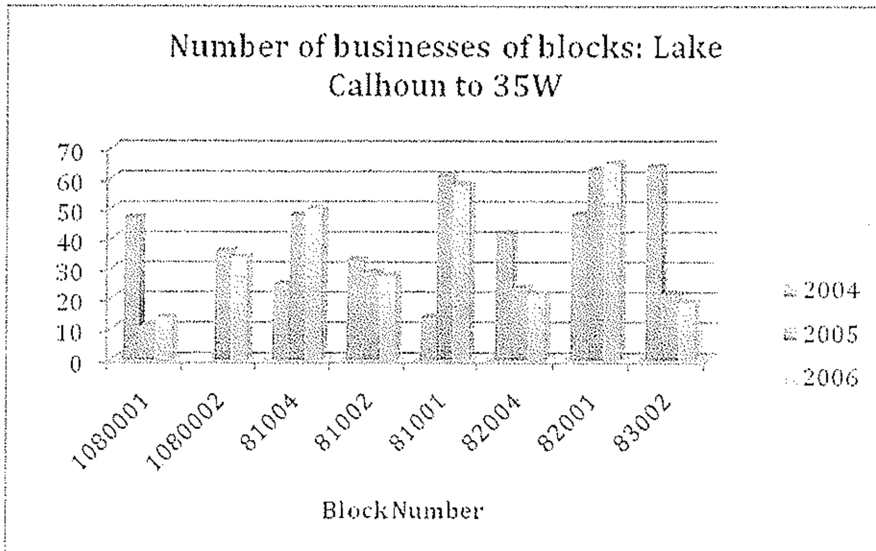
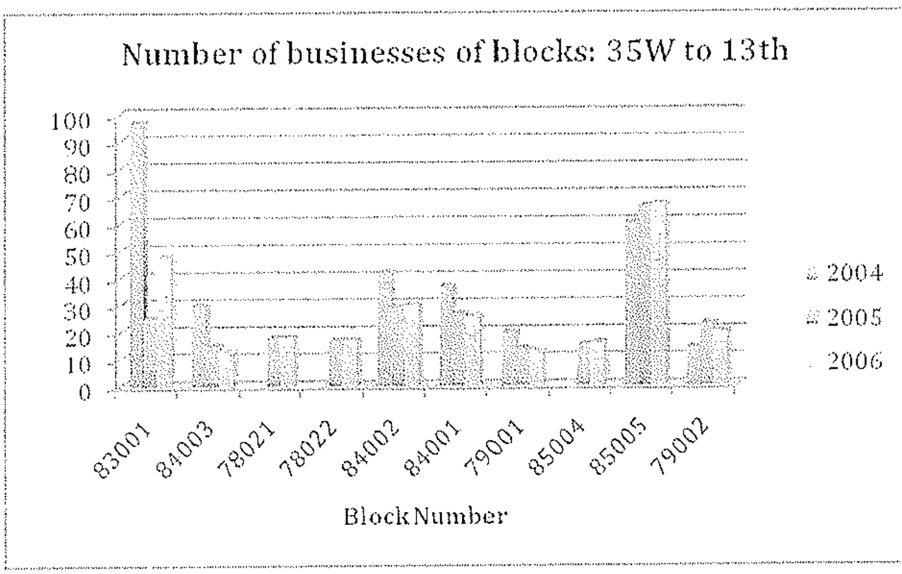


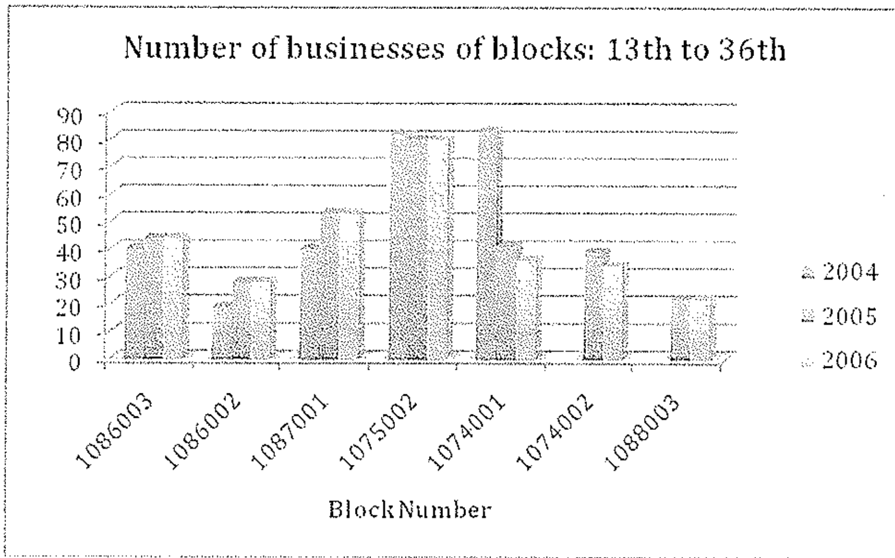
Figure 3 summarizes information about the number of businesses for blocks between 35W and 13th Ave. This group of blocks was under construction during 2005. Similarly to the block located at the south-east side of 35W, block "83001" presented a drop in the number of businesses of nearly 50% between 2004 and 2005. As mentioned in Table 1, the number of businesses decreased in 71% of the blocks in this group. Two exceptions are blocks "85005" and "79002", which showed an increase of the number of businesses between 2004 and 2006 of about 10% and 64% respectively.

Figure 3



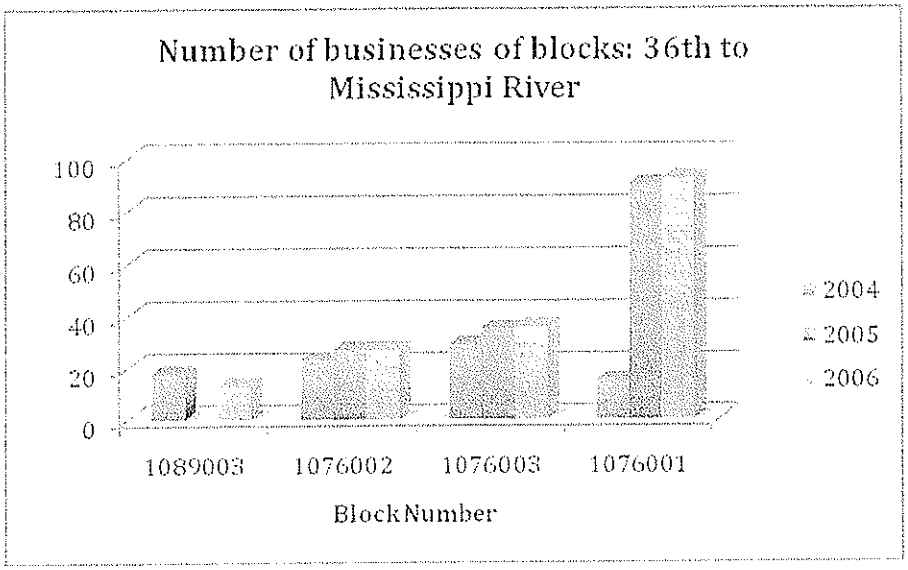
In figure 4 we observe information on blocks between 13th and 36th avenues. This group of blocks went under construction during 2006. Blocks located between Bloomington Avenue and Hiawatha Avenue showed a slight growth in number of businesses during the period previous to construction time. Block "1074001" located to the right of Hiawatha Avenue experienced the highest drop in the number of businesses from 80 to less than 40, for a decrease of more than 50%.

Figure 4



The last group of blocks located between 36th Avenue and the Mississippi river includes four blocks. All blocks but the only one that experienced construction (Block #1089003) show an increase in the number of existing businesses between 2004 and 2006. The block located in the southeast corner of the zone presents the highest increase in businesses going from less that 20 in 2004 to more than 80 businesses in 2006.

Figure 5



Sales tax

Sales taxes have fluctuated in the same direction that the number of businesses during the period 2004-2006 for the majority of blocks along the Lake Street corridor (Table 2). However, there are some exceptions to this pattern. For instance, the block located between 4th and Portland Avenue show a decrease in the number of businesses of nearly 60% between 2004 and 2006, yet the sales taxes increased from $12,000 in 2004 to more than $700,000 in 2006. The two blocks between Portland and Chicago Avenue also showed an increase in sales taxes at the same time that a reduction in the number of businesses in those blocks for the same period.

On the other hand, blocks "1086003" and "1087001" located to the south of Lake street between Bloomington and Hiawatha avenue, experienced a decrease in the level of sales taxes between 2004 and 2006 of nearly 10% and 33% even though the number of businesses increased approximately 17% and 72% respectively for these blocks.

Table 2

Block Number	Variation in number of businesses: 2004-2006	Variation in Sales Taxes: 2004-2006
83001	-0.51	-0.18
84003	-0.57	55.26
84002	-0.29	0.28
84001	-0.3	0.15
85005	0.12	0.06
1086003	0.1	-0.17
1086002	0.47	0.15
1087001	0.33	-0.72
1075002	-0.02	-0.01
1074001	-0.57	-0.07
1089003	-0.28	-0.68
1076002	0.17	-0.49
1076003	0.24	-0.1
1076001	5.13	-0.28
1080001	-0.7	-0.71
81004	1	1.34
81002	-0.15	10.28
81001	3.14	5.43
82004	-0.48	0.7
82001	0.35	1.04
83002	-0.7	0.13

11

Figures 6 to 9 show sales tax data for block in all section of Lake Street.

Figure 6

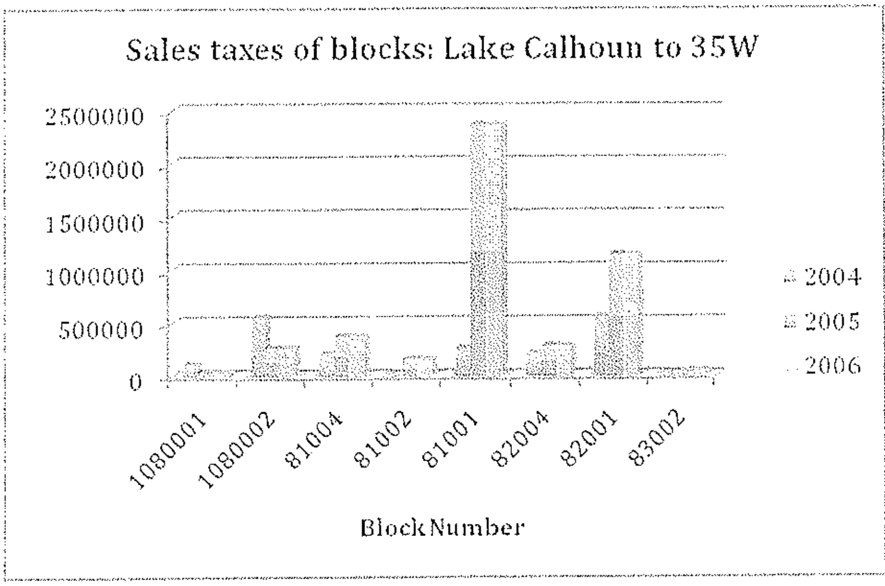


Figure 7

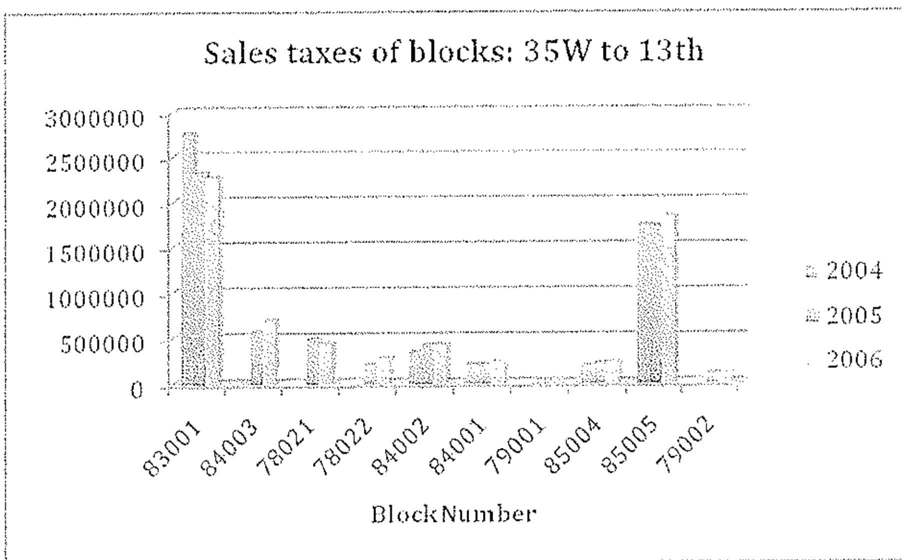


Figure 8

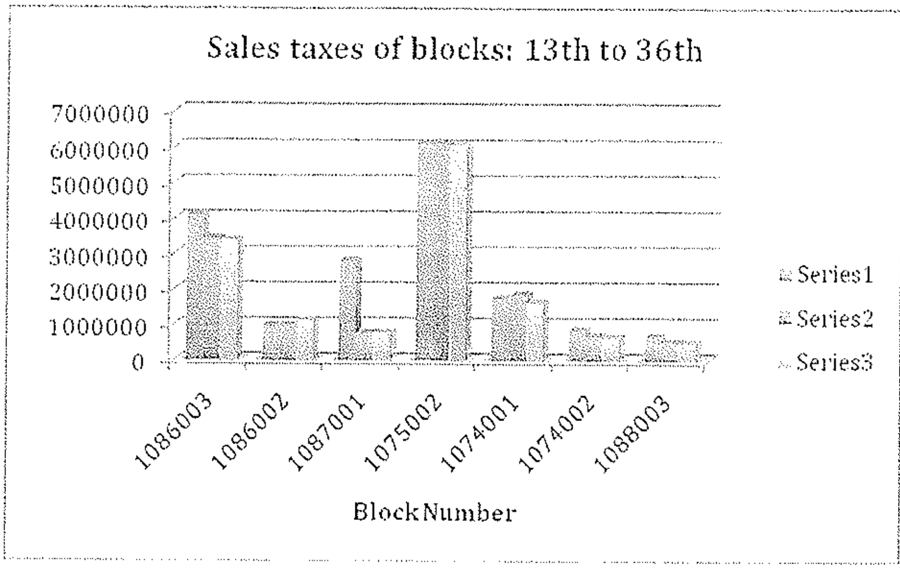
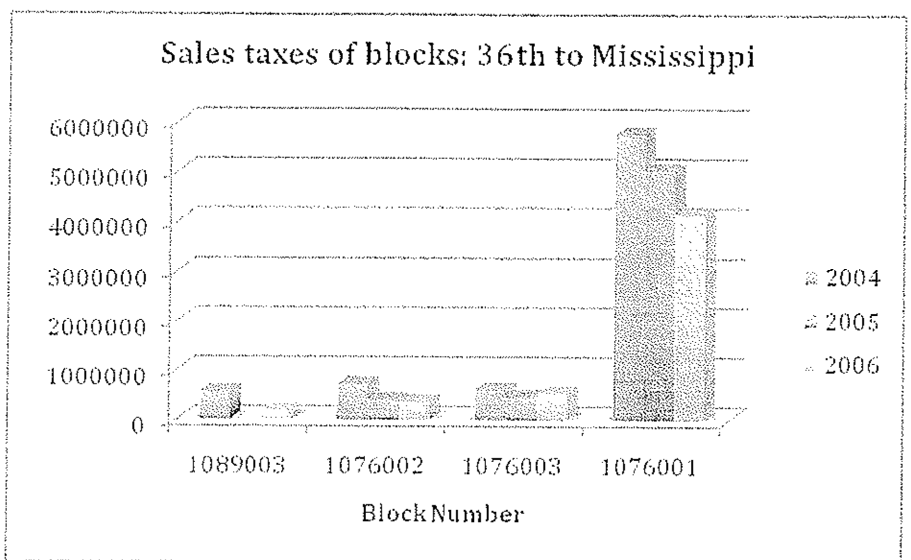


Figure 9



Variation in number of business and construction project

Were the number of businesses and the level of sales tax of the blocks affected by the construction project? The short answer is that it is too early to assess these impacts. However, we can argue that there are some indications that blocks located in sections under construction showed negative variation in the number of businesses during the time of construction and shortly after it. One way to assess the impacts of the construction is to run a simple econometric model relating the growth rate of the number of businesses and a dichotomy variable indicating the Block Group where the block is located – remember that each block group corresponds to a construction period.

Table 3 shows the sign of the coefficients obtained for each of the growth periods. Blocks under construction show negative coefficients during the construction periods[2]. For instance, the negative coefficient of Block Group #2 in the first row of Table 3 indicates the block located in that section of the corridor shows lower rates of growth of number of businesses than sections that did not undergo construction for that period (Recall that Block Group #2 was under construction in 2005). Note that the rest of the blocks on Lake Street show positive coefficients for the same period, indicating that construction may be one factor affecting the variation in number of businesses.

Table 3

	Sign of Coefficient		
	Group 2: 35W (5th Ave) to 13th Avenue	Group 3: 13th Avenue to 36th Avenue.	Group 4: 36th Avenue to Mississippi River Blvd
Growth Rate Number of Businesses: 2004-2005	(-) Construction	(+)	(+)
Growth Rate Number of Businesses: 2005-2006	(+)	(-) Construction	(+)
Growth Rate Number of Businesses: 2004-2006	(-)	(+)	(+)

[2] Most of The coefficients of the regression were not statistically significant, most likely due to the small size of the sample. Thus the results should be interpreted only at a descriptive level and not as causal realtionships.

When analyzing the growth rates in the number of businesses for the period 2005-2006 Block Group 3 now shows a negative coefficient, coinciding with the time of construction in that section of the corridor (See second row in Table 3). Block Group 4 kept showing the positive growth pattern for that period.

For the period 2004-2006, only Block Group #2 shows a negative coefficient. This result may indicate that Block Group #2 was the most affected by the construction project during the period of 3 years considered.

When analyzing the variation in sales taxes with respect to the Block Groups, we observe that being a block located in Blocks Group 3 and 4 reduces the rate at which sales taxes has grown – during all periods.

This result indicates that blocks in Group 2 had more chance of experiencing an increase in the sales taxes collected for the period 2004-2006.

