

Central Corridor LIGHT RAIL TRANSIT

Supplemental Final Environmental Impact Statement- Construction-Related Potential Impacts on Business Revenue



CENTRAL CORRIDOR LIGHT RAIL TRANSIT PROJECT

SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT STATEMENT CONSTRUCTION-RELATED POTENTIAL IMPACTS ON BUSINESS REVENUES

Prepared by:
Federal Transit Administration
and Metropolitan Council

Pursuant to:

National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. Section 4321 et seq.; Council on Environmental Quality (CEQ) regulations, 40 C.F.R. Section 1500 et seq. implementing NEPA; Federal Transit Laws, 49 U.S.C. Chapter 53; Environmental Impact and Related Procedures, 23 C.F.R. Part 771, a joint regulation of the Federal Highway Administration and Federal Transit Administration implementing NEPA and CEQ regulations; Section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. Section 470(f); Section 4(f) of the Department of Transportation Act of 1966, as amended, 49 U.S.C. Section 303; Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, 16 U.S.C. Section 4601-4 et seq.; Clean Air Act, as amended, 42 U.S.C. Section 7401 et seq.; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. Section 4601 et seq.; Executive Order No. 12898 (Federal Actions to Address Environmental Justice in Minority and Low Income Populations); Executive Order No. 13166 (Improving Access to Services for Persons with Limited English Proficiency); Executive Order No. 11990 (Protection of Wetlands); Executive Order No. 11988 (Floodplain Management); other applicable Federal laws and procedures.

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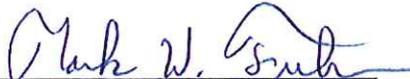
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ABSTRACT

The Federal Transit Administration (FTA), the federal lead agency, and the Metropolitan Council, the local lead agency, have prepared this Construction-Related Potential Impacts on Business Revenues Supplemental Final Environmental Impact Statement (EIS) for the Central Corridor Light Rail Transit Project (the Project) pursuant to 23 CFR 771.130(f). The Project is 10.9 miles long (9.7 miles of new alignment, 1.2 miles on shared alignment) and consists of 23 Central Corridor Light Rail Transit (LRT) stations – 18 new stations and five shared with the Hiawatha LRT.

On January 26, 2011, the U.S. District Court for the District of Minnesota in *St. Paul Branch of the NAACP, et. al. v. US Department of Transportation, et. al.*, CIV 10-147, held that the Final Environmental Impact Statement prepared in June 2009 was inadequate insofar as it failed to address the impact of construction on business revenues. In a second court order dated January 23, 2012, it was clarified that the consideration of impacts on business revenue loss required by the 2011 ruling must be completed in the form of a Supplemental EIS. The Court ordered that the EIS be supplemented with an analysis of business revenue impacts associated with construction. The intent of the Supplemental Draft EIS published in December 2012 and this Supplemental Final EIS is to comply with the Court's orders.

The Supplemental Draft EIS was published for public review and comment on December 14, 2012, and two public hearings were held on January 10, 2013. The analysis and findings of the Supplemental Draft EIS are considered final, are incorporated by reference into this Supplemental Final EIS, and are attached to this Supplemental Final EIS in Appendix D. This Supplemental Final EIS provides an update regarding ongoing mitigation programs and concludes with a summary of comments received during the 45-day Supplemental Draft EIS comment period. Pursuant to Section 1503.4 (c) of the Council on Environmental Quality Regulations, comments received were not found to require revision of the Supplemental Draft EIS findings as they did not identify new information not included in the Supplemental Draft EIS, nor did they identify viable alternative methodologies for the analysis. Responses to comments received, including clarification of the Supplemental Draft EIS findings and rationale against modification of Supplemental Draft EIS analysis, are provided in Chapter 3 of this Supplemental Final EIS. A complete record of comments received can be found in Appendix A.

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Central Corridor Light Rail Transit Project

Supplemental Final Environmental Impact Statement for Construction-Related Potential Impacts on Business Revenues

Federal Transit Administration
Metropolitan Council

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1 PURPOSE OF THE SUPPLEMENTAL FINAL EIS

1.1 Basis for this Supplemental Final EIS

A Final Environmental Impact Statement (EIS) for the Central Corridor Light Rail Transit (LRT) Project was issued in June 2009 and a Record of Decision (ROD) in August 2009. Following the Final EIS and ROD, a lawsuit was filed against the U.S. Department of Transportation, the Federal Transit Administration (FTA), and the Metropolitan Council by a coalition of local businesses, residents, and non-profit organizations. One of the claims made in the lawsuit was that the environmental review of the Project violated the National Environmental Policy Act (NEPA) by failing to adequately analyze potential loss of business revenues during construction of LRT. In January 2011, the Court held that the 2009 Final EIS did not evaluate this issue and that construction-related business revenue loss should have been evaluated during the NEPA process. The Court found that the 2009 Final EIS was inadequate insofar as it failed to address the loss of business revenues as an adverse impact of the construction of the Central Corridor LRT Project and ordered the FTA and the Metropolitan Council to supplement the Final EIS.

In April 2011, pursuant to 23 C.F.R. Section 771.130, the FTA and the Metropolitan Council completed an Environmental Assessment (EA) to address the Court's order. Plaintiffs objected to the use of a Supplemental EA in response to the Court's order, and in January 2012 the Court clarified that the NEPA supplementation required by the January 2011 ruling must be completed in the form of a Supplemental EIS. The FTA and the Metropolitan Council published the Supplemental Draft EIS in December 2012 to comply with the Court's order. A public comment period began on December 14, 2012, and ended January 30, 2013. Two public hearings were held on January 10, 2013.

The analysis and findings of the 2012 Supplemental Draft EIS are considered final and incorporated by reference and in Appendix D of this Supplemental Final EIS. Key findings from the 2012 Supplemental Draft EIS are summarized in Section 1.6, but readers are encouraged to refer to the Supplemental Draft EIS contained in Appendix D for full discussion of the findings. This Supplemental Final EIS provides an update regarding ongoing mitigation programs and concludes with a discussion of comments received on the Supplemental Draft EIS. Pursuant to Section 1503.4 (c) of the Council on Environmental Quality (CEQ) regulations, comments received were not found to require revision of the Supplemental Draft EIS findings as they did not identify new information not included in the Supplemental Draft EIS, nor did they identify viable alternative methodologies for the analysis. Responses to comments received, including clarification of the Supplemental Draft EIS findings and rationale against modification of Supplemental Draft EIS analysis, are provided in Chapter 3 of this Supplemental Final EIS. A complete record of comments received can be found in Appendix A.

1.2 Format for this Supplemental Final EIS

The Council on Environmental Quality (CEQ) regulations place heavy emphasis on reducing paperwork, avoiding unnecessary work, and producing documents which are useful to decision makers and to the public. Because this Supplemental Final EIS does not make any substantial changes to the proposed action, and because there are no new circumstances relevant to environmental concerns since publication of the Supplemental Draft EIS, this Supplemental Final EIS has been prepared in a condensed format consisting of: a brief summary of the main findings from the Supplemental Draft EIS; a summary of project background and status to date; a summary of the public outreach process for the Project and the outcomes related to the public outreach activities; an expanded discussion of the mitigation measures implemented to address business revenue loss; and documentation of comments received on the Supplemental Draft EIS and responses to these comments.

1.3 Central Corridor Light Rail Transit Project

This section describes the physical elements constructed as part of the Central Corridor LRT Project. Please see Section 2.2.3.1 of the 2009 Final EIS and the 2010 Infill Stations Environmental Assessment for more detail.

Route

The Central Corridor LRT will use existing Hiawatha LRT tracks on 5th Street in downtown Minneapolis, and then will operate on a new structure over I-35W to Washington Avenue, and on the existing Washington Avenue Bridge over the Mississippi River. The alignment will continue on Washington Avenue through the University of Minnesota campus, and follow 23rd Avenue, the University of Minnesota Transitway and 29th Avenue before turning east along University Avenue through St. Paul. The alignment will pass north of the Capitol on University Avenue, turn south on Robert Street, turn west at 12th Street to Cedar Street, continue south on Cedar Street into downtown St. Paul, cross the block diagonally from 5th and Cedar Streets to 4th and Minnesota Streets, and continue east to end at St. Paul's Union Depot with tail track leading to an operations and maintenance facility farther east at Broadway and Prince Streets.

Guideway

The Central Corridor LRT project includes 10.9 miles of fixed guideway (9.7 miles of new guideway for Central Corridor LRT and 1.2 miles shared with existing Hiawatha LRT). The LRT will operate on standard gauge railroad embedded track. LRT is double-tracked throughout, providing a separate track for eastbound and westbound trains. A new aerial structure was built over I-35W; the existing Trunk Highway 280, I-94, and the Washington Avenue Bridge over the Mississippi River were rehabilitated to accommodate LRT. Generally, a cross-section of at-grade double tracks for the LRT alignment requires 28 feet of right-of-way. The minimum vertical clearance is approximately 14 feet from top of rail. Crossovers to allow trains to cross from the eastbound to the westbound tracks have been provided at regular intervals for special

operations. Please see Figures 2-9 and 2-10 in the 2009 Final EIS for illustrations of typical sections of guideway at various locations along the alignment.

Stations

As shown in Table 1-1, the Central Corridor LRT Project includes 18 new stations and five shared stations with the existing Hiawatha LRT. Stations consist of either one center-loading platform or two side-loading platforms 300 feet in length, to accommodate three-car trains.

Table 1-1: Central Corridor LRT Stations

Station	Configuration	Location
Interchange (Shared with Hiawatha LRT)	Please see the project website for more information.	5th St. S. at Target Field
Warehouse District (Shared with Hiawatha LRT)	Center	5th St. S. between 1st and Hennepin Aves.
Nicollet Mall (Shared with Hiawatha LRT)	Center	5th St. S. between Nicollet Mall and Marquette Ave.
Government Center (Shared with Hiawatha LRT)	Side	5th St. S. between 3rd and 4th Aves.
Downtown East/Metrodome (Shared with Hiawatha LRT)	Side	Diagonal between 4th and 5th Streets at Park Ave.
West Bank	Center	Washington Ave between Cedar and 19th Aves.
East Bank	Center	Washington Ave. between Union St. and Harvard St.
Stadium Village	Side	23rd Ave. between University Ave. and 4th St. SE
29th Avenue	Center	29th Ave. between University Ave. and 4th St. SE
Westgate	Split Side	University Ave. between Emerald St. and Curfew St.
Raymond Avenue	Side	University Ave. between Carleton St. and La Salle St.

Station	Configuration	Location
Fairview Avenue	Side	University Ave. between Lynnhurst Ave. and Fairview Ave.
Snelling Avenue	Split Side	University Ave. between Fry St. and Asbury St.
Hamline Avenue	Split Side	University Ave. between Albert St. and Syndicate St.
Lexington Avenue	Split Side	University Ave. between Dunlap St. and Oxford St.
Victoria Street	Split Side	University Ave. between Milton St. and Avon St.
Dale Street	Split Side	University Ave. between St. Alban's St. and Kent St.
Western Avenue	Split Side	University Ave. between Arundel St. and Virginia St.
Rice Street	Side	University Ave. between Rice St. and Park St.
Capitol East	Side	Robert St. between 14th St. and Columbus Ave.
10th Street	Side	Cedar St. between 10th St. and 11th St.
4th Street	Side	Diagonal between Cedar and Minnesota Streets at 4th St.
Union Depot	Dual Split	4th St. between Sibley St. and Wacouta St.

Bicycle and Pedestrian Facilities

A transit/pedestrian mall has been constructed between Pleasant Street and Walnut Street on Washington Avenue through the University of Minnesota East Bank campus. Pedestrian movements within the transit mall and pedestrian amenity zone will be channeled at signalized intersections and designated non-signalized crossings. Other features of the transit/pedestrian mall include a 12-foot wide zone between the LRT tracks and the sidewalks that will be used by emergency service vehicles and bicyclists. Please see Figure 2-9 in the 2009 Final EIS for more detail.

Coordinated Roadway Reconstruction

To minimize community disruption, the Central Corridor LRT project also included full reconstruction of University Avenue from building front to building front along the length of the newly-constructed corridor. To address street conditions and utility upgrade needs, sidewalks and streets have been reconstructed and newly landscaped with street trees and other design elements. Street lighting, colored paving, and other amenities within the public right of way were added in a number of locations to enhance the pedestrian character of University Avenue and downtown business districts.

Operations and Maintenance Facility

Currently under construction, the operations and maintenance facility (OMF) will be located entirely within an existing building known as the Diamond Products building. This building was built in 1969 by the Gillette Company as a facility to manufacture personal care products and has been vacant since 2005. The Diamond Products site is bounded by East Prince Street on the south, Broadway Street on the west, East 5th Street on the north, and North Lafayette Road on the east. The Project will re-use this building, retrofitting it to serve the purposes of an LRT OMF. Environmental clearance for use of the Diamond Products building is documented in the Project's Record of Decision.

Traction Power Substations

Traction power substations (TPSS) in 13 locations along the corridor will power the system by transforming and rectifying the utility three-phase alternating current to the direct current LRT electrification voltage. The power will then be distributed to the trains through an overhead catenary system (OCS). Please refer to Appendix L of the 2009 Final EIS for the 13 TPSS locations.



Before



After

New sidewalks and road surfaces, enhanced lighting, as well as street trees and median plantings, have improved the pedestrian character of University Avenue.

1.4 Project Status

Construction of Central Corridor LRT began in late 2009. As of May 2013, 92 percent of construction is complete, including all heavy construction and roadway and sidewalk reconstruction. Most of the LRT stations have been constructed with the exception of electrical work and station art which will be completed in 2013.

Additional work that will be finished in 2013 includes completing construction of the OMF, installation of catenary poles and overhead electrical wires, installation of TPSS, installation of signal bungalows, and delivering and testing of the LRT vehicles. The Central Corridor LRT Project is scheduled to open in 2014. A current update of the status of the Project can be found at the following link:

<http://www.youtube.com/watch?v=TorumXP782A&feature=youtu.be>

1.5 Public Outreach in the Central Corridor LRT Project

From the inception of the Central Corridor LRT Project, the Metropolitan Council has conducted extensive public outreach activities to reach the diverse residents, businesses, and other interested stakeholders in the Central Corridor. From online information, emails, and mailings, to in-person one-on-one meetings, the Metropolitan Council, and its partners have actively tried to engage, inform, and respond to Project stakeholders.

Public engagement has enabled Central Corridor Project Office (CCPO) staff and policy makers to understand the needs, issues, and priorities of the community, as well as distribute information and explain the LRT project development process, physical elements, finances, and construction phases. Public input influenced many elements throughout the project. Some of these elements include:

- Designing an entirely new road surface, 10-foot sidewalks, and curbs and gutters from façade to façade for a uniform look along University Avenue. New curbs and gutters will address concerns about water quality and standing water on the street.
- Adding non-signalized pedestrian crossings to address concerns about pedestrians' ability to cross the street safely and conveniently. The additional pedestrian crossings resulted in the loss of additional on-street parking, and many people said the tradeoff was worth it. Some advocated for even more pedestrian crossings, which would have resulted in greater loss of on-street parking
- Adding stations at Hamline Avenue, Victoria Street, and Western Avenue.
- Locating the OMF in the vacant Diamond Products building and designing the building with street-level windows facing the Farmers' Market.
- Relocating track crossovers, where trains make noise moving from one track to another, away from residential areas near Carleton Street and Avon Street on University Avenue, and away from Minnesota Public Radio studios on Cedar Street in downtown St. Paul.

- Relocating several TPSS and signal bungalows to more obscure sites or locations that won't hinder future development.
- Locating the Snelling Station at Snelling Avenue instead of at Pascal Street to accommodate the community's preference and to improve bus connections.
- Addressing concerns about safety, security and consistency throughout the corridor by simplifying station design to improve access and way finding and reduce barriers for people with disabilities.
- Implementing smooth sidewalk surfaces only, to address concerns that stamped or patterned concrete makes for a bumpy ride for wheelchair users and hinders people with vision impairments in finding tactile warning bumps on curb cuts with their canes.
- Locating the West Bank Station between the Cedar Avenue and 19th Avenue bridges instead of east of the 19th Avenue bridge to better serve both the University of Minnesota and the surrounding neighborhood and to be closer to vertical access points at Cedar and 19th Avenues to meet requirements of the Americans With Disabilities Act.

Table 1-2 presents the range of outreach activities that have occurred on the Central Corridor Project.

Table 1-2: Central Corridor Outreach Efforts

OUTREACH EFFORTS	OUTCOMES
PUBLIC OUTREACH	
Over 1,150 public meetings and listening sessions in English, Hmong, and Somali have been held by project staff and local elected and appointed officials since September 2006.	More than 25,000 people have presented ideas on the Central Corridor LRT Project and have significantly influenced the Project.
Public hearings were held before every major Project milestone	Metropolitan Council members heard from members of the community on a range of issues before each decision. City councils and county boards also held hearings at several project milestones, enabling elected officials at partner agencies to be aware of and advocate for issues in their community.
A 45-day public comment period followed publication of each of the Project's environmental documents.	Stakeholders submitted written comments on the Project. Policymakers and staff gained an understanding of the issues important to stakeholders and responded with possible courses of action for remedy, or further explanation of the issues.
Since December 2006, the Metropolitan Council has employed eight full-time Outreach Coordinators, including staff fluent in languages commonly spoken along the corridor, such as Hmong, French, and Spanish.	Relationships between corridor businesses and Outreach Coordinators have enabled communication of construction activities, development of mitigation programs that are responsive to business needs, and businesses' successful use of those mitigation programs, funds, and services.

OUTREACH EFFORTS	OUTCOMES
<p>Throughout project planning, engineering, and construction, CCPO staff communicated project information through several channels:</p> <ul style="list-style-type: none"> • A regularly updated website • Fact sheets on Central Corridor LRT (translated into Vietnamese, Somali, and Spanish) • A monthly newsletter entitled Making Tracks • Bus and rail informational bulletins • Media events, news releases, media kits, and editorial board meetings 	<p>Business owners and managers, residents, agency partners, and other interested stakeholders have immediate access to several reliable, mainstream sources of project information.</p>
<p>A project telephone hotline (651-602-1645) was established in 2007 and a 24-hour construction hotline (651-602-1404) was established in September 2009.</p>	<p>Businesses, residents, and visitors have a way of reporting immediate and day-to-day issues in the corridor. Calls regarding urgent matters were responded to within 24 hours, and all calls were responded to within one week.</p>
<p>Community Outreach Coordinators attended over 60 community fairs or special events, such as Jazz Fest, Minnesota State Fair, Hmong Resource Fair, Vietnamese New Year, National Night Out, India Fest, Minnesota Minority Business Fair, multiple sporting events, and approximately 70 Metro Transit Commuter Challenge fairs.</p>	<p>At these events, most lasting 1-2 days, but some lasting for several (the Minnesota State Fair is a 12-day event), outreach staff spoke with people who might not usually attend a CCLRT meeting, distributed information, and responded to questions. In 2011 and 2012, outreach staff distributed business marketing materials, including coupon books promoting Central Corridor businesses, to event attendees.</p>
<p>CCPO staff attended over 60 Chamber of Commerce meetings, including the Hmong Chamber, Black Chamber, Midway Chamber, and St. Paul Chamber.</p>	<p>Staff provided project updates and information, and listened to business concerns.</p>
<p>CCPO staff reviewed the layout and location of the station with adjacent and affected property owners at 15 station-specific meetings.</p>	<p>Business and residential stakeholders had a chance to become familiar with plans for their area and ask questions about LRT design and project decision making in a small-group setting.</p>

OUTREACH EFFORTS	OUTCOMES
<p>Community Outreach Coordinators and other CCPO staff participated in over 1,000 scheduled one-on-one meetings with business owners and residents in addition to numerous unscheduled meetings as part of door-to-door outreach distributing project information or discussing issues and concerns. These included early work surveying businesses and their needs, and present-day efforts to communicate LRT safety to businesses and residents in advance of CCLRT operations.</p>	<p>Outreach coordinators made project information accessible, listened to feedback on the project, and established relationships with stakeholders.</p>
<p>The Metropolitan Council's Office of Equal Opportunity has held more than 10 mixers for Disadvantaged Business Enterprises (DBEs).</p>	<p>The purpose of these mixers was to hold informational sessions for interested general contractors and local DBEs, allowing them an opportunity to meet and exchange information about project-related opportunities and DBEs' capacity, availability, and skills.</p>
<p>Staff attended and participated in City of St. Paul-led Station Area visioning and planning meetings.</p>	<p>CCPO staff was aware of community visions for station areas and changes to local plans.</p>
<p>Prior to construction, design plans were sent to individual properties and businesses and the plan sheets were posted online for people to review. Outreach staff also met with the businesses to explain the design.</p>	<p>Businesses along the corridor were able to anticipate construction activity that would occur in front of and near their businesses.</p>
<p>Staff held 14 visioning sessions with artists chosen to design station art, then held additional meetings where the artists presented their preliminary concepts.</p>	<p>Neighborhood residents and business owners had an opportunity to tell the artists about the history and culture of the station areas and provide feedback on preliminary design concepts.</p>

OUTREACH EFFORTS	OUTCOMES
<p>The Section 106 process, which identifies and evaluates historic properties and assesses the effects of a proposed project on historic properties, invited consulting parties to participate in the identification and evaluation process.</p>	<p>Historic St. Paul, the St. Paul Heritage Preservation Commission, the Prospect Park and East River Road Improvement Association, the Preservation Alliance of Minnesota, the Advisory Council for Historic Preservation, the Church of St. Louis, King of France, and Central Presbyterian Church participated as consulting parties in the Section 106 process.</p>
<p>Before heavy construction began, the Metropolitan Council's Outreach Coordinators conducted a comprehensive census of businesses adjacent to the LRT alignment, per the definition in Section 3.2 of this SFEIS. Outreach staff walked the alignment, block-by-block, making note of all businesses that had a physical presence on the alignment.</p>	<p>Outreach Coordinators met many of the businesses owners and managers, noted the languages spoken, and the nature of the business, allowing for improved communication in the following years. The Metropolitan Council was also able to track openings, closings, and relocations of these businesses throughout construction, as well as their use of mitigation programs, documented in monthly reports available on the project website. In addition, many of the multi-tenant office and commercial buildings allowed staff to include construction update displays in the lobby and the property manager refreshed the construction maps on a weekly basis.</p>
<p>In Spring 2010 the Metropolitan Council outreach and construction staff met with all property owners that have driveways or parking lots on the corridor at nearly 500 individual meetings.</p>	<p>Staff and property owners together developed temporary access plans. The contractor then provided block by block detailed access and signage plans to residents, businesses and property owners.</p>
<p>In Summer 2010 the Metropolitan Council outreach staff mailed the Metropolitan Council's construction brochure to all businesses, residents, and property owners within 3 blocks of the alignment.</p>	<p>The brochure provided a general construction schedule by segment, contact information, potential issues, and plans to maintain access.</p>
<p>Outreach coordinators sent many letters to businesses and property owners along the corridor over the course of construction.</p>	<p>Letters notified people regarding: new outreach coordinators and contact information; pre and post construction surveys; the beginning and end of heavy construction in their area; and changes to traffic.</p>

OUTREACH EFFORTS	OUTCOMES
<p>Outreach coordinators notified 400 plus businesses in-person regarding sidewalk reconstruction in front of their businesses.</p>	<p>Outreach coordinators personally ensured that businesses owners were getting important notifications, and the in-person meeting gave business owners a chance to raise issues and ask questions without extra effort.</p>
<p>A Corridor Management Committee has been meeting monthly since 2006 and includes elected officials from the City of Minneapolis, the City of St. Paul, Ramsey County, and Hennepin County; the commissioner of transportation; two members appointed by the Metropolitan Council; and one member appointed by the president of the University of Minnesota.</p>	<p>The Corridor Management Committee advises the Metropolitan Council on issues relating to environmental review, preliminary design, preliminary engineering, final design, implementation method, and construction of light rail transit in the corridor. Meetings are open to the public and provide a public forum for receipt of technical, financial, and political information about the project. All meeting materials are posted online.</p>
<p>A Business Advisory Committee (BAC) met 33 times from 2007 through early 2010 and included people who own or manage a business or property directly impacted by the design and construction of the Project.</p>	<p>The BAC advised the Central Corridor Partnership and the Central Corridor Management Committee, and provided input and feedback to CCPO staff on the full range of issues that had a direct impact on the business community including station design and accessibility, traffic, parking, and potential construction impacts.</p>
<p>A large and diverse Community Advisory Committee (CAC) met 44 times from 2007 through early 2010 and included a diverse group of public participants representing more than 44 organized groups, neighborhood district councils, neighborhood groups, business representatives, advocacy groups, educational institutions, ethnic communities, and religious organizations in the Central Corridor LRT Study Area.</p>	<p>The CAC advised the Central Corridor Management Committee, and provided input and feedback to CCPO staff on issues related to the planning, environmental design, and construction of the Central Corridor LRT Project including station design, feeder bus service, public art, traffic and parking, station/pedestrian access, and potential construction impacts on both residences and businesses near the Central Corridor LRT Study Area.</p>

OUTREACH EFFORTS	OUTCOMES
<p>Metro Transit and the District Councils Collaborative of St. Paul and Minneapolis have conducted robust public engagement regarding changes to bus service in the corridor.</p>	<p>Neighborhood and community groups, residents and businesses, and current transit customers were notified of the draft concepts for revised service. Five public meetings were held, and Trusted Advocates were contracted to use their strong community connections to discuss the concepts in meetings with individuals and small groups.</p>
<p>CCPO staff worked with agencies and organizations that have economic development and business expertise, including the Cities of St. Paul and Minneapolis, the St. Paul Area Chamber of Commerce, the Midway Chamber of Commerce, the Central Corridor Partnership, the Central Corridor Funders Collaborative and Learning Network, the University Avenue Business Preparation Collaborative (UABPC and also known as U7), the Neighborhood Development Center, and the Metropolitan Consortium of Community Developers to create strategies for preparing businesses for construction.</p>	<p>Administration of mitigation programs by those same neighborhood development and community groups has helped to reach a diverse group of businesses. For example, the U7 has worked closely with their members and networks to apply for mitigation funds and sign up for assistance programs. U7 has documented ten of these success stories on their website.</p> <p>The various avenues of communication described above have enabled businesses' successful use of a number of construction mitigation programs. Relationships developed between CCPO staff, local community groups, and corridor businesses have enabled businesses to be informed about funds and services available, and gain assistance in applying to the programs.</p>
MEASURES INCLUDED IN THE CONSTRUCTION CONTRACT	
<p>One entire section of the construction contract is solely devoted to Public Involvement.</p>	<p>The contractor has to submit a Public Involvement Plan, a monthly Community Involvement Report (submitted with Application for Payment), and an employee parking plan minimizing use of existing parking currently needed by local residents and businesses.</p>
<p>The contract also requires the designation of a Contractor Community Relations Leader who is required to attend meetings with the public, as specified, and to provide support to the Metropolitan Council's Community Outreach Staff.</p>	<p>Outreach Coordinators and the public at large have a way of communicating with the Contractor, allowing for mutual exchange of information.</p>

OUTREACH EFFORTS	OUTCOMES
<p>The contract also provides for a Contractor Incentive Allowance determined by the community representatives on the Construction Communication Committees (CCCs).</p>	<p>The contractor was awarded an incentive allowance based on performance, as ranked and evaluated by the CCCs. The CCCs provide an important vehicle for coordinating public outreach efforts that allow for two-way communication, resolving issues raised by the community and ensuring compliance with standards outlined in the Construction Public Information and Communication Plans. The CCCs meet biweekly and have met 163 times throughout construction.</p>
MITIGATION PROGRAM OUTREACH EFFORTS	
<p>Neighborhood Commercial Parking Program</p>	<p>After the magnitude of the parking loss became apparent in the spring of 2008, the Central Corridor Project Office conducted extensive outreach to business and property owners in the form of surveys, face-to-face interviews, and an extensive series of public meetings.</p> <p>The City of St. Paul and the CCPO held parking workshops with property and business owners, CCPO staff, City of St. Paul staff, and Central Corridor Design Center staff in critical areas along the corridor. The results of these workshops are documented in Mitigating the Loss of Parking in the Central Corridor, which examined in detail the loss of parking on University Avenue from Rice Street to Emerald Street in the City of St. Paul.</p> <p>The goal of these workshops was to identify potential shared parking and design solutions to mitigate the loss of on-street parking for the businesses represented.</p> <p>Project Outreach Coordinators and city staff promoted the program in the critical areas, met with businesses that expressed interest in implementing the parking solutions, and assisted them with the program applications.</p> <p>A packet with information about the program was mailed to all University Avenue businesses in St. Paul on January 4, 2010.</p>

OUTREACH EFFORTS	OUTCOMES
Ready for Rail Programs	<p>The website www.readyforrail.net offers comprehensive online information to business owners regarding applying for forgivable loans, inclusion in corridor-wide marketing campaigns and promotional materials, and accessing technical advice including a small business consultant who can assist with bookkeeping, cash flow projections, and individualized marketing and promotions. The website also provides contact information for neighborhood organizations, Chambers of Commerce, Business Associations, and Metropolitan Council and City staff that can provide assistance. Staff, consultants, interns, and volunteers worked one-on-one with 51 small business owners, 25 of whom successfully applied for the Ready for Rail Forgivable Loan.</p> <p>The "Ready for Rail" packet was made available online and in print in English, Somali, Vietnamese, Hmong, and Spanish. Outreach Coordinators and business organizations distributed packets to their members.</p>

OUTREACH EFFORTS	OUTCOMES
Corridor-wide Business Marketing and Branding	<p>The Metropolitan Council approved the use of \$1.2 million in Central Corridor LRT Project contingency funding for use to market businesses during Project construction. The program focuses on increasing awareness of businesses in the Central Corridor, increasing customer traffic, and minimizing lost business revenues. MOD and Co. is conducting the marketing program and has provided a continued business feature advertising campaign, which includes:</p> <ul style="list-style-type: none"> • Digi billboards • Bus shelters • Bus sides • Indoor bathroom ads • Newspaper inserts • Green Line Visitors Guide and Directory • City Pages Holiday Shopping/Go Green Saturday Insert, Pioneer Press Go Green Saturday Insert, African News Journal, Hmong Times, Midway Monitor • Profiles & photographs of 75 businesses • Continued updates to Green Line website (www.onthegreenline.com) • Green Line Catering Guide • Regular outreach with key media members covering the Green Line <p>A Social Media Presence</p> <ul style="list-style-type: none"> • Facebook • Twitter

1.6 Summary of Findings Made in the Supplemental Draft EIS

The Supplemental Draft EIS examined construction-related impacts on the revenue of businesses along the Central Corridor alignment by drawing on a collection of studies and surveys carried out by local business associations, the CCPO, researchers at the University of Minnesota, and researchers at the Wilder Foundation¹. While the definition of a business and the geographic area studied varied somewhat from study to study, the focus was specifically on bricks and mortar commercial facilities near the Central Corridor alignment that would be affected during construction. The studies drew on business owners’ and managers’ perceptions and reports of construction-related

¹ The Amherst H. Wilder Foundation is a St. Paul-based health and human services non-profit organization focused on direct service programs, research, and leadership and community building.

impacts, and painted a broad picture of the trends in the corridor during construction, shown below in Table 1-3.

Table 1-3: Business Trends During Construction

ISSUE	OVERALL TREND	FINDING
Business trends in the corridor compared to trends in the greater region prior to construction	NEUTRAL	Prior to construction, the number of businesses was decreasing slightly in the corridor, but the losses were in line with overall economic regional trends.
Corridor street level business turnover (the rate at which businesses leave the corridor and are replaced by another business) during construction	POSITIVE	Out of the 1,243 street-level businesses on the corridor, the area saw a net loss of three businesses during the construction period as of June 2012.
Corridor storefront vacancy rates (percentage of unoccupied storefronts) during construction	POSITIVE	Vacancy rates in the corridor generally remained stable from May 2011* to August 2012.
Business revenues of participants in the Business Support Fund, a mitigation program that provided forgivable loans to small retail-oriented businesses	NEGATIVE	Overall, small retail-oriented businesses that participated in the Business Support Fund saw a range of losses from 2 to 84 percent of average monthly revenues with a mean average sales loss of 30 percent and a median of 25 percent. A reasonable hypothesis is that other small and large retail-oriented businesses in the corridor may also experience similar losses in the 25 to 30 percent range.
Business owner opinions of corridor construction impact mitigation programs	POSITIVE	Businesses generally had positive opinions of corridor mitigation programs.
Future business outlook	POSITIVE	Many businesses reported that they planned to stay in the corridor and expected sales and profits to improve in the future.

*Study tracking corridor vacancy rates began in May 2011. Corridor construction began in late August 2009.

As referenced in Table 1-3, the Supplemental Draft EIS examined data from the Business Support Fund, a construction mitigation program that provides forgivable loans to Central Corridor small retail-oriented businesses that experienced lost revenue during Project construction. Data from businesses that applied for the loans were used for

further analysis on a subset of corridor businesses. Based on data from the Business Support Fund the Supplemental Draft EIS found:

- The reports of average monthly sales loss had a standard deviation of 19 percentage points, meaning that within the range of reported losses the data were highly variable.
- By location, businesses reported a range of average monthly sales loss from 11 to 35 percent, and a range of median monthly sales loss from 9 to 39 percent. Businesses located in Lowertown were on the low end of the loss range; businesses between Dale Street and Lexington Avenue were on the high end of the loss range.

During construction, data collected by the CCPO showed that between February 2011 and June 2012, there was a corridor-wide net loss of three street-level businesses. Over this 16 month time period, business openings, closings, and relocations resulted in little net change regarding the number of businesses in the corridor. Similarly, the University Avenue Business Association (UABA) tracked vacancy rates in the corridor on a quarterly basis beginning in May 2011, and found that between May 2011 and August 2012 vacancy rates had little variation and remained between 21.5 percent and 24.1 percent of storefronts in the study area.

The October 2012 Wilder Study, *Mitigating Business Losses: Services, Strategies, and Effectiveness*, was commissioned by the Central Corridor Funders Collaborative. Researchers surveyed Central Corridor businesses about the programs and services designed to mitigate business loss during Central Corridor LRT construction and documented specific construction-related impacts reported by businesses. Wilder Research defined its study population as all for-profit businesses with street addresses directly along the Central Corridor alignment. The central goal of the study was to evaluate the effectiveness of the Central Corridor mitigation programs, so businesses that were known to have received services through those programs were automatically included in the sample. These businesses were identified through lists of participants provided by the various agencies managing mitigation programs. The full report can be found in Appendix I of the 2012 Supplemental Draft EIS.

In their August 2012 report, *The Little Mekong CCLRT Impact Study*, the Asian Economic Development Association (AEDA) documented construction-related impacts reported by businesses in the Little Mekong business district, a five-block strip of University Avenue from Mackubin Street to Galtier Street in St. Paul, on the Central Corridor alignment. Data for the study was collected through semi-structured interviews with business owners from March 30, 2012, through July 25, 2012. AEDA staff made contact with 64 of

the 80 businesses within the Little Mekong Business District, for a study response rate of 80 percent. The full report can be found in Appendix J of the 2012 Supplemental Draft EIS.²

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

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

The Wilder Study concluded that despite the impacts felt by corridor businesses, outlooks remained positive. The study reported that the businesses that participated in corridor mitigation programs viewed the programs as at least somewhat effective in mitigating construction-related impacts. Further, 76 percent of businesses surveyed reported that they expected to be operating at their current location in the Central Corridor within the next five years, and many businesses expected sales and profits to increase.