Table 4

	Sign of Coefficient		
	Group 2: 35W (5th Ave) to 13th Avenue	Group 3: 13th Avenue to 36th Avenue.	Group 4: 36th Avenue to Mississippi River Blvd
Growth Rate Sales Taxes: 2004-2005	(+) Construction	(-)	(-)
Growth Rate Sales Taxes: 2005-2006	(+)	(-) Construction	(-)
Growth Rate Sales Taxes: 2004-2006	(+)	(-)	(-)

Other comparable block groups

We use the section of University Avenue between Highway 280 and Rice Street for comparison to the Lake Street corridor. The selection is based on three factors: First, both corridors present a highly diverse population of small businesses and some larger retail corporations (i.e. Target, Cub Foods, etc.). Both sections of the corridor analyzed are approximately 5 miles long. Finally, they differ in that University Avenue has not been under any major construction project during the period of interest (2004-2006), thus it can be treated as a control group.

When analyzing business and sales tax data from the University Avenue section, we observe that the variation in the number of blocks does not follow any significant pattern. To see this observe that approximately 50% of blocks have experienced positive growth rates in the number of businesses (See Figure 10).

On the other hand, sales tax has been increasing in nearly 60% of the blocks in the University Avenue corridor during the period 2004-2006 (Figure 11). Yet, we do not have information on what is driving this increment, besides any policy change from the tax authority. The individual block level data is presented in Figures 12 and 14, and the reference map is showed in Figure 15.

Figure 10

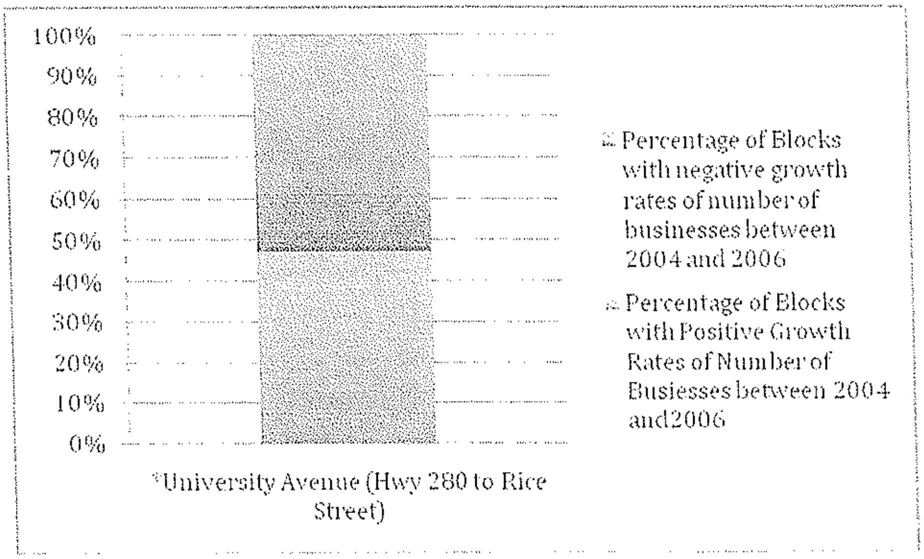


Figure 11

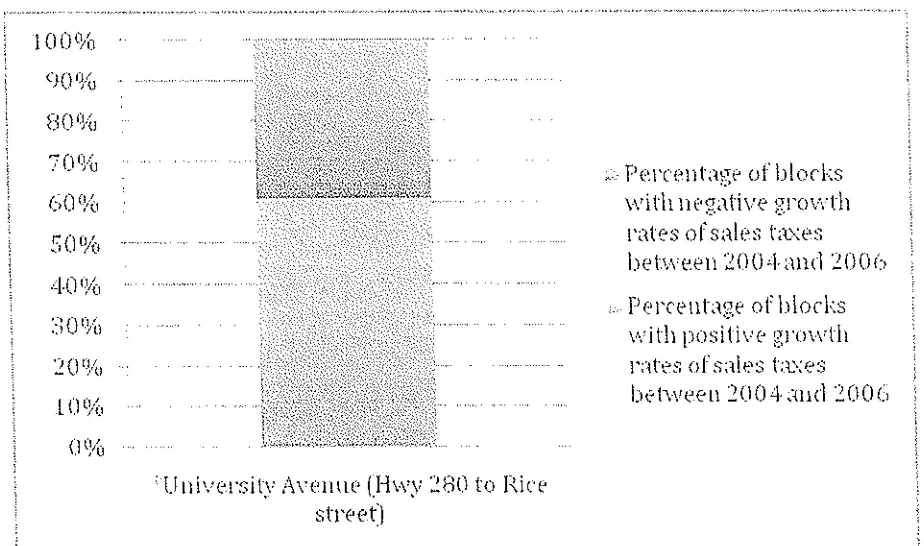


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Figure 12

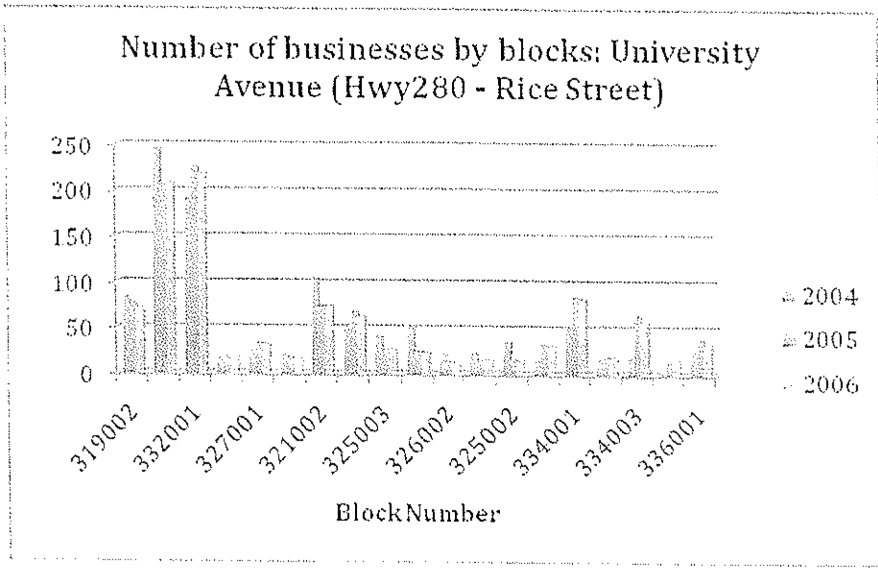


Figure 13

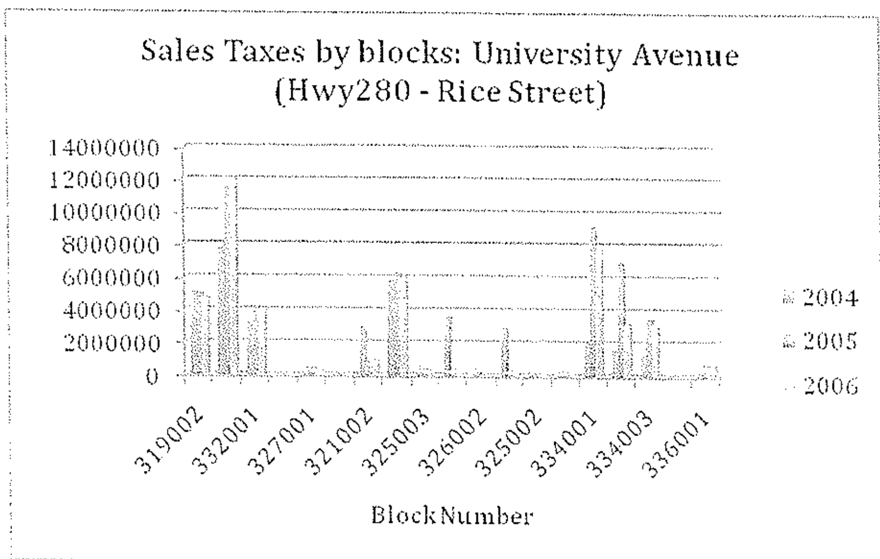
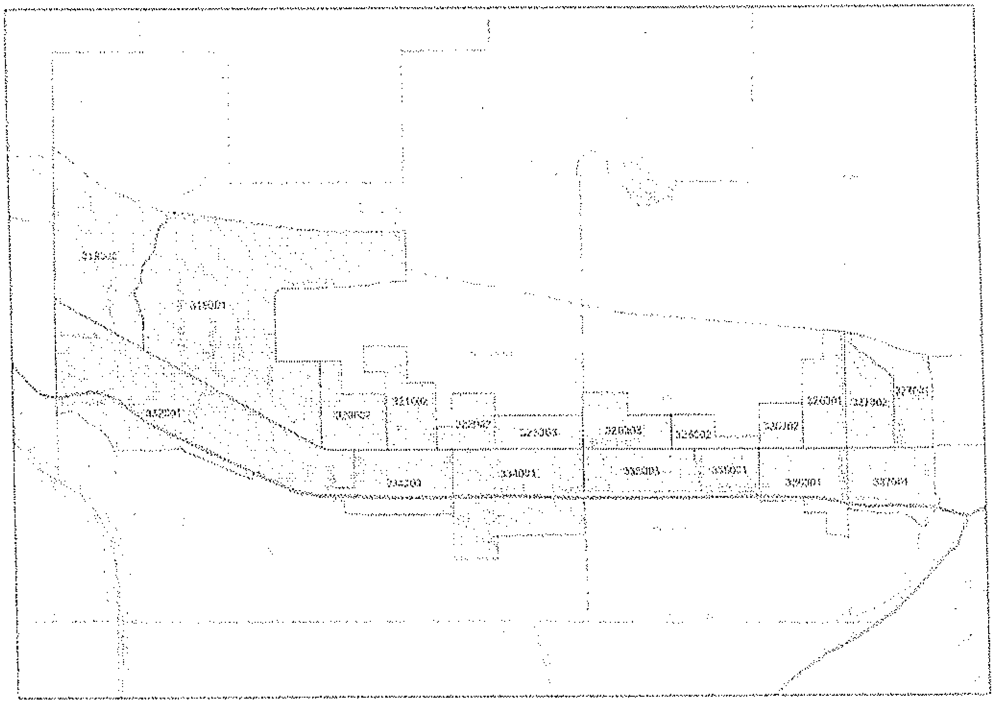


Figure 14

University Avenue Block Groups



Excerpted from "Taking it to the Street: How Roadway Design Helped Shape a Neighbprhood's Development, by Tony Proscio. This is a case study from the Payne-Lake Community Partners, April 2005

"On Street Parking had been steeply reduced in the original Lake Street redesign to accommodate left-turn lanes – a move that caused particular anxiety among merchants along the street. Yet, as the Project for Public Spaces pointed out, "Curbside parking is more than a vehicle function: It provides a physical and psychological buffer between pedestrian and moving traffic. It is also critical to the perception of a neighborhood shopping district as being convenient". In the initial plan, the 1.8- mile section of Lake Street was to lose some 65 on-street parking spaces – 30 percent of the total – largely to make room for left turn lanes..." "From the perspective of transportation alone, the loss of parking made sense. Many curbside parking spaces were empty, and traffic was slow at some intersections because of left turns and other congestion. The solution might seem obvious: trade the unused parking for a smoother traffic flow. But if the goal was to redevelop the commercial strip – a process barely underway, with many new and still fragile shops depending on drive-up customers – the calculation became more complicated. In such an environment, the importance of on-street parking is not only to accommodate as many cars as possible, but to create a general impression that *it's easy to shop here.* To many merchants, a healthy percentage of unused parking spaces may actually be a positive thing. Their subliminal message: Stop in now.

Because of the elimination of turn lanes and other changes in the design, the county was able to put most of the on-street parking spaces back into the construction plan for Lake Street."

Light Rail Transit Construction Impact Mitigation Strategies:

Case Studies and Recommendations for the Central Corridor

21 December 2007

Light Rail Transit Construction Impact Mitigation Strategies: Case Studies and Recommendations for the Central Corridor

A MURP Professional Paper

In Partial Fulfillment of the Master of Urban and Regional Planning Degree Requirements
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Light Rail Transit Construction Impact Mitigation Strategies 21 December 2007

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NOTE:
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INTRODUCTION

The proposed Central Corridor Light Rail Transit (LRT) line stretching from downtown Minneapolis to downtown Saint Paul has the potential to revitalize the neighborhoods it passes through. Projected to carry nearly 43,270 passengers daily by the year 2030, the line is an opportunity for significant investment in the local economy through transportation infrastructure improvements. When completed, the increased mobility and accessibility along the corridor will provide opportunities for increased economic activity and provide existing businesses with the ability to reach new markets.

Many of the business owners along the corridor, however, are concerned about the negative impacts the construction process may bring. The proposed transit line is scheduled to begin a three year construction phase in 2010. Construction of light rail, like any large construction process, can significantly disrupt the normal business operations along a corridor. Potential impacts include the interruption of electricity and utility services, removal of sidewalks and pedestrian access points, and a diversion of automobile traffic or lane configurations. In addition, the mere presence of construction activities can often be a significant psychological barrier for customers, whether or not there is actual decrease in physical access.

Businesses of various types and sizes are located along the Central Corridor and several business districts have emerged, each with a unique mixture of retail, service, industrial, and other types of businesses. In Minneapolis, for example, the proposed alignment along Washington Avenue will pass through the Stadium Village neighborhood, a lively neighborhood catering to students at the nearby University of Minnesota. The area is home to restaurants, clothing shops, taverns, and other convenience retail stores that depend on pedestrian access for much of their business.

In Saint Paul, the proposed alignment passes through a wide variety of business districts. Towards the western end of University Avenue, many of the nearby light industrial businesses depend on large trucks to send and receive products. Several large shopping centers with both small businesses and big-box retailers are situated along the corridor. Stores such as Target, Wal-Mart, Office Max, Cub Foods, and Rainbow Foods depend mostly on accessibility via automobile with some accessibility from local bus service. Traffic diversion during construction, both intentional and unplanned, is likely to present a major hardship to these businesses.

There are many small businesses located immediately adjacent to University Avenue in Saint Paul that will be particularly vulnerable to disruptions caused by the construction process. Many of the businesses along the corridor cater specifically to the needs of immigrants and those with culturally diverse backgrounds. In many cases, these small businesses are owned by members of the community without formal training in business management and without large capital budgets to absorb the impact of a construction season. Many of the businesses depend almost entirely on convenient storefront accessibility to draw customers.

The purpose of this report is to provide case studies from other light rail construction projects that may provide insight into the Central Corridor LRT construction process. Understanding the mitigation measures used during the construction of other recent LRT projects will provide a better understanding of the options available for use in the Twin Cities. In the next section, this report will consider the mitigation efforts utilized throughout the construction of LRT in seven cities: Portland, Seattle, Salt Lake City, Phoenix, Denver, Houston, and San Jose. For each case study, this report provides a general overview of the project characteristics and a summary of construction mitigation strategies utilized during each project. In addition, this report provides insight from project public outreach coordinators regarding the effectiveness of the mitigation strategies. The final section of this paper provides a summary and brief comparison of efforts used in the seven cities along with a set of recommendations for the Central Corridor LRT in the Twin Cities.

These seven cities were chosen because they have something in common with the Twin Cities metropolitan area. The Portland, Seattle, and Denver, and Phoenix are often considered peer cities with the Twin Cities because of their relatively similar size. Salt Lake City, Houston, and San Jose, although somewhat larger or smaller than the Twin Cities metropolitan area, were chosen because each of these systems feature a center-running alignment along an arterial street similar to that proposed for Central Corridor. For each of the case studies information is drawn from other written reports, community outreach materials, and direct communication with representatives from each transit property.

CASE STUDIES

Portland

Tri-Met began operating the Interstate MAX - Yellow Line in April 2004. The newest addition to the Portland LRT network, the Interstate line is 5.8 miles long and was constructed at a cost of $350 million. The alignment begins in downtown Portland and extends to the North with center-running alignment extending along most of Interstate Avenue. The Interstate area of Portland represents 20% of Portland's total population, but includes 65% of the African-American residents of the city. In total, 38% of the Interstate area population is represented by various minority groups, compared to 18% of the population citywide (Tri-Met 2007).

To reach out and connect with the diverse population in the area, Tri-Met sought and hired key community outreach representatives that live in or near the corridor and who represent ethnic minority groups in the area. The community outreach representatives made a special effort to interact with business owners using door-to-door canvassing and telephone call-downs in addition to mailings and local advertisements. Tri-Met used bilingual communications to invite Latino families from schools and other organizations to meetings about the Interstate MAX project. The extra effort made by the community outreach staff led to a successful public involvement process where residents and business owners were encouraged to contribute in meaningful ways to the project. The final design includes a number of elements inspired by the public involvement process. Developing strong working relationships and trust between the outreach staff and the business organizations and area residents was a critical component of minimizing the negative construction impacts.

When construction began, 105 businesses were located along the corridor. According to Tri-Met, only 1 business failed as a direct result of construction-related disruptions, and 3 businesses relocated to another location. In addition, over 50 new businesses have been added along the corridor either during or immediately after construction (Tri-Met 2007).

Tri-Met and the Portland Development Commission teamed up with Cascadia Revolving Fund, a private non-profit community development financial institution to provide financial help to businesses affected by light rail construction. Businesses that could demonstrate construction had affected their revenues were eligible to receive low-interest loans and business consulting services. The 8-year loans offered an interest rate of 3 percent with 'interest only' payments for the first year. Loans were between $5,000 and $25,000. In addition to loans, Cascadia helped recipients to use the loans to their best advantage by offering on-going consultation on business practices such as finance, accounting, marketing, personnel and general management issues. In total, Cascadia provided over 800 hours of personalized technical assistance to 59 businesses along Interstate Avenue (Portland Development Commission 2007).

The Portland Development Commission provided a Storefront Improvement Grant program aimed to assist property and business owners in rehabilitating their storefronts. In total, 18 businesses have received Storefront Improvement grants (Portland Development Commission 2007).

Tri-Met staff used a wide range of strategies to distribute construction information to stakeholders along the corridor. Business owners were invited to attend workshops teaching business management skills and were paired with personal mentors who were skilled in giving business strategy advice to help businesses throughout the construction process. Staff attended meetings and gave presentations at a wide range of meetings including the Interstate MAX Advisory Committee, Interstate Corridor Urban Renewal Area Committee, various business associations, N/NE Portland Coalition meetings, and local neighborhood association meetings. Tri-Met Community Affairs also distributed 12 seasonal newsletters to a mailing list of 7,500 residents throughout North Portland. Tri-Met's web site included an extensive section on Interstate MAX construction and community outreach, including an information section in Spanish (Tri-Met 2007).

Tri-Met sponsored special media and social events along the corridor to encourage people to visit the local businesses. The events received much media attention and helped draw a crowd to the construction site and the impacted businesses. Events included the Vanport Bridge dedication, the Expo Center art dedication, the First Tree Planting Ceremony, an Interstate Avenue Street Fair, an "Intersections" book dedication, and a 50% Milestone event. Similar to a strategy used in Seattle, Tri-Met sponsored a "lunch bus" program to ferry city officials and transportation workers to Interstate Avenue restaurants that were affected by the construction.

Tri-Met employed a wide range of strategies as part of the "Open for Business" program. Four community relations staff and construction supervisors had a strong commitment to initiating daily contact with each business when construction was immediately adjacent and a "no surprises" strategy provided information to business owners in advance (Tri-Met 2007).

There was also a 24 hour construction hotline with a live operator at all times. The operator had the ability to page community relations staff for after-hours issues, and over 2 dozen construction staff were available on a 24 hour basis.

Tri-Met contractors employed a construction method that aimed to minimize the amount of time the street was under construction immediately in front of businesses. Construction progressed in "reaches," each about 4 blocks long, and each phase of construction was completed in one reach before starting that phase in the next reach. In total, a period of about 8 weeks per reach was required to rebuild the outside lane and replace the sidewalks. The street and sidewalk were temporarily restored if there was ever a gap between phases of construction.

Tri-Met had a firm commitment to provide access into businesses at all times. Vehicle and pedestrian routes that would allow businesses to be accessed were open at all times. Driveway and doorway reconstruction was scheduled before or after business hours whenever possible to accommodate the needs of the businesses. At least one of the sidewalks remained open on each reach at all times.

Tri-Met provided an extensive advertising and marketing campaign on behalf of the Interstate businesses. The "Interstate Avenue is Open for Business" campaign was designed to attract customers to Interstate Avenue through advertising, direct mail, and customer incentives. Signs featured businesses names and stated, "Open For Business" or gave parking, entrance, or detour directions to businesses. Ads were placed on buses, in local papers, and flyers were distributed to customers to help in wayfinding.

Full-page advertisements featuring groups of Interstate retail businesses were used to tell stories of the businesses and their owners. Businesses were grouped with other businesses located nearby, and the placement of the advertisements was timed to coincide with the construction in front of the businesses.

Tri-Met developed a marketing campaign called "Doing Business on Interstate" that was mailed to 16,000 homes in North Portland. Special flyers were direct mailed and hand delivered in nearby neighborhoods. Tri-Met also gave away monthly passes to winners of monthly drawings from those with Interstate business receipts and placed advertisements on many local buses with information on how to access the businesses (Becklund 2007).

Multiple direct mailings to residents in the surrounding area with coupons and advertisements were successful in bringing customers to businesses. While in the process of developing the coupons, the TriMet communications and graphics staff assisted several small businesses in developing attractive logos to make the advertisements more effective (Becklund 2007).

Ann Becklund, Director of Community Affairs at TriMet believes the most important and effective aspect of lessening the impact of the construction on local businesses was providing the business owners "somebody to talk to." She stated that TriMet community affairs staff provided a "one-stop shop" for business owners to get information, express concerns, and provide feedback. TriMet provided business owners with a single point of contact and built a strong relationship of trust early in the planning process so that business owners were comfortable contacting community affairs staff with concerns. She believes that having the community affairs and public relations staff housed within the TriMet organization was critical to the project because it allowed business owners to feel as though they had an "advocate" within the organization (Becklund 2007).

<u>Seattle</u>

Sound Transit is currently implementing the first light rail line in the Seattle metropolitan area. The Central Link, a 15.7 mile line connecting downtown Seattle with the Sea-Tac Airport via the Rainier Valley is expected to begin service in 2009. The Central Link will travel under downtown Seattle in a transit tunnel completed in 1990 and used only by buses until 2005. Much of the alignment is either underground, elevated, or travels along the 5th Avenue Busway or freeway alignments where disruption to businesses will be minimal. The largest impact to downtown Seattle is the increased number of buses using surface streets while the tunnel is undergoing renovations. However, the Central Link follows an at-grade alignment along Martin Luther King Jr. Way (MLK) for 4.3 miles, a wide urban corridor through one of the most diverse neighborhoods in Seattle. This portion of the alignment features a center-running alignment and the project scope includes reconstruction of the entire avenue from building face to building face.

The Rainier Valley neighborhood in Southeastern Seattle is considered a multi-ethnic community where 83% of the residents are non-white. In addition to being culturally diverse, the neighborhood is also one of the poorest neighborhoods in Seattle. Surrounding the avenue is a diverse mix of residential, commercial, and light industrial uses (CDF 2002).

As planning begun on the Central Link, Sound Transit recognized the need for an effective construction mitigation plan, especially along Martin Luther King Jr. Way. The Sound Transit web site states, "Sound Transit works hard to ease the impacts of construction on local neighborhoods and businesses. A big part of our mitigation is making sure that businesses remain open during the construction of light rail and other projects." In addition to an extensive public involvement program, Sound Transit utilized many common business impact mitigation techniques (Sound Transit Mitigation 2007).

Sound Transit's first objective was to maintain access to businesses for customers and employees. Staff worked with businesses to arrange alternate access when the usual access was blocked for construction purposes. Off-street parking for the construction workers' vehicles was provided to preserve on-street parking for customers.

"Open for business" signs were posted at businesses directly impacted by construction. The city also provided detour signs to help customers access businesses during construction. Kiosks and businesses directories were placed where appropriate. In addition, temporary public art was applied to temporary construction fencing in places along the corridor.

Sound Transit also places a large emphasis on helping to promote the businesses along the route. One of the most innovative strategies used to assist businesses along the corridor is the "Lunch Bus" campaign. Once a month, a bus shuttles Sound Transit and city employees and members of the general public to a local restaurant along the corridor. In addition to simply supporting the restaurant, the program helps to raise awareness of the construction progress and sends the message that local businesses are still operating.

Sound Transit also created a marketing campaign titled "The World At Your Doorstep" to encourage individuals throughout the Rainier Valley to shop at businesses along the LRT corridor. This campaign utilizes several advertising techniques including a web site, mailers to local residents, and flyers. As part of the campaign, each month several impacted businesses are featured in a monthly construction newsletter.

The contractor also played an important role in the mitigation process. The contractor was required to keep garbage, dust, and debris to a minimum and wash the windows of businesses in active construction areas once every three months (Sound Transit Mitigation 2007).

Sound Transit remains committed to quickly distributing up-to-date information to business owners and residents along the corridor. They have made several "outreach commitments" to the community that apply not only to construction of Link light rail, but also to Sounder commuter rail. Sound Transit has committed to provide advance notification of construction activities and to maintain a 24-hour construction hotline as a single point of contact along the corridor and as a method of communication during emergencies or unexpected circumstances. In addition, Sound Transit provides many other opportunities for those along the corridor to stay informed through regular construction meetings for impacted neighborhoods, regular written construction updates that are mailed to surrounding neighborhoods, maintaining up-to-date information on the Sound Transit web site, assisting individuals with limited English skills by providing an interpreter and translation services for written materials and community meetings, and working with businesses and residents to find solutions to construction related problems (Sound Transit Community Outreach 2007).

A Community Development Fund (CDF) officially became part of the Link Light Rail project in November 1999 when the Sound Transit Board unanimously passed a resolution establishing the alignment and station locations for the project. Public involvement in establishing the fund was substantial with several community forums and a community steering committee established in 2000. Sound Transit, King County, and the City of Seattle all contributed to the Rainier Valley CDF. The public investment in the CDF is funded primarily through a federal block grant with the balance coming from the general funds of each entity. According to the CDF, the majority of funds are revolving loans and include terms and conditions that serve as incentives for the borrower to achieve the Fund's community development goals. Eligibility for the loans and the loan terms vary depending on the degree of operation impairment experienced by an individual business.

The fund has three distinct avenues for distributing assistance:

1. Supplemental Mitigation Assistance for businesses impacted by Light Rail Construction in the Rainier Valley ($16 million) – This fund includes mitigation payments related to moving and re-establishment costs, increased operating costs, and decreased revenues. It also includes mitigation advances related to increasing working capital, tenant improvement, and equipment upgrades. The fund also provides technical assistance related to small business marketing and customer cultivation, basic accounting, and using the internet.

2. Workforce Training for Rainier Valley residents in construction related jobs ($2 million) – This program is a partnership with Seattle Jobs Initiative and is a time-limited program that will last through 2009. This program attempts to help bring residents into the workforce and monitors retention placements for 24 months.

3. Community Development Program (CDP) on-going community development lending for small businesses and real estate projects. ($32 million) – This program is a long-term revolving loan fund in which 25% of the program funds are set aside for business lending and 75% set aside for real estate lending. The Fund's Operating Plan states, "The CDF may support any project that preserves and strengthens cultural and economic diversity, long-term livability, and economic opportunity for Rainier Valley residents, businesses, and institutions (CDF 2002)."

Despite the efforts of Sound Transit to minimize the impact on local businesses, many businesses are still having a difficult time surviving the construction period. The Seattle Times reported in September, 2005, that 97 of 274 eligible businesses along MLK had received "business interruption" grants from the fund, 41 of which reported a decline in sales of 50 percent or more. Another article stated, "As of February 2006, 44 of the 274 businesses along Martin Luther King Jr. Way, where much of the line's construction is taking place, were no longer operating, despite $7.5 million in "mitigation funds" from the Rainier Valley Community Development Fund." In addition, local minority construction workers have staged rallies protesting that African Americans were not receiving an equitable share of construction work for the project.

As of March 2007, the CDF programs distributed $9.3 million and assisted 157 businesses. The workforce training program has enrolled 172 individuals, placing 109 with an average wage of $16 per hour plus benefits. The community development program has approved 3 business and 2 real estate loans with 17 more loans pending (CDF 2007).

Salt Lake City

The Utah Transit Authority (UTA) completed the first light rail line in Salt Lake City in 1999. Called the North/South Line, the alignment follows an existing rail alignment for most of the project length and is surrounded by low intensity industrial land uses for much of the alignment. The north end of the alignment, however, featured center-running track along Main Street, 700 South, and 200 West in downtown Salt Lake City. Many storefronts and locally owned businesses were located along this portion of the project alignment. Many buildings in downtown Salt Lake City have ground-floor retail businesses with offices located above.

UTA utilized relatively few business impact mitigation strategies throughout the construction of the North/South Line. Construction activities were coordinated with unrelated development occurring along the line to minimize the amount of time Main Street would be under construction. In addition, construction activities could only take place on two adjacent blocks at any time to minimize the amount of time construction would be immediately in front of a single business. The construction period was extremely difficult for many main street businesses and nearly 30% of the businesses permanently closed during this time (Knowles, 2007).

After receiving significant criticism for the lack of assistance offered to businesses during construction, UTA and Salt Lake City were prepared to be more proactive during the next LRT expansion project. The University Line is a 2.5 mile extension of the existing line connecting downtown Salt Lake City with the University of Utah to the East. The University alignment departs from the mainline alignment on 400 South, a wide arterial running East/West with many businesses and storefronts. The project cost a total of $118.5 million and began service on December 15, 2001, nearly two years ahead of schedule. Over 100 business are located along the project alignment (UTA, 2007).

An Interlocal Agreement between the Utah Department of Transportation (UDOT), UTA, the University of Utah, and Salt Lake City provided a forum to discuss alignment and traffic issues. Salt Lake City played a key role in establishing a public forum and process that would allow residents and business owners along the project alignment to voice their concerns, especially regarding the disruption to business operations during construction.

The project was unique in that the contractor shouldered much of the responsibility of minimizing the disruption to local businesses. The public participation process for mitigating construction impacts was included as a part of the construction documents. Six months before construction began, a Community Coordination Team (CCT) was established composed of residents and business representatives from along the project alignment. The CCT included one business representative and one residential representative from each of the 13 blocks in the corridor and two at-large representatives appointed by each stakeholder agency.

The CCT was tasked with establishing a contractor evaluation incentive fee system. The construction documents mandated a minimum level of mitigation measures to be performed by the contractor, but additional compensation was made available to the contractor for performance above and beyond the minimum requirements. Each three month period, the CCT could choose to award the contractor up to $200,000 beyond the base compensation for construction mitigation activities beyond what the contract required.

The exact amount awarded to the contractor during each three month period was determined by an intricate evaluation system. First, the public was allowed to evaluate the contractor's public involvement activities. At the beginning of the project, the public was asked to complete lengthy written surveys, but this proved too time consuming and ineffective. The CCT members also attempted to complete the forms by visiting neighborhood businesses in person. Ultimately, the CCT determined that it was most effective to hire a consulting business to administer telephone surveys to those along the corridor to evaluate the contractor's public involvement activities.

After the public had an opportunity to provide feedback, the contractor presented a self-evaluation to the CCT followed by a presentation by UTA regarding the contractors mitigation strategies. Each CCT member individually rated the contractor, and the total scores were compared to the scores provided by the contractor and UTA. The CCT executive director had the ability to make any necessary adjustments to the overall rating. Throughout the construction period, the average CCT recommendation was 89.8% of the total possible incentive compensation (Bott 2007).

The CCT was also tasked with allocating $300,000 of the $500,000 budget to implement business impact mitigation programs coordinated with the Contractor's public information staff. The CCT and the contractor's public relations consultants used the funds in four ways:

1. 4th South Bucks. The 4th South Bucks Program distributed over $75,000 in coupons (each worth $1) that could be redeemed at businesses along 400 South. The program was believed to be an acceptable way to randomly disseminate the coupons through a radio station campaign. It was anticipated that business patrons would spend additional money beyond the 4th South Bucks.

2. "Go Fourth" Radio Advertisement Campaign. The "Go Fourth" radio advertising campaign was chosen because it was determined to be an effective means of reaching the intended customer demographics of the businesses along the project alignment. The contractor's public information specialist assisted a CCT subcommittee in developing a radio campaign. The CCT developed a set of criteria used to evaluate all of the businesses along the corridor (preference was given to independent businesses) to create a priority list for radio spots. Each month, six businesses were featured on the radio. In addition, a remote broadcast featured the six chosen businesses on the 4th of each month. The radio remote broadcasts would feature prizes including Fourth South Bucks.

3. Catalyst Advertisements. Sixteen businesses were given advertisement space on the back cover of Catalyst Magazine each month. Catalyst Magazine, a local publication, was chosen because its reader demographic closely matched the radio station's demographics.

4. The CCT recognized that media coverage is often perceived as more credible than advertisements. In coordination with the contractor's public information staff, the CCT encouraged UTA and the contractor to use media events to distribute the message that

businesses were accessible during construction. Accessibility was emphasized in several media campaigns, including the "First Rail Weld" and the "Half-time Celebration."

In addition to establishing a CCT, Salt Lake City sponsored a low interest loan program available to impacted businesses and administered by the Salt Lake City Community and Economic Development Department. Loans up to $10,000 were available to businesses located within one-half block from the project alignment were eligible to apply. Applicants were also required to provide profit loss statements. In total, 19 loans were distributed to businesses during the construction period, primarily to less established businesses such as independent restaurants. Five of the loan recipients defaulted on their loan (SLC 2006).

Phoenix

The Central Phoenix LRT line, the first to be implemented in Phoenix, is currently under construction and scheduled to open for service in December, 2008. The project alignment is 20 miles in length and has a $1.4 billion construction budget. Valley Metro Rail has estimated that there are over 3,500 businesses located along the project alignment. The alignment is composed almost entirely of center-running trackway with relatively little grade separation or separated right-of-way.

The core of the Valley Metro Rail business impact mitigation plan relies on distributing up-to-date information and receiving feedback from business owners. Valley Metro uses a 24-hour, 7 day per week project hotline with a live voice during the construction period, as well as a project web site to help interact with the public during construction. Cell phone numbers and photographs of the Valley Metro Rail and Public Involvement staff are also published and made available to businesses along the corridor to help business owners recognize the outreach staff. All street closure information is made known to businesses using flyers, emails, and the project web site. Periodic construction update meetings are also used to inform business owners of future construction plans and provide an opportunity for feedback (VMR 2003).

Before construction began, Valley Metro created a Business Outreach Plan to inform business owners of the assistance that would be available throughout construction. To help prepare business owners for the upcoming disruption, Valley Metro invited business owners who have survived LRT construction in other cities to speak with the local business owners, give advice, and share lessons learned (VMR 2003).

A Community Advisory Board (CAB) for each line section is composed of business and neighborhood leaders from along the line section. The CAB is tasked with providing input to Valley Metro Rail representatives on contractor community relations to be used as a measure for contractor performance. A total of five CABs serve as the voice of the community throughout the 20 mile corridor. Monthly construction review meetings for each section are facilitated by the public involvement coordinators. The contractor and several engineers from the Project Team are also present at the meetings. CAB members evaluate the contractor's performance using forms provided by the agency. CAB members also distribute incident report forms to all the stakeholders they represent to gain an understanding of contractor performance. CAB members use the incident report forms and personal observation to compete the contractor evaluation form. The evaluation form provides feedback regarding the contractors performance providing advance notification of construction activities, maintaining access to stakeholder properties along the light rail alignment, maintaining traffic guide and business courtesy signage, controlling dust and noise, and maintaining adequate pedestrian/bicycle crosswalks in the light rail construction zone. The resident engineer considers the evaluation submitted by the CAB in determining contractor payment (Steere 2007).

The Valley Metro Rail Construction Signage Program is another tool used to minimize the disruption to businesses along the corridor. Two types of signs are available: traffic guide signs and courtesy signs. Traffic guide signs are intended to direct traffic to the businesses. The courtesy signs may be used for advertising, marketing, or directional purposes. All courtesy signage is available to businesses within 48 hours from the time it is requested. While there is no limit to the amount of signage available, the area coordinator and business owners will work together to ensure an appropriate amount is used. This program is possible because of the assistance of the Cities of Phoenix, Mesa, and Tempe, which have temporarily waived existing signage ordinances along the corridor (VMR 2003).