² Findings from *Mitigating Business Losses: Services, Strategies, and Effectiveness*, a survey by Wilder Research published in 2012, and the *Little Mekong CCLRT Impact Study* conducted by the Asian Economic Development Association and published in August 1, 2012, were referenced in the Supplemental Draft EIS for a qualitative understanding of business revenue impact during Central Corridor LRT construction.

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2 MITIGATION PROGRAMS

The FTA and the Metropolitan Council, along with their project partners, have created a number of programs to minimize the impact of Central Corridor LRT construction to local businesses. Mitigation for the Central Corridor LRT Project focuses on: (1) minimizing the unavoidable impacts of construction activities; (2) proactive communications with both corridor businesses and the community to minimize confusion and uncertainty regarding the timing and duration of construction activities; (3) promotional and marketing activities to encourage patronage of businesses during construction; (4) technical assistance to business during the construction period to improve business management and customer communication skills; (5) financial assistance to businesses losing nearby on-street parking, and; (6) general financial assistance to small businesses affected by construction activities.

A significant number of comments on the Supplemental Draft EIS concerned access to, qualification for, and use of the various mitigation programs available to corridor businesses. In response to those comments and to facilitate understanding of their offerings, Table 2-1 contains detailed information about each program, including eligibility, funds remaining³, and contact information.

Though heavy construction of the Central Corridor LRT project is complete⁴, several of the mitigation programs listed will continue through the 2013 construction season. Table 2-1 also addresses anticipated termination dates of mitigation programs.

³ Funds remaining figures reported in this Supplemental Final EIS are as of January, 2013.

⁴ Please see the Central Corridor 2012 Progress Report and 2013 Look Ahead for more detail:
<http://test.metrocouncil.org/Transportation/Projects/Current-Projects/Central-Corridor/Publications-And-Resources/News/Central-Corridor-2012-Progress-Report-and-2013-Loo.aspx>

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Table 2-1: Mitigation Measures & Financial Commitments⁵

Mitigation Measures		Funding Amount (Funds Expended) ⁶	Responsible Agency	Assistance Offered	Eligibility Requirements	Program Dates and Duration
Construction Contract	Construction Access Plan	\$200,000 (\$200,000)	Metropolitan Council/ Contractor	The Contractor is required to develop access plans for business and residents on each block and to provide maps showing existing and planned patron, delivery, and resident access during any construction period. The access plans are to include times of business operation and deliveries.	None	Through the end of civil construction (complete as of December 2012)
	Contractor Incentive Program	\$850,000 (\$477,936)	Metropolitan Council	Intended to encourage effective communication and cooperation between the contractor, businesses and residents, Construction Communication Committees composed of business owners, residents, and other stakeholders from each outreach sector meet every two weeks to vote on identified evaluation criteria measuring contractor efforts to minimize construction-related impacts and award quarterly incentives to contractors demonstrating compliance with these measures.	None	Through 3rd Quarter 2013
Project Communications	Community Outreach Coordinators ⁷	\$3,500,000 (\$3,000,000)	Metropolitan Council	The Community Outreach Coordinators act as a liaison between the public and local businesses, including minority-owned businesses, and project contractors. Outreach Coordinators are available to answer questions and direct specific construction-related concerns back to project contractors and the Metropolitan Council.	None	Through December 2013
	Construction Communication Plan (Special Signage) ⁸	\$200,000 (\$134,112)	Metropolitan Council / Contractor	Approximately four signs will be required per block of construction, and will include "Open for Business" signage and other information alerting drivers and pedestrians to construction impacts or other relevant information (e.g., available parking, alternative access, etc.).	Signs will be in place until substantial completion of construction on the surface elements of the project.	Through 3rd Quarter 2013
Parking Assistance	Neighborhood Commercial	\$1,600,000 (\$1,600,000)	City of St. Paul	The program provides forgivable loans to individual businesses and property owners to	Eligible entities: Business or property owner with frontage on University Avenue between Emerald and Rice Streets	Program will run through 2013; with additional funds

⁵ Table 2-1 updates and replaces Table 3-20 in the Supplemental Draft EIS.

⁶ Funds expended as of January, 2013.

⁷ Includes salary and benefits for the fully staffed Central Corridor Outreach and Communications Team for the three years of heavy project construction from 2010-2012 and the first six months of 2013.

⁸ Includes temporary directional signage, including portable changeable message signs, project identification boards, construction site signage, and other signs.

Mitigation Measures		Funding Amount (Funds Expended) ⁶	Responsible Agency	Assistance Offered	Eligibility Requirements	Program Dates and Duration
	Parking Program			improve off-street parking resources. The limit for each loan is \$25,000, unless the parking is shared, in which case the amount can be more.	in St. Paul Eligible projects: driveways, paving, walls and fences,, security, accessibility, pedestrian safety, landscaping, storm water management, recycling and garbage management, required licenses, fees, etc. up to 10% of the project For more information on this or other parking programs, contact Craig Blakely, City of St. Paul Department of Planning and Economic Development, at 651-266-6697, or craig.blakely@ci.stpaul.mn.us.	the program may be extended into 2014.
	Alley Improvements Program	\$632,000 (\$632,000)	City of St. Paul / Metropolitan Council	22 alleys immediately north and south of University Avenue were cleaned and repaved in order to provide improved access and supplemental parking to businesses.	Alleys adjacent to the Central Corridor	Improvements were completed in Fall 2012.
Business Assistance Programs	Business Support Fund ⁹	\$4,000,000 (\$2,988,324)	City of St. Paul	The Business Support Fund program provides no-interest forgivable loans to small businesses that experience construction-related loss of sales.	Businesses with no more than \$2 million in annual gross sales that: are independently owned (with four or fewer locations); are on CCLRT or within one block of the construction zone; have been at their current location for one year or more; are focused on retail services (selling products or services directly to the consumer, including restaurants); have experienced a decline in revenue due to the construction of the Central Corridor Light Rail Line. The City of St. Paul has decided to extend the Business Support Fund into 2013 and extend eligibility to a broader geographic area, providing that applicants can demonstrate revenue loss due to corridor construction. For more information visit: http://www.readyforrail.net	Program will continue until funds are expended, likely Spring, 2013.
	Business Improvement / Expansion Assistance	\$700,000 (\$612,497)	Neighborhood Development Center	The Business Improvement/Expansion Assistance program provides loan, grant, and Program Related Investment funds to assist targeted businesses with significant growth opportunities and/or that are in a position to buy or improve their buildings with the goal of reinforcing the importance of locally and minority-owned businesses to the Central Corridor.	Targeted businesses on University Avenue who have a significant long-term growth opportunity and who can serve as a more visible anchor for the avenue, symbolizing the strong long-term potential for ethnic and minority-owned businesses in the district For more information contact the Neighborhood Development Center at 651-291-2480 or 663 University Avenue Suite 200, St. Paul, Minnesota 55104	Ends Spring 2014

⁹ Includes \$2,500,000 from the Metropolitan Council, \$1,000,000 from the City of St. Paul, and \$500,000 from the CCFC.

Mitigation Measures		Funding Amount (Funds Expended) ⁶	Responsible Agency	Assistance Offered	Eligibility Requirements	Program Dates and Duration
Business Assistance Programs	Business Resources Collaborative ¹⁰	\$305,000 (\$305,000)	N/A	Provides business consulting and technical assistance such as business and real estate development loan assistance; parking; energy efficiency programs; advocacy, information and referrals); provides and maintains a business resource/information clearinghouse (http://www.readyforrail.net); provides a grassroots "buy local" marketing campaign to help drive customers to Central Corridor businesses during project construction	Services were targeted at businesses under \$2 million in revenue, most were smaller. Business must have an address on University Avenue or within a half block of the corridor. For more information visit: http://www.readyforrail.net	Complete
	University Avenue Business Preparation Collaborative ¹¹	\$1,075,000 (\$1,075,000)	N/A	Provides marketing support, on-site business consulting, resource center and planning center, small business workshops, grants for marketing and façade improvements, microlending, and financing support to small businesses along the Central Corridor	Businesses must be independent (6 or fewer locations), for-profit, and located on University Avenue between Rice Street and Highway 280. Businesses must be predictably negatively impacted by LRT construction and have annual gross sales at or less than \$2 million.	Complete
	Great Streets and Business Association Assistance Program	\$210,000 (\$210,000)	City of Minneapolis	Focused on marketing, advertising, and promotions for member businesses during construction. Also reached out to individual businesses to provide construction information, do access troubleshooting, and connect to resources of the various partners listed in this table.	West Bank Business Association, Stadium Village Business Association, Southeast Business Association, African Development Center For more information contact Emily Stern, City of Minneapolis, at 612-673-5191.	Program is ongoing and funds are in flux. Please contact the City of Minneapolis for more information.
	Other ¹²	\$7,670 (\$7,670)	N/A	Includes grants from the Central Corridor Funders' Collaborative to support business mitigation consultants	N/A	Complete
	Business Marketing Program ¹³	\$1,200,000 (\$685,140)	Metropolitan Council	Provides marketing of businesses during project construction. The program focuses on increasing awareness of the diversity of businesses in the Central Corridor area of St. Paul and Minneapolis, increasing customer traffic, and minimizing lost business revenues.	For businesses corridor-wide: promotional billboards, bus ads, booklets, and other marketing materials For more information contact your Community Outreach Coordinator.	May 2014
University Avenue / Cedar Riverside	Improved Street Lighting / Trees /	\$1,000,000 (\$1,000,000)	Metropolitan Council	Street lighting, colored paving, and other amenities within the public right of way, to enhance the pedestrian character of University	Improvements were made along University Avenue in St. Paul.	Project complete as of December 2012

¹⁰ Includes grants from CCFC as well as a matching investment from the City of St. Paul for marketing during project construction.

¹¹ Includes \$800,000 from CCFC, \$150,000 from the F.R. Bigelow Foundation, and \$125,000 from the St. Paul Foundation.

¹² Includes grants from CCFC to Central Corridor Partnership and AEDA to support presentations from business mitigation consultants.

¹³ This amount was approved September 28, 2011 by the Metropolitan Council to be used to retain a consultant to provide marketing assistance to Central Corridor businesses.

Mitigation Measures		Funding Amount (Funds Expended) ⁶	Responsible Agency	Assistance Offered	Eligibility Requirements	Program Dates and Duration
Betterments	Street Furniture			Avenue and downtown business districts		
	Business "Façade Improvement Financing"	\$150,000 (\$81,530)	City of Minneapolis	Exterior improvements including façade renovation, awning, lighting and signs.	Commercial property or business owner (anything but residential or institutional) within a half mile radius of the West Bank Station; Business must match grant 50-50; \$7500 matching grant limit for West Bank businesses For more information contact Rebecca Parrell, City of Minneapolis, at 612-673-5018.	March 2014 with probable extension to March 2015
Promoting Business Access	Additional Business Signage	\$50,000 (\$50,000)	Metropolitan Council	Employ movable variable-message signs during construction to assist travelers in accessing businesses in response to frequent changes in construction activities.	Corridor-wide and where needed	Message signs will be used through the end of construction and afterward as needed.
	Cooperative Advertising and Transit Fare Passes	\$250,000 (\$233,428)	Metropolitan Council	Marketing support in the form of cooperative advertising and fare passes to businesses for distribution to customers	Corridor-wide businesses	Through the start of LRT revenue operations
TOTAL FUNDING AMOUNT		\$ 15,929,670				
TOTAL FUNDS SPENT		\$ 13,292,637				

3 RESPONSES TO COMMENTS ON THE SUPPLEMENTAL DRAFT EIS

3.1 Summary of Comments Received

The *Supplemental Draft EIS Construction-Related Potential Impacts on Business Revenue* was published on December 14, 2012, initiating a 45-day public comment period. Two public hearings were held on January 10, 2013. Comments were received from 30 individuals or groups/organizations. Appendix A contains these comments, along with complete copies of the transcripts from the two public hearings. Table 3-1 includes a summary of comments received on the Supplemental Draft EIS, along with the corresponding responses.

3.2 Summary Discussion of Comments Received on the Supplemental Draft EIS

Many of the comments received on the Supplemental Draft EIS addressed similar topics. Some of these topics included: the Supplemental Draft EIS methodology, lack of detailed business information, access to mitigation programs, the lack of analysis of impacts on minority-owned businesses, and the nature of outreach to businesses. More detailed responses to these commonly referenced topics are highlighted in the following sections.

Supplemental Draft EIS Methodology

Several commenters expressed concern that the Supplemental Draft EIS did not include a comprehensive assessment of revenue impacts to all businesses in the Central Corridor. As described in the Supplemental Draft EIS, determining the specific impacts large transportation projects have on businesses is a challenging process. Isolating to what degree construction causes businesses to lose revenue in the face of other confounding variables, such as national economic conditions or individual business practices, is difficult.

CCPO staff conducted an exhaustive literature review in an attempt to identify methodologies related to quantifying business revenue loss as an adverse impact of construction projects. The CCPO reviewed studies examining construction-related impacts to businesses stemming from large highway and transit projects in multiple states, but they did not find any examples that clearly identified a quantitative methodology to measure project-level revenue related impacts.

To develop an estimate of project-level construction impacts, it is necessary to have a reliable estimate of current and future revenues for specific businesses. Yet businesses are often hesitant to share this type of data due to privacy concerns. Most businesses along the Central Corridor alignment are privately owned, and are under no obligation to provide this data to the FTA, the Metropolitan Council, or the Securities and Exchange Commission, which collects such data from public companies. Business

representatives were asked prior to construction if this information could be provided on a voluntary basis. Businesses expressed unwillingness to share this type of sensitive information.

Since neither self-reported nor independently collected revenue data was available for all businesses along the alignment, precise quantification of project-level construction impacts on all corridor business revenues could not be completed. However, data from the Business Support Fund, a construction mitigation loan program administered by the City of St. Paul, enabled the FTA and the Metropolitan Council to complete a quantitative analysis of the subset of corridor businesses that had participated in the program, as they were required to submit three years of tax returns and an accounting of current-year sales demonstrating a decline in sales from pre-construction levels. From this data, staff derived pre-construction average monthly sales, as well as the average monthly reported sales loss during construction for each business, allowing for a determination of potential impacts to business revenues. The FTA and the Metropolitan Council recognized that this analysis was limited to a subset of businesses, and supplemented their analysis with a collection of independent studies and surveys carried out by local businesses associations, staff at the CCPO, researchers at the University of Minnesota, and researchers at the Wilder Foundation. The studies drew on business owners' and managers' perceptions and reports of construction-related impacts that allowed the FTA and the Metropolitan Council to qualitatively assess the impacts to business revenues corridor-wide.

Given the legal and privacy-related limitations on private business data, this multi-pronged approach used current and relevant data to arrive at the most reliable conclusions regarding the construction impacts to Central Corridor businesses' revenues.

Lack of Detailed Business Information

A large number of commenters questioned the sufficiency of the information contained in the Supplemental Draft EIS regarding businesses along the Central Corridor LRT alignment. The FTA and the Metropolitan Council thoroughly documented businesses present along the Central Corridor LRT alignment prior to and throughout construction. To help CCPO staff identify businesses along the corridor, a business was defined as an organization involved in the trade of goods and/or services to customers. It must have a brick and mortar location directly on the Central Corridor alignment in Downtown St. Paul, along University Avenue, along Washington Avenue on the University of Minnesota campus, along Cedar Avenue¹⁴ from Riverside Avenue to Washington Avenue South, or along Riverside Avenue between 15th and 22nd Avenues.

Before heavy construction began, the Metropolitan Council's Outreach Coordinators created a GIS database of all properties adjacent to the Project alignment using

¹⁴ Central Corridor LRT is on Washington Avenue through the West Bank of the University of Minnesota. No businesses directly front Washington Avenue in that segment. Cedar Avenue crosses directly over Washington Avenue in this area and thus, businesses along a portion of Cedar Avenue and Riverside Avenue in this area were also included in this definition.

information from County records. Outreach staff then proceeded to refine this database by conducting a comprehensive census of businesses adjacent to the LRT alignment.¹⁵ Outreach staff walked the alignment, block-by-block, making note of all businesses that had a physical presence on the alignment.

The Outreach Coordinators' door-to-door census of businesses included individual street-front businesses, office buildings, and commercial buildings. Outreach Coordinators worked with the property managers to identify tenants and coordinate communication of construction information. There is also a residential presence along some portions of the LRT alignment; home-based businesses were included in this census, if they were externally identified as a business. As part of the comprehensive census of businesses, Outreach Coordinators noted the name, location, owner or contact person, geographical data (address of property and/or property owner), and the ethnicity of the business-owner.

Information on business-owner ethnicity is not reported in any current public database. Assumptions regarding ethnicity of business-owners were documented by Central Corridor Outreach Coordinators. Outreach Coordinators noted that in the Central Corridor LRT project area between the University of Minnesota's East Bank campus to Rice Street in the City of St. Paul, 15.1 percent (162 businesses) are owned by Asians, 4.8 percent (51 businesses) are owned by African Americans, and 0.4 percent (4 businesses) are owned by Hispanics.

Since the initial census and throughout construction, CCPO Outreach Coordinators have maintained an inventory of street-level business establishments along the Central Corridor alignment from the West Bank area of Minneapolis to downtown St. Paul. Beginning in February 2011, CCPO staff began to track business openings, closings, and relocations in the corridor on a monthly basis, as shown in Section 3.5.1.2 of the 2012 Supplemental Draft EIS. This data is also presented through monthly reports published by the CCPO summarizing how the Metropolitan Council and other partner agencies work to minimize Central Corridor construction impacts on local businesses. These reports are in accordance with the 2011 Finding of No Significant Impact, which the FTA issued following publication of the April 2011 Supplemental EA of Construction-Related Potential Impacts on Business Revenues and can be found on the project website: <http://metrocouncil.org/Transportation/Projects/Current-Projects/Central-Corridor/Environmental/Business-Impacts.aspx>

While comprehensive in its geographical reach and inventory of existing businesses, the door-to-door business census does not include any financial data. Given both the sensitivity and the unreliability of self-reported financial data, as well as a stated desire from the business community not to share this personal information with a government entity that could then publish the data, this information was not requested by outreach staff as part of the business census.

¹⁵ The census of businesses was a five month effort beginning in May, 2008.

The door-to-door census of businesses was not used by the Project to either limit the extent of potential business impacts or to determine eligibility for project mitigation or betterments provided by the Project sponsor and/or other stakeholders. As described in Section 4.3 of the 2011 Supplemental Final EA, and in Section 3.7.2 of the 2012 Supplemental Draft EIS, various mitigation programs included different qualification requirements. A complete list of mitigation program qualifications can be found in Table 2-1 of this Supplemental Final EIS.

Access to Mitigation Programs

Several commenters expressed concern that mitigation programs would not continue beyond heavy construction, which ended in December 2012, and that mitigation programs' eligibility requirements excluded some corridor businesses.

Nearly all of the mitigation programs were intended to be inclusive of all corridor businesses. One notable exception is the Business Support Fund, which is specifically targeted to small retail businesses, defined as those with annual revenues of less than \$2,000,000.¹⁶ The City of St. Paul, which administers the Business Support Fund, originally intended to stop receiving applications in January, 2013, after the end of the second construction season. However, the City of St. Paul decided to extend the program into 2013 and extend eligibility to a broader geographic area, providing that applicants can demonstrate revenue loss due to corridor construction.

Several mitigation programs, including the Business Support Fund, Neighborhood Commercial Parking Program, and the corridor-wide marketing campaign will continue in 2013. Please see Table 2-1 for more detail on these programs.

Monthly Business Mitigation Reports detailing usage and status of the various mitigation programs are prepared by the Metropolitan Council and are published on the Project website: <http://metro council.org/Transportation/Projects/Current-Projects/Central-Corridor/Environmental/Business-Impacts.aspx>

Lack of Analysis of Impacts on Minority-Owned Businesses

Several comments on the Supplemental Draft EIS questioned why analysis was not provided regarding impacts to minority-owned businesses. As noted in Section 1.1, the Supplemental Draft EIS was prepared in response to a court order¹⁷ and therefore, was specific in scope. The focus of the Supplemental Draft EIS was to determine the impacts to business revenue due to construction of the project, regardless of business ownership status; thereby providing an inclusive definition for all businesses which may be

¹⁶ The City of St. Paul defines a small business as a one that has no more than \$2 million in annual gross sales, is independently owned (with four or fewer locations), and is located directly on the Central Corridor alignment. To qualify for the Business Support Fund, the small business must also have been at their current location for one year or more, focus on retail services (selling products or services directly to the consumer, including restaurants), and have experienced a decline in revenue due to the construction of the Central Corridor Light Rail Line.)

¹⁷ For the full court order, please see: http://courtops.org/wp-content/uploads/2011/02/LRT_10113507290.pdf

impacted due to construction. Business outreach efforts and mitigation programs specifically addressed potential language and cultural barriers, and mitigation programs were used by all businesses, including minority-owned businesses, which were eligible under the mitigation program's criteria.

The Metropolitan Council's Communication and Public Involvement Plan identified the presence of low-income, minority, and limited-English proficiency populations in the corridor. Consequently, project Outreach Coordinators were hired that are fluent in several languages including Somali, Vietnamese, Hmong, Spanish, Swahili, French, and Bantu, as well as American Sign Language. The ability to communicate in multiple languages allowed for better communication with businesses along the corridor. The Metropolitan Council also contracted with a local translation firm allowing Outreach Coordinators to arrange for translators to accompany them to individual or public meetings. Outreach Coordinators and business organizations distributed "Ready for Rail" mitigation program packets in English, Somali, Vietnamese, Hmong, and Spanish, and met with business owners to help with preparation of mitigation program applications.

The Metropolitan Council conducted a survey of businesses along the alignment from May to October 2008 to determine whether the businesses were owned by members of minority groups. Metropolitan Council and FTA analyzed that data and found that the survey established that the businesses directly on the alignment contain 162 Asian owned businesses (15.1%), 51 Black or African American owned businesses (4.8%) and 4 Hispanic or Latino owned businesses (0.4%), representing slightly over 20% in minority-owned businesses compared to the alignment area minority population of 46%.

In accordance with FTA Circular 4703.1 on Environmental Justice (EJ), August 2012¹⁸, determinations of disproportionately high and adverse effects include consideration of mitigation measures and off-setting benefits to the affected minority and low-income population. Determining whether an adverse effect is "disproportionately high" on minority and low-income populations depends on whether that effect is (1) predominantly borne by an EJ population, or (2) will be suffered by the EJ population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-EJ population. Furthermore, many public transportation projects involve both adverse effects such as short-term construction impacts, increases in bus traffic, and positive benefits such as increased transportation options, improved connectivity, greater access to jobs, or an overall improvement in air quality. Whether an adverse effect will be disproportionately high is dependent on the net results after consideration of the totality of circumstances. Therefore, in considering the totality of circumstances for the Central Corridor LRT project, Metropolitan Council and FTA find that there is no disparate or disproportionate impact to minority-owned and low-income businesses along the Central Corridor alignment.

¹⁸ http://www.fta.dot.gov/legislation_law/12349_14740.html

Moreover, a range of both minority- and non-minority-owned businesses in the corridor have participated in one or more of the Central Corridor construction mitigation programs described in Table 2-1. A significant number of businesses receiving mitigation funds and assistance are located in minority and low-income areas. Participation in the Business Support Fund has been robust; 222 loans have been made to 182 businesses as of January 31, 2013, and minority-owned businesses made up 65 percent of loan recipients. Please see the maps in Appendix B for more information on the geographical distribution of mitigation resources and participation in the Business Support Fund, Neighborhood Commercial Parking Program, Alley Improvement Program, and corridor-wide marketing efforts as they relate to low-income and minority areas in the corridor.

Table 3-1: Responses to Comments on the Supplemental Draft EIS

No.	Commenter	Group/Affiliation	Comment	Comment Category	Response
PUBLIC HEARING No. 1 January 10, 2013 8:00 am Model Cities					
1	Vaughn Larry	Aurora St. Anthony Neighborhood Development Corporation	(1) The businesses down here are really struggling. There was a combination, I guess it would be a perfect storm, along a construction period plus a media that didn't understand that we did need people to come down here and visit our businesses. So bringing people back to this area is going to be a hard thing to do. So that's what we want, is we want people to come back and to visit our area, spend their dollars here and make sure that we're surviving down through here.	Encouraging visitors to corridor businesses	On September 28, 2011, the Metropolitan Council approved the use of \$1.2 Million in CCLRT project contingency funding for use to market businesses in the Central Corridor area of St. Paul and Minneapolis, increase customer traffic, and minimize lost business revenues. MOD and Co., an advertising and marketing firm located in St. Paul, has been contracted to conduct the marketing program on behalf of the Metropolitan Council. Since June 2012, MOD and Co. has developed targeted marketing campaigns for nine different business districts along the CCLRT alignment based on business outreach and research efforts. The marketing campaign incorporates many types of advertising platforms such as billboards, a website (www.onthegreenline.com), and social media. The marketing campaign will continue through May of 2014. ¹⁹
2	Mike Zipco	Midway Chamber of Commerce	(1) We urge you to continue the work to better understand and fully understand the impact this project has had on businesses to try to find more objective ways to make the impact so it helps people understand both what happened and a little bit more about why and maybe to be able to predict this in the future. We think it's important to do as you move forward take practical steps when you're looking at ways to support businesses that have meaningful impacts and understand that you don't have enough resources to solve every problem, make it most significant and most practical investments.	Methodology for capturing impacts on businesses	Due to privacy concerns, businesses are often hesitant to share information on their current and future revenue estimates. Without this information, it is difficult to precisely quantify project-level construction impacts on corridor business revenues. In the absence of a precise quantitative method, the FTA and the Metropolitan Council strove to present a thorough examination of construction-related impacts on the revenues of businesses along the CCLRT alignment by drawing on a collection of studies and surveys carried out by local business associations, the Central Corridor Project Office (CCPO), researchers at the University of Minnesota, and researchers at the Wilder Foundation. Specifically, the purpose of the Wilder Foundation's study was to evaluate the mitigation programs/strategies implemented as part of the Central Corridor LRT project to determine their effectiveness so that this information would be available for future projects. Generally, the studies draw on business owners' and managers' perceptions and reports of construction-related impacts to paint a broad picture of the trends in the corridor during construction. The Supplemental Draft EIS also examines data from the Business Support Fund, a construction mitigation loan program administered by the City of St. Paul, to provide a quantitative analysis of the effects of construction on a subset of corridor businesses' revenues. ²⁰
			(2) We think the focus needs to be on, to continue to be on business mitigation and business support long after the train is running in 2014. One of the things we have found is that even after construction had been finished on the western part of University Avenue that traffic had not come back. People had received that the entire avenue and the entire area was a non-accessible place. We also like to applaud and congratulate the effort that the Met Council has undertaken with Mod & Company for the recent marketing materials. The books and some of the other ways to help brand and help people identify different parts of the avenue we think are great, we think they are easy for people outside the	Mitigation program effectiveness and duration	On September 28, 2011, the Metropolitan Council approved the use of \$1.2 Million in CCLRT project contingency funding for use to market businesses in the Central Corridor area of St. Paul and Minneapolis, increase customer traffic, and minimize lost business revenues. MOD and Co., an advertising and marketing firm located in St. Paul has been contracted to conduct the marketing program on behalf of the Metropolitan Council. Since June 2012, MOD and Co. has developed targeted marketing campaigns for nine different business districts along the Central Corridor LRT alignment based on business outreach and research efforts. The marketing campaign incorporates many types of advertising platforms such as billboards, a website (www.onthegreenline.com), and social media. The marketing campaign will continue through May of 2014. ²¹ The City of St. Paul, which administers the Business Support Fund, has decided to extend

¹⁹ 2012 Supplemental Draft EIS Section 3.7.2.4 page 71

²⁰ 2012 Supplemental Draft EIS Section ES page ES-2

²¹ 2012 Supplemental Draft EIS Section 3.7.2.4 page 71

			avenue to understand.		the program into 2013. Businesses that qualify under the program's criteria are encouraged to apply for business revenue assistance.
3	Jack McCann	University Avenue Business Association (UABA)	(1) Had a proper evaluation been done, the preferred method would not probably have been approved by the FTA for the matching funds of \$450 million due to failing cost affecting the index.	Methodology for selecting LPA	Light Rail Transit on University Avenue was chosen as the locally preferred alternative for the Central Corridor in June, 2006, as it is the alternative that best meets the purpose and need for the project. The University Avenue LRT Alternative had substantially higher performance on measures of effectiveness including ridership, travel time savings, cost per rider, and other project objectives. Additionally, the University Avenue LRT alternative provided sufficient capacity to adequately meet the forecast demand for Central Corridor transit ridership.
			(2) Businesses got out of the way of the train. Had—it had an effect on the vacancy that we are currently reporting is 25 percent to thereabouts. It also has a very big direct impact on the comment in the report saying that a net loss of three businesses over the course of construction. It's kind of a joke. You don't end up with 25 percent vacancy by losing three businesses. The typical corridor similar to this all throughout this country rates about 9 percent vacancy. So it was not properly examined.	Methodology for capturing impacts on businesses	UABA tracked vacancy rates in the corridor on a quarterly basis beginning in May 2011. UABA examined vacancy rates among retail storefront spaces along University Avenue in St. Paul between Emerald Street and Rice Street. The survey recorded if storefronts were occupied or vacant. UABA defined "storefront" as what the "average person would observe to be a University Avenue storefront shop window business space." For detailed survey results, see Table 3-4 in Section 3.5.1.3 of the Supplemental Draft EIS, or for a full explanation of survey methodology see Appendix F of the Supplemental Draft EIS. UABA data shows that from May 2011 to August 2012, there was little variation in storefront vacancy rates within the study area. ²²
			(3) The project did not listen to the so-called experts, the businesses up and down the avenue for years leading up to the project, but now the businesses say they expect an increase and to see an up-kick and it's reported happily. This avenue is at its worst financially.	Project outreach and engagement	<p>During the early phases of CCLRT project development, a Business Advisory Committee (BAC) was formed to provide input into the project, including the siting of traction power substations, reconstruction of the road from building face to building face (including sidewalk reconstruction), design of streetscaping (planting trees, street furniture, lighting, etc.) and other design elements. Business outreach was part of a broader program of public involvement aimed at engaging all project stakeholders. Please see Section 1.5 of this Supplemental Final EIS for more details on CCLRT Project outreach.</p> <p>This program of outreach substantially influenced the project and was successful at reaching a broad group of people. A significant component of that outreach has been working with the business and property owners along the alignment to discuss issues related to design, access during construction, parking, and construction-related concerns. A summary of how outreach influenced the project can be found at: http://metro council.org/Transportation/Projects/Current-Projects/Central-Corridor/Public-Involvement.aspx Finally, since December 2006, the Metropolitan Council has had a number of Outreach Coordinators, including staff fluent in languages commonly spoken along the corridor, such as Hmong, French, and Spanish. The Outreach Coordinators are full-time staff and are available to work with businesses, including minority-owned businesses, interest groups and the public along the corridor to provide information and assistance regarding the construction of the project.</p> <p>Mitigation programs, construction contract requirements, and communication methods throughout construction have been the result of input from corridor residents and businesses, community organizations, and local government.²³</p>
4	Brenda Teion	Corridor Business Owner	(1) The report reflects that medical companies did not lose any income. We lost over 30 percent of our income during the construction.	Methodology for capturing impacts on businesses	The Supplemental Draft EIS categorizes health and medical businesses into the Professional/Services category, due to the distinct trips made to these establishments to serve a purpose (i.e., a customer would likely make a planned trip to visit a professional

²² 2012 Supplemental Draft EIS Section 3.5.1.3 page 26

²³ 2012 Supplemental Draft EIS Section 3.7.1 pages 56-57

					<p>service business). Among Business Support Fund recipients there was a wide range of percent monthly sales loss among Professional Services businesses ranging from 12% to 58% loss of monthly sales with a mean loss of 33%.²⁴</p> <p>The City of St. Paul, which administers the Business Support Fund, has decided to extend the program into 2013. Businesses that qualify under the program's criteria are encouraged to apply for business revenue assistance.</p>
			(2) We had to accommodate with long hours, overtime, dealing with some of the things that were happening with the equipment out on the streets including early morning, late nights, and Saturdays and Sundays to accommodate, we didn't know when it was happening. We additionally had to do extra repairs on our equipment which the total of that was roughly 20,000 to \$30,000.	Damage to equipment	The Metropolitan Council requires that all Contractors providing construction services carry insurance to cover potential damage caused by Contractor actions. Damage claims made by property owners resulting from Contractor actions are forwarded to the Contractor and/or the Contractor's insurance company to investigate and respond. Metropolitan Council's risk management staff was engaged to track damage claims and Contractor response. Specifically, Metropolitan Council risk management staff worked to 1) explain the claims process to business and property owners, 2) follow up with Contractor to check status of claims, and 3) create a release form that businesses could use to authorize others to represent them in the process.
			(3) Our patients had a hard time getting around to find their locations because the streets were closed, but that with everybody's case, so that wasn't strictly to us. And I know the patients are still continuing to complain about parking.	Parking	Detailed construction plans were developed for all project segments and within each segment, construction was staged to minimize impacts to adjacent properties. CCPO notified properties, businesses and residents along the Project 30 days prior to the beginning of construction in a given area, and Outreach staff produced weekly Construction Updates with detailed access maps, road and lane changes, sidewalk and crosswalk closures, alternative routes, and any other impacts such as street parking. Traffic control measures, including barricades, signage, temporary traffic signalization and temporary accesses were also installed during site preparation activities. See Sections 3.2.1 and 3.2.5 of the Supplemental EA for more information. Several parking programs were created to help minimize the impact to businesses due to the loss of parking. Please see Table 2-1 of this Supplemental Final EIS for more information on these programs.
5	Davis	Corridor Business Owner	(1) Over our revenue, we lost about 30 percent, about 30 to 60,000 and we have lots of trouble of our patient finding parking space due to constructions.	Methodology for capturing impacts on businesses	<p>The Supplemental Draft EIS categorizes health and medical businesses into the Professional/Services category, due to the distinct trips made to these establishments to serve a purpose (i.e., a customer would likely make a planned trip to visit a professional service business). Among Business Support Fund recipients there was a wide range of percent monthly sales loss among Professional Services businesses ranging from 12% to 58% loss of monthly sales with a mean loss of 33%. Professional services businesses reported \$1,164 to \$28,530 loss of monthly sales, with a mean loss of \$12,549.²⁵</p> <p>The City of St. Paul, which administers the Business Support Fund, has decided to extend the program into 2013. Businesses that qualify under the program's criteria are encouraged to apply for business revenue assistance.</p>
6	Troy DeCorsey	Corridor Business Owner	(1) Regarding the loss of business, we definitely have felt it by about 40 percent per month just in lost revenue.	Methodology for capturing impacts on businesses	The Supplemental Draft EIS documents that Business Support Fund recipients overall have a range of mean average monthly sales loss from 20 to 35 percent and a range of median average monthly sales loss from 18 to 35 percent. Retail businesses, the category with the largest sample size, reported the largest mean and median monthly percent loss at 35 percent. Restaurant/ Entertainment businesses reported the lowest mean and median monthly percent loss at 20 percent and 18 percent respectively. Please see Tables 3-18 and 3-19 on page 48 of the Supplemental Draft EIS for more information. ²⁶

²⁴ 2012 Supplemental Draft EIS Section 3.5.3.1 pages 47-48

²⁵ 2012 Supplemental Draft EIS Section 3.5.3.1 pages 47-48

²⁶ 2012 Supplemental Draft EIS Section 3.5.3.1 pages 47-48

					The City of St. Paul, which administers the Business Support Fund, has decided to extend the program into 2013. Businesses that qualify under the program's criteria are encouraged to apply for business revenue assistance.
			(2) We wanted to have a new sign put up so that traffic could see us coming back and forth and see our name.	Adequate signage during construction	CCLRT construction contracts (Civil East and Civil West) included allowances for temporary signage. Signs provided as part of this allowance focused on providing information about lane closures and detours, as well as providing information about local business access. These signs were required to be in compliance with MMUTCD regulations. As such, they did not provide specific directional information to individual businesses. Metropolitan Council staff worked with the cities of Minneapolis and St. Paul to temporarily waive sign ordinance requirements allowing temporary signage of access for individual businesses. These individual business access signs were produced by the Neighborhood Development Corporation at little to no cost to the business owner. The provision of permanent business signage was never contemplated as a Project requirement and such signage is regulated and approved by the City of St. Paul.
			(3) We have lost a lot of money due to no parking. We do have a lot that's in the back of our building that the City is trying to work on but has—you know, this was supposed to be done a long time ago... And there is money left over for this parking deal that's, there is a lot of money left over that is not being used for the parking for our businesses.	Parking	Several parking programs were created to help minimize the impact to businesses due to the loss of parking. Please see Table 2-1 of this Supplemental Final EIS for more information on these programs. Specifically, the Neighborhood Commercial Parking program has funded and built several parking lots along University Avenue at Snelling Avenue, Victoria Street, and St. Albans Street with signs indicating free parking for area businesses. The City of St. Paul, which administers the Business Support Fund, has decided to extend the program into 2013. Businesses that qualify under the program's criteria are encouraged to apply for business revenue assistance.
7	Clay Lambert	Corridor Business Owner	(1) I applied for the loan and was denied. Everything was given—or I achieved all my eligibility requirements except for the \$2 million gross sales limit because I sell gas. Cost of goods on gas is super high and so it's—of course I am going to go way over on that.	Mitigation program eligibility requirements	The Business Support Fund dedicated a total of \$4 million to provide direct financial relief to businesses with documented loss of revenues during Project construction. As noted in Table 2-1 of this Supplemental Final EIS, this program was defined for businesses with certain characteristics, namely businesses with annual revenues less than \$2 million, independently owned with four or fewer locations, located within one block of the alignment, operating for one year or more at the location along the alignment, focused on retail services, with documented revenue losses. These criteria, set by the City of St. Paul as the fund administrator, were established using input from the Business Resources Collaborative, the Asian Economic Development Association, and other partner organizations along the corridor.
			(2) I would just like a hearing or an opportunity to appeal it because Prospect Park has really, has a large portion of the funding left, and the 20,000, although it's nice—I would accept it gladly.	Mitigation program eligibility requirements	The purpose of the Business Support Fund is to provide a modest safety net for corridor businesses that can demonstrate a loss in sales due to the construction of the Project. The program, administered by the City of St. Paul, provides no-interest forgivable loans in amounts up to \$20,000 to for-profit retail-oriented small businesses with up to \$2 million in annual gross sales that: are independently owned (with four or fewer locations); are located on the alignment (or within one block of the construction zone); have been at their current Central Corridor location for one year or more; are focused on retail services (selling products or services directly to the consumer, including restaurants); and have experienced a decline in revenue due to the construction of the Project. Loan recipients were required to submit three years of tax returns and an accounting of current-year sales demonstrating a decline in sales from pre-construction levels. The original intent of the Business Support Fund was to stop receiving applications in January, 2013, after the end of the second construction season. As of January 31, 2013, there was a balance in of \$821,201 in the fund, with a few loans pending. The City of St. Paul considered various options for the remaining funds and decided that they should

					continue to be used for forgivable loans to small businesses with under \$2 million in annual revenue, and not diverted to another business-supportive activity. In addition to continuing the program, eligibility for the loans and the loan values has been expanded. Through April 30, 2013, these loans were marketed to first-time applicants in any construction area, and businesses located at major commercial intersections along University Avenue in St. Paul, more than one block from the line. Beginning on May 1, loans will be offered on a first-come first-serve basis to businesses that received loans of less than \$20,000 but had losses over both construction seasons and would qualify for a second loan; businesses directly impacted for more than one construction season would be offered an additional \$10,000 loan. For more information or to submit an application to the Business Support Fund, please visit: http://www.ndc-mn.org/ReadyForRailForgivableLoan
8	Mike Latuff	Corridor Business Owner	(1) We used to have Enterprise Rent-A-Car with us for about 18 years, and they're a really good tenant of ours, a complement to our business, and they wanted to stay and they offered us a 15-year extension lease at about \$5,000 a month, and we had to turn them down because we didn't have parking for them because we lost all our street parking. And we even tried to buy some lots, and lots were so expensive to buy it wasn't feasible.	Parking	Several parking programs were created to help minimize the impact to businesses due to the loss of parking. Please see Table 2-1 of this Supplemental Final EIS for more information on these programs. Specifically, the Neighborhood Commercial Parking program will run through 2013 and if additional funds are approved, may be extended into 2014. ²⁷
9	Pete Latuff	Corridor Business Owner	(1) Our customer count in 2011 for estimates was 2, 679 people showed up at our door for [auto] estimates, and these numbers are from March until November in both circumstances, 2011, 2012. In 2012 we have 2, 200 people show up. That's a 17.6 percent drop in traffic to our door... If you look at it from the job count standpoint, how many people came to our door and we wrote estimates for but weren't willing to come back because of the problems with the traffic and everything else we had job count wise was 2,272 down to 1, 748. That's a 23.6 percent drop... Sales were down 18.3 percent, profit was down 52 percent. That's a huge drop not only for the business, but for our employees. They lost hours, they lost income.	Methodology for capturing impacts on businesses	The Supplemental Draft EIS categorizes automobile repair businesses into the Professional/Services category, due to the distinct trips made to these establishments to serve a purpose (i.e., a customer would likely make a planned trip to visit an automobile repair or professional service business). Among Business Support Fund recipients there was a wide range of percent monthly sales loss among Professional Services businesses ranging from 12% to 58% loss of monthly sales with a mean loss of 33%. Professional services businesses reported \$1,164 to \$28, 530 loss of monthly sales, with a mean loss of \$12,549. ²⁸ The City of St. Paul, which administers the Business Support Fund, has decided to extend the program into 2013. Businesses that qualify under the program's criteria are encouraged to apply for business revenue assistance.
10	Winston Nguyen	Corridor Business Owner	(1) Since the light rail construction my business way down, maybe 60 percent.	Methodology for capturing impacts on businesses	The Supplemental Draft EIS documents that Business Support Fund recipients overall have a range of mean average monthly sales loss from 20 to 35 percent and a range of median average monthly sales loss from 18 to 35 percent. Retail businesses, the category with the largest sample size, reported the largest mean and median monthly percent loss at 35 percent. Restaurant/ Entertainment businesses reported the lowest mean and median monthly percent loss at 20 percent and 18 percent respectively. Please see Tables 3-18 and 3-19 on page 48 of the Supplemental Draft EIS for more information. ²⁹ The City of St. Paul, which administers the Business Support Fund, has decided to extend the program into 2013. Businesses that qualify under the program's criteria are encouraged to apply for business revenue assistance.

²⁷ Update from Craig Blakely, City of St. Paul, February 2013

²⁸ 2012 Supplemental Draft EIS Section 3.5.3.1 pages 47-48

²⁹ 2012 Supplemental Draft EIS Section 3.5.3.1 pages 47-48

			(2) We are very struggle with no parking. We used to have a whole front parking, but now we have none. And the next door of our hall was for sale and I tried to pay, to buy it, and I pay application fee and everything and I've been taking care of that, probably have been abandoned, vacant for at least six, seven years. But the City of St. Paul, I heard it, City of St. Paul bought it, and I'm really very upset about why I'm not the one, the first have priority to buy that property.	Parking	Several parking programs were created to help minimize the impact to businesses due to the loss of parking. Please see Table 2-1 of this Supplemental Final EIS for more information on these programs. Specifically, the Neighborhood Commercial Parking program will run through 2013 and if additional funds are approved, may be extended into 2014. ³⁰ The acquisition of private property falls outside the consideration of this Supplemental Final EIS.
PUBLIC HEARING No. 2 January 10, 2013 6:00 pm Goodwill					
11	Larry Peterson	University Avenue Betterment Association (UABA)	(1) Under Appendix B of the current EIS it refers to only Volume I of the EA, and its Volumes II and III that contain our comments that were presented a year ago. I delivered this same document to Ms. O'Brien in August of 2012. So I request that the entire Volumes I, II and III of the EA that was done last year be a part of the record.	Comment inclusion in SDEIS	The response to comments received was included in Volume I of the Supplemental Environmental Assessment, and all Central Corridor Project NEPA documentation is available as a matter of record on the Project web site.
			(2) It does not indicate what efforts were done to allow relocation funding for businesses who were displaced by this project, failure to evaluate the use of relocation funding we contend is a -indicates that the EIS then is totally inadequate.	Relocation assistance	The Uniform Relocation Assistance and Real Property Acquisition Policies Act ("URA") applies to all projects receiving federal funds where real property is acquired or persons are displaced as a direct result of acquisition, demolition, or rehabilitation of real property. The URA provides the process for acquisition of real property and relocation benefits, if the person is being displaced. See 49 C.F.R. Part 24. Any business owners who believe that they qualify as "displaced persons" under the URA may submit a claim under the act to the Metropolitan Council. Metropolitan Council has prepared a Real Estate Acquisition Management Plan ("RAMP"), which sets forth the process for the acquisition of real estate for this Project and for claiming relocation benefits. In addition, any person who believes Metropolitan Council has failed to properly consider the person's application or claim for payments or assistance under the URA may file a written appeal with the local agency. Persons who believe they may have such a claim should contact the Central Corridor Project Office at 651-602-1930 and ask for Victoria Nill or email victoria.nill@metrotransit.org .
			(3) The Metropolitan Council and the FTA did not actually do their own studies, and therefore, it is our position that we have no baseline study of vacancies, we have no baseline study of sales tax collections, we have no baseline studies of business revenues which could easily have been obtained and promulgated as part of the 2009 EIS.	Methodology for capturing impacts on businesses	Given both the sensitivity and the unreliability of self-reported financial data, as well as a stated desire from the business community not to share this personal information with a government entity that could then become public, this information was not requested by outreach staff as part of the business census conducted by CCPO. Independent sources of business financial data are difficult to find because it is largely private information. Unlike publicly traded companies, private companies/businesses are not required to file with the U.S. Security and Exchange Commission (SEC), so information that may be readily available for public companies/businesses is not available for private businesses. In the absence of business financial data, and because the Supplemental Draft EIS was in response to a Court order that necessitated a response in a reasonable time frame, the analysis of business revenue loss completed in the Supplemental Draft EIS relied upon data from businesses that participated in the Business Support Fund (see Section 3.5.3). Though the Business Support Fund began receiving applications in 2011, businesses that had experienced impacts from LRT construction at any time were eligible and did apply for the program, so the data set includes businesses that experienced impacts in 2009, 2010, 2011, and the first half of 2012. The lack of a robust and public database reporting precisely on business revenues was noted on page 17 of the 2011 Supplemental Final EA and on page 23 of

³⁰ Update from Craig Blakely, City of St. Paul, February 2013

					the Supplemental Draft EIS.
			(4) There is no follow up on all the businesses that have left the avenue. I think there is approximately 70 that have left the avenue. The vacancy studies showed that some businesses have left. Seems to me that a thorough EIS would have pursued why those businesses left.	Methodology for capturing impacts on businesses	Beginning in February 2011, CCPO staff began to track business openings, closings, and relocations in the corridor on a monthly basis. CCPO data demonstrates that as construction in the corridor progressed, the rate of businesses opening and closing within the corridor began to cancel each other out (see Section 3.5.1.2 of the Supplemental Draft EIS). The UABA data found similar trends to that tracked by CCPO; namely, that corridor storefront vacancy rates stayed fairly stable as construction progressed. ³¹
			(5) And there was no evaluation on the loss of the number of employees as a result of the loss of business revenue on the avenue. There is no evaluation on the loss of wages, no evaluation on loss of sales tax, or no evaluation on the loss of the actual employers themselves.	Methodology for capturing impacts on businesses	The scope of the Supplemental Draft EIS was to evaluate potential impacts on the loss of business revenue during construction of the CCLRT Project. ³²
			(6) There is no evaluation of the environmental justice issues. And one facet of environmental justice is the impact on environmental justice communities. In that regard, there has been no study on the adverse impact on minority businesses or low income businesses or low income people who own businesses.	Lack of Environmental Justice analysis	<p>In <i>St. Paul Branch of the NAACP, et. al. v. US Department of Transportation, et. al.</i>, CIV 10-147, Plaintiffs argue that the Defendants' environmental review of the CCLRT Project violated the National Environmental Policy Act in four ways: (1) failing to adequately analyze the cumulative impact of displacement/gentrification caused by the CCLRT, construction of the I-94, and urban renewal policies of the 1970s; (2) failing to adequately analyze and consider mitigation of the business interruption caused by the construction of the CCLRT; (3) failing to adequately analyze or consider mitigating the displacement of Central Corridor residents and businesses; and (4) for lack of the requisite scope because it does not analyze the entire CCLRT Project.</p> <p>The Court ruled in favor of the US Department of Transportation on all claims, including the environmental justice claims, except one – the Court directed the FTA and Metropolitan Council to supplement the 2009 Final EIS to address the potential loss of business revenues as an adverse impact of the construction of the Central Corridor LRT. Thus the scope of the Supplemental Draft EIS was to evaluate potential impacts on the loss of business revenue during construction of the CCLRT Project, regardless of business-ownership status.³³</p> <p>Please see Section 3.2 of this Supplemental Final EIS and the court order for more details: http://courtops.org/wp-content/uploads/2011/02/LRT_10113507290.pdf</p>
			(7) Appendix H is an anecdotal study that our organization did, and EIS disregarded it saying that it is not qualitative or competent.	Methodology for capturing impacts on businesses	<i>The Central Corridor Light Rail Transit Construction: Impact Study for Pascal Street to Dale Street, St. Paul, MN</i> , published August 16, 2012 by UABA was submitted to the Metropolitan Council for consideration in this Supplemental Draft EIS. The report provides a summary, as well as detailed notes, of interviews with <u>four</u> University Avenue businesses regarding impacts experienced by these businesses as a result of LRT construction activities (See Appendix H). The report concludes that businesses are suffering substantial impacts as a result of LRT construction, but it also acknowledges that it reports sentiment rather than empirical data. After a review of this study, it was determined it could not be used as an example of larger trends in the Central Corridor, because it was not clear how the report's sample was selected and because the selected sample was extremely small. A memo explaining the review of the study is

³¹ 2012 Supplemental Draft EIS Section 3.5.1.4 page 26

³² Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement; Federal Register, May 14, 2012 <http://www.gpo.gov/fdsys/pkg/FR-2012-05-14/html/2012-11566.htm>

³³ Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement; Federal Register, May 14, 2012 <http://www.gpo.gov/fdsys/pkg/FR-2012-05-14/html/2012-11566.htm>

			(8) So to spend all this time and money evaluating whether an alternative form of transportation does or does not benefit the central corridor is not only not what the judge ordered, but is irrelevant. The question is, what has been the impact on businesses today as a result of the construction, not what alternative transportation modes may have had.	Methodology for capturing impacts on businesses	included in Appendix H. ³⁴ According to Section 1502.14 of the Council on Environmental Quality National Environmental Policy Act regulations the alternatives section should present the environmental impacts of the proposal and the alternatives in comparative form. ³⁵ Since none of the previously completed NEPA documents thoroughly discussed business revenue impacts due to construction of a transitway, the Supplemental Draft EIS describes the potential effects associated with construction of the alternatives considered in the AA/DEIS. These alternatives are being introduced for illustrative purposes only, as a means of providing a basis for understanding the potential severity of LRT construction effects and the appropriate mitigation that may be identified to offset effects. ³⁶
12	Ryan Wilson	Corridor Business Owner	(1) Unfortunately, we took over an 8 percent loss. With that being said, in 2012 we took another 5 percent loss. That's compounding losses now. I didn't see anything in the Environmental Impact Study on compounding losses, nor did I see anything in the Environmental Impact Study comparing us to having two complete years of impact.	Methodology for capturing impacts on businesses	The Supplemental Draft EIS documents that Business Support Fund recipients overall have a range of mean average monthly sales loss from 20 to 35 percent and a range of median average monthly sales loss from 18 to 35 percent. Retail businesses, the category with the largest sample size, reported the largest mean and median monthly percent loss at 35 percent. This analysis is based on data from businesses awarded loans between July 2011 and the end of June 2012. Please see Tables 3-18 and 3-19 on page 48 of the Supplemental Draft EIS for more information. ³⁷ The City of St. Paul, which administers the Business Support Fund, has decided to extend the program into 2013. Businesses that qualify under the program's criteria are encouraged to apply for business revenue assistance.
			(2) They actually in 2012 closed our intersection for 42 consecutive days, 21 days on the north, 21 days on the south. We found this out three days before that took place.	Construction functions	Detailed construction plans were developed for all project segments and within each segment, construction was staged to minimize impacts to adjacent properties. CCPO notified properties, businesses and residents along the Project 30 days prior to the beginning of construction in a given area, and Outreach staff produced weekly Construction Updates with detailed access maps, road and lane changes, sidewalk and crosswalk closures, alternative routes, and any other impacts such as street parking. Traffic control measures, including barricades, signage, temporary traffic signalization and temporary accesses were also installed during site preparation activities. See Sections 3.2.1 and 3.2.5 of the Supplemental EA for more information.
			(3) One of the reasons we had an impact was track storage. For some reason, somewhere along the project we were promised that that wouldn't happen. Ended up storing a thousand forty feet of track in front of our store for two years. It was impossible for them to finish that project in 2011 with that track stored there, but throughout the whole process they told us no, you'll be impacted for 150 days. When asked what the punitive damage was for exceeding the 150 days we come to find out there wasn't.	Construction functions	This segment of University Avenue was selected for track storage because it was straight and does not have any signalized crossings and because no adjacent businesses relied on direct driveway access from University Avenue. Storage of LRT tracks in this area did not extend, nor did it shorten, construction duration. Because of the extent of the CCLRT Project, construction, as a matter of necessity, took place over several years. In an effort to reduce impacts to as many people and businesses as possible, construction was divided into two segments on University Avenue in St. Paul – from the City border to Hamline Avenue (2011) and from Hamline Avenue to Rice Street (2012). Hamline Avenue was chosen as a breakpoint between segments because none of the businesses in this area relied on direct driveway access from University Avenue and, as such, closure of traffic lanes would have somewhat less impact than in areas where businesses did rely solely on University Avenue for access. Because Hamline Avenue was a breakpoint between construction segments and because construction took place, by segment, in both 2011 and in 2012,

³⁴ 2012 Supplemental Draft EIS Section 3.5.2.2 page 30

³⁵ Council on Environmental Quality regulations Section 1502.14 <http://ceq.hss.doe.gov/nepa/regs/ceq/1502.htm#1502.14>

³⁶ 2012 Supplemental Draft EIS Section 2.2 page 8

³⁷ 2012 Supplemental Draft EIS Section 3.5.3.1 pages 47-48

					businesses located near the intersection of University and Hamline avenues would, of necessity, have experienced construction over two (2011 and 2012) construction seasons. Please see Section 2.2 of the 2011 Supplemental EA for more detail on the reasons for the construction segments.
			(4) The fund, the \$4 million, as Larry stated, only about \$2 million of that has been used so far. Okay. That money is sitting there. 2.5 million of that came from the Metropolitan Council, 500,000 came from light rail collective, the fund, and million dollars from the City of St. Paul. The businesses need that money now. It shouldn't have been thought about at the end of the year and maybe we should see what we're going to do with it.	Mitigation program effectiveness and duration	As of January 31, 2013, there is a balance in the Business Support Fund of \$821,201, with a few loans pending. Through April 30, 2013, these loans are being marketed to first-time applicants in any construction area, and businesses located at major commercial intersections along University Avenue in St. Paul, more than one block from the line. Beginning on May 1, loans will be offered on a first-come first-serve basis to businesses that received loans of less than \$20,000 but had losses over both construction seasons and would qualify for a second loan; businesses directly impacted for more than one construction season would be offered an additional \$10,000 loan. Neighborhood Development Center (for St. Paul businesses) and Metropolitan Consortium of Community Developers (for Minneapolis businesses) are currently taking applications. Please see www.readyforrail.net for details.
			(5) How you picked Yellowstone National Park to compare what University Avenue is beyond me... And why they didn't use Seattle as a model is beyond me. In Seattle, again, upwards to \$150,000 per business to help them survive this project. The Metropolitan Council and the City of St. Paul gave us \$20,000.	Comparable projects	The 2011 Supplemental Draft Environmental Assessment used Yellowstone National Park data as a reference point; this comparison was not included in the Supplemental Draft EIS. The 2011 Supplemental Final EA notes that the Record of Decision prepared for the Seattle Central Link project required the creation of a \$50 million Transit-Oriented Business Development Fund (later renamed the Rainier Valley Community Development Fund) to assist the community and qualified local businesses, neighborhood organizations and community institutions in mitigating and offsetting adverse economic impacts resulting from the Link light rail and its construction. The Fund was available to fund physical and economic improvements to the Southeast Seattle Corridor and was to be exclusively used to increase transit ridership on the system and/or address project impacts. A portion of the fund was designated as Supplemental Mitigation Assistance (SMA) to provide assistance to both relocated and remaining businesses along the project corridor. The assistance was used for rent increases, equipment replacement, tenant improvements and operating costs necessary to maintain business operations or reestablish a business. Under this program, over \$15 million was granted to local businesses achieving a success rate of 85% of the businesses operating preconstruction surviving post construction. The City of Seattle provided funding for the program, but specifically recognized the uniqueness of both the project (64 full property acquisitions and 232 partial acquisitions resulting in the relocation of 60 businesses and 38 residential households) and the circumstances surrounding the project that warranted creation of the Fund. The City of Seattle found that the convergence of a significant investment in a regional transportation improvement, the degree of displacement of small businesses, the high presence of low-income minorities, refugees and immigrants and weak market conditions to drive redevelopment created a unique situation warranting City investment beyond what would otherwise be necessary. Unlike the Seattle project, the CCLRT project will require only one operating business to relocate as a direct result of the project. Moreover, Metropolitan Council, in cooperation with its funding partners and other stakeholders, has undertaken significant measures to either avoid construction related impacts or mitigate the extent of those impacts on the businesses located along the corridor. ³⁸
			(6) Just a point of fact on that, over the next four years of this project I'm going to pay \$24,000 just in property taxes alone, so that \$20,000 really doesn't help. With that, for	New assessments	Assessments for public works projects in Minnesota, including street and sidewalk improvements, are set by local jurisdictions. The FTA and the Metropolitan Council are not involved, nor have any authorities to be involved in this process.

³⁸ Supplemental Final EA Section 5.2 pages 37-38

			an environmental impact we're now going to be assessed \$54 per linear foot, each business along University Avenue.		
13	Tim Holden	Corridor Business Owner	(1) I own two businesses. I've been on the avenue for 15 years. I've got a tenant, we've lowered the rents tremendously on our tenant...my lost revenues are in excess of \$400,000.	Methodology for capturing impacts on businesses	The Supplemental Draft EIS documents that Business Support Fund recipients overall have a range of mean average monthly sales loss from 20 to 35 percent and a range of median average monthly sales loss from 18 to 35 percent. Retail businesses, the category with the largest sample size, reported the largest mean and median monthly percent loss at 35 percent. Restaurant/ Entertainment businesses reported the lowest mean and median monthly percent loss at 20 percent and 18 percent respectively. Please see Tables 3-18 and 3-19 on page 48 of the Supplemental Draft EIS for more information. ³⁹ The City of St. Paul, which administers the Business Support Fund, has decided to extend the program into 2013. Businesses that qualify under the program's criteria are encouraged to apply for business revenue assistance.
14	Steve Carlson	Asian American Press, Nation Business & Community News	(1) The community faced the danger of a terribly busy and dangerous street which cannot be crossed safely by children, seniors, and the disabled, or basically anybody. In fact you can get killed. Right now there are chain links all along it and limited places to cross if you are taking a bus to a business on the other side of the street, for instance Walmart.	Pedestrian safety	The project stakeholders and the Metropolitan Council chose to do a total reconstruction of University Avenue, replacing aged utilities, streetlights, traffic lights, and sidewalks. Desirable system elements added during construction of the LRT such as non-signalized pedestrian crossings and secondary station platform access will provide clearly defined crossing areas and connections along the corridor, enhancing the overall pedestrian environment and promoting community cohesion. Additionally, various safety treatments and/or landscaping were installed to hinder pedestrian movement outside of legal crossing areas. Each of these design elements will improve pedestrian safety. All pedestrian crossings were designed in accordance with current ADA design standards and requirements to ensure access and mobility for all. ⁴⁰ During construction fencing was used to discourage pedestrians from crossing at non-designated areas and additional marked pedestrian crossings were added to increase access. Please see Section 6.4 of the 2009 Final EIS for more information.
			(2) When St. Paul put in a bid for the Vikings Stadium at Arden Hills, even though the Vikings themselves fought for it, it was impossible because of central corridor. So many fans, Vikings fans living to the south and they could not drive across University Avenue to get to Arden Hills to attend the game. It's obvious that 280 and 35W could not handle all the traffic.	Traffic	Traffic impacts of the Central Corridor LRT project were evaluated; please see Section 6.2.3.4 of the Final EIS for more information.
15	Dian Nguyen	Corridor Business Owner	(1) I want a parking lot in the front. I want a parking lot and a little bit University and I want in the front.	Parking	Several parking programs were created to help minimize the impact to businesses due to the loss of parking. Please see Table 2-1 of this Supplemental Final EIS for more information on these programs. Specifically, the Neighborhood Commercial Parking program will run through 2013 and if additional funds are approved, may be extended into 2014. ⁴¹
16	Winston Nguyen	Corridor Business Owner	(1) But I see the light rail, they don't have a good technique, they don't build a good roles, they spend too much, they take too much space, and the resident and the business on University Avenue don't know nothing about and don't have anything that they give to us because we used to have the one lane parking on the	Parking	To maintain an acceptable LOS (LOS "D" or better) in both the AM and PM peak hours, retention of two driving lanes in each direction on University Avenue was considered a mandatory design feature of the Central Corridor LRT project. University Avenue in the Midway area carries daily traffic volumes of between 20,000 and 28,000. Please see Section 6.2.2.2 and Section 6.3.3.2 of the Final EIS for more information. ⁴²

³⁹ 2012 Supplemental Draft EIS Section 3.5.3.1 pages 47-48

⁴⁰ 2009 Final EIS Section 6.4.7 pages 6-60

⁴¹ Update from Craig Blakely, City of St. Paul, February 2013

⁴² 2009 Final EIS Section 6.2.2.2 page 6-16 & Section 6.3.3.2 pages 6-46

			street parking but now none. And the light rail saved the space for the flower. They should not do that. They should save that place for parking for resident and business.		The CCPO and the Cities of Minneapolis and St. Paul collaborated with stakeholders and members of the public to develop streetscape plans including landscaping throughout the corridor.
			(2) I have been in the meeting with the light rail for at least 99 percent of the time that they have organized, and I always give suggestion about give room for us too, room for small business and for a resident...And I wonder what we have idea, a suggestion they should take but, they not never take our suggestion.	Input to the project	The scope and design of the CCLRT project has been influenced in many ways by resident and business input. Please see Section 1.5 of this Supplemental Final EIS for details on Project outreach and engagement.
			(3) Light rail should have, you know, responsibility to clear our sidewalk too, but they never did.	Snow removal	The construction contractor is responsible for providing access for snow and garbage removal during construction, but snow removal continues to be the responsibility of property owners, as it was before LRT construction began. http://www.stpaul.gov/DocumentCenter/View/61043
17	Anh Trinh	Corridor Business Owner	(1) I think we lost a customer because no parking in front, and in the back it's just a few parking.	Parking	Several parking programs were created to help minimize the impact to businesses due to the loss of parking. Please see Table 2-1 of this Supplemental Final EIS for more information on these programs. Specifically, the Neighborhood Commercial Parking program will run through 2013 and if additional funds are approved, may be extended into 2014. ⁴³
			(2) And right now they bottle, the construction, too heavy to dig the ground, and bottle my sewer, my park something, the water, yeah, and when I complain when they come down they deny, they say it's not about construction. I don't know. But it does because all the way the park is straight like that and then connect to the wall, and when the wall sinking and my top and bend. That's right. They spread the water all over my basement.	Construction impacts on building conditions	The Council requires that all Contractors providing construction services carry insurance to cover potential damage caused by Contractor actions. Damage claims made by property owners resulting from Contractor actions are forwarded to the Contractor and/or the Contractor's insurance company to investigate and respond. Metropolitan Council's risk management staff was engaged to track damage claims and Contractor response. Specifically, Metropolitan Council risk management staff worked to 1) explain the claims process to business and property owners, 2) follow up with Contractor to check status of claims, and 3) create a release form that businesses could use to authorize others to represent them in the process.
			(3) And snow, and when last snow they have a little bit space to put up the snow, but when snow a lot, and I don't know where I take the snow because I cannot pull the snow on the street, and I cannot pull the snow at the sidewalk, that I'm in the middle.	Snow removal	The construction contractor is responsible for providing access for snow and garbage removal during construction, but snow removal continues to be the responsibility of property owners, as it was before LRT construction began. http://www.stpaul.gov/DocumentCenter/View/61043
18	JonHee Pomplin	Asian Economic Development Association	(1) You felt that the closure of just three businesses net of the avenue was a positive outcome. Where is the citation for that and then what is the criteria by which you decided it was a positive.	Methodology for capturing impacts on businesses	To track openings, closings, and relocations along the corridor, CCPO outreach staff maintain an inventory of street-level business establishments along the CCLRT alignment from the West Bank area of Minneapolis to downtown St. Paul. In February 2011, this list included 1,243 businesses. Between February 2011 and June 2012, CCPO staff reported a Corridor-wide net loss of three street-level businesses, as shown in Table 3-3 of the Supplemental Draft EIS. This demonstrates that over this 16-month time period, business openings, closings and relocations resulted in little net change regarding the number of businesses in the corridor. ⁴⁴
			(2) Additionally, the same with the vacancy rates. You found that to be as a stable rate to be positive. And again, I would say that would be neutral because wasn't necessarily a decrease in vacancy rates.	Methodology for capturing impacts on businesses	The Supplemental Draft EIS states that "during construction, data collected by the CCPO and UABA demonstrated that overall business turnover and vacancy rates in the corridor generally remained neutral." ⁴⁵

⁴³ Update from Craig Blakely, City of St. Paul, February 2013

⁴⁴ 2012 Supplemental Draft EIS Section 3.5.1.2 page 25

⁴⁵ 2012 Supplemental Draft EIS Section 3.5.4 page 49

			(3) You found that the impact on business revenue was actually moderate which is different than what you put earlier in your findings where you said it was a negative impact. So I found that to be inconsistent.	Methodology for capturing impacts on businesses	A summary of the impacts on business revenues presented on page 6 of the Executive Summary of the 2012 Supplemental Draft EIS characterizes the impact to business revenues as negative. The in-depth analysis presented on in Section 3.5.3.1 is consistent with this characterization.
			(4) I felt that there were numerous assumptions being made within the report. Most specifically, the assumption that non-retail businesses had less of an impact...the challenge for them is that people have a lot of selection, so if they find another care provider or a beautician, that they are not likely to come back as easily as a restaurant that may have been somebody's favorite to go back to.	Methodology for capturing impacts on businesses	The Supplemental Draft EIS categorizes non-retail businesses into the Professional/Services category, due to the distinct trips made to these establishments to serve a purpose (i.e., a customer would likely make a planned trip to visit an automobile repair or professional service business). Among Business Support Fund recipients there was a wide range of percent monthly sales loss among Professional Services businesses ranging from 12% to 58% loss of monthly sales with a mean loss of 33%. Professional services businesses reported \$1,164 to \$28,530 loss of monthly sales, with a mean loss of \$12,549. ⁴⁶
			(5) Most of the data reflects the impact on businesses in year one, mostly because year two data wasn't very available...We also found that the study did not take into account additional expenses that businesses experienced such as having to pay for signage, advertising or promotional campaigns where they offer discounts, property damage, and leasing of additional parking spaces.	Methodology for capturing impacts on businesses	The analysis of business revenue loss completed in the Supplemental Draft EIS relied upon data from businesses that participated in the Business Support Fund (see Section 3.5.3). Though the Business Support Fund began receiving applications in 2011, businesses that had experienced impacts from CCLRT construction at any time were eligible and did apply for the program, so the data set includes businesses that experienced impacts in 2009, 2010, 2011, and the first half of 2012. The results of this analysis will paint a broad picture of the impacts experienced by businesses during construction of the Central Corridor. Given limited access available to actual business revenues preceding as well as during construction, the studies referenced in the Supplemental Draft EIS draw on business owners' and managers' perceptions and reports of construction-related impacts to paint a broad picture of the trends in the corridor during construction.
			(6) There is a real lack of attention to the environmental justice piece.	Lack of Environmental Justice analysis.	In <i>St. Paul Branch of the NAACP, et. al. v. US Department of Transportation, et. al.</i> , CIV 10-147, Plaintiffs argue that the Defendants' environmental review of the CCLRT Project violated the National Environmental Policy Act in four ways: (1) failing to adequately analyze the cumulative impact of displacement/gentrification caused by the CCLRT, construction of the I-94, and urban renewal policies of the 1970s; (2) failing to adequately analyze and consider mitigation of the business interruption caused by the construction of the CCLRT; (3) failing to adequately analyze or consider mitigating the displacement of Central Corridor residents and businesses; and (4) for lack of the requisite scope because it does not analyze the entire CCLRT Project. The Court ruled in favor of the US Department of Transportation on all claims, including the environmental justice claims, except one – the Court directed the FTA and Metropolitan Council to supplement the 2009 Final EIS to address the potential loss of business revenues as an adverse impact of the construction of the Central Corridor LRT. Thus the scope of the Supplemental Draft EIS was to evaluate potential impacts on the loss of business revenue during construction of the CCLRT Project, regardless of business-ownership status. ⁴⁷ Please see Section 3.2 of this Supplemental Final EIS and the court order for more details: http://courtops.org/wp-content/uploads/2011/02/LRT_10113507290.pdf
19	Keith Schweigert	Corridor Business Owner	(1) When the light rail construction started I have, since February when they started digging I have closed my car wash down, I have closed my Whitaker Buick car lot down, and I was forced to sell my original lot that I	Methodology for capturing impacts on businesses	As stated in the Supplemental EA, the FTA and the Metropolitan Council cannot predict with specificity which particular businesses will experience adverse impacts or positive impacts, and to what extent those impacts may affect business revenues. Smaller businesses may be impacted to a greater extent depending on the duration