To help coordinate efforts along the corridor and improve the level of service provided to business owners, the corridor has been divided into five sections, and each section has been assigned a Community Outreach Representative. This representative is responsible for interacting with all businesses located within that alignment section. This helps to personalize the process for the business owners by providing a single point of contact with Valley Metro.

Valley Metro created the Metro MAX shopping card, which can be used to receive discounts from businesses along the corridor. The program is designed to increase patronage of retail businesses along the project alignment. Businesses that wish to participate in the program are free to decide what promotional discount or special offer they wish to include in a brochure listing all of the participating businesses and their offers. Cards and brochures are distributed by the public involvement staff and by the businesses themselves. In addition, the cards may be downloaded off the Valley Metro web site.

Valley Metro also provides free pre-printed postcards to businesses along the alignment. The postcards include a space for each business to personalize the postcards, though business owners must cover the costs of custom printing and postage to mail the cards.

In addition to the business assistance programs made available through Valley Metro, each municipality through which the alignment passes (Phoenix, Tempe, & Mesa) has created additional assistance programs available only to the businesses within their jurisdiction. In addition, individual cities have engaged in additional advertising campaigns as well. The City of Phoenix created the "Shop the Line" advertising campaign with on-site radio promotions and advertising (City of Phoenix 2003).

Howard Steere, Public Involvement Manager for Valley Metro, said that loans have been available through a number of organizations, but that they have not been as successful as they would have liked. The requirements to qualify for the loans were more strict than many businesses are able to meet, and many of the businesses that need the most financial assistance are not eligible. Various banks, chambers of commerce, credit unions, and non-profit organizations like Chicanos Por La Causa provide loans for as little as $200 available to businesses along the corridor. The terms and details of the loans depend on the location and individual needs of the business.

Phoenix has focused its efforts on providing free consultations to business owners to help them recognize their strengths and weaknesses and formulate action plans to weather the construction period. Phoenix has hired a Business Advocate dedicated for this purpose, and three private sector consultants are also available at no charge to provide technical assistance with marketing, web page maintenance, workforce recruitment and development, accounting, and other technical aspects of business ownership. In addition, the Arizona State University Spirit of Enterprise Center provides business owners with a full market analysis of economic conditions to help business owners identify their target market.

Overall, Howard Steere stated that Valley Metro has not been able to do as much mitigation as they would have liked because of regulations on money received from the Federal Government, but that the City of Phoenix and other organizations were able to fill that role. The most popular and successful program utilized was the free signage. He believes that the Valley Metro mitigation program has been very successful, but that the key to success was involving the partner cities and non-profit organizations to provide assistance beyond what Valley Metro was able to provide (Steere 2007).

<u>Denver</u>

Denver's Regional Transportation District (RTD) has implemented light-rail transit in four waves. The Central Corridor line, completed in 1994, consisted of 5.3 miles of at-grade trackway, including a section through downtown Denver. The line features a side-running alignment along surface streets for approximately half of the distance and utilizes an existing railway right-of-way for the remainder. While traveling through downtown, the tracks split into a one-way pair on adjacent streets.

The Southwest Corridor opened in 2000 as an extension of the Central Corridor into the southwest suburbs. The 8.7 mile trackway was constructed entirely on existing freight rail right-of-way and features only two at-grade street crossings – both on relatively low traffic streets.

The third installment of LRT in Denver was the Central Platt Valley Corridor. The 1.8 mile trackway provided access to several large venues including Auraria Campus, Invesco Field at Mile High Stadium, the Pepsi Center, Six Flags, Union Station and Coors Field. Construction of the line was completed in 2002 and was constructed almost entirely within existing freight rail right-of-way.

The latest LRT project in Denver, the T-REX project completed in 2006, added 19.1 miles of grade separated trackway located immediately adjacent to I-225. The T-REX project combined construction of LRT with a major expansion and renovation of I-225, which resulted in both the trackway and the freeway being entirely grade separated from surface streets.

Overall, most of the 35 miles of LRT in Denver are separated from traffic using overpasses or tunnels. As the alignment follows mostly existing freight rail and freeway right-of-way, there are very few street crossings. The notable exception is in downtown Denver where the LRT operates within surface street right-of-way.

Since the rail alignment follows existing rail lines and freeways for much of the alignment, the construction impact mitigation strategies utilized serve a different purpose than those in other cities. Many of the businesses impacted are larger, automobile-oriented businesses. Much of the disruption caused by construction is caused by the reconfiguration and reconstruction of freeway ramps and bridges. In general, there are very few locations outside of downtown Denver where businesses experienced construction "on their front doorstep."

At a focus group meeting, business owners said that their biggest concern was their ability to maintain and recruit employees, and decreased productivity of employees because of traffic delays. Given this context, the business impact mitigation techniques used throughout this project were focused on reducing traffic congestion so that employees and customers would not experience significant delays. One of the key strategies used by RTD was to work with the Transportation Demand Management service providers to develop educational campaigns for impacted employees, businesses, and commuters. The purpose of the campaigns was to provide information about how employees and customers could avoid traffic congestion. Special emphasis was placed on encouraging travel at non-peak hours and using alternative modes of transportation (TransOptions 2007).

RTD committed to having a single contact person for information regarding business impacts. Providing an easy way for businesses to voice concerns and ask questions with a single point of contact helped to open lines of communication between the business owners and RTD. In addition, RTD committed to providing up-to-date information using newsletters, informational materials distributed periodically to businesses, and a project web-site (RTD 2000).

Houston

The Metropolitan Transit Authority of Harris County, Texas (METRO) began construction on the Red Line in 2001 with service beginning in December, 2003. The Red line extends 7.5 miles from the north edge of downtown near the University of Houston-Downtown Campus to the southwest suburbs. The downtown segment of the alignment features a center-running alignment on Main Street. The construction of LRT included complete reconstruction of the street right-of-way. The transformed Main Street features ornamental paving materials and sidewalk furniture. Although automobile traffic is still permitted on Main Street, the reconstruction efforts aimed at transforming the right-of-way into a pedestrian friendly environment.

South of downtown Houston, the alignment remains at grade, but separates into a one-way pair on adjacent streets with side-running trackway before once again joining together to form center-running trackway. At one major intersection, the alignment, along with several lanes of through traffic, are grade separated from crossing traffic, however most of the line is at-grade.

Overall, METRO utilized a more modest set of construction mitigation strategies than the other cities discussed in this study. Much of the construction mitigation efforts were aimed at reducing the total amount of time construction would be immediately adjacent to any single business. A complex phasing plan was implemented to ensure that construction was completed in one part of the line before moving on to the next portion. In addition, traffic control plans placed regulations on when key intersections could be closed. In general, intersections were required to remain open at all times to allow access to local businesses. When intersections were closed, however, no two streets with the same directional cross traffic could be closed at the same time. When Main Street on the north end of downtown was blocked off for construction, an extra lane was added to an adjacent street to help move traffic downtown and allow access to businesses (Gulf Coast Institute 2006).

Houston utilized many of the most common mitigation techniques including "open for business" signage and wayfinding signage to ensure that customers were aware of how to access local businesses. METRO maintained an up-to-date web page to provide businesses with updates and future plans. Weekly emails, mailers, community meetings, newsletters, and small advertising campaigns were also utilized to increase awareness of construction activities.

METRO conducted individual business surveys to determine the needs of each business during construction and to establish solid communication lines. A coupon book was distributed to households along the project corridor, however the campaign was not very successful. Very few of the coupons were redeemed (Chou 2007).

Downtown Houston experienced significant hardships during the construction period of 2001-2003, but the METRO is quick to note that there were several other events aside from LRT construction that were partially responsible for the difficulties. Tropical Storm Allison (June 2001) causing $5 billion in property damages to central Houston, the World Trade Center terrorist attacks (September 2001) damaging Continental Airlines and the overall airline industry, and the collapse of Enron (December 2001) resulting in the layoff of over 4,000 employees all share some of the responsibility for economic downturn (RTD 2007).

Ernest Chou, one of the community outreach coordinators on the project, stated that the most successful strategies of the construction mitigation program were to work directly with each business along the rail construction line. The personal interaction between business owners and multi-lingual outreach staff allowed for accurate information to be distributed to business owners along the line. The line was divided into 5 sections and each section consisisted of a team that worked to address day to day issues related to construction. Periodic community meetings in the construction zone with the Community Outreach Coordinators provided additional information to business owners immediately surrounding the construction zone. METRO developed lists of business owners along the corridor by line section. Community Outreach Coordinators ensured that all businesses were contacted and identified by walking the project alignment and interacting directly with business owners (Chou 2007).

Ernest Chou also stated that METRO learned some important lessons throughout the construction process. The strategy used to perform construction in sequential segments rather than all at once was appreciated by many of the smaller businesses along the corridor. One of the most significant impacts to smaller businesses was the periodic disruption of utility services during construction. By minimizing the need for utility disruptions, and coordinating the times of disruption with businesses, the impact can be reduced. METRO also realized the benefits of using temporary asphalt walkways and driveways for improved access.

San Jose

The Santa Clara Valley Transportation Authority (VTA) in San Jose has developed an LRT system consisting of 42.2 miles of trackway with 62 stations. The system has three lines; two of the lines have 14 stations in common and one of the lines is a short, two-station offshoot of the system. The system began construction in 1985 when VTA created a downtown Transit Mall. The construction of the Transit Mall included a complete reconstruction of 1st Street and 2nd

Street from building face to building face and installing a one-way pair of side-running tracks on adjacent streets.

This portion of San Jose contains mostly two or three story buildings with ground-floor retail establishments. Although some efforts were made to minimize the construction impacts, the construction period from 1985 to 1988 was very disruptive for many local businesses. Despite using granite tiles as makeshift sidewalks during construction, storefront access was greatly impacted. The San Jose Downtown Association reports that 24 ground floor businesses ceased to operate during this period (Childress 2007).

In many respects, the construction of the Transit Mall was much more difficult than it would have been, had additional planning taken place before construction began. The project would have benefited from a plan that anticipated construction problems ahead of time and created policies and action plans to guide construction progress. A detailed construction management plan was never completed for this project, so problems were addressed as they were encountered, resulting in unnecessary delays and additional hardships placed on businesses. Confusion regarding underground utilities and building foundations caused significant delays in progress. As the VTA planned for future system expansion, it realized that planning ahead to reduce the opportunities for unforeseen delays was an important aspect of reducing the impacts on businesses.

The San Jose Redevelopment Association (RDA) funded a business loan program to assist merchants financially to alleviate the potential loss of business during the construction of the Transit Mall. The RDA contracted with the San Jose Development Corporation, a non-profit organization, to administer the loan program. Approximately 178 businesses qualified and participated in the business loan program. Qualifying businesses in the construction area secured loans by borrowing against their existing assets. The process was similar to a traditional bank loan, however RDA was the lender. Ultimately, RDA staff and merchants were dissatisfied with the program because it was administratively difficult to manage. Repayment terms differed on every loan, depending on the agreement. Because the RDA operated as the loan administrator, rather than a traditional bank, requiring the businesses to repay the loans became a difficult situation. As a result, many of the loans were not repaid, and many of the businesses ceased operations during construction (SCVTA 2003).

After the initial Transit Mall program was completed, the LRT system was expanded by extending the line north and south of downtown. South of downtown, the Green Line follows an existing freight rail right-of-way, and the Blue Line travels in the median of California State Routes 87 and 85. Traveling North, the Green and Blue lines share a center-running alignment for several miles to Tasman Drive. Here, the Green Line turns West, continuing on Tasman Drive for nearly all of the remaining trackway, and the Blue Line turns East, following Tasman

Drive and Capitol Avenue. Both of the lines feature at-grade, center-running trackway, though for several blocks, the Blue Line becomes elevated over an existing freight rail and several intersections.

Most of the businesses along the construction corridor are located in large office buildings set back a significant distance from the street in an area where parking is plentiful. There are few buildings immediately adjacent to the street, and relatively few retail businesses along the corridor. As a result, the construction mitigation strategies throughout the suburban expansions of LRT were centered on minimizing the disruption of traffic flow. VTA and the City of San Jose developed a traffic management plan that was incorporated into the construction documents prior to the bidding process. This proactive method of traffic management helped to minimize the disruption and confusion during construction. A key element of the traffic management plan involved placing adequate signage along transportation corridors to assist motorists in wayfinding.

In 2006 and 2007, VTA rebuilt the four downtown stations to raise the platform levels to allow level boarding into the new low-floor vehicles. Each of the four stations was closed for anywhere from 8 to 20 weeks. Pedestrian access was maintained into each building front, but the 300' long construction sites were still significant pedestrian barriers.

The VTA construction mitigation program supplied information to stakeholders using a three-tier system to classify stakeholders. Tier Three, referred to as the "broadcast" category of outreach, included all addresses within 30 square blocks of Downtown San Jose (about 4,700 addresses). These businesses and individuals received information at key junctures, such as start of construction, and reopening of a platform. Approximately four Tier Three mailings were distributed. With each mailing, the recipient was invited to self-upgrade to Tier Two status, if they desired.

Tier Two included interested and involved constituencies such as: news media, the Downtown Association, San Jose Convention and Visitor's Bureau, San Jose State University, other key downtown stakeholders, City of San Jose agencies, the Mayor's office and local council member's offices, VTA riders, and the transit dependent communities such as senior centers and senior housing. Tier Two parties received all Tier Three mailings, plus regular email updates. Stakeholders could request one-time presentations by VTA staff at organized meetings.

Tier One included all businesses and properties directly impacted by construction activities. In addition to Tier Two and Three benefits, Tier One received immediate and frequent access to both the contractor's Community Relations Officer and VTA Community Outreach. They received advance notice of invasive work, on-site signage announcing "Business open during construction," and on-site signage mentioning the business by name. VTA also committed to maintaining an up-to-date website, flyers mentioning affected businesses by name, and a business support ad in the Mercury News (SCVTA Date Unknown).

VTA met regularly with downtown merchants and attended various community and business meetings. Many of the established restaurants depended heavily on lunchtime revenues and they were concerned that construction noise would provide an unpleasant dining atmosphere. VTA agreed to limit invasive activities between 11:30 a.m. and 1:30 p.m. and install acoustical barriers on the construction fences. At the same time, however, many merchants were concerned that the noise barriers were blocking sight lines into the businesses, so the barriers were taken down once demolition work was completed. Approximately half of the businesses accepted an offer from VTA to print and hang banners on the fencing advertising the businesses (Childress 2007). The construction mitigation strategy for the station reconstruction project did not include any provisions for loans, grants, or other direct financial assistance.

The construction contract called for the contractor to provide a full time Community Relations Officer who was directed by VTA Community Outreach Staff. Every Friday, the Community Relations Officer hand delivered construction updates to businesses along the alignment. In addition, VTA staff distributed the updates via email to the merchants. The in-person and email information was provided by separate individuals to provide each business owner at least two points of contact throughout the project.

To provide better assistance to the diverse background of members of the business community, all VTA information was printed in Spanish, Vietnamese, and Mandarin Chinese.

The San Jose Downtown Association played an important role in distributing information to the community regarding construction activities. Outreach staff met with representatives from the association bi-weekly to discuss construction schedules. Construction updates were distributed to over 500 downtown businesses through this association (Childress 2007).

Brandi Childress, VTA's Community Outreach Supervisor, stated that the most successful aspect of construction mitigation was face-to-face contact with business owners and stakeholders. The personal interaction and open lines of communication set the stage for conflicts to be resolved quickly. She also stated that requiring the contractor to hire a Community Relations Officer who worked under the direction of VTA staff was critical developing a strong working relationship between VTA, the contractor, and business owners.

SUMMARY AND RECOMMENDATIONS

This report provides case studies of seven agencies with light rail construction projects that may be used to inform construction mitigation measures for the Central Corridor LRT project. Each agency offers a variety of construction mitigation measures.

Devising a construction mitigation plan for the Central Corridor in the Twin Cities will not be a simple task. Although there are many similarities between the Central Corridor and other LRT alignments, there are also many differences that distinguish the Central Corridor from the projects examined here. The plan should reflect the unique landscape and economic conditions of the corridor. Use of mitigation measures that have been incorporated elsewhere could and should be considered for the Central Corridor provided they are tailored to meet the specific needs of the unique businesses along the corridor.

Howard Steere (Valley Metro in Phoenix) recommended creating the business impact mitigation strategy as soon as possible throughout the planning stage. The earlier a transit property is able to begin formulating a plan, the more effective it will be. He recommends creating strategies to be used during three distinct time frames: Some strategies are necessary before construction begins, some strategies will be successful during construction, and some strategies need to continue to be utilized after construction is complete. Before construction begins is the most effective time to reach out to business and gain their trust. It also gives businesses the ability to plan ahead and make necessary arrangements.

Table 1 presents a summary of the mitigation techniques used by agencies in the seven case studies along with a subjective evaluation of the effectiveness and popularity of each program among residents and business owners in each city. The effectiveness and popularity of each program is rated objectively from 1 to 10, with 10 being the most effective or popular. The table recognizes that certain programs may not effectively achieve the desired results, yet may still be accepted by the local community. While a certain program may not be effective at reducing the impacts of construction, it may still have value as a public relations strategy or in building ties with the community. For example, the Lunch Bus program is not perceived to be very effective at reducing the impacts of construction, but it remains a popular program in Portland and Seattle. As the Metropolitan Council develops a set of mitigation strategies tailored to the needs of the Central Corridor, it will be necessary to weigh the expected effectiveness and popularity of each program with its associated cost.

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Table 1. Summary of Mitigation Techniques.

Strategy	Case Study Example	Effectiveness	Popularity
door to door canvassing	Portland	6	8
	Houston	8	8
	San Jose	8	8
Hire multilingual outreach coordinators with strong ties to the local community	Portland	10	10
storefront improvement grant	Portland	4	5
Work with Travel Demand Management service to reduce congestion	Denver	5	9
	San Jose	5	9
low-interest loans	Portland	9	10
	Seattle	4	6
	Salt Lake City	6	8
	Phoenix	4	5
	San Jose	4	4
Newsletters, mailings	Portland	3	4
	Seattle	4	4
	Salt Lake City	4	5
	Phoenix	5	5
	Denver	5	5
	Houston	5	5
	San Jose	5	5
Construction Web Site	Portland	3	4
	Seattle	3	4
	Salt Lake City	3	4
	Phoenix	3	4
	Denver	3	4
	Houtson	3	4
	San Jose	3	4
Sponsored media and social events	Portland	5	5
	Salt Lake City	6	8
24 hour construction hotline	Portland	5	6
	Seattle	5	6
	Salt Lake City	5	6
	Phoenix	5	6
	Houston	5	6
continued...			

Light Rail Transit Construction Impact Mitigation Strategies 21 December 2007

...continued from previous page			
Strategy	Case Study Example	Effectiveness	Popularity
"open for business" and wayfinding signage	Portland	6	10
	Seattle	6	10
	Salt Lake City	6	10
	Phoenix	6	10
	Houston	6	10
	San Jose	6	10
Lunch Bus	Portland	3	8
	Seattle	3	8
Phased Construction Schedule	Portland	8	9
	Salt Lake City	6	9
	Houston	5	8
Advertising and Marketing Campaigns	Portland	4	8
	Seattle	4	8
	Salt Lake City	7	9
	Phoenix	5	8
	Denver	4	8
	Houston	2	4
	San Jose	4	8
Temporary Public Art	Seattle	4	10
Require Contractor to Partly Administer Mitigation Strategies	Seattle	2	5
	San Jose	7	7
	Salt Lake City	8	8
Workforce Training Program	Seattle	5	8
Coordinate with Unrelated but adjacent construction	Salt Lake City	2	4
Contractor Evaluation Incentive Fee System	Salt Lake City	10	8
	Phoenix	10	10
Provide Business Advice and Counseling Free of Charge for Local Businesses	Portland	7	9
	Phoenix	7	9

There are several mitigation techniques that were used in most of the case studies. For example, all of the transit property case studies committed to providing up-to-date information to business owners along the alignment. Transit properties used a wide arrange of tools to meet this need including web pages, mailers, weekly meetings, monthly newsletters, and so forth. All of the properties had committed to maintaining an up-to-date web page with construction information, project updates, construction schedules, and a list of impacted businesses along the corridor.

Other common mitigation strategies include providing 24 hour telephone hotline (with or without a live voice), "Open for Business" and traffic direction signage, and providing information to businesses and residents in multiple different languages. But even as these are common strategies, they must be tailored to the specific situation and surroundings.

All of the transit properties in the case studies provided some form of advertising for businesses along the alignment, however the level of advertising varied greatly. Sound Transit and Tri-Met provided extensive levels of advertisement and discount programs. Both properties utilized the "lunch bus" strategy and even arranged events along the corridor to draw customers to the construction site. In other areas, the transit properties deferred to the local municipality to provide much of the advertisement. Salt Lake City and Phoenix had some success with providing extensive advertising campaigns using radio, newspaper, and magazine ads. The radio advertisements in particular are perceived to be both effective and popular. Although the cities assumed the lead role in administering the advertising campaign, they worked closely with the community outreach staff from the transit properties to coordinate efforts.

In all of the cases studied, direct financial assistance in the form of loans was one of the most controversial topics. Transit properties worked with local banks, cities, non-profits, and foundations to establish a loan process. It is difficult to measure the effectiveness of such a strategy, however, because examples of such programs have had mixed results. Seattle, for example, had an extensive loan program established, yet its effectiveness is challenged. Portland administered a similar program and claims more success. Howard Steere of Valley Metro provided some insight into the difficulties of loan programs. He stated that in the Phoenix region, the businesses that were most in need of financial assistance weren't eligible for the loans in the first place, and those that were often waited until it was too late to apply. Even if eligibility requirements are greatly relaxed, there will still be small businesses that will not qualify.

Steere also stated that a loan program must be tailored specifically to meet the needs of LRT construction, or it is not likely to be effective. When construction began in the Phoenix area, all three cities (Phoenix, Mesa, and Tempe) initially relied only on existing economic development loan programs already in existence in the cities. These loans proved to be too inflexible and ineffective. Early on, Phoenix recognized this and created a new program designed to meet the needs of the specific businesses along the corridor. Mesa and Tempe, however, continued to use only the already existing programs, and overall, they were not as effective.

At the same time, the San Jose experience suggests that too much flexibility within the administration of the loans can make them difficult to administer and can lead to an ineffective program. The Metropolitan Council could work closely with the Cities of Minneapolis and Saint

Paul, as well as banks and non-profit organizations in the area to create specific loan programs that are aimed specifically at LRT mitigation

All of the transit properties included measures in the construction documents requiring the contractor to perform some of the mitigation measures. In nearly all cases, the contractor was required to minimize dust, keep a clean work site, and maintain some level of access to all businesses. San Jose and Salt Lake City placed an even greater level of responsibility on the contractor. VTA in San Jose required the contractor to provide a Community Relations Officer to interact with the community, and UTA in Salt Lake City required the contractor to provide a public information specialist. Both transit agencies found these to be successful arrangements.

UTA in Salt Lake City and Valley Metro in Phoenix both utilized a program providing financial incentives to provide mitigation measures beyond what was required in the construction documents. UTA had difficulties with their program because it was a very complicated system of determining how much incentive pay was to be provided. Valley Metro, however, after reviewing the experiences of the UTA system, greatly simplified the process, making it much easier to administer. The Metropolitan Council could consider providing payment incentives to the contractor, but in order to be effective, the process must be simple.

The movement of traffic on University Avenue during construction is a major concern for many businesses. Drivers seeking to avoid congestion will likely choose to use alternate routes. Businesses that rely mostly on automobile traffic (like Wal-Mart and Target) will greatly benefit if the Metropolitan Council creates a comprehensive construction traffic management plan to inform customers and employees on how to access the businesses. In addition, traffic is likely to be greatly disrupted in downtown Saint Paul as the LRT is constructed on Cedar Street. The Metropolitan Council could look to the strategies utilized by Denver to inform those working in office buildings how to navigate downtown to avoid construction. The Metropolitan Council should create an educational campaign to inform downtown employees regarding construction activities and traffic detours.

The reoccurrence of specific strategies, however, does not appear to be related with either the effectiveness or the popularity of the strategy. For example, all of the case studies committed to maintaining up-to-date construction web sites, yet the web sites were never cited for being particularly useful or effective. Similarly, all cities were involved in some form of advertising and marketing of the businesses along the corridor, yet none of the cities claim any particular success with the programs. As mentioned previously, however, they may still have some value by improving relationships between stakeholders and the transit properties.

Ultimately, while the Metropolitan Council can look to other metropolitan regions for advice on how to create an effective business impact mitigation plan, the plan will need to reflect the unique character of the Central Corridor. The plan should be designed to provide all of the necessary information businesses will need before construction begins and timely information throughout construction.

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Results of the Supplemental Mitigation Assistance Program on Businesses Impacted by Light Rail Construction in the Rainier Valley

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Executive Summary

The decision to construct and operate Central Link light rail at-grade on Martin Luther King Jr. Way South created widespread community concern about the impact that prolonged construction would have on local businesses. As a result, the Rainier Valley Community Development Fund (CDF) was founded in 2002 to manage a $50 million fund established by the City of Seattle, King County, and Sound Transit. The Fund was established to mitigate lost revenues of the businesses impacted by light rail construction and to invest in long-term business and real estate development in the Rainier Valley.

To minimize the impact of the five-year construction project, the CDF created the Supplemental Mitigation Assistance (SMA) program in an effort to prevent business closures and vacant storefronts along the MLK corridor. The SMA program provided financial assistance in the form of grants to businesses that could document a loss in net revenues or to businesses that were relocated as a result of light rail construction. From 2003 through 2008, the CDF disbursed $15,102,232 in SMA payments to local businesses.

Prior to construction, there were 310 businesses eligible for the SMA program. Forty-seven (47) of the 310 businesses closed by the end of the SMA program. This translates to an 85% survival rate of the businesses eligible for SMA products. One hundred and eighty-one (181) businesses received some portion of the $15.1 million of SMA funds spent. Only 18 businesses (10%) that received SMA funding closed before the end of the SMA program. Of the 129 businesses that did not receive SMA funding, 29 closed, for a 78% survival rate, suggesting that the SMA program indirectly assisted businesses that did not receive SMA funds.

The CDF believes that it is important to examine the efficacy of the SMA program because of the amount of money invested into the community by the CDF, City of Seattle and Sound Transit. The CDF wants to identify the lessons learned and best practices of the program, and to offer recommendations to other organizations, neighborhoods, and cities in similar situations. Perhaps the single best practice of the SMA program was that of adaptation. A construction project as large as the Rainier Valley segment involves hundreds of millions of dollars, several diverse actors, and many unanticipated events. The CDF amended the various SMA products more than 10 times in response to the changing conditions on the ground. These changes were made always in the best interest of the businesses feeling the effects of light rail construction.

The need for adaptability and creating a strong relationship between the CDF and the businesses impacted are central recommendations based on the CDF's best practices. Other recommendations include the need for a stronger relationship between financial and technical assistance for impacted businesses, ongoing monitoring and reporting requirements, and better data collection to allow for post hoc research and documentation of the program's impacts.

The CDF is proud of the findings of the SMA program. An 85% survival rate for primarily small, independent, ethnic/immigrant-owned businesses in the face of a massive infrastructure construction project speaks to the success of the program. Avoiding massive business closures and vacant storefronts was achieved, and maintaining the diversity and character of the businesses, while allowing them to benefit from the opening of Central Link is a tremendous accomplishment. In this respect, the SMA program can be judged only as an unqualified success.

I. Rainier Valley Community Development Fund/Supplemental Mitigation Assistance History

The Rainier Valley Community Development Fund (CDF) was created officially in November 1999 by Sound Transit Resolution number R99-34, which called for the establishment of "a $50 million Transit-Oriented-Community-Development Fund to be available to mitigate impacts of the construction and operation of light rail in southeast Seattle." The CDF also appeared in the Final Environmental Impact Statement as the primary mitigation measure for light rail construction impacts on businesses in the Rainier Valley segment.

In establishing a mission, a set of values, and an operating plan, the original CDF steering committee emphasized attributes that have informed the CDF's work since then: an organization that directly serves and benefits the Rainier Valley community, and outlasts the 10-year, $50 million outlay that capitalized the fund. Crucially, the focus of the CDF's work has adapted to the conditions on the ground. The initial operating plan dealt exclusively with establishing the Supplemental Mitigation Assistance (SMA) program, while the operating plan amendment, approved in 2005, laid out the framework for achieving the CDF's mission over the long term. When light rail construction finished in 2008, the CDF wound down its SMA activities, and has since focused on loan-making and community development opportunities within the greater Rainier Valley.

The SMA program put more than $15 million into the MLK business community's hands over the course of light rail construction. As a result of this tremendous investment in the community, the CDF believes it is necessary to examine the experience of the SMA program. This report describes the various components of the SMA program and the ways in which they were utilized. It provides details about the business community before and after light rail construction. The report also compares the projected versus actual disbursements and assesses the outcomes of the SMA program. The report concludes with a discussion of the program's success, best practices, and recommendations for organizations addressing similar projects and impacts.

II. Supplemental Mitigation Assistance Products

The original operating plan approved by the Sound Transit board included descriptions for five distinct SMA products:

Re-establishment Payments

Re-establishment payments were designed to assist businesses that were physically relocated as a result of light rail construction. These payments were made to businesses when the legally-obligated payments made by Sound Transit under federal law were inadequate in re-establishing business operations. These payments were grants and did not have to be repaid. Businesses were reimbursed for certain eligible costs and/or expenses, as determined by the operating plan. Re-establishment payments were made after Sound Transit expended its portion of the relocation funds available to businesses. Eligible uses for these funds included direct and indirect moving expenses, functional repairs, improvements, and modifications to the replacement site necessary for business operations, covering increased rents for up to 24 months, and advertising. The maximum amount for re-establishment payments was originally $100,000, but was subsequently increased to $250,000.

Business Interruption Payments

Business interruption payments were designed to compensate businesses for the loss of business income and/or rental income as a result of light rail construction. These payments were made to landlords, relocating businesses that relocated along the alignment zone, and non-relocating businesses. The operating plan originally limited business interruption payments to $30,000 for one year for non-relocating businesses, and annual payments of $25,000 for two years for relocating businesses. Businesses were required to demonstrate need in order to receive business interruption payments.

The amounts specified for business interruption payments were enumerated in the original operating plan. Similarly, the time limits were premised on Sound Transit's original construction timeline, which estimated direct impacts in front of businesses lasting no less than three months and no more than nine months. As the construction process changed from a segmental plan to one that impacted the entire Martin Luther King (MLK) corridor, so did the business interruption payment program. The program was amended a total of nine times over a six-year period to accommodate the needs of businesses throughout the construction process. The final amount businesses could receive was $150,000, and still required the demonstration of losses on the part of the business. Eligibility for the business interruption payment program was extended to businesses in the South Henderson Street segment between MLK and Renton Avenue South in 2008.

Working Capital Advances/Equipment Advances

Working capital advances were a loan product intended to augment business interruption payments. These advances were available to both relocating and non-relocating businesses, with the goal of covering legitimate business operating expenses required to continue operation during the construction phase.

Equipment advances were designed for relocating businesses to purchase equipment that could not be sufficiently covered by Sound Transit compensation.

Tenant Improvement Advances

The purpose of tenant improvement advances was, like equipment advances, to assist relocated businesses with costs associated with the build-out of permanent or temporary facilities to accommodate business activity above and beyond Sound Transit and CDF compensatory payments.

Total Payments by Type

Payment Type	Number of Businesses Assisted	Number of Payments	Total Disbursed	Average Payment
Re-establishment Payment	44	126	$ 3,773,709.98	$ 29,950.08
Business Interruption Payment	168	912	$ 11,054,475.00	$ 12,121.13
Working Capital Advance	3	3	$ 214,316.68	$ 71,438.89
Equipment Advance	2	2	$ 59,732.00	$ 29,866.00
Tenant Improvement Advance	0	0	$ -	$ -

3

The above table shows the activity associated with the various SMA products. It is clear to see that the re-establishment and business interruption payments accounted for almost all of the SMA funds distributed. Therefore, the rest of this report addresses the impact of these two SMA products on the business community in the MLK corridor.

The question remains why the working capital, equipment, and tenant improvement advances were as underutilized as they were. Because the advances were administered as loan products, it was especially difficult for businesses to demonstrate the ability to repay the advances, given that they had experienced substantial revenue declines due to light rail construction. These declines in revenue, along with the lack of equity held by the businesses—most businesses rent their space—account for the limited use of these advance products. There was also the issue that the Tenant Improvement Advance would trigger CDBG Davis-Bacon requirement that increases the cost of the project by 15-20% for the payment of prevailing wages and benefits.

The following table shows year-over-year figures for how the various SMA products were disbursed. It is plain to see that re-establishment payments were more common in the earlier part of the SMA program's history, as this was when businesses were physically relocated by light rail construction. As re-establishment payments waned, business interruption payments grew, both as light rail construction began and as businesses were able to get their tax and financial documents in order to receive payments. When major construction operations ended in 2008, so did most business interruption payments.

Total Payments by Type, Year-over-Year

Year	Re-establishment Payments	Re-establishment Total	Business Interruption Payments	Business Interruption Total	Advances	Advance Payments
2003	7	$ 70,453.80	0	$ -	2	$ 95,000.00
2004	71	$ 2,155,835.36	84	$ 1,255,461.00	3	$ 179,048.68
2005	22	$ 892,337.30	168	$ 1,615,732.00	0	$ -
2006	21	$ 575,607.23	221	$ 2,048,968.00	0	$ -
2007	3	$ 35,876.29	236	$ 3,169,214.00	0	$ -
2008	2	$ 43,600.00	198	$ 2,940,134.00	0	$ -
2009	0	$ -	5	$ 24,966.00	0	$ -
TOTAL	126	$ 3,773,709.98	912	$ 11,054,475.00	5	$ 274,048.68

III. MLK BUSINESS DEMOGRAPHICS

A. Pre-construction Data

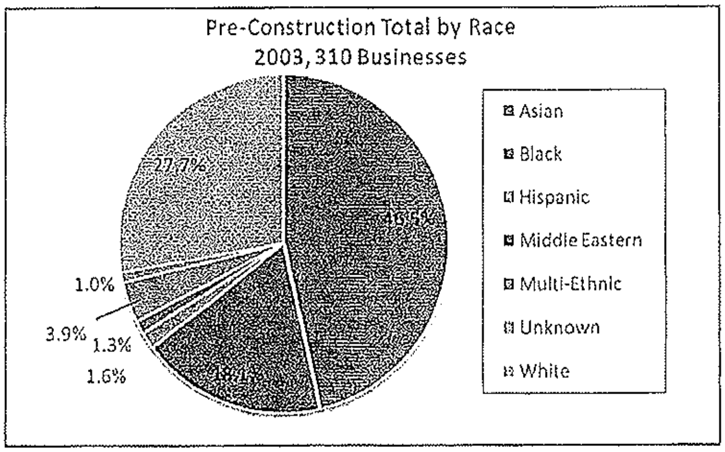
Race/Ethnicity

The following data represent CDF figures related to businesses that were eligible to receive Supplemental Mitigation Assistance funds. With the addition of the businesses from the South Henderson Street segment, there were a total of 310 landlords, relocating businesses, and non-relocating businesses eligible for some type of SMA funding.

The tables and charts below show the racial and ethnic breakdown of these 310 businesses. It also reflects the inherent diversity in the Rainier Valley. Asian businesses were made up of primarily Vietnamese-owned businesses, but also included sizeable Korean, Filipino, and Chinese-owned businesses. Furthermore, there were businesses owned by Cambodians, Japanese, and Laotians, meaning that seven (7) Asian ethnicities were represented amongst the business community. It is unsurprising to see large number of black and white-owned businesses as well. The black-owned businesses were split between African-Americans and East Africans, represented primarily by Ethiopians, Eritreans, and Somalis. Finally, a smattering of businesses owned by individuals of two or more races, and Hispanic and Middle Eastern populations were represented along the alignment as well.