⁴⁶ 2012 Supplemental Draft EIS Section 3.5.3.1 pages 47-48

⁴⁷ Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement; Federal Register, May 14, 2012 <http://www.gpo.gov/fdsys/pkg/FR-2012-05-14/html/2012-11566.htm>

			started to Enterprise Rent-A-Car at a reduced rate, or a reduced value because I had cash flow problems.		and magnitude of nuisance impacts associated with project construction. If construction impacts to businesses are sufficiently adverse, then businesses may close or chose to relocate. Less severely impacted businesses would likely experience short-term declines in revenues due to reduced business activity. Metropolitan Council, the Cities of St. Paul and Minneapolis, and numerous non-profits have implemented mitigation measures to address potential adverse construction impacts to the extent reasonable and feasible. However, the FTA and the Metropolitan Council recognize that some adverse impacts will be unavoidable and may be of a magnitude that the effect to an individual business may be losses in revenues that result in the business owner deciding to either relocate or close. ⁴⁸
			(2) The light rail also came along and took the first 10 feet of the Whitaker Buick lot, which in the car business, your curb appeal is very important, they took that to store construction material and equipment. They said well, you can operate y our business behind us. Well, how are you going to sell cars when you can't see them?	Relocation assistance	The Uniform Relocation Assistance and Real Property Acquisition Policies Act ("URA") applies to all projects receiving federal funds where real property is acquired or persons are displaced as a direct result of acquisition, demolition, or rehabilitation of real property. The URA provides the process for acquisition of real property and relocation benefits, if the person is being displaced. See 49 C.F.R. Part 24. Any business owners who believe that they qualify as "displaced persons" under the URA may submit a claim under the act to the Metropolitan Council. Metropolitan Council has prepared a Real Estate Acquisition Management Plan ("RAMP"), which sets forth the process for the acquisition of real estate for this Project and for claiming relocation benefits. In addition, any person who believes Metropolitan Council has failed to properly consider the person's application or claim for payments or assistance under the URA may file a written appeal with the local agency. Persons who believe they may have such a claim should contact the Central Corridor Project Office at 651-602-1930 and ask for Victoria Nill or email victoria.nill@metrotransit.org.
Written Comments Received During Comment Period					
20	Jai Vang	Corridor Business Owner	(1) What will happen to the business information that Mod & Company have on all the businesses that were obtain during their promotion efforts?	Mitigation program effectiveness and duration	The business marketing effort is funded to continue through May 2014. This effort has included using a variety of media, including bus side ads, billboards, radio, and print and electronic media to promote corridor businesses. This includes a website providing a comprehensive listing of corridor businesses, their characteristics and location (www.onthegreenline.com), and a printed business directory book. The long-term maintenance of the website or any other materials developed under this contract is not certain at this time, but may be taken over by local area chambers of commerce or other business development organizations.
21	Larry Peterson	University Avenue Betterment Association	(1) The draft EIS does not contain Vol. II and III of the EA— see App. B—those volumes contain the public comments and exhibits of UABA-2011-these were delivered to Ms. O'Brien in August, 2012 to be included in the current EIS.	Supplemental Draft EIS Contents	The response to comments received was included in Volume I of the Supplemental Environmental Assessment, and all Central Corridor Project NEPA documentation is available as a matter of record on the project website.
22	Tim Holden	Corridor Business Owner	(1) No directional signs to direct customers to alternative parking locations created confusion, discomfort and distrust	Adequate signage during construction	CCLRT construction contracts (Civil East and Civil West) included allowances for temporary signage. Signs provided as part of this allowance focused on providing information about lane closures and detours, as well as providing information about local business access. These signs were required to be in compliance with MMUTCD regulations. As such, they did not provide specific directional information to individual businesses. Metropolitan Council staff worked with the cities of Minneapolis and St. Paul to temporarily waive sign ordinance requirements allowing temporary signage of access for individual businesses. These individual business access signs were produced by the Neighborhood Development Corporation at little to no cost to the business owner. The provision of permanent business signage was never contemplated as a

⁴⁸ 2011 Supplemental EA Section ES 1.6 page ES-5

					Project requirement and such signage is regulated and approved by the City of St. Paul.
			(2) Complete loss of parking directly west of Snelling has done two things. First, rendered at least three of the properties directly west of Snelling Avenue illegal to occupy due to having no parking at all! Second, not having at least one handicap parking space as is required by the St. Paul City Code.	Parking	Several parking programs were created to help minimize the impact to businesses due to the loss of parking. Please see Table 2-1 of this Supplemental Final EIS for more information on these programs. Specifically, the Neighborhood Commercial Parking program has funded and built several parking lots along University Avenue at Snelling Avenue, Victoria Street, and St. Albans Street with signs indicating free parking for area businesses. With regard to conformance with code, parking within public rights-of-way, including on-street parking, is not part of a business's property, so its loss or elimination does not affect a property owners' right to occupy or operate their business.
23	Bonnie Blackmore	Corridor Resident	(1) Some public monies were granted to businesses for this light rail transition, but in most cases, not enough.	Mitigation program effectiveness and duration	<p>Mitigation commitments represent a substantial investment of financial resources totaling nearly \$16 million, as well as staffing commitments to communications activities and inspection activities to assure contractor compliance. Please see Table 2-1 of this Supplemental Final EIS for details.</p> <p>For example, the Business Support Fund dedicated a total of \$4 million to provide direct financial relief to businesses with documented loss of revenues during Project construction. As noted in Table 2-1 of this Supplemental Final EIS, this program was defined certain characteristics, namely businesses with annual revenues less than \$2 million, independently owned with four or fewer locations, located within one block of the alignment, operating for one year or more at the location along the alignment, focused on retail services, with documented revenue losses. These criteria were established using input from the Business Resources Collaborative, the Asian Economic Development Association, and other partner organizations along the corridor. Several parking programs were created to help minimize the impact to businesses due to the loss of parking. Please see Table 2-1 of this Supplemental Final EIS for more information on these programs.</p> <p>On September 28, 2011, the Metropolitan Council approved the use of \$1.2 Million in CCLRT project contingency funding for use to market businesses in the Central Corridor area of St. Paul and Minneapolis, increase customer traffic, and minimize lost business revenues. MOD and Co., an advertising and marketing firm located in St. Paul, has been contracted to conduct the marketing program on behalf of the Metropolitan Council. Since June 2012, MOD and Co. has developed targeted marketing campaigns for nine different business districts along the CCLRT alignment based on business outreach and research efforts. The marketing campaign incorporates many types of advertising platforms such as billboards, a website (www.onthegreenline.com), and social media. The marketing campaign will continue through May of 2014.⁴⁹</p> <p>Additionally, http://www.readyforrail.net offers comprehensive online information to business owners regarding applying for forgivable loans, inclusion in corridor-wide marketing campaigns and promotional materials, and accessing technical advice including a small business consultant who can assist with bookkeeping, cash flow projections, and individualized marketing and promotions. The website also provides contact information for neighborhood organizations, Chambers of Commerce, Business Associations, and Metropolitan Council and City staff that can provide assistance.</p>
24	Asian Economic Development Association	Asian Economic Development Association (AEDA)	(1) Differences between Summit-University and Frogtown neighborhoods and the 13-county MSA region mandate the need for a strong environmental justice analysis of	Lack of Environmental Justice analysis	In <i>St. Paul Branch of the NAACP, et. al. v. US Department of Transportation, et. al.</i> , CIV 10-147, Plaintiffs argue that the Defendants' environmental review of the CCLRT Project violated the National Environmental Policy Act in four ways: (1) failing to adequately

⁴⁹ 2012 Supplemental Draft EIS Section 3.7.2.4 page 71

			the Central Corridor LRT project which is boldly missing from the CCLRT SDEIS.		analyze the cumulative impact of displacement/gentrification caused by the CCLRT, construction of the I-94, and urban renewal policies of the 1970s; (2) failing to adequately analyze and consider mitigation of the business interruption caused by the construction of the CCLRT; (3) failing to adequately analyze or consider mitigating the displacement of Central Corridor residents and businesses; and (4) for lack of the requisite scope because it does not analyze the entire CCLRT Project. The Court ruled in favor of the US Department of Transportation on all claims, including the environmental justice claims, except one – the Court directed the FTA and Metropolitan Council to supplement the 2009 Final EIS to address the potential loss of business revenues as an adverse impact of the construction of the Central Corridor LRT. Thus the scope of the Supplemental Draft EIS was to evaluate potential impacts on the loss of business revenue during construction of the CCLRT Project, regardless of business-ownership status. ⁵⁰ Please see Section 3.2 of this Supplemental Final EIS and the court order for more details: http://courtops.org/wp-content/uploads/2011/02/LRT_10113507290.pdf
			(2) The recovery period is not included in the analysis of this impact measurement. Given the variety of mitigation support provided to businesses, great effort was put toward helping businesses survive during construction. However, businesses will continue to be impacted by CCLRT construction during 2013, 2014 and possibly longer, while completion of the CCLRT project continues to impact traffic flow, former customers get lured back and new customers are attracted via the Green Line. During this period, referred to as the recovery period, construction mitigations will dissipate, and businesses will have less resources available help them survive post-construction through the recovery period.	Mitigation program effectiveness and duration	Several mitigation programs are planned to continue through 2013 and some into 2014. Please see Table 2-1 in this Supplemental Final EIS for more information.
			(3) Property owners will experience increased property taxes and significant tax assessments as a result of the CCLRT “enhancements” to University Avenue, which then trickles down as increased leases for businesses and increased prices for customers.	New assessments	Assessments for public works projects in Minnesota, including street and sidewalk improvements, are set by local jurisdictions. The FTA and the Metropolitan Council are not involved, nor have any authorities to be involved in this process.
			(4) The CCLRT SDEIS made a number of spurious assumptions regarding the quality, effectiveness, and satisfaction of the mitigation initiatives reviewed within <i>Mitigating business losses: services, strategies, and effectiveness</i> (CCLRT SDEIS Appendix I) by Wilder Research... The assumptions are “spurious” because there is little to no logic or evaluative criteria offered in the CCLRT SDEIS to qualify their assumptions and report findings.	Methodology for capturing impacts on businesses	The methodology of the Wilder Research study is disclosed in Section 3.5.2.3 of the Supplemental Draft EIS and in Appendix I of the Supplemental Draft EIS.
			(5) Also missing from the CCLRT SDEIS is the consideration and inclusion of any data differences provided in the Wilder report between business responses of small businesses (0-10 employees) to larger businesses and minority- to nonminority-owned businesses, despite the clear mandate for an environmental justice review of the business revenue impacts due to CCLRT construction.	Methodology for capturing impacts on businesses	In <i>St. Paul Branch of the NAACP, et. al. v. US Department of Transportation, et. al.</i> , CIV 10-147, Plaintiffs argue that the Defendants’ environmental review of the CCLRT Project violated the National Environmental Policy Act in four ways: (1) failing to adequately analyze the cumulative impact of displacement/gentrification caused by the CCLRT, construction of the I-94, and urban renewal policies of the 1970s; (2) failing to adequately analyze and consider mitigation of the business interruption caused by the construction of the CCLRT; (3) failing to adequately analyze or consider mitigating the

⁵⁰ Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement; Federal Register, May 14, 2012 <http://www.gpo.gov/fdsys/pkg/FR-2012-05-14/html/2012-11566.htm>

					<p>displacement of Central Corridor residents and businesses; and (4) for lack of the requisite scope because it does not analyze the entire CCLRT Project.</p> <p>The Court ruled in favor of the US Department of Transportation on all claims, including the environmental justice claims, except one – the Court directed the FTA and Metropolitan Council to supplement the 2009 Final EIS to address the potential loss of business revenues as an adverse impact of the construction of the Central Corridor LRT. Thus the scope of the Supplemental Draft EIS was to evaluate potential impacts on the loss of business revenue during construction of the CCLRT Project, regardless of business-ownership status.⁵¹</p> <p>Please see Section 3.2 of this Supplemental Final EIS and the court order for more details: http://courtops.org/wp-content/uploads/2011/02/LRT_10113507290.pdf</p>
			(6) The CCLRT SDEIS ought to provide an update to this section with small loan fund data from July through December 2012, that would include a larger sample of businesses from the east end.	Methodology for capturing impacts on businesses	<p>The analysis of business revenue loss completed in the Supplemental Draft EIS relied upon data from businesses that participated in the Business Support Fund (see Section 3.5.3). Though the Business Support Fund began receiving applications in 2011, businesses that had experienced impacts from CCLRT construction at any time were eligible and did apply for the program, so the data set includes businesses that experienced impacts in 2009, 2010, 2011, and the first half of 2012. The results of this analysis will paint a broad picture of the impacts experienced by businesses during construction of the Central Corridor.</p> <p>Given limited access available to actual business revenues preceding as well as during construction, the studies referenced in the Supplemental Draft EIS draw on business owners' and managers' perceptions and reports of construction-related impacts to paint a broad picture of the trends in the corridor during construction.</p>
			(7) The use and partnership with community-based organizations and chambers deserves fair and adequate compensation to those organizations for their outreach and assistance to reach hard to reach communities, like immigrant businesses. Ensuring businesses and residents are engaged and knowledgeable about CCLRT activities is a high-touch, time-intensive effort; therefore to ensure the capacity of community-based organizations to maintain effective outreach, the lead planning agency must recognize the value of this work through equitable partnerships that include compensation.	Project outreach and engagement	<p>Since 2007, the Council has worked with a variety of community groups, business organizations and non-profits to engage the business and residential community along the corridor. (Please see Section 1.5 of this Supplemental Final EIS for more details on project outreach.) Businesses and residents have volunteered their time to serve on advisory committees including the Community Advisory Committee, Business Advisory Committee, Station Art Committees, and Construction Communication Committees. The Council has not compensated these groups or individuals.</p> <p>In 2011, through Corridors of Opportunity, the Council initiated a Community Engagement Team (CET) grant program with funding from the Living Cities Initiative and US Department of Housing and Urban Development. The purpose of the CET is to support innovative and effective place-based initiatives that engage and involve under-represented communities (low-income, communities of color, immigrant communities, persons with disabilities) in participation, decision-making and leadership roles related to transit corridor planning and implementation. The following Central Corridor groups have received funding to engage under represented communities through a competitive application process:</p> <ul style="list-style-type: none"> • AEDA for \$45,000 • Aurora St. Anthony Neighborhood Development Corporation (ASANDC) for \$60,000 • West Bank CDC and Somali Action Alliance for \$47,100 • Union Park District Council for \$28,000 • Advocating Change Together for \$39,700

⁵¹ Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement; Federal Register, May 14, 2012 <http://www.gpo.gov/fdsys/pkg/FR-2012-05-14/html/2012-11566.htm>

			(8) Also missed in the SDEIS are impact indicators that go beyond the revenue of businesses, but impact the economic vitality of University Avenue and its surrounding neighborhoods.	Methodology for capturing impacts on businesses	Though the scope of the Supplemental Draft EIS was to evaluate only potential impacts on the loss of business revenue during construction of the CCLRT Project, ⁵² economic development was a goal for the Central Corridor LRT project, as identified initially in the 2006 AA/DEIS.
25	Department of the Interior	Department of the Interior	(1) The U.S. Department of the Interior has no comments on the Draft Supplemental Environmental Impact Statement for Construction-Related Potential Impacts on Business Revenue of the Central Corridor Light Rail Project, located in the St. Paul and Twin Cities Metropolitan Area, Ramsey and Hennepin Counties, Minnesota. Thank you for the opportunity to comment.		The FTA and the Metropolitan Council appreciate the Department of Interior's review of the Supplemental Draft EIS.
26	Thomas F. DeVincke	Malkerson Gunn Martin LLP representing the plaintiffs in NAACP v. US Department of Transportation CIV 10-147	(1) The Agency needs to do a proper Environmental Justice ("EJ") analysis of lost business revenue impacts. As part of this analysis, the Met Council should consider cumulative impacts of past projects on the EJ community such as the construction of I-94.	Lack of Environmental Justice analysis	<p>In <i>St. Paul Branch of the NAACP, et. al. v. US Department of Transportation, et. al.</i>, CIV 10-147, Plaintiffs argue that the Defendants' environmental review of the CCLRT Project violated the National Environmental Policy Act in four ways: (1) failing to adequately analyze the cumulative impact of displacement/gentrification caused by the CCLRT, construction of the I-94, and urban renewal policies of the 1970s; (2) failing to adequately analyze and consider mitigation of the business interruption caused by the construction of the CCLRT; (3) failing to adequately analyze or consider mitigating the displacement of Central Corridor residents and businesses; and (4) for lack of the requisite scope because it does not analyze the entire CCLRT Project.</p> <p>The Court ruled in favor of the US Department of Transportation on all claims, including the environmental justice claims, except one – the Court directed the FTA and Metropolitan Council to supplement the 2009 Final EIS to address the potential loss of business revenues as an adverse impact of the construction of the Central Corridor LRT. Thus the scope of the Supplemental Draft EIS was to evaluate potential impacts on the loss of business revenue during construction of the CCLRT Project, regardless of business-ownership status.⁵³</p> <p>Please see Section 3.2 of this Supplemental Final EIS and the court order for more details: http://courtops.org/wp-content/uploads/2011/02/LRT_10113507290.pdf</p>
			(2) Also, the Agency should address its refusal to permit the community to brand one of the stops as "Rondo." This branding would have served as a benefit for the community and the failure to permit the station naming was an unfair distribution of available project benefits.	Station naming	Elected officials and community groups expressed interest in changing the names of the Victoria and Western Stations. To accommodate this desire, Metropolitan Council established and followed a process whereby station names could be changed. The first step of the process was deliberation to reach a consensus on a name at community working group meetings. The second step was to bring the agreed-upon name to the District Councils, City Council, and County Board for their approvals. The final step was consideration of the name change by the Metropolitan Council and direction to the contractor to re-fabricate new station graphics. Consensus among the working group members was necessary before the station names could be changed. Consensus was not reached at the working group level, however, so the names of the Victoria and Western stations were not changed.
			(3) The agency has relied upon the work of the impacted community which means that the impacted community had to go out and figure out the impacts and mitigation alternatives during the construction of the process. This turns NEPA on its head. The point of the statute was to	Project outreach and engagement	Given both the sensitivity and the unreliability of self-reported financial data, as well as a stated desire from the business community not to share this personal information with a government entity that could then become public, this information was not requested by outreach staff as part of the business census conducted by CCPO. Independent sources of business financial data are difficult to find because it is largely

⁵² Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement; Federal Register, May 14, 2012 <http://www.gpo.gov/fdsys/pkg/FR-2012-05-14/html/2012-11566.htm>

⁵³ Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement; Federal Register, May 14, 2012 <http://www.gpo.gov/fdsys/pkg/FR-2012-05-14/html/2012-11566.htm>

			inform decision makers and the impacted communities BEFORE the government chooses and funds a project.		private information. Unlike publicly traded companies, private companies/businesses are not required to file with the U.S. Security and Exchange Commission (SEC), so information that may be readily available for public companies/businesses is not available for private businesses. In the absence of business financial data, and because the Supplemental Draft EIS was in response to a Court order that necessitated a response in a reasonable time frame, the analysis of business revenue loss completed in the Supplemental Draft EIS relied upon data from businesses that participated in the Business Support Fund (see Section 3.5.3 of the Supplemental Draft EIS). Though the Business Support Fund began receiving applications in 2011, businesses that had experienced impacts from LRT construction at any time were eligible and did apply for the program, so the data set includes businesses that experienced impacts in 2009, 2010, 2011, and the first half of 2012. The lack of a robust and public database reporting precisely on business revenues was noted on page 17 of the 2011 Supplemental Final EA and on page 23 of the Supplemental Draft EIS.
			(4) The Agency has decided in a few parts of its analysis to mischaracterize the impacted communities' opinion of the mitigation that has been implemented. The responses on the effectiveness of specific measures was overwhelmingly negative, yet the Agency decided to spin the responses as generally positive.	Mitigation program effectiveness and duration	The analysis of the effectiveness of mitigation strategies was conducted independently by Wilder Research. The responses represented in the Supplemental Draft EIS in Section 3.5.2.6 were intended to directly reflect the Wilder Research findings and the Wilder Research Study results were included in Appendix I of the Supplemental Draft EIS.
			(5) Also, the SDEIS continues to lack sufficient hard statistical data on the amount of lost business revenue caused by the project's construction. Given the amount of data now available, better quantification was certainly possible.	Methodology for capturing impacts on businesses	<p>CCPO staff conducted an exhaustive literature review in an attempt to identify methodologies related to quantifying business revenue loss as an adverse impact of construction projects. The CCPO reviewed studies examining construction-related impacts to businesses stemming from large highway and transit projects in multiple states, but they did not find any examples that clearly identified a quantitative methodology to measure project-level revenue related impacts.</p> <p>To develop an estimate of project-level construction impacts, it is necessary to have a reliable estimate of current and future revenues for specific businesses. Yet businesses are often hesitant to share this type of data due to privacy concerns. Most businesses along the Central Corridor alignment are privately owned, and are under no obligation to provide this data to the FTA, the Metropolitan Council, or the Securities and Exchange Commission, which collects such data from public companies. Business representatives were asked prior to construction if this information could be provided on a voluntary basis. Businesses expressed unwillingness to share this type of sensitive information.</p> <p>Since neither self-reported nor independently-collected revenue data was available for all businesses along the alignment, precise quantification of project-level construction impacts on all corridor business revenues could not be completed. However, data from the Business Support Fund, a construction mitigation loan program administered by the City of St. Paul, enabled the FTA and the Metropolitan Council to complete a quantitative analysis of the subset of corridor businesses that had participated in the program, as they were required to submit three years of tax returns and an accounting of current-year sales demonstrating a decline in sales from pre-construction levels. From this data, staff derived pre-construction average monthly sales, as well as the average monthly reported sales loss during construction for each business, allowing for a determination of potential impacts to business revenues. The FTA and the Metropolitan Council recognized that this analysis was limited to a subset of businesses, and supplemented their analysis with a collection of independent studies</p>

					<p>and surveys carried out by local businesses associations, staff at the CCPO, researchers at the University of Minnesota, and researchers at the Wilder Foundation. The studies drew on business owners' and managers' perceptions and reports of construction-related impacts that allowed the FTA and the Metropolitan Council to qualitatively assess the impacts to business revenues corridor-wide.</p> <p>Given the legal and privacy-related limitations on private business data, this multi-pronged approach used current and relevant data to arrive at the most reliable conclusions regarding the construction impacts to Central Corridor businesses' revenues.</p>
27	Patrick Kriske	Colliers International	(1) The report fails to address that the Central Corridor Project Office missed an important and straight-forward opportunity to mitigate negative CCLRT project effects connected with the installation of one of the big Traction Power Substations (TPSS) at the 475 Prior site.	Methodology for capturing impacts on businesses	<p>Traction power substations required to power the Central Corridor LRT system were sited along the alignment based on numerous factors. These included engineering criteria such as distance from the guideway, spacing between adjacent substations, electrical power requirements and availability of electrical services. Site locations were also based on locations that would minimize impacts to residential property, not require acquisition of buildings and fit within possible redevelopment plans of the community. The Metropolitan Council reviewed each of the TPSS site locations with the City of St. Paul or Minneapolis for compatibility with existing land use. The City of St. Paul required compliance with the City's site plan review process during final design. This process includes notification of planned development to the property owner and surrounding properties. The process culminates in the City's issuing a permit for construction. Please see Section 3.1.4.2 of the 2008 Supplemental Draft EIS and Section 3.3.4.2 of the Final EIS for more information.</p>
28	University Avenue Betterment Association	University Avenue Betterment Association	(1) The only impact that should be discussed in the SEIS is the adverse impact CCLRT construction had on business revenue. However, this was the smallest and least supported portion of the Draft SEIS. Further, the inclusion of unnecessary information relating to business trends in the corridor, street level business turnover, storefront vacancy rates, business owners' opinions of corridor construction impact mitigation programs, and future business outlooks creates a muddled, unfocused, and needlessly long SEIS contrary to 40 C.F.R §1502.2(c).	Methodology for capturing impacts on businesses	<p>CCPO staff conducted an exhaustive literature review in an attempt to identify methodologies related to quantifying business revenue loss as an adverse impact of construction projects. The CCPO reviewed studies examining construction-related impacts to businesses stemming from large highway and transit projects in multiple states, but they did not find any examples that clearly identified a quantitative methodology to measure project-level revenue related impacts.</p> <p>To develop an estimate of project-level construction impacts, it is necessary to have a reliable estimate of current and future revenues for specific businesses. Yet businesses are often hesitant to share this type of data due to privacy concerns. Most businesses along the Central Corridor alignment are privately owned, and are under no obligation to provide this data to the FTA, the Metropolitan Council, or the Securities and Exchange Commission, which collects such data from public companies. Business representatives were asked prior to construction if this information could be provided on a voluntary basis. Businesses expressed unwillingness to share this type of sensitive information.</p> <p>Since neither self-reported nor independently-collected revenue data was available for all businesses along the alignment, precise quantification of project-level construction impacts on all corridor business revenues could not be completed. However, data from the Business Support Fund, a construction mitigation loan program administered by the City of St. Paul, enabled the FTA and the Metropolitan Council to complete a quantitative analysis of the subset of corridor businesses that had participated in the program, as they were required to submit three years of tax returns and an accounting of current-year sales demonstrating a decline in sales from pre-construction levels. From this data, staff derived pre-construction average monthly sales, as well as the average monthly reported sales loss during construction for each business, allowing for a determination of potential impacts to business revenues. The FTA and the Metropolitan Council recognized that this analysis was limited to a subset</p>

					<p>of businesses, and supplemented their analysis with a collection of independent studies and surveys carried out by local businesses associations, staff at the CCPO, researchers at the University of Minnesota, and researchers at the Wilder Foundation. The studies drew on business owners' and managers' perceptions and reports of construction-related impacts that allowed the FTA and the Metropolitan Council to qualitatively assess the impacts to business revenues corridor-wide.</p> <p>Given the legal and privacy-related limitations on private business data, this multi-pronged approach used current and relevant data to arrive at the most reliable conclusions regarding the construction impacts to Central Corridor businesses' revenues. The results of this analysis paint a broad picture of the impacts experienced by businesses during construction of the Central Corridor.⁵⁴</p>
			(2) Finally, the whole Draft SEIS primarily focuses on current or past mitigation measures provided to businesses along the corridor rather than first providing a thorough analysis of the adverse impacts construction would have on businesses that would need to be mitigated.	Methodology for capturing impacts on businesses	Section 3.5 of the Supplemental Draft EIS provides discussion of the potential adverse impacts of CCLRT construction. Discussion of mitigation measures is provided in Section 3.7 of the Supplemental Draft EIS.
			(3) In creating the Draft SEIS, the Met Council and FTA failed to conduct and rely on any of its own research...Further because of the late date these CCPO reports started, the Met Council and FTA do not have an adequate baseline data to compare their own later findings or the findings of other organizations that were relied on in the Draft SEIS.	Methodology for capturing impacts on businesses	<p>CCPO staff conducted an exhaustive literature review in an attempt to identify methodologies related to quantifying business revenue loss as an adverse impact of construction projects. The CCPO reviewed studies examining construction-related impacts to businesses stemming from large highway and transit projects in multiple states, but they did not find any examples that clearly identified a quantitative methodology to measure project-level revenue related impacts.</p> <p>To develop an estimate of project-level construction impacts, it is necessary to have a reliable estimate of current and future revenues for specific businesses. Yet businesses are often hesitant to share this type of data due to privacy concerns. Most businesses along the Central Corridor alignment are privately owned, and are under no obligation to provide this data to the FTA, the Metropolitan Council, or the Securities and Exchange Commission, which collects such data from public companies. Business representatives were asked prior to construction if this information could be provided on a voluntary basis. Businesses expressed unwillingness to share this type of sensitive information.</p> <p>Since neither self-reported nor independently collected revenue data was available for all businesses along the alignment, precise quantification of project-level construction impacts on all corridor business revenues could not be completed. However, data from the Business Support Fund, a construction mitigation loan program administered by the City of St. Paul, enabled the FTA and the Metropolitan Council to complete a quantitative analysis of the subset of corridor businesses that had participated in the program, as they were required to submit three years of tax returns and an accounting of current-year sales demonstrating a decline in sales from pre-construction levels. From this data, staff derived pre-construction average monthly sales, as well as the average monthly reported sales loss during construction for each business, allowing for a determination of potential impacts to business revenues. The FTA and the Metropolitan Council recognized that this analysis was limited to a subset of businesses, and supplemented their analysis with a collection of independent studies and surveys carried out by local businesses associations, staff at the CCPO, researchers at the University of Minnesota, and researchers at the Wilder Foundation. The studies drew on</p>

⁵⁴ 2012 Supplemental Draft EIS Section 3.5 page 24

					<p>business owners' and managers' perceptions and reports of construction-related impacts that allowed the FTA and the Metropolitan Council to qualitatively assess the impacts to business revenues corridor-wide.</p> <p>Given the legal and privacy-related limitations on private business data, this multi-pronged approach used current and relevant data to arrive at the most reliable conclusions regarding the construction impacts to Central Corridor businesses' revenues.</p> <p>Though the Business Support Fund began receiving applications in 2011, businesses that had experienced impacts from LRT construction at any time were eligible and did apply for the program, so the data set includes businesses that experienced impacts in 2009, 2010, 2011, and the first half of 2012. The lack of a robust and public database reporting precisely on business revenues was noted on page 17 of the 2011 Supplemental Final EA and on page 23 of the Supplemental Draft EIS.</p>
			<p>(4) While heavy construction for the CCLRT began in late 2009, the Business Support Fund did not start issuing loans until July 2011...Thus, loss of business revenue due to CCLRT was not recorded for the first year of construction. The Business Support Fund data used in the Draft SEIS to determine business revenue loss does not take into consideration businesses along the full CCLRT line...There is no data in the Draft SEIS about the impact of the construction on business revenues during 2009.</p>	<p>Methodology for capturing impacts on businesses</p>	<p>Given both the sensitivity and the unreliability of self-reported financial data, as well as a stated desire from the business community not to share this personal information with a government entity that could then become public, this information was not requested by outreach staff as part of the business census conducted by CCPO. Independent sources of business financial data are difficult to find because it is largely private information. Unlike publicly traded companies, private companies/businesses are not required to file with the U.S. Security and Exchange Commission (SEC), so information that may be readily available for public companies/businesses is not available for private businesses. In the absence of business financial data, and because the Supplemental Draft EIS was in response to a Court order that necessitated a response in a reasonable time frame, the analysis of business revenue loss completed in the Supplemental Draft EIS relied upon data from businesses that participated in the Business Support Fund (see Section 3.5.3). Though the Business Support Fund began receiving applications in 2011, businesses that had experienced impacts from LRT construction at any time were eligible and did apply for the program, so the data set includes businesses that experienced impacts in 2009, 2010, 2011, and the first half of 2012. The lack of a robust and public database reporting precisely on business revenues was noted on page 17 of the 2011 Supplemental Final EA and on page 23 of the Supplemental Draft EIS.</p> <p>Furthermore, prior to the official launch of the Business Support Fund, the City of St. Paul did work to advance some funding to businesses affected by 2010 CCLRT construction on 4th Street in downtown St. Paul. This was possible using the \$500,000 contribution made by the Central Corridor Funder's Collaborative to the Fund. At that time, businesses were eligible for \$10,000, one-third of which were grant funds and two-thirds were recourse loans. To date, a total of \$30,000 has been awarded to 4th Street businesses; with \$20,000 disbursed (one of the approved grantees withdrew its application).⁵⁵</p>
			<p>(5) Throughout the Draft SEIS the Met Council and FTA rely on a supposed "multitude of social, economic, local, and national variables that may impact business revenues."...However, the Draft SEIS fails to note what this "multitude" of variables consists of and what evidence</p>	<p>Methodology for capturing impacts on businesses</p>	<p>Variables consist of national economic conditions, individual business practices, unemployment rates, and world events. As noted in the Final Supplemental EA, the ability to control for these external factors is limited. Further, accurate data documenting long-term revenue patterns, and the factors that influenced revenues, is not readily available. As a result, predicting the amount of lost business revenue for any</p>

⁵⁵ Status Report on the Implementation of Mitigation Measures - CCLRT Construction-Related Business Impacts, page 8, May, 2011

			exists to show that businesses' revenue loss is an impact of such variables rather than an impact of CCLRT construction. The only variable that is noted in the Draft SEIS is a comparison of changes to corridor business and changes to businesses in the Twin Cities as a whole.		given business or market segment is highly uncertain and speculative. ⁵⁶
			(6) The Draft SEIS fails to provide an environmental justice ("EJ") analysis on minority-owned businesses along the CCLRT route.	Lack of Environmental Justice analysis	<p>In <i>St. Paul Branch of the NAACP, et. al. v. US Department of Transportation, et. al.</i>, CIV 10-147, Plaintiffs argue that the Defendants' environmental review of the CCLRT Project violated the National Environmental Policy Act in four ways: (1) failing to adequately analyze the cumulative impact of displacement/gentrification caused by the CCLRT, construction of the I-94, and urban renewal policies of the 1970s; (2) failing to adequately analyze and consider mitigation of the business interruption caused by the construction of the CCLRT; (3) failing to adequately analyze or consider mitigating the displacement of Central Corridor residents and businesses; and (4) for lack of the requisite scope because it does not analyze the entire CCLRT Project.</p> <p>The Court ruled in favor of the US Department of Transportation on all claims, including the environmental justice claims, except one – the Court directed the FTA and Metropolitan Council to supplement the 2009 Final EIS to address the potential loss of business revenues as an adverse impact of the construction of the Central Corridor LRT. Thus the scope of the Supplemental Draft EIS was to evaluate potential impacts on the loss of business revenue during construction of the CCLRT Project, regardless of business-ownership status.⁵⁷</p> <p>Please see Section 3.2 of this Supplemental Final EIS and the court order for more details: http://courtops.org/wp-content/uploads/2011/02/LRT_10113507290.pdf</p>
			(7) Lack of any explanation as to why Met Council and FTA chose not to provide federal relocation benefits to businesses that were forced to relocate.	Relocation assistance	The Uniform Relocation Assistance and Real Property Acquisition Policies Act ("URA") applies to all projects receiving federal funds where real property is acquired or persons are displaced as a direct result of acquisition, demolition, or rehabilitation of real property. The URA provides the process for acquisition of real property and relocation benefits, if the person is being displaced. See 49 C.F.R. Part 24. Any business owners who believe that they qualify as "displaced persons" under the URA may submit a claim under the act to the Metropolitan Council. Metropolitan Council has prepared a Real Estate Acquisition Management Plan ("RAMP"), which sets forth the process for the acquisition of real estate for this Project and for claiming relocation benefits. In addition, any person who believes Metropolitan Council has failed to properly consider the person's application or claim for payments or assistance under the URA may file a written appeal with the local agency. Persons who believe they may have such a claim, should contact the Central Corridor Project Office at 651-602-1930 and ask for Victoria Nill or email victoria.nill@metrotransit.org
			(8) Similar to the Supplemental EA, the Draft SEIS fails to discuss the job loss in the corridor as a result of construction.	Methodology for capturing impacts on businesses	The scope of the Supplemental Draft EIS was to evaluate potential impacts on the loss of business revenue during construction of the CCLRT Project. ⁵⁸
			(9) The purpose of the court-ordered SEIS is not to determine the success of mitigation, but rather to determine the economic impacts of CCLRT construction to business revenue.	Methodology for capturing impacts on businesses	The purpose of the court-ordered Supplemental Draft EIS is to address the potential loss of business revenue as an adverse impact of construction. ⁵⁹ Please see Section 1.3 of the Supplemental Draft EIS for more detail.