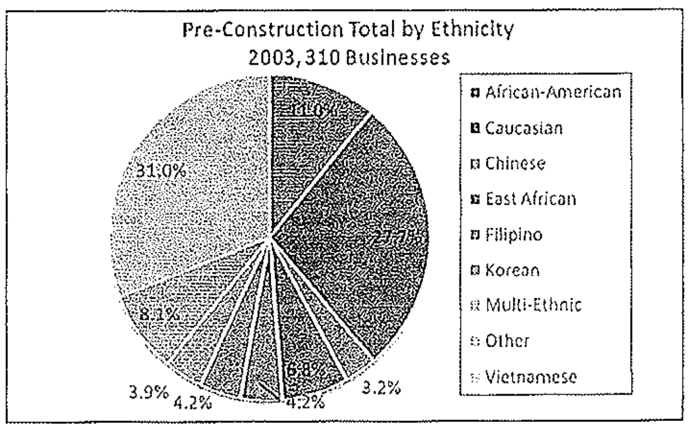
Pre-Construction Race Data

Race	Number	% of Total
Asian	144	46.5%
Black	56	18.1%
Hispanic	5	1.6%
Middle Eastern	4	1.3%
Multi-Ethnic	12	3.9%
Unknown	3	1.0%
White	86	27.7%
Total	310	100%



Pre-Construction Ethnicity Data

Ethnicity	Number	% of Total
African-American	34	11.0%
Caucasian	86	27.7%
Chinese	10	3.2%
East African	21	6.8%
Filipino	13	4.2%
Korean	13	4.2%
Multi-Ethnic	12	3.9%
Other	25	8.1%
Vietnamese	96	31.0%
Total	310	100%



Business Type

The following table demonstrates business type according to the National American Industry Classification System (NAICS). Health care and non-profit businesses were pulled from their NAICS categories because of their value to the community. Similarly, landlords were also categorized unto themselves, as they were in a distinct category when it came to SMA funding. The combination of retail and service sectors comprised a bit more than two-thirds of the businesses along the MLK corridor. The remaining one-third is split relatively equally between the construction, FIRE (finance, insurance, and real estate), health care, manufacturing, and non-profit sectors.

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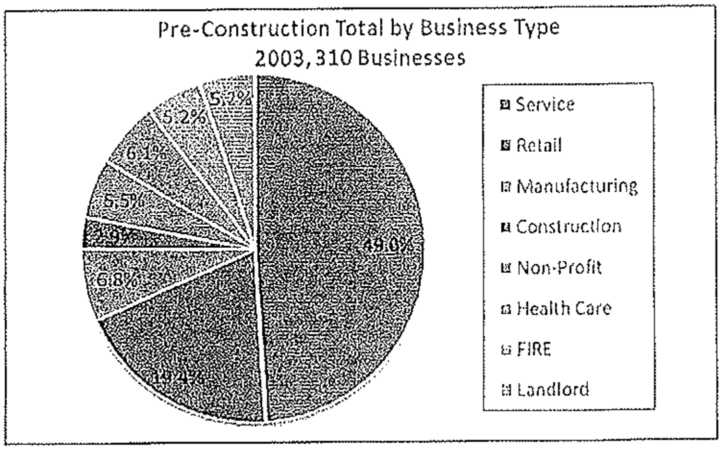
Pre-Construction Business Type Data

Business Type	Number	% of Total
Service	152	49.0%
Retail	60	19.4%
Manufacturing	21	6.8%
Construction	9	2.9%
Non-Profit	17	5.5%
Health Care	19	6.1%
FIRE	16	5.2%
Landlord	16	5.2%
Total	310	100%



The service sector in the Rainier Valley ran a wide spectrum of different businesses. The most common service-related businesses were restaurants and auto-related establishments; within the auto-related establishments there were used-car dealerships, mechanics, and parts stores. The retail sector includes the small-scale grocery stores scattered through the alignment, as well as convenience stores and gift shops that cater to the various ethnic groups in the Rainier Valley.

Overall, the pre-construction data demonstrate great diversity of business type along the MLK corridor. The southern portion of the alignment zone included a cluster of large-site manufacturing, construction, and auto-related businesses, giving an industrial character to this part of MLK. The health care, non-profit, and FIRE businesses (52 total, or 16.8% of the total) were found throughout the MLK corridor. Health care businesses ranged from optometrists to dentists to general practitioners. Non-profit businesses served the diverse ethnic groups that reside in the Rainier Valley. The finance, insurance, and real estate businesses covered national banks, insurance agents, remittance centers, and realtors.

B. Post-construction Data

Examining the post-construction SMA data maintained by the CDF gives an incomplete picture of the impacts of light rail construction on the MLK business community. Because concurrent information was not gathered on new businesses that opened along the alignment zone, one can come away with the impression that the MLK business community is shrinking. Nevertheless, it is important to examine and analyze the available data for indications about the impact of the SMA program.

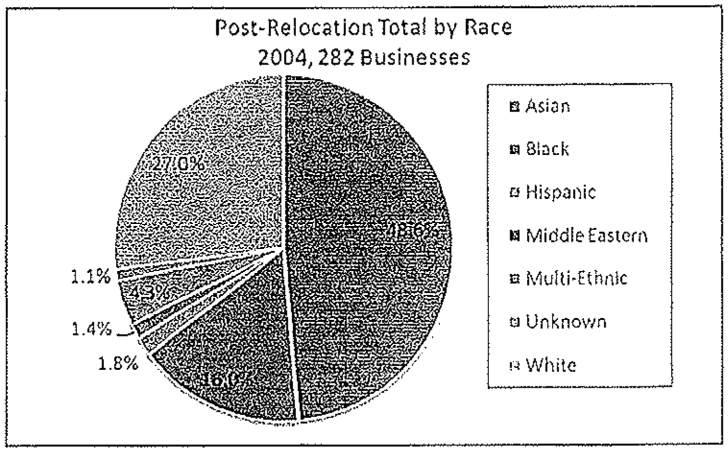
The data presented below build off the pre-construction data in two ways. First, the data examine the business population that remained along MLK and within the Rainier Valley after relocation as a result of the property acquisition that took place for light rail construction. A total of 58 businesses were relocated, and, of those, 30 were relocated either along MLK or within the greater Rainier Valley neighborhood. The post-relocation data show the make-up of businesses remaining after 28 businesses left the MLK corridor and the Rainier Valley. Second, the data show the businesses that remained open from this post-relocation period until the termination of the SMA program at the end of 2008.

Race/Ethnicity

The pre-construction data on business ownership by race and ethnicity demonstrated the incredible diversity of the MLK business community. Both the post-relocation and post-construction data show that the diversity remained:

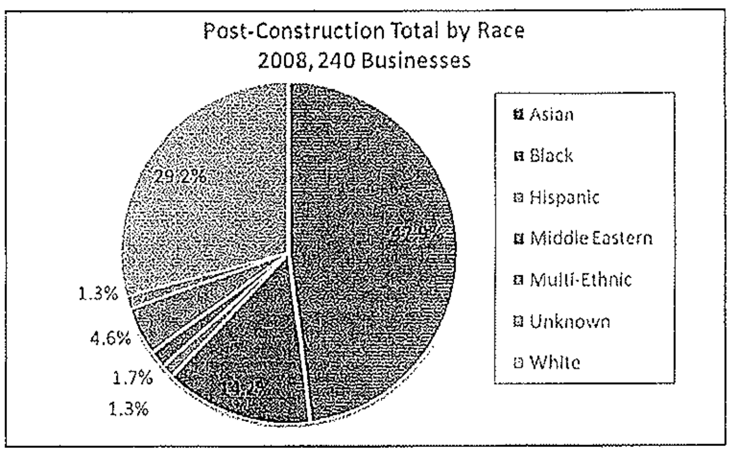
Post-Relocation Race Data

Race	Number	% of Total
Asian	137	48.6%
Black	45	16.0%
Hispanic	5	1.8%
Middle Eastern	4	1.4%
Multi-Ethnic	12	4.3%
Unknown	3	1.1%
White	76	27.0%
Total	282	100%



Post-Construction Race Data

Race	Number	% of Total
Asian	115	47.9%
Black	34	14.2%
Hispanic	3	1.3%
Middle Eastern	4	1.7%
Multi-Ethnic	11	4.6%
Unknown	3	1.3%
White	70	29.2%
Total	240	100%



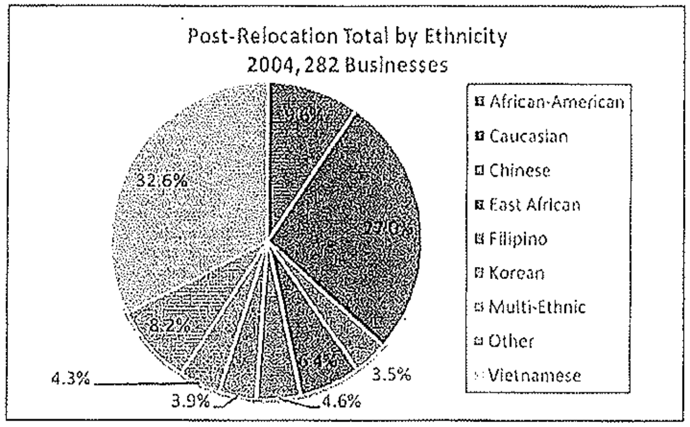
The data show that of the racial groups comprising the SMA-eligible businesses, the greatest business losses were concentrated among the largest groups, namely blacks, whites, and Asians. While these groups sustained the largest business losses, they remained at around the same proportion of businesses along the alignment zone, never dipping below 91.3% of the total. Black-owned businesses appeared to fare the worst of SMA-eligible businesses. There were 56 black-owned businesses before light rail construction began (18.1% of the total), and only 34 (14.2% of the total) by the time construction ended, meaning that almost 40% of black-owned businesses closed during the construction phase. This figure contrasts with 20% of Asian-owned businesses closing over the same period (144 open in 2003; 115 open in 2008), and 19% for white-owned businesses (86 open in 2003; 70 open in 2008).

7

Data on business ethnicity post-relocation and post-construction also show that the business community retained its diversity:

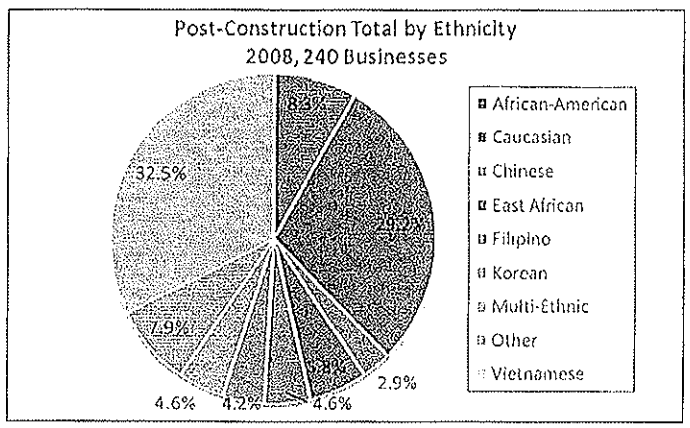
Post-Relocation Ethnicity Data

Ethnicity	Number	% of Total
African-American	27	9.6%
Caucasian	76	27.0%
Chinese	10	3.5%
East African	18	6.4%
Filipino	13	4.6%
Korean	11	3.9%
Multi-Ethnic	12	4.3%
Other	23	8.2%
Vietnamese	92	32.6%
Total	282	100%



Post-Construction Ethnicity Data

Ethnicity	Number	% of Total
African-American	20	8.3%
Caucasian	70	29.2%
Chinese	7	2.9%
East African	14	5.8%
Filipino	11	4.6%
Korean	10	4.2%
Multi-Ethnic	11	4.6%
Other	19	7.9%
Vietnamese	78	32.5%
Total	240	100%



The ethnicity data indicate that the MLK business community remained a diverse group. The largest ethnic-businesses were those owned by Caucasians and Vietnamese individuals. Together they comprised more than 60% of the businesses along the alignment zone with the other almost 40% made up of 12 distinct ethnic groups. The data demonstrate, however, that African-American-owned businesses fared the worst of ethnic groups in terms of business closures. Before light rail construction, there were 34 African-American owned businesses. At the end of the SMA program and among SMA-eligible businesses, only 20 African-American businesses remained, resulting in a decrease of 41%. No other ethnic group saw a decrease greater than 33% from the pre- to post-construction period.

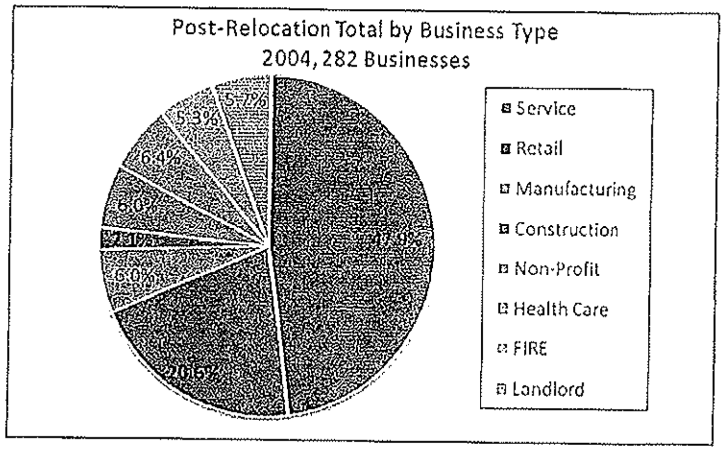
8

Business Type

Considering the comparative size of the retail and service sectors within the SMA-eligible business population, it is unsurprising to see that the majority of the business closures during the construction period were in these sectors:

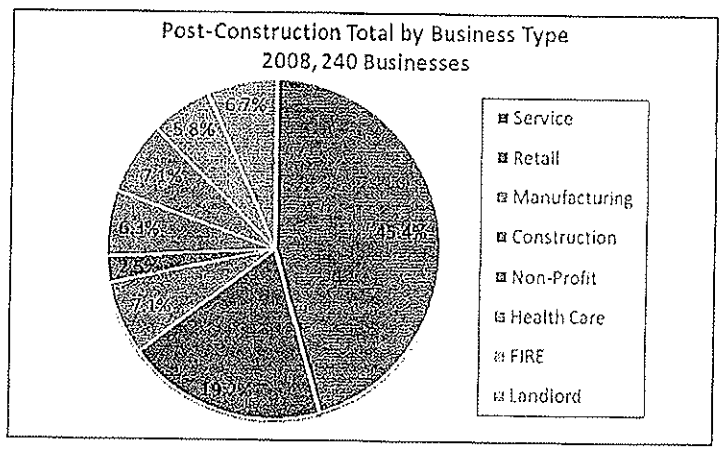
Post-Relocation Business Type Data

Business Type	Number	% of Total
Service	135	47.9%
Retail	58	20.6%
Manufacturing	17	6.0%
Construction	6	2.1%
Non-Profit	17	6.0%
Health Care	18	6.4%
FIRE	15	5.3%
Landlord	16	5.7%
Total	282	100.0%



Post-Construction Business Type Data

Business Type	Number	% of Total
Service	109	45.4%
Retail	46	19.2%
Manufacturing	17	7.1%
Construction	6	2.5%
Non-Profit	15	6.3%
Health Care	17	7.1%
FIRE	14	5.8%
Landlord	16	6.7%
Total	240	100%



Summary

The preceding data show that, while the numbers of businesses within the SMA-eligible universe shrank, considering the length of the construction schedule and the impacts to access, the businesses along the alignment zone weathered the impacts amazingly well. Black- and African-American-owned businesses fared worse than other businesses along the alignment zone. Unfortunately, the available data do not allow for greater conclusions to be drawn as to why this occurred.

9

IV. Projected v. Actual SMA Disbursements

The following chart summarizes the original operating plan funding projections based on the projected construction impacts. The original operating plan anticipated seven years of SMA payments for a total of $28.7 million. The chart also shows the actual disbursements under the SMA program. The projections include operating and administrative costs related to the SMA program, while the actual disbursements show only those funds disbursed to impacted businesses.

Projected v. Actual Disbursements, Year-over-Year

	2002	2003	2004	2005	2006	2007	2008	2009	Total
Projected Disbursements	$3,000,000	$ 8,000,000	$ 3,500,000	$ 3,500,000	$ 7,500,000	$ 1,000,000	$1,000,000	$1,200,000	$28,700,000.00
Actual Disbursements	$ -	$ 165,453.80	$3,590,345.04	$2,508,069.30	$2,624,575.23	$3,205,090.29	$2,983,734	$ 24,966	$15,102,233.66

The next chart further breaks down the projected vs. actual SMA disbursements by the varied SMA products. It is apparent from the chart that the major discrepancy in projected vs. actual disbursements comes from the almost total lack of SMA advances made to the impacted businesses. As mentioned earlier, advances were intended as specifically tailored loan products, requiring a certain amount of information and a demonstrated ability for businesses to repay these loans. But because so many of the corridor's businesses were micro-businesses that suffered substantial revenue loss, and thus could not easily show that they could repay these advances, the SMA advance products as designed were unsuccessful.

In contrast with the actual distribution of SMA advances, the actual distribution of SMA payments were forecasted with great accuracy. The difference between projected and actual disbursements is approximately $140,000, which is within 1% of the projected total. The distribution between the two SMA payment products is less accurate, with a smaller total going to re-establishment payments, and more going toward business interruption payments. The difference in distribution is the result of the fewer number of businesses eligible for re-establishment payments and the longer-than-anticipated construction schedule that created greater impacts in terms of business interruption. With the lengthier construction process and the larger number of businesses eligible for business interruption payments, greater than projected business interruption payments come as no surprise.

Projected v. Actual Disbursements, by SMA Product Type

SMA Product	Projected Disbursements	Actual Disbursements
Re-establishment	$ 5,280,000.00	$ 3,773,709.98
Business Interruption	$ 9,690,000.00	$ 11,054,475.00
Total Payments	$ 14,970,000.00	$ 14,828,184.98
Working Capital Advance	$ 7,500,000.00	$ 214,316.68
Tenant Improvement Advance	$ 2,800,000.00	$ -
Equipment Advance	$ 750,000.00	$ 59,732.00
Total Advances	$ 11,050,000.00	$ 274,048.68
TOTAL	$ 26,020,000.00	$ 15,102,233.66

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V. Conclusion, Best Practices, and Lessons for the Future

As measured by its goal of preventing business closures and vacant storefronts along Martin Luther King Way, the SMA program must be judged as a success. There was a high rate of retention of the businesses along the corridor with 47 of the 310 eligible businesses closing during the course of the SMA program.

Recent research shows that this rate of closure (15%) is far ahead of the typical closure rate for businesses in America. One study found that, of new firms, only "66 percent of new employers survive two years or more, 50 percent survive four years or more, and 40% survive six years or more."[1] That 85% of these businesses remain open, especially in the face of such extensive light rail construction, speaks to the impact of the SMA funds. To tease out these figures a little further, 18 out of the 181 (about 10%) that received SMA assistance closed versus the 29 out of the 129 (about 22%) that did not. This finding suggests two things: one, that the businesses that utilized the SMA program were better positioned to survive the construction process; and two, that the SMA program itself benefited even those businesses that did not receive funds by preventing assisted businesses from closing.

SMA Product Totals, by Type of Business

Business Type	Total	% of Total	# of Payments	% of Payments	Total Payments	% of Total	Average Payment
Non-Relocating	118	38.06%	731	70.15%	$8,594,314.00	56.91%	$11,101.09
Relocating	52	16.77%	294	28.21%	$6,228,282.66	41.24%	$20,873.38
Landlords	11	3.55%	17	1.63%	$279,637.00	1.85%	$17,386.07
No Assistance	129	41.61%	0	0.00%	$0.00	0.00%	$0.00
Totals	310	100.00%	1042	100.00%	$15,102,233.66	100.00%	$14,493.51
Closed Businesses	Total	% of Total	# of Payments	% of Payments	Total Payments	% of Total	Average Payment
Non-Relocating	10	3.23%	55	5.28%	$436,803.00	2.89%	$7,941.87
Relocating	8	2.58%	64	6.14%	$860,451.02	5.70%	$13,444.55
Landlords	0	0.00%	0	0.00%	$0.00	0.00%	$0.00
No Assistance	29	9.35%	0	0.00%	$0.00	0.00%	$0.00
Totals	47	15.16%	119	11.42%	$1,297,254.02	8.59%	$10,901.29

With the SMA program ended, the CDF continues to monitor the businesses along the alignment to determine their ongoing experiences since construction has ended and as light rail operations begin. The businesses continue to deal with a reconfigured MLK corridor, a smaller traffic count on MLK, the loss of street parking along MLK, and the elimination of many left-hand turns throughout the corridor. These issues, coupled with the general economic downturn facing the country, continue to leave the businesses along the MLK corridor vulnerable. While the beginning of light rail operations may result in greater exposure of the Rainier Valley and the businesses along MLK, light rail itself is not a panacea. The CDF will build off the success of the SMA program and the good will that it has engendered within the business community as a result of the SMA program to continue working towards the CDF's mission.

[1] Headd, Brian. 2002. "Redefining Business Success: Distinguishing Between Success and Failure." *Small Business Economics*, Vol. 21, pg. 54.

Best Practices

Having determined that the SMA program was successful in mitigating impacts from light rail construction on the business community along the Central Link alignment zone, it is possible to establish what some of the best practices were that led to this success. Listed below are three examples of the CDF's best practices in the administration and implementation of the Supplemental Mitigation Assistance Program.

- *Adaptation:* Had the CDF implemented and stuck to the re-establishment and business interruption payment products as envisioned in the original operating plan, many of the businesses along the alignment would likely be out of business today. The decision to adapt the products to the circumstances on the ground was necessary as a result of the change in the construction schedule. By repeatedly adjusting the requirements of receiving business interruption payments, the CDF could best serve the needs of the business community impacted by light rail construction.

- *Active, ongoing engagement:* The dedication to and representation of the business community's best interests by the CDF reflected a close working relationship between the businesses and CDF staff. The engagement, follow-up, and follow-through on the part of the CDF in getting business participation were crucial in ensuring the success of the program.

- *Clear goals:* Establishing the goals of the SMA program early was another feature that ultimately led to the success of the SMA program. Operating from a framework that assisting the businesses along the alignment, and preventing a situation where vacant storefronts and closed businesses were the norm, the CDF could both adapt to the changing conditions and maintain the active engagement that also led to the success of the SMA program.

Recommendations for the Future

This report concludes by offering recommendations for organizations, neighborhoods, and cities that may experience a situation similar to the one that occurred in the Rainier Valley. These recommendations are based exclusively on the experiences of the Rainier Valley, and are meant to be general guidelines related to construction impacts on a business community in a diverse, low-income area. The intention of these recommendations, beyond providing guidance for future impacted neighborhoods, is also to promote social learning, where the CDF, Sound Transit, the city of Seattle, and the Rainier Valley community as a whole can benefit from the construction experience.

- *Ensure strong collaboration and communication among the various actors:* Construction of a project of this scale is an enormous undertaking involving many moving parts and impacting some areas more than others. In the Rainier Valley context, the principal actors were Sound Transit, RCI Herzog, various Seattle city agencies, King County, the CDF, and the residents and businesses along the alignment. Getting everyone on the same page and keeping lines of communication clear and open are vital for the success of any project, but especially one that creates a new transportation network and takes years to complete.

- *Strengthen the relationship between financial and technical assistance:* The CDF was created to satisfy the Central Link EIS' mitigation of construction impacts to the businesses along the alignment. While the role of the CDF was to administer payments and advances to the impacted businesses, Sound Transit established a technical assistance program available for businesses along the entire Central Link alignment. Value would have been added by requiring businesses seeking financial assistance to also receive technical assistance, so that they may improve business practices and be better positioned when construction ended.

- *Centralize business assistance:* Related to the above point, creating one sole technical and financial assistance provider, or contracting it to one community organization (one that is based in the impacted neighborhood preferably), may ensure a more successful outcome.

- *Dedicated outreach before, during, and after construction:* The concerted effort at reaching out and engaging the business population before and during construction was a key factor in the success of the SMA program. The CDF continues to be active in addressing the needs of the business community, and as a result, maintains a proactive relationship with the businesses along the alignment. Cultivating strong relationships with the business community should be a paramount goal of any future programs.

- *Prepare for the end of construction/SMA program:* The CDF was created in 1999. Almost 10 years have passed since construction impacts to the MLK business community have been an issue. Nevertheless, construction has ended, and so has the SMA program. Preparing the organization for this reality, and preparing the business community for both the end of business assistance and construction are necessary in ensuring the success of similar programs.

- *Build adaptation into the program:* Construction projects like the one in the Rainier Valley are constantly evolving and presenting new and unanticipated obstacles. When developing, administering, and implementing a program similar to the SMA program, adaption is absolutely crucial. Building adaptation into the program allowed the CDF to be adept at amending various products to guarantee the greatest benefit to the businesses.

- *On-going reporting, monitoring and the need for strong data:* Reporting and monitoring need to be included as a requirement for receiving funds. Better reporting and keeping rigorous and standardized data would allow for a more clear and verifiable means for measuring and addressing how construction is impacting businesses. Clear and standardized data also allows for post-hoc research and documentation of the program's impacts. Similarly, a tracking system with dedicated software to create standardized datasets is also desirable.

City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

Legislation Text

File #: RES 11-576, **Version:** 2

Title
Urging the Metropolitan Council to add to construction and business mitigation efforts along Central Corridor given new information in the FTA's recent Supplemental Environmental Assessment.

Body
WHEREAS, the Metropolitan Council and Federal Transit Administration (FTA), on March 1, 2011, released for 30 days of public review the *Draft Supplemental Environmental Assessment: Construction Related Potential Impacts on Business Revenues*; and

WHEREAS, the *Draft Supplemental Environmental Assessment* made a number of key findings, including:

- Little work has been done nationally to quantify the impact of completed light rail or roadway construction projects on small businesses, leaving our region with imperfect mechanisms with which to project potential impact; and

- A regression analysis of the impact of a highway construction project on a Houston business district in 1993, concluded that not all businesses were impacted equally by construction (de Solminihac and Harrison, 1993). Particularly vulnerable to a loss of sales revenue, based on the Houston analysis, are grocery (-37%), auto retail (-32%), furniture (-17%) and general merchandise (-28%) stores. All other businesses can be expected to experience minimal positive or negative impacts; and

- Some kinds of mitigation-construction phasing, close coordination with individual businesses, businesses counseling, traffic management and public relations/marketing-can serve to reduce the impact of construction. Of particular note was the effectiveness of the TxDOT strategy of scheduling work in the lanes directly in front of businesses early in the project so the businesses could start receiving the benefits of the rehabilitation before the end of the project;

- The same businesses negatively impacted by construction can expect to experience an increase in sales in the year following completion of the project; and

- Consultants to the FTA document 798 businesses with revenue less than $2 million/year on the Central Corridor alignment along University and Washington Avenues in Saint Paul and Minneapolis. Sixty-seven of them are in the four classes of businesses determined in the Houston study to be the most impacted by construction; and

- Using the percentage impacts for the various classes of businesses and annual sales data provided in a DUSA database, the Environmental Assessment estimates an aggregated loss of sales for all businesses during construction to be 2.5% of all sales; and

- A series of commitments to mitigation measures have been made by the Metropolitan Council, the City of Saint Paul and a number of other partners.

WHEREAS, the City Council of the City of Saint Paul has reviewed the draft document and has the following comments:

- The City Council acknowledges and appreciates the Metropolitan Council and prime contractor efforts to adopt a phased construction schedule that restores the streets and sidewalks in front of individual businesses as early as possible in the construction process; and

- The City Council acknowledges and appreciates the investments (e.g. no-cost marketing assistance, forgivable loans to develop parking, alley improvements to support access) being made by project and community partners to support businesses in their efforts to prepare for and operate through the construction period; and

- Construction impacts cannot be defined narrowly by the loss of revenue in the construction year because:
  - o Businesses who anticipate a reduction in revenue employ cost saving measures in order to minimize the impact on their bottom line.
  - o Businesses generally experience an increase in sales after a significant public improvement. Ignoring an increase in sales in the year following construction distorts the true impact (positive and negative) of construction; and

- Acknowledging that a 2.5% projected combined loss of sales on the Corridor bears no relationship to the projected impact on any individual business, the weighted average, nonetheless, provides a useful benchmark for policymakers; and

- Sales for Central Corridor businesses outside of the two downtowns that report less than $2 million in annual sales total $519,539,000. A 2.5% loss of sales for a nine-month construction season can be estimated to be $9.75 million; and

- The City of Saint Paul and its partners understand that the construction process will impact small businesses and want to make every effort to support them through the process with a variety of mitigation measures in addition to the construction phasing plans already adopted by the Metropolitan Council and its contractors; and

- The Metropolitan Council and its partners should make every effort to match the $9.75 million projected loss of revenue with $9.75 million in investments designed to support Corridor small businesses impacted by construction; and

- Acknowledging that different kinds of businesses will benefit from different kinds of investments, $6.025 million have already been invested in a range of supportive services, including:

  i. $1,500,000 Small business support loan fund (Metropolitan Council and Central Corridor Funders Collaborative)
  ii. $1,325,000 Neighborhood Commercial Parking Program: Forgivable loans for parking improvements (City of Saint Paul)
  iii. $850,000 Contractor Incentive Program (Metropolitan Council, awards recommended by Corridor businesses)
  iv. $650,000 Street lights/trees/furniture (City of Saint Paul)
  v. $400,000 Construction access and signage improvements (Metropolitan Council)
  vi. $350,000 Alley improvements (City of Saint Paul)
  vii. $675,000 Marketing support to individual businesses (U-7, Bigelow, St. Paul Foundation and Central Corridor Funders Collaborative)
  viii. $150,000 Facelift financing (Neighborhood Development

Center, City of Saint Paul, Living Cities)

ix. $125,000 Grassroots marketing (MCCD, Midway Chamber of Commerce, McKnight Foundation and Central Corridor Funders Collaborative)

- The Neighborhood Commercial Parking Program is incorrectly described on page 20 of the report as being financed by the Metropolitan Council. All of the program funds come from the City of Saint Paul. The Business Mitigation Fund, itemized on page 22 of the report will be administered by the City of Saint Paul, but will be financed by the Metropolitan Council and the Central Corridor Funders Collaborative.

NOW, THEREFORE, BE IT RESOLVED that the City of Saint Paul urges the Metropolitan Council to work with the City, other partners and businesses in the Central Corridor to mitigate anticipated losses of $9.75 million due to construction by adding $3.625 million to the $6.025 million already invested in mitigation measures; and

BE IT FINALLY RESOLVED that the City of Saint Paul recommends that the priorities for additional funding be the small business support loan fund, the City's Neighborhood Commercial Parking Program fund, and corridor-wide marketing efforts.

U7's Position Statement on LRT Best Practices

The ability of small business on University Avenue to survive Central Corridor light-rail transit (LRT) construction, permanent loss of a major amount of on-street parking and other impacts, as well as their ability to benefit from LRT once it is operational, will vary from business to business. However, the University Avenue Business Preparation Collaborative (U7) believes strongly that there is a two-part equation required to achieve the best possible results for the small ethnic and "Ma and Pa" businesses that line this corridor by the hundreds, and which make up the face, the economic heart and social vitality of our communities:

I. Preparation by each business owner, with help from U7 and other business support providers, is critical. Careful financial planning, expanding a customer base and increasing sales through more effective marketing before LRT, and other improvements could create financial reserves prior to an expected drop in sales and the ability to reach customers and generate sales even during construction.

II. Additional solutions by Metropolitan Council and other government entities are necessary. The parking loss, decreased customer access, and predicted loss of sales during and after construction may, in some cases, be so extreme that no level of preparation from the business alone can overcome this damage. Therefore, additional well-designed, well-funded, and well-implemented corridor-wide solutions by Metropolitan Council and other government entities are necessary to help offset the impacts of LRT.

The impact of the construction of the LRT will be so widespread that it requires this mutually-reinforcing two-part equation to obtain the vision articulated by all leaders and members of our community – that LRT will enhance the communities and small businesses along the avenue, rather than damage them irreparably. While there has been a great deal done on both fronts to date, U7 believes more is required to insure that our shared vision is achieved. We are committed to working with all parties to keep pushing, together, to reach this goal.

Note: Since August 2009, U7 has publicly supported the following construction mitigation best practices:

1. "Best Practice construction period" – shortened time of disruption (24/7 work schedule?), accurate and early communications, strong signage, on-going customer access, etc.
2. Funds for Business Mitigation – in the Seattle model.
3. Stations - build all three of the "missing stations" at Western, Victoria and Hamline.
4. Marketing and Branding of the Corridor – before, during and after construction.
5. Parking – lose less than 80%, and complete effort to find workable alternatives that customers will use.
6. Property Tax Holiday during disruption of your business; no increases in 1st year after construction.

Respectfully,
U7 Co-Chairs

Matthew Ides, Executive Director
Sparc

Gene Gelgelu, Executive Director
African Economic Development Solutions

Appendix B

Documents in Opposition to the Methodology Used in the Draft Supplemental Environmental Assessment

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FOR

APPENDIX B

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

HOUSE FILE NO. 843

March 3, 2011
Authored by Buesgens, Barrett, Runbeck and Gunther
The bill was read for the first time and referred to the Committee on Transportation Policy and Finance

A bill for an act
relating to metropolitan government; suspending construction of the Central Corridor Light Rail; requiring supplemental environmental impact statement; providing a deadline for federal funding; proposing coding for new law in Minnesota Statutes, chapter 473.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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Section 1 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Light Rail Research List
Prepared by University UNITED
September 29, 2006

Identify cities from around country that currently have or are planning light rail and select "peer cities" to study and compare.

Key issues should include such base-line data as:

Project basics:

Costs, timelines
Number of stations and spacing of stations
How station placement determined
Ridership and density around stations
Stations added after line operating
Comparison between ridership projections before lines built and after built
How projects financed
Levels of operating subsidy
Operational structure
Citizen participation process in design and construction
Trip times and line speed, distribution of ridership along line

Connections/ Design:

How rail service connects with and impacts bus service, bicycle and pedestrian access
Parking/ park and ride
Dedicated rail lines, or sharing with autos?
Crossings, Left Turn and U-turn movements
One way lines/ loops, versus two way lines
Any grade separations – bridges or tunnels?
Any pedestrian only zones around lines?
Crosswalk and/or signalized pedestrian crossings and treatments to access platforms, including for handicapped and elderly.
Right of way dimensions for various lines, including sidewalks, boulevards and bike paths
Bicycle accommodation in the right-of-way – bikelanes vs. wide outside travel lane vs. no space for bicycles, etc.
Taxi and/or car-share services at station areas.
Opportunity for utility trench for District Energy type infrastructure
Traffic signal pre-emption vs. prioritization
Location of maintenance buildings

Construction:

Design build or conventional bid

Short or long sections built at a time
Impacts on community
Overruns or delays?
Lessons learned.
Construction disruption mitigation options.
Rail bed treatments

Station Area Design

How individual stations designed
Role of community
Public art opportunities
Platform length, coverings, location of bicycle parking (sidewalk or platform?)