⁵⁶ 2011 Supplemental Final EA Section 4.1 page 17

⁵⁷ Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement; Federal Register, May 14, 2012 <http://www.gpo.gov/fdsys/pkg/FR-2012-05-14/html/2012-11566.htm>

⁵⁸ Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement; Federal Register, May 14, 2012 <http://www.gpo.gov/fdsys/pkg/FR-2012-05-14/html/2012-11566.htm>

⁵⁹ 2012 Supplemental Draft EIS Section ES page ES-1

			(10) Despite having received a hand-delivered copy of all three volumes of the Supplemental EA, the Draft SEIS record only includes the first volume.	Supplemental Draft EIS contents	The response to comments received was included in Volume I of the Supplemental Environmental Assessment, and all Central Corridor Project NEPA documentation is available as a matter of record on the Project website . http://metro council.org/Transportation/Projects/Current-Projects/Central-Corridor.aspx
29	District Councils Collaborative	District Councils Collaborative	(1) The analysis does not include business revenues baseline data for the corridor. Without a baseline there is no point of comparison and thus the SDEIS fails to establish the loss of revenues because of the adverse effects of construction.	Methodology for capturing impacts on businesses	<p>CCPO staff conducted an exhaustive literature review in an attempt to identify methodologies related to quantifying business revenue loss as an adverse impact of construction projects. The CCPO reviewed studies examining construction-related impacts to businesses stemming from large highway and transit projects in multiple states, but they did not find any examples that clearly identified a quantitative methodology to measure project-level revenue related impacts.</p> <p>To develop an estimate of project-level construction impacts, it is necessary to have a reliable estimate of current and future revenues for specific businesses. Yet businesses are often hesitant to share this type of data due to privacy concerns. Most businesses along the Central Corridor alignment are privately owned, and are under no obligation to provide this data to the FTA, the Metropolitan Council, or the Securities and Exchange Commission, which collects such data from public companies. Business representatives were asked prior to construction if this information could be provided on a voluntary basis. Businesses expressed unwillingness to share this type of sensitive information. Baseline private business revenue data was therefore unavailable for this purpose. Furthermore, baseline data is not always a requirement under NEPA. When baseline data is unavailable for use, other relevant and equivalent data sources may be utilized for comparative use.</p> <p>Since neither self-reported nor independently-collected revenue data was available for all businesses along the alignment, precise quantification of project-level construction impacts on all corridor business revenues could not be completed. However, data from the Business Support Fund, a construction mitigation loan program administered by the City of St. Paul, enabled the FTA and the Metropolitan Council to complete a quantitative analysis of the subset of corridor businesses that had participated in the program, as they were required to submit three years of tax returns and an accounting of current-year sales demonstrating a decline in sales from pre-construction levels. From this data, staff derived pre-construction average monthly sales, as well as the average monthly reported sales loss during construction for each business, allowing for a determination of potential impacts to business revenues. The FTA and the Metropolitan Council recognized that this analysis was limited to a subset of businesses, and supplemented their analysis with a collection of independent studies and surveys carried out by local businesses associations, staff at the CCPO, researchers at the University of Minnesota, and researchers at the Wilder Foundation. The studies drew on business owners' and managers' perceptions and reports of construction-related impacts that allowed the FTA and the Metropolitan Council to qualitatively assess the impacts to business revenues corridor-wide.</p> <p>Given the legal and privacy-related limitations on private business data, this multi-pronged approach used current and relevant data to arrive at the most reliable conclusions regarding the construction impacts to Central Corridor businesses' Though the Business Support Fund began receiving applications in 2011, businesses that had experienced impacts from LRT construction at any time were eligible and did apply for the program, so the data set includes businesses that experienced impacts in 2009, 2010, 2011, and the first half of 2012 and on page 23 of the Supplemental Draft EIS.</p>

			(2) The quantitative data relative to loss in revenues (25%-30%) that the SDEIS does discuss is drawn from a report that focuses only on the time period from July 2011 to June 2012, when there was on construction on University Avenue between Lexington parkway and Rice Street and is limited to businesses that applied to the Business Support Fund for a loan.	Methodology for capturing impacts on businesses	The analysis of business revenue loss completed in the Supplemental Draft EIS relied upon data from businesses that participated in the Business Support Fund (see Section 3.5.3). Though the Business Support Fund began receiving applications in 2011, businesses that had experienced impacts from CCLRT construction at any time were eligible and did apply for the program, so the data set includes businesses that experienced impacts in 2009, 2010, 2011, and the first half of 2012. The results of this analysis will paint a broad picture of the impacts experienced by businesses during construction of the Central Corridor.
			(3) The SDEIS focuses much of its analysis on the merits of Final Construction Mitigations over the Initial Construction Mitigations. This comparison is not the purpose of an Environmental Impacts Review and distracts from the original purpose.	Methodology for capturing impacts on businesses	According to Section 1502.14 of the Council on Environmental Quality National Environmental Policy Act regulations the alternatives section should present the environmental impacts of the proposal and the alternatives in comparative form. ⁶⁰ Since none of the previously completed NEPA documents thoroughly discussed business revenue impacts due to construction of a transitway, the Supplemental Draft EIS describes the potential effects associated with construction of the alternatives considered in the AA/DEIS. These alternatives are being introduced for illustrative purposes only, as a means of providing a basis for understanding the potential severity of LRT construction effects and the appropriate mitigation that may be identified to offset effects. ⁶¹
			(4) The outreach team was reduced significantly in size in 2012 when heavy construction was taking place on the eastern portion of University Avenue. In this area, there is a concentration of business owners for whom English is a second language or they don't speak English at all.	Community outreach and engagement	Between 2011 and 2012 two individuals left the outreach staff, but two were added that expanded the language skills of the team to include Somali, Nepali, and Hindi. Thus, there was no loss, and in fact a gain in language skills among outreach staff. In 2011, the outreach team included: <ol style="list-style-type: none"> 1. Shoua Lee - Hmong 2. Dana Happel - Spanish 3. Nkongo Cigolo - French, Swahili, Bantu 4. Jessica Hill I- ASL 5. Dan Pfeiffer - Arabic 6. Rita Rodriguez - Spanish 7. Michelle Webb 8. Laura Callaghan In 2012, the outreach team included: <ol style="list-style-type: none"> 1. Shoua Lee - Hmong 2. Dana Happel - Spanish 3. Nkongo Cigolo - French, Swahili, Bantu 4. Jessica Hill - ASL 5. Dan Pfeiffer - Arabic 6. Michelle Webb 7. Abdi Raqib - Somali 8. Indira Manandhar - Nepali, Hindi Further, the Council had a master purchase order with a corridor translation business in 2011 and 2012 that allowed arrangements with a translator on short notice if a language was needed that was not represented by staff. For example, a Vietnamese translator attended a meeting with the contractor and a business owner to discuss reported damage. Please see Section 1.5 of this Supplemental Final EIS for more detail on Project outreach.
			(5) The SDEIS fails to include an Environmental Justice (EJ) analysis. The SEA states that an EJ analysis is not needed	Lack of Environmental Justice analysis	In <i>St. Paul Branch of the NAACP, et. al. v. US Department of Transportation, et. al.</i> , CIV 10-147, Plaintiffs argue that the Defendants' environmental review of the CCLRT Project

⁶⁰ Council on Environmental Quality regulations Section 1502.14 <http://ceq.hss.doe.gov/nepa/regs/ceq/1502.htm#1502.14>

⁶¹ 2012 Supplemental Draft EIS Section 2.2 page 8

			because 46% of the population in the alignment area is minority and only 20% of the businesses are minority owned. The comparison of population to business ownership is not logical and is not the basis on which the need for an EJ is determined.		<p>violated the National Environmental Policy Act in four ways: (1) failing to adequately analyze the cumulative impact of displacement/gentrification caused by the CCLRT, construction of the I-94, and urban renewal policies of the 1970s; (2) failing to adequately analyze and consider mitigation of the business interruption caused by the construction of the CCLRT; (3) failing to adequately analyze or consider mitigating the displacement of Central Corridor residents and businesses; and (4) for lack of the requisite scope because it does not analyze the entire CCLRT Project.</p> <p>The Court ruled in favor of the US Department of Transportation on all claims, including the environmental justice claims, except one – the Court directed the FTA and Metropolitan Council to supplement the 2009 Final EIS to address the potential loss of business revenues as an adverse impact of the construction of the Central Corridor LRT. Thus the scope of the Supplemental Draft EIS was to evaluate potential impacts on the loss of business revenue during construction of the CCLRT Project, regardless of business-ownership status.⁶²</p> <p>Please see Section 3.2 of this Supplemental Final EIS and the court order for more details: http://courtops.org/wp-content/uploads/2011/02/LRT_10113507290.pdf</p>
30	US Environmental Protection Agency	US Environmental Protection Agency	(1a) EPA recommends a clear definition of a business be included in the 2SFEIS.	Methodology for capturing impacts on businesses	<p>The FTA and the Metropolitan Council agree that a concise definition of a “business” in the context of this analysis is helpful, and have provided a definition in Section 3.2 of this Supplemental Final EIS. A business is defined as an organization or person involved in the trade of goods and/or services to customers. It must have a brick and mortar location directly on the Central Corridor alignment in Downtown St. Paul, along University Avenue, along Washington Avenue on the University of Minnesota campus along Cedar Avenue from Riverside Avenue to Washington Avenue South, or along Riverside Avenue between 15th and 22nd Avenues.⁶³</p> <p>The term “small business” was used throughout the 2011 Draft and Final Supplemental EAs and the 2012 Supplemental Draft EIS. Small business is defined in the summary of the Business Support Fund qualifications description included in the 2011 Final Supplemental EA, and Section 3.5.3 of the 2012 Supplemental Draft EIS: for-profit retail-oriented small businesses with up to \$2 million in annual gross sales that are independently owned (with four or fewer locations). In the 2012 Supplemental Draft EIS, the term “small business” was had various meanings based on different sources referenced in the document. In most cases, the sources referenced did not define what they are referring to as a “small business” or “small business” had slightly different definitions in the various sources.</p>
			(1b) This definition should consider the subtleties of non-traditional businesses that might be present within a low-income or minority community. This may take special adaptations of survey methods to fully and adequately include home-based, non-traditional, and/or part-time businesses, low income or minority participants, those with limited literacy or computer skills, or those with limited English proficiency, especially those reluctant to participate in any additional outreach.	Methodology for capturing impacts on businesses	<p>The FTA and the Metropolitan Council thoroughly documented businesses present along the Central Corridor LRT alignment prior to and throughout construction. Before heavy construction began, the Metropolitan Council’s Outreach Coordinators created a GIS database of all properties adjacent to the Project alignment using information from County records. Outreach staff then proceeded to refine this database by conducting a comprehensive “sidewalk” census of businesses adjacent to the LRT alignment, per the definition in Section 3.2 of this Supplemental Final EIS. Outreach staff walked the alignment, block-by-block, making note of all businesses that had a physical presence on the alignment.</p>

⁶² Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement; Federal Register, May 14, 2012 <http://www.gpo.gov/fdsys/pkg/FR-2012-05-14/html/2012-11566.htm>

⁶³ Central Corridor LRT is on Washington Avenue through the West Bank of the University of Minnesota. No businesses directly front Washington Avenue in that segment. Cedar Avenue crosses directly over Washington Avenue in this area and thus, businesses along a portion of Cedar Avenue and Riverside Avenue in this area were also included in this definition.

					<p>The Outreach Coordinator’s sidewalk census of businesses included individual street-front businesses, office buildings and commercial buildings. Outreach Coordinators worked with the property managers to identify tenants and coordinate communication of construction information. Many of the multi-tenant office and commercial buildings allowed staff to include construction update displays in the lobby and the property manager refreshed the construction maps on a weekly basis. There is also a residential presence along some portions of the LRT alignment, and home-based businesses were included in this census, to the extent that they were signed and identified as a business. As part of the sidewalk census of businesses, Outreach Coordinators recorded their observations on business-owner ethnicity. Due to privacy and other considerations, the Outreach Coordinators did not request this information directly of the business owner.</p> <p>Since the initial sidewalk census and throughout construction, CCPO Outreach Coordinators have maintained an inventory of street-level business establishments along the Central Corridor alignment from the West Bank area of Minneapolis to downtown St. Paul. Beginning in February 2011, CCPO staff began to track business openings, closings, and relocations in the corridor on a monthly basis, as shown in Section 3.5.1.2 of the 2012 Supplemental Draft EIS. This data is also presented through monthly reports published by the CCPO summarizing how the Metropolitan Council and other partner agencies work to minimize Central Corridor construction impacts on local businesses. These reports are in accordance with the 2011 Finding Of No Significant Impact, which the FTA issued following publication of the April 2011 Supplemental EA of Construction-Related Potential Impacts on Business Revenues and can be found on the project website: http://metrocouncil.org/Transportation/Projects/Current-Projects/Central-Corridor/Environmental/Business-Impacts.aspx</p> <p>Because the Metropolitan Council recognized community concerns and identified the presence of low-income, minority, and limited-English proficiency populations in the corridor in their Communication and Public Involvement Plan, the Outreach Coordinators that conducted the sidewalk census as well as the ongoing outreach for the project are fluent in several languages including Somali, Vietnamese, Hmong, Spanish, Swahili, French, Bantu, and American Sign Language. Their ability to communicate in multiple languages allowed for better communication with both residents and businesses along the corridor. The Metropolitan Council also has a contract with a local translation firm that allowed Outreach Coordinators to arrange for translators to accompany them to individual or public meetings.</p>
			<p>(2) EPA recommends the 2SFEIS identify precisely each business within the project site <i>prior to construction</i>. This should include the name, location, owner or contact person and geographical and financial data relevant to understanding possible project impacts. We recommend the existing list of 1,144 businesses be included in the 2SFEIS and suggest including a process to allow those believing they have a qualifying business not on the list to be considered for inclusion in this definition.</p>	<p>Methodology for capturing impacts on businesses</p>	<p>The FTA and the Metropolitan Council thoroughly documented businesses present along the alignment prior to and throughout construction. This census included the name, location, owner or contact person, and geographical data (address of property and/or property owner). FTA and the Metropolitan Council decided that the publication of business names, ownership information and location was not necessary to complete the task, and furthermore, publication of such data may violate business owner rights, if done without consent. Please see Section 3.2 of this Supplemental Final EIS for more detail.</p>
			<p>(2a) The businesses that are known to no longer be located within the project site (either because of relocation or termination) should specifically be identified.</p>	<p>Methodology for capturing impacts on businesses</p>	<p>Beginning in February 2011, CCPO staff began to track business openings, closings, and relocations in the corridor on a monthly basis, as shown in Section 3.5.1.2 of the 2012 Supplemental Draft EIS. Given the sensitivity of this information, the lack of exact reasons for the business closings, and the fact that not all business closings may be</p>

					<p>attributable wholly or in part to Project construction, the FTA and the Metropolitan Council prefer not to publish a specific list of businesses that closed during the construction period in the Supplemental Final EIS.</p> <p>Finally, FTA is concerned that publishing this type of detailed information is not required by NEPA and may affect future cooperation of businesses in this type of exchange of information.</p>
			<p>(3) EPA recommends the 2SFEIS clarifies business qualifications for mitigation assistance. Those businesses that did receive relief may fit a narrow group and additional groups or needs should be identified for possible relief. Such additional groups, including businesses in low-income and/or minority neighborhoods, may be more evident once project site businesses are defined, per above. The 2SFEIS should also clarify if some groups of businesses are excluded from mitigation relief for specific reasons such as size, type of business, the nature of perceived project impacts, or other considerations.</p>	<p>Mitigation program eligibility requirements</p>	<p>Many, but not all, of the measures were intended to be inclusive of all corridor businesses. One notable exception is the Business Support Fund, which is specifically targeted to small businesses, defined as those with annual revenues less than \$2,000,000. The Business Support Fund was intended to conclude at the end of the 2012 construction season, but the City of St. Paul has decided to extend the Fund into 2013 and extend eligibility to a broader geographic area, providing that applicants can demonstrate revenue loss due to corridor construction.</p> <p>Qualifications for the various mitigation programs were initially described in the 2011 Supplemental Final EA in Section 4.3.2, were expanded upon in the 2012 Supplemental Draft EIS in Section 3.7.2, and are further explained in Chapter 2 of this Supplemental Final EIS. Additional maps and information regarding the use of mitigation programs in minority and low-income areas is provided in Appendix B to this Supplemental Final EIS.</p> <p>Furthermore, monthly Business Mitigation Reports detailing usage of these programs are published on the Project Web site: http://metro council.org/Transportation/Projects/Current-Projects/Central-Corridor/Environmental/Business-Impacts.aspx</p>
			<p>(4) During construction, the project area along University Avenue was widened from the rails and stations in the center of the avenue to encompass full reconstruction of the avenue cross-section from building front to building front. The expansion of construction increased the impacts of the project on avenue business. The 2SDEIS is not clear whether these increased impacts associated with building front to building front reconstruction are adequately covered by the mitigation measures offered to affected businesses. The 2SFEIS should include a further analysis that accurately reflects the changes each defined project site business experienced due to impacts from construction of the CCLRT project.</p>	<p>Methodology for capturing impacts on businesses</p>	<p>The full reconstruction of University Avenue from building front to building front has been part of the Project definition since publication of the 2006 AA/DEIS. Thus throughout all environmental documentation the Project scope has included full reconstruction of the avenue cross-section from building front to building front. The full reconstruction of University Avenue from building front to building front was documented in the 2006 AA/DEIS, 2008 Supplemental Draft EIS, 2009 Final EIS, 2010 EA, 2011 Final Supplemental EA, and 2012 Supplemental Draft EIS. There was no change in scope from "rails and stations in the center of the avenue to encompass full reconstruction of the avenue cross-section from building front to building front," and thus there are no adverse impacts to the human and natural environment as a result of "widening" the project construction area.</p> <p>The Project scope shown in Figure 2.3-3 of the 2006 AA/DEIS planned for the reconstruction of University Avenue building front to building front, including replacement of sidewalks. While reducing the scope of construction was considered early in the preliminary engineering process as a potential cost-saving measure to meet cost effectiveness criteria, this reduction was never implemented due to stakeholder and community concerns. Similar to the issue of a tunnel alignment at the University of Minnesota, reconstruction of University Avenue was an AA/DEIS design element that was being considered for elimination in the Project. Based on public comments at a series of listening sessions and preliminary engineering information, in February 2008, the Metropolitan Council acted to keep the reconstruction of University Avenue, including replacement and reconstruction of all sidewalks along the Avenue, as part of the Project scope. CCPO staff worked in partnership with the City of St. Paul and other stakeholders in the Project to develop streetscaping plans along the Avenue. Implementation of these plans will result in an improved pedestrian environment along University Avenue, as noted in Section 1.3 of this Supplemental Final EIS and documented in the 2008 Supplemental Draft EIS (Table 11-1), the 2009 Final EIS (Figures</p>

					2-9 and 2-10, Section 3.6.6, and Appendix L sheets 49-59), the 2011 Final Supplemental EA (Section 4.3.1), and 2012 Supplemental Draft EIS (Section 3.7.1).
			(5) EPA recommends the 2SFEIS identify what businesses were not successfully contacted to date, determine why, and make additional efforts to reach those businesses to inform them of mitigation opportunities for which they might qualify. This project offers an excellent opportunity for FTA and other federal agencies to gain insights into how to effectively engage diverse communities.	Mitigation program eligibility requirements	The FTA and Metropolitan Council have a thorough and robust public outreach process. Please refer to Section 1.5 of this Supplemental Final EIS for a full description of all of the business outreach efforts.

**APPENDIX A: COMMENTS RECEIVED ON THE SUPPLEMENTAL
DRAFT EIS CONSTRUCTION-RELATED POTENTIAL IMPACTS ON
BUSINESS REVENUE**

RECORD OF COMMENTS RECEIVED

**SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT OF
CCLRT CONSTRUCTION-RELATED POTENTIAL IMPACTS ON
BUSINESS REVENUES**

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CENTRAL CORRIDOR LIGHT RAIL TRANSIT
SUPPLEMENTAL EIS
PUBLIC HEARING
JANUARY 10, 2013

PUBLIC HEARING

The following is the public hearing, taken before Sara Jane Wyckoff, Court Reporter, Notary Public, at 849 University Avenue West, St. Paul, Minnesota, commencing at approximately 8:06 a.m., January 10, 2013.

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- 1 APPEARANCES:
- 2 Susan Haigh
- 3 Mark Fuhrmann
- 4 Kathryn O'Brien
- 5 Sandy Rummel
- 6 Jon Commers
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1 P R O C E E D I N G S

2 Whereupon, the public hearing was
3 commenced at 8:06 a.m. as follows:

4 ***

5 MR. COMMERS: Well, good morning. It's
6 a little after 8:00, and I realize it's a weekday
7 morning, so we would like to get started and respect
8 your time this morning.

9 First of all, my name is Jon Commers.
10 I represent District 14 of the Metropolitan Council
11 which includes St. Paul, the section of our city
12 that is west of 35E, so quite a bit of the central
13 corridor or green line alignment and its adjacent
14 neighborhoods. So thanks again for coming, making
15 time this morning to share your thoughts about the
16 Supplemental Environmental Impact Statement on the
17 project.

18 I would like to just note that this is
19 the first of two hearings to be held today. The
20 second is 6:00 this evening, and that will be held
21 at which location? At Goodwill Easter Seals at
22 6:00. So if you see friends and colleagues and
23 family members who may be interested in
24 participating in this process but weren't able to
25 make it this morning, please go ahead and encourage

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1 them to attend this evening.

2 We've got a number of folks that I
3 would like to acknowledge. Our chair, Susan Haigh,
4 is intending to attend this morning and she'll be
5 here shortly, I believe. Sandy Rummel, fellow
6 council member is also with us this morning, and we
7 have some senior staff, Mark Fuhrmann and Kathryn
8 O'Brien also from our team who will be presenting on
9 the supplemental work this morning and then leading
10 -- excuse me, introducing the basis for this
11 morning's hearing.

12 So again, thank you very much for being
13 here. Mark.

14 MR. FUHRMANN: Thank you very much,
15 Council Member Commers. Again, I'm Mark Fuhrmann.
16 I'm the program director for New Starts rail
17 projects here in the Twin Cities. And I'm going to
18 make a couple more introductions here before we get
19 into the formal public hearing. Just arriving and
20 hanging his coat, Council Member Adam Duininck.
21 Welcome, council member. And also St. Paul Council
22 Member Russ Stark has joined us. So thank-you very
23 much for stopping in this morning, Russ.

24 This morning I will take a couple
25 minutes just to walk us through really the ground

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1 rules of today's public hearing. You all have seen
2 the documents online and taken a look at it, so we
3 look forward to hearing your comments. So the
4 purpose for today's hearing is really to listen, to
5 listen to your comments based on the supplemental
6 document that we published back at the end of
7 December, and really speak specifically -- good
8 morning, Chair Haigh.

9 MS. HAIGH: Hi.

10 MR. FUHRMANN: We'll let you get
11 settled. If that's okay, I'll just walk through the
12 ground rules. Okay. And the focus of the hearing
13 is really quite narrow, and that is related to the
14 structure-related potential impacts on your business
15 revenues as you operate your businesses here along
16 the central corridor.

17 The document was published in December,
18 December 14th for a period of 45 days, so we're in
19 the midst of that comment period now, and that will
20 continue until the end of January. January 30th
21 will be the concluding day for receipt of public
22 comment. These comments will be incorporated into
23 the overall environmental documentation for the
24 projects, and the responses, your comments and the
25 responses to those will ultimately appear in the

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1 final Environmental Impact Statement that will come
2 later this spring.

3 No news here, a familiar map of the
4 alignment and the stations that we are speaking to
5 here today. We are not here today to talk about
6 southwest LRT or any other LRT. Our focus is on the
7 central corridor and green line.

8 Where we're at on the project, as you
9 all live in the corridor and have experienced the
10 construction in the last two years, we're pleased to
11 say that the overall project now is 87 percent
12 complete. The civil works for this end of the
13 project here, what we call the civil east St. Paul
14 side of the civil construction is 99 percent
15 complete. So all the roadways, the new sidewalks
16 and the 14 stations on the St. Paul end of the
17 projects are complete. Now, that's not the end of
18 construction. You can see on the chart here that
19 systems construction has begun, but that will be the
20 focus of construction in 2013. That means there
21 will be crews still, construction crews still
22 working, but they'll be primarily out along the
23 railroad tracks, along the guideway as we say, and
24 they'll be erecting poles and all the electrical
25 wiring to provide the power to the trains once they

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1 start operating. Towards the end of 2013 you'll
2 begin to see more regularly some of our new light
3 rail vehicles that have begun to arrive and be
4 delivered to Minneapolis, and they will begin doing
5 some testing along the alignment to check on the
6 power and the train signals and traffic signals and
7 communication links back to the rail control center.
8 So you'll continue to see a fair amount of activity
9 in 2013, and that will include light rail vehicles
10 here as we move into the fall of this year. And
11 then we're still on schedule to open up sometime the
12 middle of next year. We can say now next year,
13 council members, it is nice to say now this week.

14 So for the ground rules today, we would
15 certainly invite you and encourage to sign at the
16 table there, Shoua and Nkongo are accepting any
17 folks who want to sign up and testify, get in the
18 cue. At the end after we exhaust that signup list
19 we will certainly still welcome folks to ask to
20 speak from the floor, but you will be after all
21 those who have signed up in advance. So we'll call
22 your name, and once you come to the microphone we'll
23 ask you to state your name and address. If you
24 represent an agency or organization, we would want
25 to know that as well. If you're speaking as an

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1 individual or individual business we would ask that
2 your comments be about three minutes in length. If
3 you're representing a more community-based
4 organization we would ask for up to five minutes
5 worth of comments. And again, just emphasize that
6 this is a public hearing to talk about the central
7 corridor, green line, talk about those business
8 impacts caused by construction.

9 In addition to your verbal comments, we
10 would love to hear those today, but if you have
11 other comments or if you like to submit your oral
12 testimony in formal writing you can do so, and those
13 will be submitted either via email to the email
14 address you see here, or to Kathryn O'Brien, our
15 lead environmental expert on the projects, and
16 that's her address if you want to send it via USPS.
17 Comments are open until January 3rd.

18 So with that, madam chair and council
19 members, I'll pass it back to you and perhaps we can
20 get started.

21 MS. HAIGH: Thank you. Thank you, Mark
22 for providing that interview. I want to introduce
23 John Commers who is our council member who
24 represents this part of the central corridor, and
25 council member Rummel who's district is farther to

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1 the north and also council member Adam Duininck in
2 the back who represents Minneapolis portion of the
3 central corridor.

4 I'm Sue Haigh. I'm chair of the Met
5 Council, and I appreciate all of you coming out this
6 morning. We also have another public hearing
7 scheduled this evening at 6 p.m., is that correct,
8 Mark, and that is at Goodwill. So if you have
9 colleagues or businesses or neighbors that would
10 like to speak, didn't get the chance to get here
11 this morning, they can come this evening as well.

12 And with that, I appreciate all of you
13 coming, and I'll look forward to hearing the
14 testimony.

15 MR. FUHRMANN: There is the list, madam
16 chair, if you want to get calling up folks from the
17 list.

18 MS. HAIGH: First is Vaughn Larry.

19 MR. LARRY: Good morning, everybody.
20 Welcome to ward one, to our -- we've been involved
21 -- I'm from Aurora St. Anthony Corporation and I
22 represent the folks back there --

23 (Court reporter interruption.)

24 MR. LARRY: Sorry about that. I
25 represent -- I'm from Aurora St. Anthony

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1 Neighborhood Development Corporation which is at 774
2 University Avenue. We've watched this project with
3 anticipation, myself, I've been working on this
4 since 205. So that being said, we've seen a lot of
5 stuff happening down at this end. We saw a lot of
6 businesses that really were trying to hang on at the
7 time, they couldn't. We have fought for this day.
8 There were some reports that weren't done right.
9 We're still here, but we would like to get equity
10 for our people down in this area. That report that
11 had to be redone shouldn't had to be redone.

12 So that being said, welcome. Please
13 listen to what we have to say down here. The
14 businesses down here are really struggling. There
15 was a combination, I guess it would be a perfect
16 storm, along a construction period plus a media that
17 didn't understand that we did need people to come
18 down here and visit our businesses. So bringing
19 those people back to this area is going to be a hard
20 thing to do. So that's what we want, is we want
21 people to come back and to visit our area, spend
22 their dollars here and make sure that we're
23 surviving down through here.

24 Thank you.

25 MS. HAIGH: Thank you. Mark, thank

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1 you. Next up a Mike Zipco.

2 MR. ZIPCO: Good morning. My name is

3 Mike Zipco and I am the floor chairman Midway

4 Chamber of Commerce, and I thank you for the

5 opportunity to allow us to come here and share some

6 of our thoughts. The Midway Chamber is strongly

7 involved with advocating and trying to support the

8 business interest along the central corridor and we

9 will continue to do so. We urge you to continue the

10 work to better understand and fully understand the

11 impact this project has had on businesses to try to

12 find more objective ways to make the impact so it

13 helps people understand both what happened and a

14 little bit more about why and maybe to be able to

15 predict this in the future. We think it's important

16 to do as you move forward take practical steps when

17 you're looking at ways to support businesses that

18 have meaningful impacts and understand that you

19 don't have enough resources to solve every problem,

20 make it most significant and most practical

21 investments. We think the focus needs to be on, to

22 continue to be on business mitigation and business

23 support long after the train is running in 2014.

24 One of the things we have found is that even after

25 construction had been finished on the western part

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1 of University Avenue that traffic had not come back.
2 People had received that the entire avenue and the
3 entire area was a non-accessible place. I think the
4 message needed to be -- the focus needs to continue
5 until the trains are running even long after that.
6 We also hope that the lessons that have been learned
7 from the business impacts and some of the successful
8 lessons, successful mitigation efforts can be
9 documented, shared and be used to shape future
10 projects to make what happens in this metro area
11 better going forward. The business community
12 understands transit investments need to continue in
13 the marketplace. We're hoping that this -- the
14 painful lessons that have been learned here can help
15 inform other projects and make us a smarter region
16 as we do move forward.

17 The Midway Chamber wants to continue to
18 be a resource, an advocate for the business
19 community and willing to engage with the Met Council
20 and other advocates here continuing to go forward.
21 It's been our history, it's our legacy and we're
22 going to continue to do this long after the train is
23 running and we want to continue to be an advocate
24 for both the businesses and the impact the transit
25 has had. We also like to applaud and congratulate

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1 the effort that the Met Council has undertaken with
2 Mod & Company for the recent marketing materials.
3 The books and some of the other ways to help brand
4 and help people identify different parts of the
5 avenue we think are great, we think they are easy
6 for people outside the area to understand. We think
7 it's very -- probably one of the most dramatic
8 marketing efforts we've seen in a long time.
9 They're doing what we kind of shared, and we
10 encourage you to continue activities like that. And
11 we just, you know, hope that this process, as
12 painful as it's been, like you said, create lessons
13 and good steps to be taken going forward because we
14 strongly support the central corridor, but also are
15 very concerned about the impact it's had on our
16 members and everything with what we've had to do
17 with Lunch on the Avenue to other things that we're
18 trying to do. Our efforts are going to continue and
19 we just want to continue to advocate on behalf of
20 the businesses along the corridor.

21 Thank you.

22 MS. HAIGH: Thank you very much. Next
23 up is Jack McCann.

24 MR. MCCANN: Good morning. My name is
25 Jack McCann. I am the president of the University

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1 Avenue Business Association representing
2 approximately 240 members up and down the University
3 Avenue corridor.

4 The comments I'm going to make are
5 based on the report itself, starting with in the
6 report I am disagreeing with the portion on the
7 alternatives covered more than once, stating the
8 different alternatives that were looked at and
9 deciding finally on one called the preferred method.
10 It refers to 2009 record of decision and 2010 and
11 then 2011 finding of no significant impact study.
12 Those reports I believe came after the preferred
13 method was already chosen, so the latter two have
14 already been determined as bogus reports, they
15 really didn't address things in the manner, and that
16 is probably why we are back here again today.

17 The real experts on the avenue, the
18 business owners made it clear time and time again
19 there would be a lot of damage. It started in '06,
20 I've been the president since 2009, I've heard at
21 least a thousand stories on this. Had a proper
22 evaluation been done, the preferred method would not
23 probably have been approved by the FTA for the
24 matching funds of \$450 million due to failing cost
25 affecting the index. Even did not include three

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1 extra stations which were added later. There is a
2 huge amount of funding that was left out of the
3 funding request by not admitting the damage was
4 significant. The preferred method is believed that
5 simply what the Met Council desired and wanted to
6 fit the scheme of the transit in the area, and it
7 appears that the studies were massaged to support
8 that.

9 Next, studies do not go on to state any
10 real amount of damage in dollars. Real dollar
11 amounts would have had to been included in the
12 request for funding in the form of mediation or
13 mitigation. Left out of the picture is the damage
14 to the residents and the home values. There is a
15 direct relationship between small business and the
16 nearby residents. Left out is the economic downturn
17 from the planning stage prior to construction.
18 Businesses were leaving and there was no proper
19 study leading up to the construction. Businesses
20 got out of the way of the train. Had -- it had an
21 effect on the vacancy that we are currently
22 reporting is 25 percent, or thereabouts. It also
23 has a very big direct impact on the comment in the
24 report saying that a net loss of three businesses
25 over the course of construction. It's kind of a

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1 joke. You don't end up with 25 percent vacancy by
2 losing three businesses. The typical corridor
3 similar to this all throughout this country rates
4 about 9 percent vacancy. So it was not properly
5 examined.