Marketing/ Branding

How name of light rail line and individual stations selected
Coordination between commercial and civic branding efforts and rail line?
Signage

Safety

Audible warnings, barriers, and other safety measures
Accident incidents
Determining cause of accidents and making safety improvements to lines
Critical design lessons to ensure safety

Land Use

Zoning before and after light rail
Interim zoning or overlay districts during planning stage
Public sector land banking or creation of development incentives

FTA New Starts Application Process

Analyze FTA application and identify critical areas that need attention
Collect New Starts applications that have been submitted to FTA by Ramsey County and other cities from around country

Later items:
Power lines for light rail being buried in street
Origin and Destination surveys for auto traffic on University Avenue and crossing streets
Implication of 3 car trains
Radius of curves for noise issues

Light Rail Research List
Prepared by University UNITED and Frank Schweigert of the DCC
September 29, 2006

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Key issues should include such base-line data as:

A. Project basics:

1. Costs, timelines
2. Number of stations and spacing of stations
3. How station placement determined
4. Ridership and density around stations
5. Stations added after line operating
6. Comparison between ridership projections before lines built and after built
7. How projects financed
8. Levels of operating subsidy
9. Operational structure
10. Citizen participation process in design and construction
11. Trip times and line speed, distribution of ridership along line

B. Connections/ Design:

1. How rail service connects with and impacts bus service, bicycle and pedestrian access
2. Parking/ park and ride
3. Dedicated rail lines, or sharing with autos?
4. Crossings, Left Turn and U-turn movements
5. One way lines/ loops, versus two way lines
6. Any grade separations – bridges or tunnels?
7. Any pedestrian only zones around lines?
8. Crosswalk and/or signalized pedestrian crossings and treatments to access platforms, including for handicapped and elderly.
9. Right of way dimensions for various lines, including sidewalks, boulevards and bike paths
10. Bicycle accommodation in the right-of-way – bikelanes vs. wide outside travel lane vs. no space for bicycles, etc.
11. Taxi and/or car-share services at station areas.
12. Opportunity for utility trench for District Energy type infrastructure
13. Traffic signal pre-emption vs. prioritization
14. Location of maintenance buildings
15. Technologies/designs (physical elements: rail bed priorities, stations, cost considerations, creative solutions and cost savings through design features, e.g., solar-powered stations, etc.; traffic light software, etc.;)
16. Usage/milieu: Ridership trends over time (what makes some lines successful, and others not); wait times; traffic/transit connections (scheduled routes, circulators,

shuttles), turn lanes, speed and station stop needs, preferences, and requirements; security and safety issues, accident rates, signage, gates, signal preemption; pedestrian and bike access; public art programs/aesthetics, disabled and elderly accommodations; branding/naming of lines.

C. Construction:
1. Design build or conventional bid
2. Short or long sections built at a time
3. Impacts on community
4. Overruns or delays?
5. Lessons learned.
6. Construction disruption mitigation options.
7. Rail bed treatments

D. Station Area Design
1. How individual stations designed
2. Role of community
3. Public art opportunities
4. Platform length, coverings, location of bicycle parking (sidewalk or platform?)

E. Marketing/ Branding
1. How name of light rail line and individual stations selected
2. Coordination between commercial and civic branding efforts and rail line?
3. Signage

F. Safety
1. Audible warnings, barriers, and other safety measures
2. Accident incidents
3. Determining cause of accidents and making safety improvements to lines
4. Critical design lessons to insure safety

G. Land Use
1. Zoning before and after light rail
2. Interim zoning or overlay districts during planning stage
3. Public sector land banking or creation of development incentives
4. Economic and transit-oriented development along the corridor (building design, heights, land use, frontages, parking, housing, etc.)

H. FTA New Starts Application Process
1. Analyze FTA application and identify critical areas that need attention
2. Collect New Starts applications that have been submitted to FTA by Ramsey County and
3. other cities from around country

I. Alternative Alignments and Stops

1. Develop specific alternatives to the U of M tunnel and to the downtown alignment and proposed 4th and 6th street stations.
2. Evaluate the Snelling/University traffic study to determine best options.
3. Evaluate stop at Cedar Avenue vs. Blegen Hall.
4. Evaluate additional stops at Western, Victoria, Hamline, and Cleveland Avenues
5. Possibly expand study to seek additional options.

J. Meeting CEI Requirements

1. Study amount of savings from original proposal, agencies involved, public process, when cost reductions were agreed on, if exceptions were granted, and on what basis, etc.

K. Community Input and Impact

1. Citizen/community participation/engagement (in project management, policy considerations, civic engagement priorities–decision-making, advisory roles)
2. Parking issues/business impact mitigation/neighborhood impacts
3. Environmental considerations/impacts (energy use, hazard mitigation, air quality, noise, congestion)
4. Financial/Tax implications (property values, tax assessments, mitigation of rapid increases)
5. Socio-economic impacts (job production/expansion/loss/access, race and class disparity, poverty concentrations, education, affordability)

Later items:

Power lines for light rail being buried in street
Origin and Destination surveys for auto traffic on University Avenue and crossing streets
Implication of 3 car trains

SP@CC

SAINT PAUL AREA CHAMBER OF COMMERCE

March 16, 2011

SENT VIA USPS & E-MAIL

Kathryn O'Brien
Environmental Project Manager
Central Corridor Project Office
540 Fairview Avenue
Saint Paul, MN 55410

Re: Draft CCLRT Supplemental Environmental Assessment

Dear Ms. O'Brien:

The Saint Paul Area Chamber of Commerce ("Chamber") is pleased to submit the following comments to the Metropolitan Council ("Council") and the Federal Transit Administration ("FTA") in response to the Draft Supplemental Environmental Assessment ("SEA") released for public comment in March of 2011.

The Chamber strongly supports the Central Corridor Light Rail Transit ("CCLRT") project. We believe this project will provide significantly more transit options for commuters, increase access of the downtowns, and create economic development opportunities for our region.

The Chamber recognizes that construction of CCLRT will cause disruption to many businesses. It is therefore critical that effective mitigation efforts be established and actively reviewed to ensure their success.

While the Chamber is generally pleased that the SEA recognizes CCLRT construction has the potential to harm business revenues and outlines mitigation efforts that will be put in place to address those impacts, we have several concerns that we wish to express:

I. Construction-Related Potential Impacts to Business Revenues

The Chamber is concerned about the average percentage revenue loss figure determined by the Volpe Institute in its study ("Technical Report") of potential impacts to business revenues caused by CCLRT construction-related activities. The Technical Report estimates that the average revenue loss of affected businesses will range from no impact to 2.5 percent loss of revenue. We believe this figure is artificially low, particularly with respect to certain types of businesses (e.g. retail), and therefore understates the actual impact of construction on businesses. Our concern is primarily based on the methodology by which the figure was calculated.

SAINT PAUL AREA CHAMBER OF COMMERCE

According to the Section 3.2 of the Technical Report, the average revenue loss figure was calculated by summing and dividing the "revenue loss estimates"[1] by the total revenues from all small businesses in the corridor. Thus the calculated value represents potential average revenue losses for business as a whole and not necessarily by industry or type of business. As the Technical Report correctly states, "these average impacts do not provide good predictions of sales revenue impacts for any particular business, because businesses experience both greater and lesser impacts, with only the average presented."

Furthermore, the Technical Report applied the standards articulated by the De Solminihac and Harrison study to its own study because it appeared to be "the most analogous to the Central Corridor Project." The Technical Report seems to base this conclusion on the fact that the De Solminihac and Harrison study was the most applicable because it was developed to study a construction project, albeit a highway project, in a "major urban area with a variety of options for consumers to switch their business away from the construction corridor." We believe there is a real difference between a highway construction project (as studied by De Solminihac and Harrison) and a light rail construction project (as studied in the case at hand).

Recommendation

The Chamber recommends that the Council and FTA obtain additional information from businesses through the use of a survey-based study that will allow for an ongoing statistically significant metric to gauge potential impacts to business revenue. We believe that implementing this approach will provide a way to separate the impact of construction across industry sectors and allow comparison of initial impacts on businesses to those during and after construction. We also believe that data obtained from a survey will better allow for the development and deployment of customizable mitigation strategies focused on particular business types rather than on business as a whole. When individual businesses are categorized into broad groups and studied as a whole, the impact of mitigation efforts are lost. By focusing on a sample-based methodology the Council would be able to determine, to a far greater degree, the success of the various mitigation efforts employed.

We understand that this proposal will create additional work for the Council, but without the additional study and only a broad assessment of the impacts, the Council will be left with only anecdotal evidence to assess the construction impact and determine which mitigation efforts have produced the best results.

[1] The revenue loss estimates were derived from averaging revenue-weighted potential losses across all business types multiplied by the percentage impacts from generated by the De Solminihac and Harrison.

SAINT PAUL AREA CHAMBER OF COMMERCE

II. Availability and Use of Mitigation Resources

While the Chamber is pleased with the various "mitigation commitments" listed in Section 4.2.2 of the SEA, we are concerned about their availability and how they will be accounted for. Specifically, we are concerned that businesses currently (or soon to be) affected by construction may not have access to many of these resources, including, but not limited to the Business Mitigation Fund and the Neighborhood Commercial Parking Program.

Recommendation

The Chamber requests that detailed information about the availability and status of the various mitigation commitments be provided to businesses affected by CCLRT construction. We also believe that businesses could benefit from a regularly scheduled detailed accounting of the "financial commitments" described in Table 4-1 of the SEA so that businesses will gain an understanding of how the financial commitments are utilized and whether or not they have been effective. Additional reporting measure will provide businesses with an understanding of the availability and status of certain mitigation resources.

III. Conclusion

While the Chamber has several concerns, we are generally pleased that the document acknowledges construction-related activities have the potential to impact business revenues and that specific mitigation measures have been developed to address those impacts. It is very important that the Council fully implement the strategies discussed in Section 4.2 of the SEA in a timely and efficient manner. These programs, which the Chamber supports, offer businesses with the means to overcome business disruption caused by CCLRT construction. The Council should ensure that all elements described in Section 4.2 are not only implemented and made widely known, but are regularly examined for effectiveness.

The Chamber does not believe a compelling reason exists to delay construction of the CCLRT project. We believe that implementation of our recommendations will sufficiently alleviate our concerns.

Sincerely,

Matt Kramer
President
Saint Paul Area Chamber of Commerce

I-35W memorial
Minneapolis opens bid for the I-35W Remembrance Garden honoring bridge-collapse victims
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Coal-plant conversion
Regulators consider a plan to convert two coal units at Xcel's Black Dog plant to natural gas
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THURSDAY | MARCH 17, 2011

Six banks behind on TARP payments

BY MARK ANDERSON
Staff Writer

Six Minnesota banks have fallen behind on payments for the capital they received from the federal government's Troubled Asset Relief Program (TARP) in 2008 and 2009.

The six were on a list of 142 U.S. banks that failed to make quarterly interest or dividend payments due in February in exchange for capital that the U.S. Treasury invested in the banks, according to SNL Financial, a Charlottesville, Va.-based financial industry research firm.

The goal of those investments, part of TARP's Capital Purchase Program, was to keep capital flowing to the nation's lenders at a time when traditional capital markets were not doing so.

TARP TO PAGE 11A

BY THE NUMBERS

142

Number of banks in nation behind on payments to TARP

Source: SNL Financial

Fuming over LRT report

Lack of access is ruining businesses, opponents say

BY DAN HEILMAN
Special to Finance & Commerce

The owner of AxMan Surplus wondered Wednesday whether the troubled actor Charlie Sheen was somehow involved in the writing of a report on the construction impacts of the Central Corridor light rail line on small businesses along its 11-mile route.

AxMan's owner, Jim Segal, was among owners of businesses along University Avenue in St. Paul who took sharp aim at the Metropolitan Council and the LRT project at a public hearing Wednesday.

The hearing, held at the offices of Lao Family Community of Minnesota near University and Western avenues, was one of two that took comments on a recently released supplemental environmental assessment outlining potential construction-related impacts on business revenue. The other hearing was scheduled for Wednesday evening. The hearings were moderated by Central Corridor Project Director Rich Rovang and Met Council Environmental Services Manager Kathryn O'Brien.

The assessment, completed in accordance with a January ruling by U.S. District Court Judge Donovan Frank, estimated that the potential impact on revenue for small businesses along the project corridor would be no more than 2.5 percent, a figure that came in for ridicule by the nine business owners and others who testified Wednesday morning before about two dozen onlookers.

"Did Charlie Sheen help with that report?" said Segal, whose business is on University just west of Snelling Avenue. "That figure is absolutely unrealistic. It does nothing to address the potential loss of revenue faced by businesses on University Avenue."

Segal, who estimated that AxMan would lose $100,000 in revenue over the first six months of construction, maintained that the $957 million project's effects would be felt by businesses long after trains start running in 2014. "The pedestrian environment is going to be terrible while construction is ongoing, and there will be a permanent change to people's driving and parking patterns. That wasn't discussed in this report."

At one point, he said the report, the "Draft Supplemental Environmental Assessment Construction-Related Potential Impacts to Business Revenue," would be more useful as toilet paper, and he held up a roll to make the point.

The growing lack of access was a common refrain among business owners who testified.

"The big problem is the major

LRT TO PAGE 32A

Jim Segal, the owner of Axman Surplus, testified Wednesday that the draft supplemental environmental assessment report for the Central Corridor LRT would be more useful as toilet paper. (Staff photo: Bill Klotz)

BY THE NUMBERS

2.5%

Estimated revenue impact on small businesses during construction of light rail line

Source: supplemental environmental assessment

New RFP brewing: Grain Belt office, land

The office building at 1215 Marshall St. N.E. in northeast Minneapolis dates to 1893 and is on the National Register of Historic Places. (Staff photo: Bill Klotz)

BY BURL GILYARD
Staff Writer

A few years ago, plans fizzled for a large condo proposal in the shadow of the historic Grain Belt Brewhouse.

But now as the market shows a few new signs of life, the city is preparing to issue a fresh request for proposals (RFP) for a vintage office building and a 2.5-acre site across the street from the castle-like brewhouse complex.

The city of Minneapolis is planning to issue the call for bids in early May, said Jerry LePage, senior project coordinator with the Community Planning and Economic Development (CPED) department.

"For the last five years, we've just kind of been waiting for the right time," LePage said. But he acknowledged that the condo market has yet to rebound: "It just isn't a very good time to be developing condos. I guess we're just going to put the RFP out there and see what surfaces."

Although the local development market is showing some improvement — particularly for apartment projects — it's not clear what response the city will draw for the large site.

The RFP will include the vintage building at 1215 Marshall St. N.E. and the open land at 1219 Marshall St. N.E. The two-story office building is about 19,000 square feet and dates to 1893. The office building is on the National Register of Historic Places as

GRAIN BELT TO PAGE 11A

$1.50

Charlie Nestor
Hillcrest Development
2424 Kennedy St NE
Minneapolis, MN 55413-2803

LRT 'This project is ruining my service,' photography business owner says

Continued from page 1A

loss of parking," said Mike Baca, the owner of Impressive Print, located just east of Fairview Avenue.

Baca ridiculed a business mitigation fund support program outlined in the Met Council's assessment that would provide low- or no-interest loans of up to $10,000 for retail businesses expecting construction-related disruptions. "Who wants a $10,000 loan when you're losing between 30 and 60 percent of your revenue?" he asked. "This project is going to destroy businesses."

Business owners condemned the Met Council's business impact assessment as being put together hastily and without realistic input from the people most affected by the light rail project. "The planning on this has not been done correctly," said Tim Holden, the owner of Added Value Improvements. "Taking away parking has rendered the properties west of Snelling and University uninhabitable. My customers are confused — they don't know where to park. Businesses up and down the avenue have not been accounted for."

As Rovang and O'Brien listened, along with Federal Transit Administration representative Maya Ray and Shona Lee of the Central Corridor Project Office, one business owner after another laid out the damage the project is causing them and condemned what they see as a lack of cooperation from the Met Council and city and state government entities.

Holden estimated that since the beginning of March, when construction began in the area, his business has lost $7,300 in revenue. Baca said he had to hire a driver to deliver print projects because customers are unwilling to drive to his store. Steve Bernick, the owner of Milberns Clothing, said he was promised that Aldine Street, the cross street near his business, would remain a through street during construction. Instead, it was designated right-turn only, forcing drivers to make an illegal U-turn to reach his store.

Diane Pietro, the owner of the Twin Cities Photography Group near Highway 280, said construction workers came into her business without identifying themselves and started tearing up a newly renovated hallway to install water pipes. She also said they were dismissive when she complained.

"This project is ruining my service," she said. "Families don't want to come in and sit for a portrait when there are workers walking in and out. I've gotten two parking tickets for trying to park in front of my own business. Both of our entrances are blocked and the sidewalks are closed."

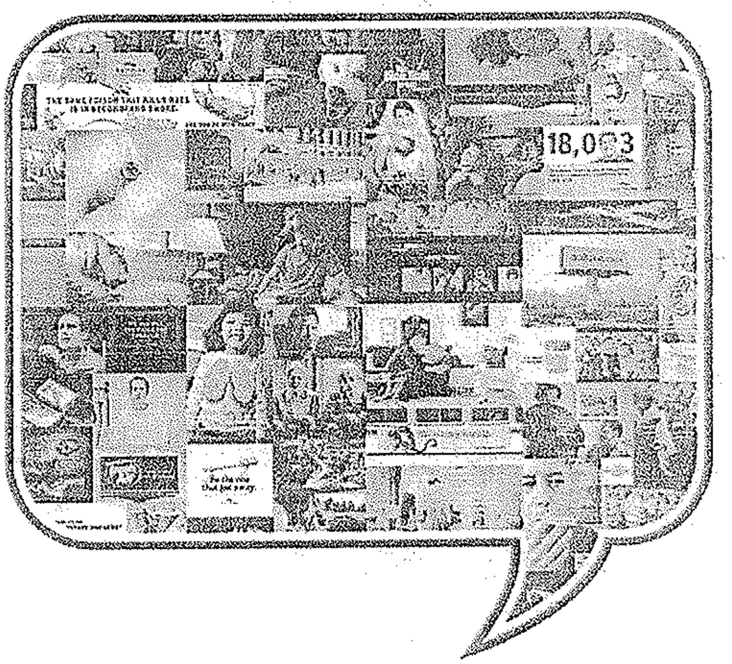
Jack McCann, the president of the University Avenue Betterment Association, sharply criticized what he saw as "a level of incompetence" in how the assessment was prepared. "It's unfortunate that we're even here today," he said. "The amenities of University Avenue have always been great for businesses, and it already has good mass transit — the 16A bus line."

McCann, whose Update Co. owns several properties near University and Raymond avenues, said renters are already asking him for a reduction of $1 per square foot for 2011 and 2012 to make up for anticipated lost revenue.

"What are (business owners) expected to do when they rely on on-street parking? That hasn't been addressed," he said. "If business owners knew there would be parking near their businesses (during construction), they wouldn't need mitigation. But people mistrust the Met Council."

The comment period for the impact assessment will end March 31, after which the Met Council and the FTA will respond to comments as part of a final supplemental assessment document.

Mike Baca, the owner of Impressive Print, ridiculed a business mitigation fund during the public hearing. "Who wants a $10,000 loan when you're losing between 30 and 60 percent of your revenue? This project is going to destroy businesses."
(Staff photo: Bill Klotz)



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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

HOUSE FILE NO. 843

March 3, 2011
Authored by Buesgens, Barrett, Runbeck and Gunther
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