6 Left out of the report is also rental
7 property. Happens to be my business. My business
8 is rental offices and warehouses. There was -- we
9 saw an enormous downturn. Some of it I will admit
10 was due to the general economic situation in the
11 city, but personally during the two years of
12 construction and leading up to it I was told
13 numerous times by realtors and possible tenants that
14 they just simply don't want to be down here during
15 the construction phases or until things are up and
16 running, which is still 2014, so another year plus
17 away. Based on that, the dollar amounts I've seen
18 in my business, 2 to \$3 per foot rent, I've got
19 about 200,000 square feet in the area down there,
20 the simple math is 400 to \$600,000 annually. That
21 is a very slow recovery when you have a 25 percent
22 vacancy rate. The economics of it is people can
23 rent cheaper elsewhere when there is vacant
24 properties, so the recovery of the per square foot
25 was very slow to come around.

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1 And third, in the future business
2 section in the report it's kind of funny, the
3 project did not listen to the so-called experts, the
4 businesses up and down the avenue for years leading
5 up to the project, but now the businesses say they
6 expect an increase and to see an up-kick and it's
7 reported happily. This avenue is at its worst
8 financially, where else are we supposed to go but
9 up. It's kind of obvious. This project from
10 planning to design to funding to construction can be
11 summed up as dishonest and pathetic. We shouldn't
12 have been here in the first place. An honest
13 organization, which is not the Met Council, would
14 have openly evaluated the real effects of
15 shoehorning a project this size onto this avenue.

16 Those are my comments. Thank you.

17 MS. HAIGH: Thank you. Next up is
18 Brenda, is it Teion, from United Medical.

19 MS. TEION: Thank you.

20 United Medical is at University and
21 Western. We are an MRI center which the report
22 reflects that medical companies did not lose any
23 income. We lost over 30 percent of our income
24 during the construction. We had to accommodate with
25 long hours, overtime, dealing with some of the

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1 things that were happening with the equipment out on
2 the streets including early morning, late nights and
3 Saturdays and Sundays to accommodate, we didn't know
4 when it was happening. We additionally had to do
5 extra repairs on our equipment which the total of
6 that was roughly 20,000 to \$30,000. Our patients
7 had a hard time getting around to find their
8 locations because the streets were closed, but that
9 was with everybody's case, so that wasn't strictly
10 to us. And I know the patients are still continuing
11 to complain about parking. I mean, I know there is
12 some on University, but it's still limited.

13 So thank you for your time.

14 MS. HAIGH: Thank you. Next up is from
15 Mai Spine Center, and is it Davis.

16 MR. DAVIS: Good morning. My name is
17 Davis. I represent Mai Spine Center, and I just
18 have a few thoughts here.

19 Over our revenue, we lost about
20 30 percent, about 30 to 60,000, and we have lots of
21 trouble of our patient finding parking space due to
22 constructions. Due to constructions patient don't
23 want to come to treatment to our clinic because it's
24 a big hassle, and I just want to share this with
25 you.

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1 MS. HAIGH: Thank you. Next up is
2 looks like Troy DeCorsey.

3 MR. DECORSEY: Good morning. My name
4 is Troy DeCorsey. I own The Love Doctor in St.
5 Paul, Minnesota here on University and Snelling.

6 Regarding the loss of business, we
7 definitely have felt it by about 40 percent per
8 month just in lost revenue. The thing I do not see
9 in this, and this is one of my biggest things is
10 that we do not see the Midway Coalition helping any
11 of the small businesses here, especially what I'm
12 going through right now with signage. We wanted to
13 have a new sign put up so that traffic could see us
14 coming back and forth and see our name. We were
15 actually going with a smaller sign than what we had.
16 We were approved by the zoning department, had to
17 wait the ten days for appeal, and of course, the ten
18 days were up and someone appealed it, which was
19 Midway Coalition, Russ Stark. These are two people
20 that, you know, well, the group and then Russ Stark,
21 these are people that we count on, you know, to help
22 us out during this process to get our business to
23 survive during this construction, and they are
24 arguing the fact that I'm asking for a smaller sign
25 and more visibility. And I think it's wrong, but we

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1 have lost a lot of money due to no parking. We do
2 have a lot that's in the back of our building that
3 the City is trying to work on but has -- you know,
4 this was supposed to be done a long time ago.

5 I guess the facts are is that we don't
6 as business owners, are not getting the help that we
7 deserve. Regardless whether you like us or not,
8 whether what it is, everybody is feeling this and we
9 are -- you know, we need help. And there is money
10 left over for this parking deal that's, there is a
11 lot of money left over that is not being used for
12 the parking for our businesses. That seems to be
13 going away. But according to our contracts that we
14 have with you guys, the amount of \$20,000 that we
15 got in that shows an amount for parking. If you're
16 not going to use that, then give it to the
17 businesses that could use this money to stay alive.

18 And that's all I have to say.

19 MS. HAIGH: Thank you. Next up is Clay
20 Lambert.

21 MR. LAMBERT: Madam chair, council
22 members, directors, I own Metro Petro. It's on 2700
23 University Avenue Southeast over in Prospect Park.
24 I own a gas station. It seems to be in conflict
25 with the light rail, but I actually testified a few

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1 years ago that I would like it because I -- there is
2 no way I'm ever going to be able to pay affordable
3 living wage as for a cashier for a college kid.
4 That's not my job. We give them a job, this is my
5 work, I show up to work everyday, but they're still
6 broke, and they still need a ride to work, and
7 that's what the light rail will do for me is bring
8 employees, bring customers and all that stuff, so it
9 still works for me.

10 I have -- I named a portion of the
11 light rail system, it's called -- I call it the
12 patch. It's between Prospect Park and the stadium.
13 We're in the patch. And what happened was the first
14 year, no impact, I was really surprised, we had a
15 great year. So bank said fine, hey, no problem.
16 The second year it was bad. We went right off the
17 cliff. Went straight down. That was University.
18 And then I think around July Huron and University
19 and Washington looked like a bomb went off and it
20 went even deeper. I applied for the loan and was
21 denied. Everything was given -- or I achieved all
22 my eligibility requirements except for the
23 \$2 million gross sales limit because I sell gas.
24 Cost of goods on gas is super high and so it's --
25 I'm of course, I'm going to go way over on that.

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1 What I would like to do and what I've kind of found
2 out, there is really no formal appeal process other
3 than just coming here or writing a letter back to
4 the I think it's St. Paul Housing Authority, that's
5 where we're at right now, but one thing I would like
6 to consider is if you stretch all those businesses
7 out, which you guys are very familiar with who is
8 who by now, we believe that of the folks that are
9 above a \$2 million range along the whole section,
10 I'm pretty sure I'm in the 10 percent or maybe even
11 5 percent of that range, then of those, more people
12 fall out of there like Holiday gas station, Target,
13 because they own multiple locations, so when you
14 really federate that down I'd say I'm in the 1
15 percent or less than 1 percent, and then from there
16 I would just like a hearing or an opportunity to
17 appeal it because Prospect Park has really, has a
18 large portion of the funding left, and the 20,000,
19 although it's a nice -- I would accept it gladly.
20 So something to consider in this piece of hearing
21 here. Sorry. Little self serving, but maybe there
22 is someone else out there that might be heard.

23 Thank you very much. Thanks for the
24 opportunity.

25 MS. HAIGH: Thank you. There is no one

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1 else on my list, but perhaps some are signed up.

2 Next is Mike Latuff, and then Pete
3 Latuff.

4 MR. MIKE LATUFF: Good morning. I'm
5 Mike Latuff. I own --

6 (Court reporter interruption.)

7 MR. MIKE LATUFF: Sorry. Mike Latuff
8 from --

9 (Court reporter interruption.)

10 MR. MIKE LATUFF: -- Latuff Brothers.

11 And I'm actually going to speak on business
12 partners. I'm going to speak on our laws of our
13 tenant that we have. We used to have Enterprise
14 Rent-A-Car with us for about 18 years, and they're
15 really good tenant of ours, they're a compliment to
16 our business, and they wanted to stay and they
17 offered us a 15-year extension lease at about \$5,000
18 a month, and we had to turn them down because we
19 didn't have parking for them because we lost all our
20 street parking. And we even tried to buy some lots,
21 and lots were so expensive to buy it wasn't
22 feasible. But anyway, it was a huge loss to us for
23 our business and also for having a tenant. Now we
24 have an empty building. And this is all because of
25 parking. Thanks.

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1 MS. HAIGH: Thank you. Peter Latuff.
2 MR. PETER LATUFF: I'm Pete Latuff,
3 president of Latuff Brothers Auto Body. I just want
4 to talk specifically about the effects that light
5 rail construction has had on our business. Our
6 customer count in 2011 for estimates was 2,679
7 people showed up at our door for estimates, and
8 these numbers are from March until November in both
9 circumstances, 2011, 2012. In 2012 we had 2,200
10 people show up. That's a 17.6 percent drop in
11 traffic to our door. If you look at it from the job
12 count standpoint, how many people came to our door
13 and we wrote estimates for but weren't willing to
14 come back because of the problems with the traffic
15 and everything else we had job count wise was 2,272
16 down to 1,748. That's a 23.6 percent drop. 524
17 customers that we lost. Probably went somewhere
18 else had their cars fixed, never get them back.
19 Without getting into, you know, numbers and
20 everything, sales were down 18.3 percent, profit was
21 down 52 percent. That's a huge drop not only for
22 the business, but for our employees. They lost
23 hours, they lost income. You know, it's not just a
24 business thing, it's the employees count too. So
25 that's just what I want to make everybody aware of.

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1 And there should have been some kind of mitigation
2 coming back to help the businesses and help the
3 employees.

4 Thank you.

5 MS. HAIGH: Thank you. I don't have
6 anyone else signed up on my list. If there is
7 anyone else who would like to speak, just please
8 come forward and give your name.

9 MR. NGUYEN: Good morning. My name is
10 Winston Nguyen. I'm the owner of 854 and 850
11 University Avenue, St. Paul, and I've been doing New
12 Republic for 22 years, and I run the restaurant
13 across street from there.

14 Since the light rail construction my
15 business way down, maybe 60 percent. I'm not again
16 for light rail, but I give a lot of suggestions
17 about how light rail construction and how it run and
18 the business on University Avenue still live, alive,
19 and we are very struggle with no parking. We used
20 to have a whole front parking, but now we have none.
21 And the next door of our hall was for sale and I
22 tried to pay, to buy it, and I pay application fee
23 and everything and I've been taking care of that,
24 probably have been abandoned, vacant for at least
25 six, seven years. But the City of St. Paul, I heard

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1 it, City of St. Paul bought it, and I'm really very
2 upset about why I'm not the one, the first have
3 priority to buy that property. Why St. Paul buy the
4 little spot next to my door. And I talk to the City
5 of St. Paul many times, I talk to Henry Gloveman
6 (phonetic), and city attorney and my lawyer at the
7 City of St. Paul too, but nothing work. And I don't
8 want my business die. I want to keep it. So I keep
9 idea that many street and city, they two lane like
10 we have here, east two and west two, so we can give
11 business parking for at least maybe from 9 to 5 they
12 can park and one lane is traffic moving, and then
13 faster on the right and will let the business
14 parking, or you know, that will help a lot of the
15 business. And I don't know who have auto life, or
16 the probably A-46 and A-48 that I have been make
17 purchase agreement with realtor from many year, and
18 I did several times but they told me the City want
19 that property. And I want you have authority to
20 intervene with the City so I can buy that property,
21 I can deal with that. At least a half back up there
22 parking on my rear because I have two lot is now,
23 I'm going to make a parking lot that the City also
24 help to build parking lot. And so I want to have
25 the answer today that who know why the City want to

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1 buy the property right next door, what the benefit.
2 They can buy many, many properties here like
3 Chevrolet, Mazda, many big properties they can, you
4 know, use for City purpose, but the little tiny
5 40 feet why, why they try, you know, they fight with
6 me to buy that, or to keep that property.

7 MS. HAIGH: Sorry, I can't answer that
8 question for you, but thank you for coming and
9 sharing that information with us. Thank you for
10 testifying.

11 MR. NGUYEN: Happy new year.

12 MS. HAIGH: Thank you.

13 Is there anyone else who wanted to
14 speak this morning at the public hearing? Anyone
15 else who would like to speak this morning.

16 Hearing no one else who has either
17 signed up in writing or has spoken this morning,
18 we're going to close the hearing for this morning.
19 There will be a hearing again this evening at
20 6 p.m., and thank you very much for your comments.
21 Thank you for your patience during construction.
22 And we will take this into consideration as we
23 review this material. So thank you very much.

24 (Whereupon, the hearing was concluded
25 at 8:43 a.m.)

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CERTIFICATE

I, Sara Jane Wyckoff, do hereby certify that the foregoing 27 pages of typewritten matter contain a true transcription, to the best of my ability, of the aforementioned matter heard on January 10, 2013.

Sara Jane Wyckoff, Court Reporter, Notary Public

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CENTRAL CORRIDOR LIGHT RAIL TRANSIT
SUPPLEMENTAL EIS
PUBLIC HEARING
JANUARY 10, 2013

PUBLIC HEARING

The following is the public hearing, taken before Sara Jane Wyckoff, Court Reporter, Notary Public, at 553 North Fairview Avenue, St. Paul, Minnesota, commencing at approximately 6:02 p.m., January 10, 2013.

**Central Corridor Light Rail Transit Supplemental EIS Public Hearing
January 10, 2013**

1 APPEARANCES:

2 Susan Haigh

Rich Rovang

3 Kathryn O'Brien

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1 I think most everyone here knows we're
2 talking about the central corridor light rail
3 project green line. Here is the map that everyone,
4 I believe, is familiar with showing the stations.

5 Here's a little bit of background on
6 the corridor construction project and schedule. We
7 are now 87 percent done with the construction on the
8 project. We will begin more systems work this next
9 year, or this year.

10 (Whereupon, microphone being fixed.)

11 MS. HAIGH: How is that? We are in the
12 process of, we began some systems work. We'll do a
13 lot more of that this year in 2013, and we'll begin
14 testing in 2013 of light rail vehicles. You'll see
15 those out on the corridor sometime later this year,
16 and then next year in 2014 the line will open to the
17 public for revenue service.

18 That sounds much better.

19 So these are the ground rules for
20 tonight. If you haven't yet registered to speak,
21 please do that. There is a signup table right over
22 there. When your name is called, please just state
23 your name, your address. If you are representing a
24 business or a particular organization, please tell
25 us that as well. If you're just here as an

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1 individual, we would like you to keep your comments
2 to three minutes. If you're representing an
3 organization or an association of individuals we
4 will allow five minutes for those individuals. And
5 we would like you to focus really your comments on
6 the CCLRT Supplemental DIS content. And if you
7 don't want to speak tonight you can drop your
8 comments in writing. We have a place to leave
9 those, or you can email those comments to us at the
10 Met Council, and here the information. We need to
11 get these comments by January 30th to be included in
12 the environmental process for our federal funding
13 partners.

14 So that's the ground rules. And with
15 that, we will begin the conversation tonight.
16 Because this is a public hearing, we're listening,
17 I'm listening to you, I'm not going to comment back
18 or provide any responses to you, but I do want to
19 thank you very much for coming, for taking the time
20 to provide comments to us.

21 So the first person who is signed up to
22 speak is Larry Peterson. Larry.

23 MR. PETERSON: Good evening. I'm Larry
24 Peterson. I'm appearing on behalf of the University
25 Avenue Betterment Association. I've had my business

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1 on University Avenue since 1986. I will address
2 specifically the EIS both in terms of what it did
3 not evaluate as well as what it did evaluate.

4 It's pretty obvious why we're here.
5 The Court specifically stated that the EA,
6 Environmental Assessment, that was done last year
7 was not adequate and the original EIS done in 2009
8 did not adequately evaluate the adverse impact on
9 business revenues caused by construction.

10 Our organization has been very active,
11 as you know, in the last two, three years. We've
12 submitted a lot of information. I do want to just
13 put on the record that we submitted as part of this
14 deliberation our public comment that was delivered
15 last year as part of the EA process. Under Appendix
16 B of the current EIS it refers to only Volume I of
17 the EA, and it's Volumes II and III that contain our
18 comments that were presented a year ago. I
19 delivered this same document to Ms. O'Brien in
20 August of 2012. So I request that the entire
21 Volumes I, II and III of the EA that was done last
22 year be a part of this record.

23 I would like to just state very
24 succinctly that the EIS did not address the
25 following topics. It does not indicate what efforts

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1 were done to allow relocation funding for businesses
2 who have been displaced by this project, failure to
3 evaluate the use of relocation funding we contend is
4 a -- indicates that the EIS then is totally
5 inadequate. The Metropolitan Council and the FTA
6 did not actually do their own studies, and
7 therefore, it is our position that we have no
8 baseline study of vacancies, we have no baseline
9 study of sales tax collections, we have no baseline
10 studies of business revenues which could easily have
11 been obtained and promulgated as part of the 2009
12 EIS. So by virtue of that, all the data that other
13 organizations have generated have nothing to compare
14 it to. And in fact, the study by the Humphrey
15 Institute is only 2010, 2009 information as relates
16 to the metropolitan community as a large. So there
17 is no even comparison of apples to apples in that
18 study regarding the corridor businesses compared to
19 the greater metropolitan area. There is no follow
20 up on all the businesses that have left the avenue.
21 I think there is approximately 70 that have left the
22 avenue. The vacancy studies showed that some
23 businesses have left. Seems to me that a thorough
24 EIS would have pursued why those businesses left.
25 And there was no evaluation on the loss of the

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1 number of employees as result of the loss of
2 business revenue on the avenue. There is no
3 evaluation on the loss of wages, no evaluation on
4 loss of sales tax, or no evaluation on the loss of
5 the actual employers themselves. There is no
6 comparison done between the central corridor for
7 2011 and 2012 comparing it to the greater
8 metropolitan area in all the categories I've
9 indicated. There is no evaluation of the
10 environmental justice issues. And one facet of
11 environmental justice is the impact on environmental
12 justice communities. In that regard, there has been
13 no study on the adverse impact on minority
14 businesses or low income businesses or low income
15 people who own businesses.

16 I want to spend just a couple minutes
17 on addressing the studies themselves. As indicated
18 in Appendix G, 2009 study actually found that
19 60 percent of the central corridor businesses were
20 very concerned about the impact this project would
21 have on their business. So even in 2009 that data
22 was available and could easily have been followed up
23 then with those same businesses who were surveyed at
24 that time to determine what the impact has been
25 since construction started. Appendix H is an

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1 anecdotal study that our organization did, and EIS
2 disregarded it saying that it is not qualitative or
3 competent. Well, when you read the in-depth
4 evaluation of the four businesses in that study with
5 the numerous sworn testimony of the businesses that
6 were submitted a year ago that are in this document,
7 there is more than adequate evidence that there
8 clearly has been an adverse impact on businesses.

9 Appendix 1, or excuse me, I, which is
10 the Wilder Foundation study, mitigating business
11 losses, that study did not evaluate the adverse
12 impact of businesses. So it really is irrelevant.
13 All that was intended to do was evaluate services
14 that may have been provided to mitigate losses. So
15 I don't think that has any probative value in this
16 case.

17 EIS spends pages and pages on
18 discussing things that the judge never asked for,
19 and the end result is EIS then puts a positive spin
20 on all this data to say that in the future
21 businesses will benefit. We look at the executive
22 summary, page 3, it goes through five different
23 analysis that have absolutely nothing to do with the
24 adverse impact on businesses. So to spend all this
25 time and money evaluating whether an alternative

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1 form of transportation does or does not benefit the
2 central corridor is not only not what the judge
3 ordered, but is irrelevant. The question is, what
4 has been the impact on businesses today as a result
5 of the construction, not what alternative
6 transportation modes may have had.

7 And then when you look at the analysis
8 on ES 5 and 6, all these categories are evaluated,
9 and the only one in which they found a negative
10 impact was business revenues, and yet it is
11 relegated to a mere discussion of one out of six
12 categories, and yet the judge ordered that that be
13 the only category that should be evaluated is the
14 impact on business revenues, not all these other
15 categories that are totally irrelevant to what the
16 EIS was intended to address.

17 MS. HAIGH: Larry, you have one more
18 minute.

19 MR. PETERSON: Okay. Thank you.

20 There is no question that this EIS
21 study could be about five pages long. It concluded
22 that there was a 25 to 30 percent impact on business
23 revenues, the study could have stopped at that point
24 and that would have been a clear reflexion of what
25 the judge was looking for. The study supports that

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1 that is indeed the impact. In part, that's what
2 they rely upon, the grant or the loan program which
3 only one-third of all the businesses ever received
4 enough money to cover their losses, and two-thirds
5 had losses in excess of the loan program, or the
6 loan amount. So the conclusion that there has been
7 a 25 to 30 percent impact on business revenues due
8 to construction, my opinion is what this study ought
9 to say, and then we should talk about what are the
10 options available to businesses. To spend all these
11 pages talking about mitigation services that may or
12 may not have addressed all other types of issues
13 just is not what the judge ordered, that's not what
14 we're here to talk about. We're here to talk about
15 how do you protect businesses, how do you assist
16 businesses. And to say that there has been no
17 adverse impact on businesses but then to turn around
18 and spend pages talking about the \$15 million that
19 has been thrown at this project that is being called
20 mitigation I think is an insult to businesses.

21 Thank you very much.

22 MS. HAIGH: Thank you. The next
23 speaker is Ryan Wilson.

24 MR. WILSON: Hello. My name is Ryan
25 Wilson. I own the UPS store on University and

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1 Hamline. I'm speaking on behalf of my store and the
2 UPS store network as a whole nationwide.

3 I've had that store for 13 years. I'm
4 on the corner of University and Hamline. As some of
5 you know, that was the most highly impacted area of
6 this project. We were sold this project back in
7 2008, 9 and 10 as being something that was going to
8 be a little bit impactful, but something that should
9 be sustainable. I mean, at 2.5 percent, as a
10 business owner, I can plan ahead for 2.5 percent,
11 and we did. Unfortunately, we took over an 8
12 percent loss. With that being said, in 2012 we took
13 another 5 percent loss. That's compounding losses
14 now. I didn't see anything in the Environmental
15 Impact Study on compounding losses, nor did I see
16 anything in the Environmental Impact Study comparing
17 us to having two complete years of impact. We've
18 had two complete full years of impact. They
19 actually in 2012 closed our intersection for 42
20 consecutive days, 21 days on the north, 21 days on
21 the south. We found this out three days before that
22 took place. The information for 2012 was absolutely
23 horrible. The business -- I had no option of
24 planning. You can talk to any business owner around
25 the country and ask them what they thought of my

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1 business plan for 2012, and then to find out just
2 before that my plan was shot because we're going to
3 have two full years of construction impact.

4 One of the reasons we had an impact was
5 track storage. For some reason, somewhere along the
6 project we were promised that that wouldn't happen.
7 Ended up storing a thousand forty feet of track in
8 front of our store for two years. It was impossible
9 for them to finish that project in 2011 with that
10 track stored there, but throughout the whole process
11 they told us no, you'll be impacted for 150 days.
12 Well, we exceeded that 150 days. When asked what
13 the punitive damage was for exceeding the 150 days,
14 we come to find out there wasn't. So that was
15 thrown out there as a sales tool to say you know
16 what, we won't impact your businesses that long,
17 we'll get in and out there. My situation it was
18 almost 300 days of impact. I thank my grandfather
19 for teaching me financial values because we're still
20 here and able to survive it because of that,
21 unfortunately not the help from the Metropolitan
22 Council nor the City of St. Paul. The fund, the
23 \$4 million, as Larry stated, only about \$2 million
24 of that has been used so far. Okay. That money is
25 sitting there. 2.5 million of that came from the

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1 Metropolitan Council, 500,000 came from light rail
2 collective, the fund, and million dollars from the
3 City of St. Paul. The businesses need that money
4 now. It shouldn't have been thought about at the
5 end of the year and maybe we should see what we're
6 going to do with it. There should have been a plan
7 in place for that money because the businesses do
8 need that money now. If you can help in that
9 capacity, please do.

10 UPS has been really diligent on
11 comparing my numbers in comparison to what the other
12 stores have done in the Twin Cities. Our network
13 nationwide has had an 8 percent growth in 2011, and
14 the state of Minnesota also had a comparative 8
15 percent growth. I've taken an 8 percent loss in
16 that time with a collective 16 percent swing. I've
17 already turned in my numbers to the project, so you
18 guys do have those, so you can see the actual dollar
19 amounts, but when we're talking 16 percent versus
20 2.5, business planners across the country would
21 cringe. Okay. You folks are very talented, very
22 intelligent folks. You have the ability to make
23 studies like this and do it right. How you picked
24 Yellowstone National Park to compare what University
25 Avenue is is beyond me. I apologize, Kathryn, I

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1 don't know if you're the one that was in charge of
2 doing that, but the four studies that were used
3 don't even come close to what University Avenue was.
4 Okay. And why they didn't use Seattle as a model is
5 beyond me. In Seattle, again, upwards to \$150,000
6 per business to help them survive this project. The
7 Metropolitan Council and the City of St. Paul gave
8 us \$20,000. Just a point of fact on that, over the
9 next four years of this project I'm going to pay
10 \$24,000 in just property taxes alone, so that
11 \$20,000 really doesn't help.

12 MS. HAIGH: You have one more minute.

13 MR. WILSON: Outstanding.

14 With that, for an environmental impact
15 we're now going to be assessed \$54 per lineal foot,
16 each business along University Avenue. That's
17 probably an impact that wasn't well known, but a lot
18 of businesses are now just finding this out for this
19 first time, and that's another big insult. When the
20 Metropolitan Council takes out a curb it's their
21 responsibility to replace it, same as a light pole,
22 same as a tree. Unfortunately, now we're getting
23 \$54 per linear foot in assessments because of this
24 project.

25 Impact to the community and why the

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1 businesses are going slow, you only have to go as
2 far as looking at 17.7 percent unemployment rate for
3 blacks in the Twin Cities. That's the highest in
4 this country right now, and I can't make this up.
5 Okay. We have 3,000 plus shovel ready jobs on this
6 project, and for us to have the highest unemployment
7 for blacks in the United States right now is
8 insulting. It's at 17.7 percent, and I can't make
9 that up. If this is a model of what light rail is
10 is supposed to look like in the future I'm fearful.
11 Right now where I stand I will tell our other stores
12 if they see a light rail coming towards them, get
13 out of town. Okay. This project wasn't done well.
14 It might be a model for fixing things in the future,
15 but for right now you have a broken system on
16 University Avenue.

17 Thank you.

18 MS. HAIGH: Thank you very much. The
19 next speaker is Tim Holden.

20 MR. HOLDEN: Good evening. Just wanted
21 to come in this evening. I came this morning. I
22 wasn't able to speak. I came at 8:15 and they had
23 adjourned the meeting at 8:15.

24 It seems like we've lost a lot of maybe
25 people that had been involved in coming in and

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1 talking due to the fact that they're out of
2 business. We've lost over 70 businesses, and
3 probably even more than that that people don't know,
4 that haven't responded to the questionnaires, but
5 we've got articles in the paper that are pretty
6 substantial, and when we take a look at things like
7 this, this is very, very to the point, how can this
8 happen. The wonderful mayor of St. Paul, Chris
9 Coleman, said that not one business would fail as a
10 result of the light rail. I can't attribute every
11 one of these businesses failing to the light rail
12 because times are tough, but I'm going to tell you
13 not -- it's not -- difficult times haven't caused
14 all 70 of these to go out of business. The mayor
15 should be here, I don't see him here, it's
16 unfortunate. I've called him. I've asked numerous
17 times for responses on loans, we requested loans,
18 funding. We were given funding on one of our
19 businesses. I own two businesses. I've been on the
20 avenue for 15 years. I've got a tenant, we've
21 lowered the rents tremendously on our tenant. It's
22 just been terrible. I can't explain it any
23 differently. This has been one of the worst
24 experiences I've had. And as a small business owner
25 you would think that the elected officials in the

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1 city would really be standing behind us. Well,
2 they're not. They're more interested in baseball
3 stadiums. \$55 million baseball stadiums. It's sad.
4 Priorities. We really need to address our
5 priorities. I put together a little packet of
6 information. I was involved in this back in March
7 of 2011. That was Part I. I put together Part II.
8 We put a little note in here, my lost revenues are
9 in excess of \$400,000, my lost revenues, in excess
10 of \$400,000. I've got my taxes done. I can show
11 them to you. I can verify those documents. The
12 project was under planned as far as I'm concerned.
13 You didn't consider the small businesses, not at
14 all. You didn't care. Maybe that was the plan, we
15 get rid of these small businesses and we put in some
16 new stuff, we bring in the big boxes, the people
17 with the deep pockets. Maybe that was the plan. I
18 don't know.

19 MR. NGUYEN: Yeah.

20 MR. HOLDEN: I just hope that at some
21 point, you know, when we do find some officials and,
22 you know, they'll come and talk, they'll take a look
23 at this, and I hope that Judge Donovan Frank
24 actually will review some of the documentation that
25 Larry Peterson has put together, that Ryan has put

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1 together, some of my facts, and just look at the
2 facts. 70 businesses closed. This is not
3 insignificant. This is extremely, extremely
4 significant. For anybody to look at themselves in
5 the mirror and say that this is insignificant, they
6 should be appalled and ashamed of themselves.

7 Thank you for your time, and hopefully
8 this gets done sooner than later.

9 MS. HAIGH: Thank you very much. The
10 next speaker is I believe Carlson; is that correct?

11 MR. CARLSON: Sorry. The space was
12 very small. Hello.

13 MS. HAIGH: Hello.

14 MR. CARLSON: I'm Steve Carlson. I've
15 worked in this area as the managing editor of the
16 Asian American Press Nation Business And Community
17 News, and as a consultant helping to develop refugee
18 and independent owned businesses on University
19 Avenue.

20 We have worked with DFL mayors,
21 governors, federal SPA officials, set out to make
22 University Avenue the great resource it had become
23 before this destructive project began. We have
24 worked with the minority media coalition
25 representing Asian Americans, Hispanics, American

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1 Indians and African Americans. We built this.

2 My views on the central corridor are
3 well known since I have run for the congress in the
4 Fourth Congressional District in both 2010 and 2012
5 and made a big deal of this. In 2012 I attended
6 allow family forum in which I spoke to the needs of
7 mitigating damages, and Sandy Pappas admitted that
8 mistakes were made because this was the biggest
9 transportation project they've ever done and they
10 could not get their mind around it. She suggested
11 soliciting ideas to pay off those who are
12 immediately damaged, but these are long term and
13 widespread damages that we need to mitigate.

14 Now, I have a positive plan. I want
15 the City to change the plan. I want the City to get
16 a federal waiver. I call on the mayor, the governor
17 and members of Congress to work to get a plan that
18 benefits and does not destroy St. Paul and its
19 businesses and communities. Well, at the Asian
20 American Press we covered an earlier attempt to
21 build this train up University Avenue and we worked
22 with the Midway Chamber of Commerce to oppose it and
23 stop. With the stimulus bill in 2009 Betty McCollum
24 was able to get stimulus dollars directed to this
25 dangerous, destructive process by saying the union

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1 people project was shovel ready. Supposedly a high
2 speed rail was supposed to come to St. Paul from
3 Milwaukee and Chicago, and that is not happening.

4 The Federal Court should take note that
5 the adverse impact can be mitigated as follows.
6 There are three aspects that should be and can be
7 mitigated and federal waiver granted to accomplish
8 it. First, the community faced the danger of a
9 terribly busy and dangerous street which cannot be
10 crossed safely by children, seniors and the
11 disabled, or basically anybody. In fact, you can
12 get killed. Right now there are chain links all
13 along it and limited places to cross if you are
14 taking a bus to a business on the other side of the
15 street, for instance Walmart. Businesses obviously
16 cannot deal with this and will leave and have left.
17 The cost on the taxpayers and businesses throughout
18 the region are manifest. As an example, when St.
19 Paul put in a bid for the Vikings stadium at Arden
20 Hills, even though the Vikings themselves fought for
21 it, it was impossible because of central corridor.
22 So many fans, Vikings fans live to the south and
23 they could not drive across University Avenue to get
24 to Arden Hills to attend the game. It's obvious
25 that 280 and 35W could not handle all the traffic.

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1 Now, if you go to the 46th Street station and
2 Hiawatha line, try to approach from Ford Parkway you
3 will see the untenable conditions. Now, this will
4 cost Minnesotans millions of dollars in operating
5 cost if you don't mitigate it as I am suggesting.
6 And the reason is from Raymond to Rice is going to
7 be very slow, a lot of traffic, and there is not
8 going to be enough ridership, and we all know that
9 this is an operating cost carried by taxpayer
10 dollars.

11 Now, I have recommended on my web site
12 stevecarlsonforcongress2010.com a solution, that we
13 simply do not operate the trains from about Raymond
14 up to Rice Street. We can make money in St. Paul
15 and Minneapolis and in the University area with the
16 train, but in between Raymond and Rice there will be
17 a drag and a terrible blockage if traffic. We have
18 built it, but we don't have to lose money, destroy
19 businesses and communities to operate it according
20 to the current plans with all these stops along
21 University Avenue. I will submit detailed
22 information on my plans --

23 MS. HAIGH: Mr. Carlson, you have one
24 more minute.

25 MR. CARLSON: Oh, great. That's

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1 perfect. Thank you.

2 I will submit detailed information on
3 my plan to this panel and to the Court, and I hope
4 that not only you and the Federal Court, but leaders
5 in St. Paul and Washington and the Metropolitan
6 Council will adopt this. I rode the 16 to study
7 available parking for park and ride around Rice
8 Street. I understand there is a state leased land
9 for parking, a lot of it. If we build a park and
10 ride there and in lower town, we can build a great
11 downtown with successful retail businesses and
12 entertainment to add to the cultural assets and
13 government operations. We can show America how to
14 build a great modern capital city, and I ask you to
15 join me to do so.

16 MS. HAIGH: Thank you very much.

17 MR. CARLSON: Okay. Thank you.

18 MS. HAIGH: The next speaker is
19 Winston.

20 MS. NGUYEN: Hi. My name Dian Nguyen.
21 I want a parking lot and a --

22 (Court reporter interruption.)

23 MS. NGUYEN: I want a parking lot in
24 the front. I want a parking lot and a little bit
25 University and I want in the front.

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1 MR. NGUYEN: She say that she is --
2 Dian, she live on University Avenue and she did not
3 have access to go to her house, like no parking
4 space, no parking street like used to be. Right.
5 Yeah.

6 And my name Winston Nguyen. I was here
7 this morning too, but I come a little bit, like 10
8 minutes late, like that gentleman, so I'm not -- no
9 from the beginning.

10 I have been in the meeting with the
11 light rail for at least 99 percent of the time that
12 they have organized, and I always give suggestion
13 about give room for us too, room for small business
14 and for a resident. But I see the light rail, they
15 don't have a good technique, they don't build a good
16 roles, they spend too much, they take too much
17 space, and the resident and the business on
18 University Avenue don't know nothing about and don't
19 have anything that they give to us because we used
20 to have the one lane parking on the street parking
21 but now none. And the light rail saved the space
22 for the flower. They should not do that. They
23 should save that place for parking for resident and
24 business. And I wonder what we have idea, a
25 suggestion they should take but, they not never take

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1 our suggestion. Like I told them, they should build
2 one way from Minneapolis to St. Paul and go back
3 different way, like on 7th Street or I94, wherever,
4 so they don't bother us, they don't take space, and
5 future there will be more problem maybe when you
6 have the train running, you will have a lot of
7 problem like traffic jam, traffic accident, you
8 know, a lot of things. Like right now we are in the
9 front of our house, there is snow pile up and they
10 -- you know, light rail should have, you know,
11 responsibility to clear our sidewalk too, but they
12 never did. And I am a U.S. servant for many year in
13 Vietnam and in United States and I work for Hennepin
14 County, Ramsey County public defender, and I support
15 the government for over 30 years, now I'm over 70,
16 they don't give me the room to walk and, you know,
17 like no parking on my sidewalk, and I request before
18 they build, but they ignore, they didn't -- look
19 like they don't hear me.

20 I give you the speech tonight, I hope
21 you will give this to whoever have authority to look
22 through whatever the people need because you are the
23 light rail, just like alien, you not belong here,
24 you not belong University Avenue, but you butt in,
25 then take our everything from us, from parking, from

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1 traffic, and we have a hard time for over year. We
2 see a lot of people almost get accident because they
3 don't know one way, two way, the right, the wrong
4 way. There is no signal. So you have to have the
5 people who have high energy in the thing to look
6 through the road and to see what wrong and what we
7 should do. But I need parking.

8 Thank you.

9 MS. HAIGH: Thank you very much.
10 Appreciate it. The next speaker is Anh Trinh. I
11 may not have said that correctly. A-N-H, T-R-I-U-H.

12 MS. TRINH: T-R-I-N-H.

13 MS. HAIGH: I'm sorry. Please come
14 forward and tell me correctly.

15 MS. TRINH: Name is Anh Trinh, A-N-H,
16 and T-R-I-N-H.

17 MS. HAIGH: Thank you. Sit by the mic.
18 If you could speak into the microphone.

19 MR. NGUYEN: Interpreter, you should
20 do. What you do here? Your job. Go up.

21 MS. TRINH: And I have a beauty shop at
22 the 397 University over 20 years, and like we have
23 the upstairs and we do business downstairs, and
24 enough for eat right now. I think we lost a
25 customer because no parking in front, and in the

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1 back it's just a few parking. And I heard most my
2 customer complain, say hard to come in to your shop
3 because my shop in the middle, not a corner, not
4 this way, not this way, in the middle, and I try
5 first, just I don't think they lose a lot, but right
6 now when they done I know they have except to go
7 eat, that's right, we lose a lot, the customer. And
8 right now my husband cannot work and I, Anh, cannot
9 work too but only my daughter can work, but I don't
10 think she cannot be so wise with no parking, that's
11 right. And at the beginning all the time attend the
12 meeting and I fight with the no parking, fight with
13 the no light rail, but no choice. Yeah. And right
14 now they bottle, the construction, too heavy to dig
15 the ground, and bottle my sewer, my park something,
16 the water, yeah, and when I complain when they come
17 down they deny, they say it's not about
18 construction. I don't know. But it does because
19 all the way the park is straight like that and then
20 connect to the wall, and when the wall sinking and
21 my top and bend. That's right. They spread the
22 water all over my basement. Yeah. And they still
23 deny about it. I think -- yeah. And snow, and when
24 last snow they have a little bit space to put up the
25 snow, but when snow a lot, and I don't know where I

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1 take the snow because I cannot pull the snow on the
2 street, and I cannot pull the snow at the sidewalk,
3 that I'm in the middle. Yeah. I have no choice,
4 and I need help about that.

5 Thank you.

6 MS. HAIGH: Thank you very much. The
7 next speaker is looks like the last name is Pomplin.
8 Pomplin. Sorry. Pomplin. I'm sorry.

9 MS. POMPLIN: My name is JonHee, JonHee
10 Pomplin. I work with the Asian Economic Development
11 Association, and I just wanted to -- I wanted to
12 just give some comments about the SES, IS,
13 obviously, because that's why we're here, but I
14 wanted to start out by talking about the limitations
15 that I found to the study. I felt very strongly
16 that there are many challenges to offer and comments
17 to it because it was challenging to me because there
18 weren't very many solid findings to it to respond
19 to. Some of the notations I found was lack of
20 citations, so where you did offer some evaluative
21 positions on the outcomes of the construction on
22 businesses, there were no citations to understand
23 well, where did you -- where did this finding come
24 from. You felt that the closure of just three
25 businesses net of the avenue was a positive outcome.

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1 Where is the citation for that and then what is the
2 criteria by which you decided it was a positive,
3 because from my perspective a positive would mean
4 that offered a positive outcome and not -- and
5 strengthen the avenue rather than took away from the
6 avenue or remain stagnant. So I would say that that
7 would minimally be a neutral outcome.

8 Additionally, the same with the vacancy
9 rates. You found that to be as a stable rate to be
10 positive. And again, I would say that would be
11 neutral because wasn't necessarily a decrease in
12 vacancy rates.

13 Also, in the -- toward the end of the
14 findings they actually evaluate the various
15 alternatives. You found that the impact on business
16 revenue was actually moderate which is different
17 than what you put earlier in your findings where you
18 said it was a negative impact. So I found that to
19 be inconsistent. And obviously from my perspective,
20 with the average of 25 to 30 percent impact, but
21 that's not moderate at all.

22 Additionally, I felt that there were
23 numerous assumptions being made within the report.
24 Most specifically, the assumption that non-retail
25 businesses had less of an impact. This morning

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1 Chair Haigh heard a health organization state that
2 they lost 30 percent of their income also during the
3 construction, and similarly, a salon and other
4 service type of businesses also were hit hard. And
5 the challenge for them is that people have a lot of
6 selection, so if they find another care provider or
7 a beautician, that they are not likely to come back,
8 or not likely to come back as easily as a restaurant
9 that may have been somebody's favorite to go back
10 to.

11 Also, most of the data reflects the
12 impact on businesses in year one, mostly because
13 year two data wasn't very available, so the Wilder
14 Study that you cite and use is from year one as well
15 as the majority of the small business loans were
16 year one loans, there were some year two loans in
17 there. We didn't feel that there was real use of
18 the qualitative data that Little Ming Hong (sic) or
19 Asian Economic Development Association submitted to
20 influence any of the findings either.

21 We also found that the study did not
22 take into account additional expenses that
23 businesses experienced such as having to pay for
24 signage, advertising or promotional campaigns where
25 they offer discounts, property damage and leasing of

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1 additional parking spaces. And I think also Larry
2 touched on this, but we also found that there is a
3 real lack of attention to the equity in
4 environmental justice piece. I think that that was
5 the foundation upon the lawsuit, of the lawsuit, and
6 there was little critical analysis to take a look at
7 how it effects low income businesses or minority
8 businesses as opposed to other businesses. So --

9 I also -- so I just wanted to also say
10 that surprisingly, I think that the people here
11 tonight are the optimists despite what you hear
12 because we're here because we think we can make a
13 difference. Right. I did a lot of outreach to
14 businesses in our district, our little Ming Hong
15 district to try to get people to come here because
16 we know that their voices weren't necessarily put
17 into the study, and we wanted you to hear them, but
18 most of the businesses didn't see a point to it, you
19 know, and it's not because it's the end of the
20 project. It's partly because it's the end of the
21 project and they didn't see anything else that could
22 happen, but it's also because they have tried to get
23 help throughout the construction period, they've
24 used the hotline, they worked with the options that
25 are out there for property damage issues or to try

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1 to rectify parking issues, and they didn't feel that
2 they got helped throughout the summer, so they don't
3 see how anything else could help them at this point.
4 So, you know, I think it's really sad that often
5 times people come together under hardship and it
6 unites people, but this has really just drastically
7 disenfranchised our community. There is very little
8 faith that the systems that are there to help them
9 are going to help them and be there for them, and so
10 they feel very much on their own. And I think that
11 that --

12 MS. HAIGH: You have one more minute.

13 MS. POMPLIN: Sure.

14 And I think that that is the harshest
15 reality and impact of the construction project for
16 our communities.

17 So thank you.

18 MS. HAIGH: Thank you. The next person
19 who is signed up is Keith Schwiegerl.

20 MR. SCHWEIGERT: Schweigert.

21 MS. HAIGH: Schweigert.

22 MR. SCHWEIGERT: Hi. My name is Keith
23 Schweigert. I own -- I owned 1161 University
24 Avenue, 1169 University Avenue, and then in 2006 I
25 bought the Whitaker Buick used car lot 1205, 1207 I

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1 think, and 1217 are the addresses of it.

2 I've been on the avenue since 1989.

3 I've had a successful car wash there from 1989,

4 Midway Car Wash. In early '90s I bought, or I

5 converted one of the buildings into a used car lot

6 that I operated there from the early '90s, and then

7 in '06 I bought Whitaker's and expanded my

8 automobile business. When the light rail

9 construction started I have, since February when

10 they started digging I have closed my car wash down,

11 I have closed my Whitaker Buick car lot down, and I

12 was forced to sell my original lot that I started to

13 Enterprise Rent-A-Car at a reduced rate, or a

14 reduced value because I had cash flow problems. I

15 have -- I will not be opening up the car wash again

16 because the business is gone there. It won't come

17 back. The way the construction is designed, you

18 can't access the car wash or exit it like you used

19 to be able to. And I was also -- the light rail

20 also came along and took the first 10 feet of the

21 Whitaker Buick lot, which in the car business, your

22 curb appeal is very important, they took that to

23 store construction material and equipment. They

24 said well, you can operate your business behind us.

25 Well, how are you going to sell cars when you can't

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1 see them. So I ended up shutting both of those
2 businesses down. In order to survive I went out and
3 bought another car lot, which I jumped into debt at
4 60 years old for another million 5, which I didn't
5 want to do, but in order to survive and keep going I
6 had to do that. As I said, I had to sell that
7 property to Enterprise at a reduced rate, and my car
8 wash is inoperable. I mean, it's operable, but it's
9 not worth opening because the access is there.
10 Seven years ago I spent 300,000 remodelling that,
11 which is gone, in my opinion. And the Whitaker lot
12 I'm, you know, I've been paying taxes and insurance
13 and all the upkeep on these properties and unable to
14 use them, and I've been there since '89. And it's
15 just ironic to me that they can come in here and do
16 these projects and then take businesses that have
17 been there for many years and just effectively put
18 them out of business.

19 So you know, I kind of have a question:
20 What good is this doing? What are you guys -- what
21 is the intentions here? What's supposed to come out
22 of this?

23 MS. HAIGH: I'm sorry that because this
24 is a public hearing to take public testimony tonight
25 it's really not a dialogue.

**Central Corridor Light Rail Transit Supplemental EIS Public Hearing
January 10, 2013**

Page 35

1 MR. SCHWEIGERT: Okay.

2 MS. HAIGH: I'm not responding to
3 comments.

4 MR. SCHWEIGERT: All right.

5 MS. HAIGH: But thank you very much for
6 coming and speaking.

7 MR. SCHWEIGERT: Yep. You bet. Thank
8 you.

9 MS. HAIGH: I do not have any other
10 people who have signed up. If there is anyone else
11 who would like to come and address us you would have
12 three minutes, please come forward, indicate your
13 name. If there is not anyone who would like to come
14 forward I'm going to close the public hearing. If
15 someone wants to come forward, raise your hand, let
16 me know.

17 I don't see anyone raising their hand
18 or coming forward, so I'm going to close the public
19 comment period. If you have additional comments
20 that you want to put forward in writing, please do
21 that. You can send them to us at the project
22 office, or you can email them to them -- to us at
23 this address.

24 Thank you very much for coming tonight.
25 I really appreciate it. Thank you.

**Central Corridor Light Rail Transit Supplemental EIS Public Hearing
January 10, 2013**

Page 37

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CERTIFICATE

I, Sara Jane Wyckoff, do hereby certify that the foregoing 36 pages of typewritten matter contain a true transcription, to the best of my ability, of the aforementioned matter heard on January 10, 2013.

Sara Jane Wyckoff, Court Reporter, Notary Public

Improving
mobility

Easing
congestion

Strengthening
our communities

Central Corridor Light Rail Transit

Comment Card

Please share your comments or concerns related to the Business Impacts Supplemental Draft Environmental Impact Statement:

Name Jai Vang Date 1/18/13
Agency/Address 432 University Ave
E-Mail Jai Vang 70 @ Gmail . com Phone 651-414-0058

Comment:

What will happen to the information that MOD company have on all the businesses that were obtain during their promotion efforts.?

This sheet may be mailed to:
CCPO – Attn: Kathryn O’Brien
540 Fairview Avenue North, Suite 200
St. Paul, MN 55104
Must be received by January 30, 2013

Improving
mobility

Easing
congestion

Strengthening
our communities

Central Corridor Light Rail Transit

Comment Card

Please share your comments or concerns related to the Business Impacts Supplemental Draft Environmental Impact Statement:

Name

Sony Peterson

Date

1/10/13

Agency/Address

E-Mail

sp1@PLKLLAW.NET

Phone

Comment:

*the draft EIS does not contain
~~Volume~~ Vols. II and III of the EA -
see App. B - those volumes contain
the Public Comments and Exhibits of UABT-
7011 - these were delivered to Mr. O'Brien
in August, 2012 to be included in the
current EIS -*

This sheet may be mailed to:

CCPO – Attn: Kathryn O'Brien

540 Fairview Avenue North, Suite 200

St. Paul, MN 55104

Must be received by January 30, 2013

DEATH ALONG UNIVERSITY AVENUE:

PART I

3/16/11

LOST PARKING & CCLRT CONSTRUCTION = COMPLETE CLOSURE OF BUSINESSES: LOST REVENUE: LOST TENNANTS: & COMPLETE LOSS OF LIVELIHOOD

PARKING ON UNIVERSITY AVENUE JUST WEST OF SNELLING WAS COMPLETELY TAKEN AWAY
3/7/11

SAINT PAUL STAFF ALONG WITH METROPOLITAN COUNCIL STAFF COMPLETELY FAILED PROPERTY OWNERS AND BUSINESS OWNERS AT THIS THE BUSIEST INTERSECTION IN THE STATE

COMPLETE LOSS OF PARKING WITH NO DIRECTIONAL SIGNS TO DIRECT CUSTOMERS TO ALTERNATIVE PARKING LOCATIONS CREATED CONFUSION, DISCOMFORT AND DISTRUST

COMPLETE LOSS OF PARKING DIRECTLY WEST OF SNELLING HAS DONE TWO THINGS. FIRST, RENDERED AT LEAST THREE OF THE PROPERTIES DIRECTLY WEST OF SNELLING AVENUE ILLEGAL TO OCCUPY DUE TO HAVING NO PARKING AT ALL! SECOND, NOT HAVING AT LEAST ONE HANDICAPP PARKING SPACE AS IS REQUIRED BY THE SAINT PAUL CITY CODE

AS A PROPERTY AND BUSINESS OWNER AT 1607 UNIVERSITY I AM COMPLETELY OUTRAGED BY THE LACK OF PLANNING, COMMON SENSE, AND LEADERSHIP IN THE CAPITOL CITY OF SAINT PAUL. I HAVE SPENT MONTHS ALREADY WORKING WITH CITY STAFF FROM SAINT PAUL AND I AM APPALLED! REQUESTS TO SPEAK TO WITH THE MAYOR HAVE NOT BEEN RECOGNIZED. NO RESPONSE, NO FEEDBACK, NO I AM SORRY, I AM BUSY, NO GET LOST, NOTHING, ABSOLUTLY ZERO!

I HAVE LOST OVER \$7,300.00 ALREADY THIS MONTH AND THE LOSSES CONTINUE TO MOUNT.

SHAME ON ALL OF YOU THAT ARE INVOLVED IN THIS COMPLETELY UNDER PLANNED PROJECT!!!

WHERE ARE ALL OF THE ELECTED OFFICALS TODAY????????? HIDING AS REALITY ARRIVES!!!

TIM HOLDEN

1607 UNIVERSITY

AVI:HHI:S3S LLC

DEATH ALONG UNIVERSITY AVENUE PART TWO

JANUARY 10, 2013

***CITY/COUNTY/STATE EMPLOYEES &
POLITICANS WHO HAVE ABANDONED
UNIVERSITY AVENUE BUSINESSES***

***GOV MARK DAYTON
REP BETTY MCCOLLUM
MAYOR CHRIS COLEMAN
RAMSEY COUNTY COMMISSIONER
TONI CARTER
NANCY HOMANS
CECILE BEDOR
ELLEN MUELLER
COUNCILMAN RUSS STARK
METROPOLITAN COUNCIL CHAIR
SUSAN HAIGH***

***ALL HAVE ABANDONED COMMON
SENSE***

***ARE NEW BASEBALL PARKS MORE
IMPORTANT THAN UNIVERSITY
BUSINESSES***

SHAME ON ALL OF YOU

DEATH ALONG UNIVERSITY AVENUE PART TWO

***LOSSES TO DATE INCLUDE OVER 70
PERCENT DECLINE IN TOTAL
REVENUES FOR TWO BUSINESSES***

TWO BUSINESSES:

***HEADSET HEADQUARTER INC.
DBA ADDED VALUE IMPROVEMENTS***

S3S LLC/LAKES AREA REALTY

***BOTH BUSINESSES APPLIED FOR
ASSISTANCE AND ONLY ONE
RECEIVED HELP/FUNDING***

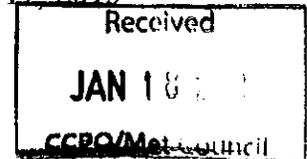
***TOTAL REVENUE LOSSES IN EXCESS
OF \$400,000***

***PLEASE HELP US AND ALL OTHER
BUSINESSES DAMAGED AND ABUSED
BY THIS PROJECT***

***TIM HOLDEN
651 771-2699
651 387-8075***

January 17, 2013

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



Hello Ms. O'Brien:

I'll try to make this brief. For a week now I've been carrying around your address following a Pioneer Press article about the Central Corridor. Being essentially housebound in winter, I was not able to attend public hearings last week, but I feel very strongly. What can be done now to rescue already-devastated businesses such as our iconic Mai Village? I'm personally bereft over that loss, even contributed to the fund to save them, but they are only one of many who have gone under, or still suffer from light rail losses.

I am glad a lawsuit has been filed, and I hope the plaintiffs win. But how can compensation ever be adequate for loss of livelihood and life-investments?

Some public monies were granted to businesses for this light rail transition, but in most cases, not enough. The Central Corridor Light Rail will forever change University Avenue. Businesses with parking lots or near light rail stations may survive – unless, like Mai Village, it's already too late. So I guess I'm confused. To what purpose are we invited to comment? I have no suggestion other than that evictions and foreclosures presently in the works be stalled until this lawsuit is settled? ... And of course that compensation be granted the victims involved in this lawsuit.

Thank you for your attention to this.

A handwritten signature in black ink that reads "B. Blackmore".

Bonnie Blackmore
1128 Churchill St., St. Paul 55103

379 University Ave W, Suite 213
Saint Paul, MN 55103
651.222.7798
www.aeda-mn.org



January 30, 2013

Kathryn O'Brien
Environmental Project Manager
Central Corridor Project Office
540 Fairview Avenue
Saint Paul, MN 55410

Dear Ms. O'Brien:

Asian Economic Development Association (AEDA) would like to provide public comment to the Metropolitan Council and Federal Transit Administration (FTA) on the Central Corridor Light Rail Transit (CCLRT) Supplemental Draft Environmental Impact Statement (SDEIS). The purpose of this CCLRT SDEIS is to address the potential loss of business revenue as an adverse impact of construction.

Although released post-heavy construction of the CCLRT project which precludes any opportunities to further mitigate and prevent business revenue loss during the active heavy construction period, this late release allows for the inclusion of real data reflecting the actual impacts of CCLRT construction and related project mitigations on business revenue.

AEDA recognizes the importance of the CCLRT SDEIS to provide precedence for projecting the impact of transit-related heavy construction projects on business revenues for future projects, in addition to measuring the effectiveness of multiple mitigation strategies, and evaluating all of this through the National Environmental Policy Act's (NEPA) environmental justice lens. The CCLRT project runs through dense business districts that are uniquely made up of small, significantly minority or immigrant owned businesses, set in very low-income and minority communities.

Unfortunately, AEDA does not believe the CCLRT SDEIS meets its purpose because there it lacks environmental justice analysis, utilizes incomplete, non-representative data, and does not consider the long-term impact of the CCLRT project on business revenue including the recovery period. We have explained our comments below.

Asian Economic Development Association as a CCLRT Stakeholder

AEDA is a grassroots economic development nonprofit organization started in 2006, by Asian small business owners. We seek to build thriving, sustainable, multicultural, and economically just neighborhoods with strong community leadership by providing business information, resources and advocacy to Asian entrepreneurs and business owners.

In 2012, during year two of CCLRT heavy construction, AEDA monitored the impact of CCLRT construction on the businesses of Little Mekong, a business district that runs for five blocks along University Avenue (from Mackubin to Galtier) in Saint Paul, and submitted the *Little Mekong CCLRT Impact Study* which was included as Appendix J of the SDEIS.

AEDA participated on two mitigation-produced committees as an advocate for Asian businesses: the Construction Communication Committee for The east end of University Avenue (Hamline Avenue to Rice Street in Saint Paul) and the Business Resources collaborative. Additionally, AEDA provided outreach and facilitated the access of the following mitigations (as named in sections 2.2.3.1 and 2.2.3.2 of the CCLRT SDEIS) for Asian business owners and property owners:

- Business Support Fund
- Ally Improvements program
- University Avenue Business Preparation Collaborative
- Business Marketing Program
- Business Façade Improvement Financing
- Additional Business Signage
- Construction Access Plans

AEDA also advocated via the CCLRT Project Hotline on behalf of Little Mekong businesses regarding any questions, concerns or problems related to construction activities.

CCLRT SDEIS comments

SDEIS Sec 3.1.1 – the project area lies within a strong, stable regional economy

While the stability of the 13-county Metropolitan Statistical Area (MSA) region may be strong; the incomes and unemployment rates of the east end of University Avenue, in surrounding Summit-University and Frogtown neighborhoods, are very different. The American Community Survey

2006-2010 5-year estimates exposes a significant difference between the 13-county MSA and Summit-University and Frogtown neighborhoods' median household incomes (\$63,755, \$42,287, and \$27,510 respectively), per capita income (\$32,422, \$30,822, and \$12,929 respectively) and households with public assistance income (3.3%, 8.9%, and 16.5%). Additionally, the unemployment rate of 10.5% for Summit-University and Frogtown neighborhoods combined compared to 7.4% for the MSA is also significantly different.¹

These differences between Summit-University and Frogtown neighborhoods and the 13-county MSA region mandate the need for a strong environmental justice analysis of the Central Corridor LRT project which is boldly missing from the CCLRT SDEIS.

SDEIS Sec 3.5.1 – General business trends

The Central Corridor Funders Collaborative and University Avenue Business Association studies that inform this section both end before 2014, when the CCLRT project is scheduled to be complete. This limitation is understandable given the timeline of the CCLRT SDEIS. However, this limitation results in a premature and incomplete analysis of the CCLRT impact for three reasons:

- The recovery period is not included in the analysis of this impact measurement. Given the variety of mitigation support provided to businesses, great effort was put toward helping businesses survive during construction. However, businesses will continue to be impacted by CCLRT construction during 2013, 2014 and possibly longer, while completion of the CCLRT project continues to impact traffic flow, former customers get lured back and new customers are attracted via the Green Line. During this period, referred to as the recovery period, construction mitigations will dissipate, and businesses will have less resources available help them survive post-construction through the recovery period.
- Property owners will experience increased property taxes and significant tax assessments as a result of the CCLRT “enhancements” to University Avenue, which then trickles down as increased leases for businesses and increased prices for customers. High-volume businesses, such as Cub Foods, Target or McDonald’s, may easily these extra expenses across their hundreds or thousands of sales transactions each day. However, for a small business that serves

¹ Social Explorer Tables: ACS 2006 to 2010 (5-Year Estimates) (SE), ACS 2006 -- 2010 (5-Year Estimates), Social Explorer; U.S. Census Bureau

a low-income community, such as the businesses at the east end of University Avenue, the new expenses will not be as easily absorbed.

- Gentrification of both the residential and business communities along the Central Corridor is an ongoing concern prior to the project and into the future. There is no comparison between who closed and who opened during this period. An analysis of general business trends as a result of the CCLRT project must include a data comparison of the new businesses' demographics by ethnicity of the business owner, type and size of business, and their target customer base.

SDEIS Sec 3.5.2 – Types and severity of impacts to businesses

This section looks at perceived impacts of construction by businesses, actual reports of impact by businesses, and evaluative input on six mitigation efforts (one of which was not a formal mitigation strategy). However, the SDEIS neglects to be explicit about the impact (perceived or real) of construction or mitigations on minority or low-income businesses.

The *Assessing Neighborhood and Social Influences of Transit Corridors* report by the University of Minnesota Humphrey School of Public Affairs (CCLRT SDEIS Appendix G) in Figure 8-16 (page 116) shows a strong direct correlation of business size (by revenue) with increased perception of the future transitway impact somewhat to much better, thus the converse is also true, that the smaller the business, the more likely they are to perceive a somewhat to much worse future.

The Humphrey report also found that Central Corridor businesses perceived auto access and convenient parking to be more important in the future while more negatively impacted by the future transitway. They also perceived availability of affordable commercial spaces to be negatively impacted.

While the CCLRT SDEIS uses the *Little Mekong CCLRT Impact Study* by AEDA (CCLRT SDEIS Appendix J) to provide quantitative data of incidences of CCLRT construction disruptions to businesses, the CCLRT SDEIS neglects to mention the case studies also in the report. The case studies provide qualitative, story-form data that offer a glimpse at what it was like to run a business amidst heavy construction and chain-link fences. Stories of businesses seeking to endure the construction in hopes of something better at the end.

Since the release of Little Mekong study, AEDA can unfortunately report five (5) business closures or moves from Little Mekong during the 2012 construction season. Two of those businesses cited

the increasing property taxes while their business was down and inability to maintain full occupancy of their building made it impossible to stay on University Avenue. Another business was foreclosed upon toward the end of the construction citing the additional stress of the construction on their business while still recovering from the recession, plus their inability as well to maintain full occupancy of their building, was a setup for doom.

The CCLRT SDEIS made a number of spurious assumptions regarding the quality, effectiveness, and satisfaction of the mitigation initiatives reviewed within *Mitigating business losses: services, strategies, and effectiveness* (CCLRT SDEIS Appendix I) by Wilder Research. Significant limitations to the Wilder report includes the sampling, which includes only businesses affected by CCLRT construction in 2011 (disqualifying most businesses from the east end of University Avenue where there is a greater number of small, minority-owned businesses serving low-income communities) and oversamples persons who utilized mitigation services, therefore creating an overrepresentation of businesses who found value in one or more mitigation initiatives. The assumptions are “spurious” because there is little to no logic or evaluative criteria offered in the CCLRT SDEIS to qualify their assumptions and report findings.

Also missing from the CCLRT SDEIS is the consideration and inclusion of any data differences provided in the Wilder report between business responses of small businesses (0-10 employees) to larger businesses and minority- to nonminority-owned businesses, despite the clear mandate for an environmental justice review of the business revenue impacts due to CCLRT construction.

SDEIS Sec 3.5.3 – Quantitative assessment of revenue loss

This section relied upon small loan fund data, which was also limited largely to first year loans, thus missing loan applications submitted after June 2012. Given the loan application requires businesses to have experienced 60 days of heavy construction in front of their business and documenting their revenue loss due to construction, and given heavy construction did not begin at the east end of the University Avenue until late March 2012, few businesses at the east end would have submitted their applications by June 2012.

However, the CCLRT SDEIS did recognize that the greatest mean and median business revenue loss percentage was experienced along the Lexington to Dale stretch of University Avenue. The CCLRT SDEIS ought to provide an update to this section with small loan fund data from July through December 2012, that would include a larger sample of businesses from the east end.

Also missing from this analysis includes a comparison of losses between minority and nonminority-owned businesses and between sizes of businesses by revenue, which would help the CCLRT SDEIS meet its NEPA environmental justice impact assessment to understand if there is a disproportionate impact on environmental justice communities by the CCLRT project.

SDEIS Sec 3.7.1 – Mitigation approaches

Authentic partnerships where businesses and communities have real decision-making power and influence was proven effective when the Metropolitan Council and the contractor engaged the nearby community and businesses to Western Avenue and University about traffic flow and closures during construction. Although work intensive, the Metropolitan Council and contractor partnered with local community organizations to educate and listen to residents and businesses about their values and fears regarding the CCLRT construction. This demonstrated a value of resident and business ability to provide smart input and feedback into a major public project that previously made them feel unvalued.

Metropolitan Council did have several languages available through their staff, but not of all the languages spoken on University Avenue. The Metropolitan Council neglected share language access plan with community; therefore persons who spoke languages not offered through the Metropolitan Council staff did not know if translated materials or interpreters were available nor how to access them.

The use and partnership with community-based organizations and chambers deserves fair and adequate compensation to those organizations for their outreach and assistance to reach hard to reach communities, like immigrant businesses. Ensuring businesses and residents are engaged and knowledgeable about CCLRT activities is a high-touch, time-intensive effort; therefore to ensure the capacity of community-base organizations to maintain effective outreach, the lead planning agency must recognize the value of this work through equitable partnerships that include compensation.

Conclusion

The CCLRT SDEIS misses the opportunity to provide an important, unprecedented environmental justice analysis looking at the impact of a major transit-construction project on a diverse, 11 mile stretch of a historic, densely packed avenue. The SDEIS neglects to provide comparative data of

impacts on minority versus nonminority-owned businesses, low-revenue businesses versus high revenue businesses, and businesses set within low income communities to those set in more moderate income communities.

Also missed in the SDEIS are impact indicators that go beyond the revenue of businesses, but impact the economic vitality of University Avenue and its surrounding neighborhoods. Such indicators include:

- staffing layoffs, decreased hours or decreased wages, resulting in loss of trained staff
- accepting loans from family members and friends, thus stripping community wealth when businesses are unable to survive
- increased expenses to retain existing customers and attract new customers
- time and money spent by businesses to address issues due to construction, such as increased washing of windows, calling in concerns to CCLRT Project Hotline, rescheduling appointments to avoid noise and vibration, and filing property damage claims
- sentiments of trust and good will toward government and public projects (or lack thereof)

All of the above factors will also impact the pace of recovery for University Avenue businesses which has a direct impact on business revenue. Therefore, AEDA recommends further mitigations that include extended marketing support, façade improvement grants or low-interest loans, parking enhancement loans, and continued ongoing communication with businesses.

AEDA also encourages the Metropolitan Council and Federal Transit Administration to provide an update to this SDEIS that includes the missing supplemental data for the east end of University Avenue, provides a stronger environmental justice analysis, and considers the long-term impact of the CCLRT project and the recovery period businesses must endure as a result.



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IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904



January 30, 2013

9043.1
ER 12/0889

Kathryn O'Brien, Assistant Director
Environmental and Agreements
Central Corridor Project Office
540 Fairview Ave N, Ste. 200
St. Paul, MN 55104

Dear Ms. O'Brien:

The U. S. Department of the Interior (Department) has no comment on the Draft Supplemental Environmental Impact Statement for Construction-Related Potential Impacts on Business Revenue of the Central Corridor Light Rail Project, located in the St. Paul and Twin Cities Metropolitan Area, Ramsey and Hennepin Counties, Minnesota.

Thank you for the opportunity for comment.

Sincerely,

Lindy Nelson
Regional Environmental Officer

MALKERSON GUNN MARTIN LLP

1900 U.S. BANK PLAZA SOUTH TOWER
220 SOUTH SIXTH STREET
MINNEAPOLIS, MINNESOTA 55402
TELEPHONE 612-344-1111
FACSIMILE 612-344-1414

Thomas F. DeVincke
Direct Dial No. 612-455-6649
tfd@mgmlp.com

January 30, 2013.

Kathryn O'Brien, Assistant Director
Environmental and Agreements
Central Corridor Project Office
540 Fairview Ave N, Ste. 200, St. Paul, MN 55104

E-mail: centralcorridor@metc.state.mn.us.

Re: *Comment on SDEIS*

Dear Ms. O'Brien:

I represent the plaintiffs in the federal court action that necessitated the Supplemental Draft Environmental Impact Statement ("SDEIS"). I write to present by my clients' comments on the SDEIS to the Met Council (the "Agency").

The Agency needs to do a proper Environmental Justice ("EJ") analysis of lost business revenue impacts. As part of this analysis, the Met Council should consider cumulative impacts of past projects on the EJ community such as the construction of I-94.

Also, the Agency should address its refusal to permit the community to brand one of the stops as "Rondo." This branding would have served as a benefit for the community and the failure to permit the station naming was an unfair distribution of available project benefits.

Also, The agency has relied upon the work of the impacted community which means that the impacted community had to go out and figure out the impacts and mitigation alternatives during the construction of the process. This turns NEPA on its head. The point of the statute was to inform decision makers and the impacted communities BEFORE the government chooses and funds a project.

The Agency has decided in a few parts of its analysis to mis-characterize the impacted communities' opinion of the mitigation that has been implemented. The responses on the effectiveness of specific measures was overwhelmingly negative, yet the Agency decided to spin the responses as generally positive.

Also, the SDEIS continues to lack sufficient hard statistical data on the amount of lost business revenue caused by the project's construction. Given the amount of data now available, better quantification was certainly possible.

Finally, in general, the SDEIS is an improvement over prior efforts.

Very truly,

A handwritten signature in blue ink, appearing to read 'Thomas F. DeVincke', written in a cursive style.

Thomas F. DeVincke

TFD

cc: clients

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

Dear Ms. O'Brien,

My name is Patrick Kriske, and I am General Manager of Property Management for Colliers International for the MSP Midway Industrial Park. I am writing to comment of the Draft Supplemental EIS for Central Corridor Light Rail Transit (CCLRT) construction-related impacts on business revenue that was issued for public comment.

Colliers manages the property located at 475 Prior Avenue North in St. Paul. This is an industrial property that is used primarily to warehouse and distribute products throughout the Midwest. One of the largest tenants, Wirtz Beverage, is probably one of the largest employers in the Midway. Wirtz Beverage and other tenants of the more than 600,000 square feet of the building area require frequent access for trucks, including large tractor-trailer trucks, that pick up and deliver their products.

The Draft Supplemental EIS concludes that retail business in the area lost 25% - 30% of their average monthly income during the construction period due to construction-related impacts. That is a big number, but it is not surprising given the disruption we witnessed at the intersection of Prior Avenue and University Avenue. The report also discusses efforts to mitigate those losses, but the report fails to address that the Central Corridor Project Office missed an important and straight-forward opportunity to mitigate negative CCLRT project effects connected with the installation of one of the big Traction Power Substations (TPSS) at the 475 Prior site. CCPO probably missed similar opportunities to mitigate damages along the corridor.

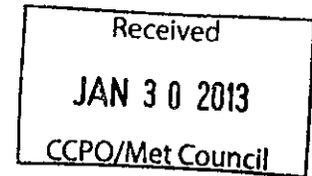
The Metropolitan Council decided to locate a TPSS to serve the CCLRT line on the 475 Prior Avenue property in the parking lot that is used by the tenants for truck movements and for parking. This location is a major disruption to access and traffic movements on the 475 Prior Avenue property. The owner did not approve the location even though it cooperated in allowing Met Council to test the site with soil borings. The owner was surprised to learn that the proposed site had become the preferred site and that the TPSS had undergone site plan approval with the City of St. Paul without any notice to the owner. When the owner learned what was proposed, the owner offered a viable and more effective alternative location on the owner's property at 475 Prior Avenue North. The alternative site was adjacent to railway property on the west and was large enough for the electrical substation, and would have not had nearly the same disruptive effects on the businesses at 475 Prior as the TPSS will have at the Met Council's location. The owner went to the CCPO to propose the alternative location, but CCPO turned the owner down, saying essentially that the project had proceeded too far and that it would not conduct engineering and contract work to change the TPSS location. Interestingly, Met Council approved relocation of a different TPSS for the City of St. Paul over a year after the CCPO said that it was too late to change the location of the TPSS on 475 Prior Avenue. According to a Pioneer Press story, the Met Council was planning to pay \$500,000 in additional costs out of its contingent funds to make the change for the City.

The owner is entitled to damages to its property, and those damages will be determined in due course in a condemnation case. But Met Council, MnDOT and CCPO could have gone a long way to reduce its damages, assist a large local employer, and save a prime area from negative effects of a disruptive TPSS by working with the owner. Met Council's inflexible and non-cooperative approach was a clear failure to mitigate the negative effects of CCLRT construction on a business owner on University Avenue.

Patrick Kriske, CPM, RPA
General Manager | Property Management
Direct 651 209 0298 | Main 651 209 0299

Fax 651 209 0599
pat.kriske@colliers.com

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MSP Midway Industrial Park
2209 Charles Ave
St. Paul, MN 55114 | United States
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Public Comment
Position Statement and Supporting Documentation
On
Draft Supplemental Environmental Impact Statement
For the Central Corridor LRT

Submitted by:

University Avenue Betterment Association (UABA)
2233 University Avenue West, Suite 315
Saint Paul, Minnesota 55114

Assistance provided by

William Mitchell Community Development Clinic
Julie Anne Goreham Oney, certified student attorney
Kelsey Anderson, first year law student
Diane Marie Dube, supervising attorney

January 29, 2013

EXECUTIVE SUMMARY OF UABA COMMENT TO DRAFT SEIS

In 2009, the Minnesota Department of Transportation's ("MnDOT") report entitled "Mitigation of Transportation Construction Impacts" identified seven impacts to be examined in determining the impact of construction on businesses: (1) pedestrian access; (2) traffic and vehicle access; (3) temporary loss of parking; (4) utility shut off; (5) noise and vibrations; (6) increased dirt and dust; and (7) visual impacts. *See* Appendix A. While the Metropolitan Council ("Met Council") and the Federal Transit Administration ("FTA") have no legal obligation to follow a state report when crafting the Supplemental Environmental Impact Statement ("SEIS"), the factors that impact business revenue during construction do not change based on whether the state or federal agency is funding the construction project.

Rather than focusing on the known factors that impact business revenue during construction, the Met Council and FTA made its own unsubstantiated list of impacts associated with LRT construction on University Avenue: (1) business trends in the corridor compared to trends in the greater region prior to construction; (2) corridor street level business turnover; (3) corridor storefront vacancy rates; (4) business revenue of participants in the Business Support Fund; (5) business owners' opinions of corridor construction impact mitigation programs; and (6) future business outlook. Draft SEIS, ES-5-6.

There is no explanation why the Met Council and FTA ignored the report MnDOT prepared for the legislature, a report that closely examined how construction affects businesses. Of the Met Council and FTA's six impacts, only business revenue of businesses along the corridor actually addresses the court-ordered purpose of the SEIS—to analyze business revenue as an adverse impact on construction. There is no explanation why the additional five impacts are included in the Draft SEIS and how the inclusion of these superfluous impacts affect the Draft SEIS' compliance with 40 C.F.R. § 1502.2(c).

While the actual court-ordered analysis is hidden within an unnecessarily broad Draft SEIS, the Draft SEIS still has a number of shortcomings that this comment will discuss at length:

- Failure to Meet the Requirements of an EIS.
- Lack of an Agency Study on the Business Revenue Loss in the Record.
- Insufficiency of Business Support Fund Data as the Sole Source to Analyze the Loss of Business Revenue Due to CCLRT Construction.
- No Analysis of Revenue Loss Between 2009 and 2012.

- Arbitrary Reliance on Other Unverified Variables to Explain Revenue Loss.
- Lack of an Environmental Justice Analysis.
- Lack of Any Explanation as to Why the Met Council and FTA *Chose* Not to Provide Federal Relocation Benefits to Businesses Who Were Forced to Relocate.
- Failure to Address Job Loss During Construction.
- Inclusion of and Reliance on the Wilder Study, “Mitigating Business Losses: Services, Strategies, and Effectiveness” (Appendix I).
- The Draft SEIS is Missing Parts of the Submitted Record.

Because of these failures in the Draft SEIS, the document is *still* not what the Court ordered. The Met Council and FTA should rework the SEIS to avoid these shortcomings and re-evaluate the focus of the Draft SEIS so the final will comply with the Court order.

COURT-ORDERED PURPOSE OF THE SEIS

In January 2011, the Federal District Court noted, “[B]usinesses directly impacted by the environmental effects of constructing the [Central Corridor Light Rail Transit (“CCLRT”)] will likely experience a decline in business revenue.” *NAACP v. United States DOT*, 764 F. Supp. 2d 1092, 1112 (D. Minn. 2011). Thus, the Court concluded, “[T]hese impacts must be discussed in the [Final Environmental Impact Statement (“FEIS”)].” *Id.* Since the FEIS failed to discuss this impact, “[t]he FEIS is inadequate insofar as it fails to address the loss of business revenues as an adverse impact of the construction of the CCLRT.” *NAACP*, 764 F. Supp. 2d at 1119. To correct this inadequacy, the Court ordered the United States Department of Transportation (“US-DOT”), the FTA and the Met Council to supplement the FEIS. *Id.*

In April 2011, pursuant to 23 C.F.R. § 771.130, the FTA and the Met Council completed the Supplemental Environmental Assessment (“SEA”) in response to the Court’s order. The Court rejected the use of an environmental assessment (“EA”) as compliance with its order. Specifically, 23 C.F.R. § 771.130(c) is the section relied on by the Met Council and FTA to justify complying via an EA rather than an environmental impact statement. The complete text of Section (c) is as follows:

Where the Administration is uncertain of the significance of the new impacts, the applicant will develop appropriate environmental studies or, if the Administration deems appropriate, an EA to assess the impacts of the changes, new information, or new circumstances. If, based upon the studies, the Administration determines

that a supplemental EIS is not necessary, the Administration shall so indicate in the project file. 23 C.F.R. § 771.130 (c).

This language did not support the Met Council and FTA’s decision to use an EA and FONSI. An EA is appropriate only when “the Administration is uncertain of the significance of *new impacts*.” 23 C.F.R. § 771.130(c) (emphasis added). The term “new impacts” does not have a specific meaning under either the FTA regulations or the CEQ regulations. *See* 40 C.F.R. § 1508.1 and 23 C.F.R. § 771.107. However, the loss of business revenue is not a “new impact”—it is an impact that the Met Council and FTA overlooked when it conducted its initial assessment and that the Court recognized as being important enough to justify specific analysis. The loss of business revenue is not a change, the result of new information, or new circumstances that would allow a first assessment via an EA.

After failing to comply with the ordered SEIS, the Court again expressly concluded in the January 2012 Memorandum Opinion and Order, “The FEIS is inadequate insofar as it fails to *address the loss of business revenues as an adverse impact of the construction of the CCLRT*.” Memorandum Opinion and Order (Jan. 2012) (emphasis added). The Court specifically noted that an “EA is not equivalent to an EIS.” *Id.* An EA may be used to determine if an EIS is required; however, an EA differs from an EIS in that an EIS “must contain a ‘detailed statement’ on the environmental impact of the proposed action, any unavoidable adverse environmental effects of the proposed action, and the alternatives to the proposed action.” *Id.* (quoting *Kleppe v. Sierra Club*, 427 U.S. 390, 401-2 (1976)). Further, “the EIS must also discuss ‘means to mitigate adverse environmental impacts.’” *Id.* (quoting 40 C.F.R. §§ 1502.16(h), 1508.25(b)(3)). The Court determined that an EIS, as opposed to an EA, was appropriate specifically because the level of analysis in an EIS is more “involved.” *Id.* Again, the Court ordered the US-DOT, FTA, and Met Council to “supplement the FEIS consistent with the January 2011 Order.” *Id.*

SHORTCOMINGS OF THE DRAFT SEIS

In December 2012, the FTA and Met Council released the Court-ordered SEIS to address the loss of business revenues as an adverse impact of the construction of the CCLRT. While the Draft SEIS addressed a number of superfluous issues, the only relevant issue per the January 2011 and 2012 Court Orders is the impact CCLRT construction had, has, or will have on business revenues.

The Draft SEIS looks only at the revenues of businesses that participated in the Business Support Fund, which did not start issuing loans to businesses until July 2011—2 years after construction began. Based on these participating businesses, the Met Council and FTA found that between July 2011 and June 2012, “[S]mall retail-oriented businesses that participated in the Business Support Fund saw a range of losses *from 2 percent to 84 percent of average monthly revenues with a mean average sales loss of 30 percent and a median of 25 percent.*” Supplemental Draft Environmental Impact Statement for Construction-Related Potential Impacts on Business Revenues, ES-6 (Dec. 2012) (emphasis added) (hereinafter “Draft SEIS”). Further, the Draft SEIS, notes that a “reasonable hypothesis is that other small and large retail oriented businesses in the corridor may also experience similar losses in the 25 to 30 percent range.” *Id.* Thus, the overall trend regarding business revenue is “negative.” *Id.*

Further, the Draft SEIS falls short of an involved analysis of the impact CCLRT construction has on business revenue. Specific shortcomings of the Draft SEIS in addressing the impact on business revenue that should be addressed in the Final SEIS include:

- **Failure to Meet the Requirements of an EIS.** Under the CEQ regulations, the EIS must meet the following requirements:
 - (a) Environmental impact statements shall be analytic rather than encyclopedic.
 - (b) *Impacts shall be discussed in proportion to their significance.* There shall be only brief discussion of other than significant issues. As in a finding of no significant impact, there should be only enough discussion to show why more study is not warranted.
 - (c) *Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA and with these regulations.* Length should vary first with potential environmental problems and then with project size.
 - (d) Environmental impact statements shall state how alternatives considered in it and decisions based on it will or will not achieve the requirements of sections 101 and 102(1) of the Act and other environmental laws and policies.
 - (e) The range of alternatives discussed in environmental impact statements shall encompass those to be considered by the ultimate agency decision maker.
 - (f) Agencies shall not commit resources prejudicing selection of alternatives before making a final decision.
 - (g) *Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.* 40 C.F.R. § 1502.2 (emphasis added).

The only impact that should be discussed in the SEIS is the adverse impact CCLRT construction had on business revenue. However, this was the smallest and least supported portion of the Draft SEIS. This disproportional focus is not in line with 40 C.F.R. § 1502.2(b). Further, the inclusion of unnecessary information relating to business trends in the corridor, street level business turnover, storefront vacancy rates, business owners' opinions of corridor construction impact mitigation programs, and future business outlooks creates a muddled, unfocused, and needlessly long SEIS contrary to 40 C.F.R. § 1502.2(c). Finally, the whole Draft SEIS primarily focuses on current or past mitigation measures provided to businesses along the corridor rather than first providing a thorough analysis of the adverse impacts construction would have on businesses that would need to be mitigated. This oversight is at odds with 40 C.F.R. § 1502.2(g). Thus, the Draft SEIS did not meet the requirements for an EIS.

- **Lack of an Agency Study on the Business Revenue Loss in the Record.** In creating the Draft SEIS, the Met Council and FTA failed to conduct and rely on any of its own research. Instead, the Draft SEIS is based on “a collection of studies and surveys carried out by local business associations, the Central Corridor Project Office (“CCPO”), researchers at the University of Minnesota, and researchers at the Wilder Foundation,” as well as “data from the Business Support Fund.” Draft SEIS, ES-2. However, the CCPO’s only contribution to the Draft SEIS record is a literature review to determine appropriate methodologies used to quantify business loss; the Met Council and FTA then fail to conduct any study using their own identified methodologies. *Id.*

The Draft SEIS does note that in 2011, a year after heavy construction began, CCPO started to “track business openings, closings, and relocations in the corridor on a monthly basis.” *Id.* at 25. However, even if these reports were included in the Draft SEIS record—which they are not—the analysis that compares the closing/relocation of existing businesses to the opening of new businesses does not shed light on the ultimate question of the impact of CCLRT construction on business revenue. While the net increase or loss of businesses along the CCLRT route may have an *impact on state and local government*

due to an increase or loss of tax revenue, the specific impacts that the Draft SEIS was ordered to look at are the *impacts on the businesses* due to lost revenue. Memorandum Opinion and Order (January 2012) (“*[B]usinesses* in the Central Corridor will likely experience a decline in business revenue.” (emphasis added)).

Further, because of the late date these CCPO reports started, the Met Council and FTA do not have an adequate baseline data to compare their own later findings or the findings of the other organizations that were relied on in the Draft SEIS. In June 2006, the Metropolitan Council took over as project manager and immediately engaged outreach coordinators to work with businesses along the corridor and formed the Project Advisory Committee. Draft SEIS, 81. This occurred three years before the start of construction, yet the Draft SEIS has no baseline information on revenue for businesses along University Avenue during this three year period.

The Met Council and FTA could have, and still could, collect and analyze data necessary to understand CCLRT construction’s impact on business revenue of businesses that existed during construction using the following non-exhaustive list of methods:

- Determine the number of businesses *existing* before construction that are closed during construction. The Met Council and FTA know what businesses closed, know who ran those businesses, and could contact the prior owners to collect the “qualitative examinations of business owners’ and managers’ stated perceptions of construction-related impacts” necessary to determine the impact on business revenue during construction. Draft SEIS, ES-2.
- For quantitative data on lost business revenue, the Met Council and FTA could also cross-check bankruptcy and foreclosure records of previously existing businesses, as well as compare sales tax collections, real estate taxes, bankruptcy records, payroll records, and rents lost due to vacancies and concessions when re-rented.
- From the beginning, the Met Council has maintained a 24 hour construction hotline for *anyone* to call and report problems. Those reports included calls about

parking problems, access problems, utility shutoffs, damage to property, and every other conceivable problem that occurs during a major construction project. Nowhere in the Draft SEIS is there an analysis of these problems, identification of the businesses that had these problems or information about the impact these problems had on business revenue.

- **Insufficiency of Business Support Fund Data as the Sole Source to Analyze the Loss of Business Revenue Due to CCLRT Construction.**

- While heavy construction for the CCLRT began in late 2009, the Business Support Fund did not start issuing loans until July 2011. The impact on lowertown businesses in Saint Paul in 2009 and 2010 is documented in UABA's Public Comment to the Draft SEA.
- Thus, loss of business revenue due to CCLRT was not recorded for the first year and a half of construction.
- The lost revenue of businesses that were not eligible or did not apply for the Business Support Fund is not considered in the Draft SEIS. Construction along the eastern section of University Avenue was in full operation when the data considered in the SEIS was submitted to the Met Council in August, 2012.
- The Business Support Fund data used in the Draft SEIS to determine business revenue loss does not take into consideration businesses along the full CCLRT line.
- By relying solely on the Business Support Fund data to analyze the loss of business revenue as an adverse impact, the Draft SEIS relies on a sample size of 98 businesses out of 2,500 total businesses along the CCLRT route. This is an inadequate sampling and could be improved upon if the Met Council and FTA provide their own in-depth study on loss of business revenue.

- **No Analysis of Revenue Loss Between 2009 and 2012.** In 2009, construction began in downtown Saint Paul with the relocation of utility lines. No parking was allowed and vehicle traffic was restricted. The impact on downtown businesses was dramatic:

businesses complained of loss of customers, lack of signage, and dropping revenues. Rumors and Innuendos closed.

During this time:

- Reports were being written that included MnDOT's "Report on Mitigation of Transportation Construction Impacts," which included best practices and a City of Saint Paul Parking study;
- Organizations formed including the University Avenue Business Preparation Collaborative (U7), UABA, and the Central Corridor Business Resources Collaborative; and
- Programs were created including money from the Saint. Paul Foundation and Bigelow Foundation to prepare small businesses for the CCLRT construction.

Yet there is no data in the Draft SEIS about the impact of the construction on business revenues during 2009.

Construction started on the west half of University Avenue in early 2011 and on the east half in 2012. Despite the fact that the Met Council's outreach workers had been working with businesses for five years by this point, there is limited data about lost business revenue. In its written comments to the Draft SEA in March 2011, UABA detailed the lack of information about the seven potential construction-related impacts identified by the MnDot's transportation study (listed in the Executive Summary of this comment). Two years later in the Draft SEIS, this information is still lacking.

- Pre-construction, construction and post-construction pedestrian and traffic counts were not done.
- Lack of access was the chief reason one business gave for closing in 2009, yet there was no follow up with other businesses that left to find out if that or another construction-related issue led to their closure or moving.
- The Draft SEA failed to analyze the impact of restrictions on traffic patterns, particularly left-turn restrictions, closed cross streets, and unregulated intersections. Many businesses rely on pick-up and delivery services and were

adversely impacted by the lack of access. The Draft SEIS has no analysis on how these traffic restrictions impacted business revenues.

- Before construction, there were 1,143 parking spaces on University Avenue. All of these spaces were eliminated during construction, no additional cross street spaces were created, nor were there additional public spaces created to compensate for the loss of on-street parking. Furthermore, the city contemplated banning side street parking periodically during construction if needed to maintain safety and traffic flow. “Side Street Parking Management,” City of Saint Paul at <http://www.stpaul.gov/index.aspx?NID=2734>. The Affidavits and Public Comments in Appendix A to UABA’s written comments to the Draft SEA identified the loss of on-street parking as a critical component of their loss of customers and loss of revenue. Yet, the Draft SEIS has no analysis on how these lost parking spaces impacted business revenue.
- The Draft SEA stated that “[b]usiness impacts due to utility shutoffs usually have a fairly short duration and can be scheduled around business hours.” This optimism was not well founded: within the first month of major construction, hundreds were evacuated from 12 businesses near the Snelling and University intersection due to a gas leak. There’s no follow up in the Draft SEIS to find out how long individual businesses were without utilities and whether the shutoffs were scheduled or unplanned.
- Businesses adjacent to LRT construction experienced increased noise, vibrations, dust, and dirt. There is no information on how these things impacted customers, employees, vendors, and ultimately business revenues. The amount of property damage or business interruption is not evaluated.
- While the Draft SEA acknowledged that “[c]onstruction of temporary fencing and equipment movement and storage may obstruct business signage and may lead customers to believe that businesses have closed during the construction period, leading them to look elsewhere for their business,” there is nothing in the Draft SEIS that follows up on this point to determine how visual impacts affected businesses, particularly non-appointment based businesses, such as retail shops and restaurants.

- **Arbitrary Reliance on Other Unverified Variables to Explain Revenue Loss.**

Throughout the Draft SEIS, the Met Council and FTA rely on a supposed “multitude of social, economic, local, and national variables that may impact business revenues.” Draft SEIS, ES-7, 49. They contend that “the estimated ranges of revenue loss reported . . . are derivative, yet they should be viewed through a broader lens that includes regional and national economic influences not associated with LRT construction.” *Id.* However, the Draft SEIS fails to note what this “multitude” of variables consists of and what evidence exists to show that businesses’ revenue loss is an impact of such variables rather than an impact of CCLRT construction.

The only variable that is noted in the Draft SEIS is a comparison of changes to corridor business and changes to businesses in the Twin Cities as a whole. Draft SEIS, 24–25. However, this comparison is based on a 2009–10 study that fails to include any 2011–12 data. Draft SEIS, 24–25 and Appendix E. Thus, this study is not able to evaluate the adverse impacts caused by CCLRT construction and is not applicable to the analysis the Court ordered to be done in a SEIS.

Contrary to the Draft SEIS’ unsupported assertion that other variables not associated with construction explain the revenue loss, included in the Draft SEIS and supported in the record (Appendix K), 98 businesses “*demonstrate[d]* a loss in sales *due* to the construction of the Central Corridor LRT.” Draft SEIS, 44 (emphasis added). The most current data from the Met Council notes that a total of 171 businesses have now been approved for loans through the Business Support Fund, which requires businesses to demonstrate loss due to CCLRT construction. Status Report on the Implementation of Mitigation Measures – CCLRT Construction-Related Business Impacts, November 2012, www.metcouncil.org/transportaiton/ccorridor/EIS/MitigationReports/November2012; Draft SEIS, 44. According to the November 2012 report, of the businesses that applied for a Business Support Fund loan, 14 businesses have been denied, and only four were denied because they were ultimately unable to demonstrate revenue loss. *Id.* This Met Council report, thus, indicates that of the only sample group the Met Council and FTA

rely on in the Draft SEIS to determine business revenue loss, over 97% of that sample group have demonstrated loss in sales due to CCLRT construction.

- **Lack of Environmental Justice Analysis.** The Draft SEIS fails to provide any environmental justice (“EJ”) analysis on minority-owned businesses along the CCLRT route. In the SEA, the Met Council and FTA stated that the Met Council had conducted a survey of University Avenue businesses to determine how many were owned by members of a minority group. Draft SEIS, Appendix B, 15. This survey determined that 20% of businesses along the CCLRT route were minority-owned, compared to the alignment area minority population of 46%. *Id.* Based strictly off these percentages, the Met Council and FTA incorrectly conclude there exist no “disparate or disproportionate impact to minority owned businesses along the corridor.” *Id.*

The conclusion is faulty for three reasons:

- First, the analysis is required to be on the disproportionate impact to minority businesses, not to a statistical grouping. “[D]isproportionately high and adverse effects, not population size, are the basis for environmental justice.” *Environmental Justice Policy Guidance for Federal Transit Administration Recipients*, US Department of Transportation (Aug. 15, 2012). Even if it’s just one minority business, there must be an EJ analysis to determine whether there has been a disproportionately high and adverse effect on that business.
- Second, the impact on minority businesses was not adequately studied. The sample group was taken from the west side of University Avenue; the east side is where the minority businesses are concentrated. The Draft SEIS’ relies on the Business Support Fund for the sole quantitative data regarding lost business revenue. However, the Draft SEIS notes, “The greater number of [Business Support Fund] program participants in the western section of the corridor is due to the fact that construction activities during this time period (2011) largely took place along the western half of the corridor.” Draft SEIS, 44. Yet, it is the eastern section of the CCLRT route—Rice Street to Snelling Avenue—that has the

highest concentration of minority businesses. Draft SEIS, Appendix B, 15. Thus, the Draft SEIS provides insufficient data and analysis on the impact to EJ-owned businesses by not fully counting the revenue loss of businesses in the eastern section of the corridor so that no comparison can be made to determine if EJ-owned businesses along the CCLRT route suffer disproportionate adverse effects. Further, the Draft SEIS was not completed until after the 2012 construction season ended for the eastern section of the corridor. As such, the effects on the eastern section of businesses could have been evaluated and included in the Draft SEIS. This is another failure of the Met Council and FTA to do its own study.

- Finally, the Draft SEIS fails to conduct an analysis of the adverse effects – that is, identifying the adverse effects unique to minority businesses and whether the minority businesses suffered more intense or different effects of the impacts felt by all. For example, University Avenue is the first stop for many newly arrived immigrants who have established their businesses, homes, and community on the east side of the Avenue. Some business owners live on the upper floors of the building that house their business. Therefore, their displacement would have a far greater impact on their lives than it would on a long-term business owner or resident. “Adverse effects” include disruption of a community’s economic vitality, adverse employment effects, displacement of businesses, increased separation of individuals from the broader community, or delay in receipt of a DOT program. *Environmental Justice Policy Guidance for Federal Transit Administration Recipients*, US Department of Transportation (Aug. 15, 2012). Adverse effects on an EJ population are considered disproportionately high when the effects are “predominately borne by a minority population and/or a low-income population,” or the adverse effects that are “suffered by the minority population and/or low-income population and [are] appreciably more severe or greater in magnitude than the adverse effect that [are] suffered by the non-minority population and/or non-low-income population.” Department of Transportation Updated Environmental Justice Order 5610.2(a), Appendix 1(g) (May 2, 2012). This is the analysis that should have been done, not merely a “head count.”

- **Lack of Any Explanation as to Why Met Council and FTA Chose Not to Provide Federal Relocation Benefits to Businesses Who Were Forced to Relocate.** Federal law provides access to relocation assistance under the Uniform Relocation Assistance (“URA”) and Real Property Acquisition Policies Act, 42 U.S.C.A. Chapter 61 (2003). The statute specifically targets public projects that benefit the public as a whole at expense of small businesses and communities, and seeks to minimize the adverse impact of displacement. 42 U.S.C.A. § 4621(a)(4) (stating that minimizing the adverse impact of the displacement of businesses “is essential to maintaining the economic and social well-being of communities”). Further, the statute intends that persons displaced “as a result of projects designed for the benefit of the public as a whole” should not suffer “disproportionate injuries.” 42 U.S.C.A. § 4621(b).

The policy behind URA is that minimizing the adverse impact of the displacement of businesses “is essential to maintaining the economic and social well-being of communities.” 42 U.S.C.A. § 4621(a)(4). The purpose statement of the statute provides that “relocation assistance policies must provide for fair and equitable treatment of *all affected persons.*” 42 U.S.C.A. § 4621(a)(2) (emphasis added).

To determine whether the definition of “displaced person” is applicable, the act provides that:

(i) any person who moves from real property, or moves his personal property from real property--

...
 (II) on which such person is a residential tenant or conducts a small business . . . as a direct result of rehabilitation, demolition, or *such other displacing activity as the lead agency may prescribe*, under a program or project undertaken by a Federal agency or with Federal financial assistance in any case in which the head of the *displacing agency determines that such displacement is permanent.* 42 U.S.C.A. § 4601(6)(A)(2003) (emphasis added).

Thus, this subsection allows the lead agency to prescribe “such other displacing activity,” so long as the displacement is a direct result of the federal or federally funded project, and “the head of the displacing agency determines that such displacement is permanent.” *Id.*

While the FTA recognizes some “adverse impacts will be unavoidable and may be of a magnitude that the effect to an individual business may be losses in revenues that result in the business owner deciding to either relocate or close,” the agency nonetheless chose to define “displacing activity” so that federal relocation benefits would only be granted if real estate was acquired. Draft SEIS, Appendix B, 41. This raises the issues of how the FTA determines what is “displacing activity” and whether the “displacement is permanent.”

While the FTA is empowered under the statute to determine whether the CCLRT construction’s impact to University Avenue businesses is a displacing activity and will be considered permanent, the Draft SEIS gives no explanation as to why only actual real estate acquisition is a recognized displacing activity for this project. An explanation is particularly important, as the narrow definition of “displacing activity” that applies to this project seems to go against the policy behind URA. The FTA has the power to include forced relocation of businesses due to CCLRT construction as a permanent displacing activity. The SEIS should include an explanation as to why the FTA chose not to include forced relocation in its determination of displacing activities.

Further, the Met Council and FTA should include in the Final SEIS an analysis of follow-up with:

- 14+ businesses that relocated the corridor;
- 62+ businesses that closed
- 17+ businesses that relocated within the corridor. Draft SEIS, 25 (note these numbers are accurate only between July 2011 and June 2012, while construction started in 2009).

To make a better determination as to whether these businesses’ relocation or closing was forced due to revenue loss, the Met Council and FTA should follow up with the business owners to determine the following:

- Why the business left;
 - What happened to the business;
 - How many jobs were lost;
 - Whether the business felt it had a choice between closing or re-locating; and
 - The amount of revenue lost before the business relocated.
- **Failure to Address Job Loss During Construction.** Similar to the Supplemental EA, the Draft SEIS fails to discuss the job loss in the corridor as a result of construction. The only part of the Draft SEIS that addresses changes in employment is the discussion of the Wilder Study. Draft SEIS, Appendix I. The Draft SEIS states that after construction “businesses expected that their sales, profits, number of employees, and employee wage levels would at a minimum stay the same or increase.” Draft SEIS, 40. Thus, the Draft SEIS focuses on *expected gains* in employment rather than *experienced losses*. The SEIS should analyze the following:
 - The loss of jobs along the CCLRT during construction as an indicator of the overall loss of business revenue (available through business tax data); and
 - Whether an increase in the number of businesses with fewer than 5 employees is reflective of the strength of these businesses along the CCLRT or whether the increase in this category is reflective of businesses that had previously employed 5+ employees before CCLRT construction but had to let employees go.
 - **Inclusion of and Reliance on the Wilder Study, “Mitigating Business Losses: Services, Strategies, and Effectiveness” (Appendix I).** During the formulation of the breadth of the Wilder Study, a deliberate decision was made *not* to evaluate the impact CCLRT construction would have on business revenue. The Business Resources Collaborative, who helped guide and support the Wilder Study research, had members who were strongly opposed to evaluating the impact of business revenue loss. The Wilder Study, thus, looks at the impacts of *mitigation* but not the Court-ordered look at construction impacts on *business revenue*.

The purpose of the court-ordered SEIS is not to determine the success of mitigation, but rather to determine the economic impacts of CCLRT construction to business revenue. These are two different analyses: as the Court notes, once the impact to business revenue is determined in an EIS, the Met Council and FTA “could *then* make sure that their mitigation measures are adequate.” Memorandum Opinion and Order (Jan. 2012) (emphasis added).

- **The Draft SEIS is Missing Parts of the Submitted Record.** Despite having received a hand-delivered copy of all three volumes of the Supplemental EA, the Draft SEIS record only includes the first volume (labeled Appendix B in the Draft SEIS). Attached to this comment are volumes 2 and 3 of the Supplemental EA. Appendix B to these comments.

CONCLUSION

The Draft SEIS concludes that revenue for businesses along University Avenue fell an average 25–30% due to CCLRT construction. The Draft SEIS noted this trend likely held true across both retail/non-retail and large/small businesses due to lack of access to the businesses for pedestrians and vehicles. Lack of access is one variable that is particular to construction and that the greater Twin Cities would not be facing. Impacts to business revenue is the only negative impact in the Draft SEIS’ Executive Summary, and impact on business revenue was the only topic the Draft SEIS was ordered to evaluate. All other conclusions in the Draft SEIS are superfluous to the purpose of the SEIS and are thus, inappropriately included. This inclusion makes the SEIS unnecessarily lengthy and lacking in any focus on the Court-ordered purpose for the SEIS. Both shortcomings violate the federal guidelines on the purpose of an EIS.

Further, the average range of 25–30% of revenue loss should be considered in light of the aforementioned shortcomings of the Draft SEIS evaluation. If the Met Council and FTA had conducted their own study to look at the impact CCLRT construction would have on business revenue, the actual loss could have been more accurate.

Because of the failures in the Draft SEIS, the document is still not what the Court ordered. The Met Council and FTA should rework the Draft SEIS to avoid the above shortcomings by evaluating what the Court ordered.

DISTRICT COUNCILS COLLABORATIVE OF SAINT PAUL AND MINNEAPOLIS

D-7 Frogtown ♦ D-8 Summit-University ♦ D-11 Hamline-Midway ♦ D-12 St. Anthony Park
D-13 Union Park ♦ D-14 Macalester Groveland ♦ D-17 Capitol River ♦ Prospect Park East River Road
Southeast Como ♦ Marcy Holmes ♦ West Bank ♦ University District Improvement Association

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Date: January 30, 2013

To: Kathryn O'Brien, Environmental Project Manager, Central Corridor Project Office,
Metropolitan Council
Maya Sarna, Office of Planning and Environment, Federal Transit Administration

From: Carol Swenson, Executive Director
District Councils Collaborative of Saint Paul and Minneapolis

RE: Comments on the Supplemental Draft Environmental Impact Statement Construction-
related Potential Impacts on Business Revenues
Central Corridor Light Rail Transit Project, Saint Paul and Minneapolis, Minnesota

The District Councils Collaborative of Saint Paul and Minneapolis (DCC) appreciates the opportunity to provide comments on the Supplemental Draft Environmental Impact Statement Construction-related Potential Impacts on Business Revenues Central Corridor Light Rail Transit (CCLRT) Project.

The DCC is a collaboration of 13 city-recognized neighborhood planning and community engagement organizations in or near the CCLRT Project study area. The DCC was formed in 2006 specifically to facilitate meaningful and informed community participation in CCLRT decision-making and to ensure that the needs and interests of residents and businesses, especially those of underrepresented communities, are given full consideration as the project moves from planning to operations. Our membership includes all the neighborhoods directly on the alignment from downtown Saint Paul to the West Bank in Minneapolis.

In 2006, the DCC announced its strong support for the CCLRT project as a once-in-a-lifetime opportunity for Minneapolis and Saint Paul neighborhoods. Also, the DCC values and supports a thriving and diverse small business community throughout the corridor. As stated in our comments on the Supplemental Environmental Assessment (SEA), a strong small businesses community:

- contributes to each neighborhood's unique identity;
- helps generate lively street life, which in turn increases safety and contributes to a sense of community;
- generates job opportunities for residents of all ages;
- pays taxes and attracts redevelopment and other economic activity;
- participates in community organizations and supports community activities;
- attracts homeowners and renters, who participate in community organizations;
- offers residents shopping, entertainment, and service options that are nearby; and
- helps build transit ridership.

Throughout CCLRT planning and engineering, the DCC has expressed its concern about the negative impacts the CCLRT project and resulting development may have on small businesses in the corridor, especially those that are owned by New Americans and persons of color, and has supported robust mitigation strategies that are adaptable to diverse business community along the CCLRT alignment.

This Supplemental Draft Environmental Impact Statement (SDEIS) is the result of a Federal Court order to analyze "the loss of business revenues as an adverse impact of the construction of the CCLRT." [United States District Court, District of Minnesota, Memorandum Opinion and Order, January 31, 2012. Civil No. 10-147 (DWF/AJB)] The DCC recognizes that the intent of an Environmental Review is to establish the impacts of a proposed project, determine if mitigation is needed, and then identify avoidance or mitigation strategies as appropriate. The DCC also recognizes that an Environmental Review requires an Environmental Justice determination and an analysis if appropriate. With this in mind, the DCC offers the following comments on the SDEIS for the Public Record.

1. Although the SDEIS does identify and discuss various types of impacts that construction has had on businesses, the analysis does not include business revenues baseline data for the corridor. Without a baseline there is no point of comparison and thus the SDEIS fails to establish the loss of revenues because of the adverse effects of construction.
2. The quantitative data relative to loss in revenues (25% - 30%) that the SDEIS does discuss is drawn from a report that focuses only on the time period from July 2011 to June 2012, when there was no construction on University Avenue between Lexington Parkway and Rice Street and is limited to businesses that applied to the Business Support Fund for a loan. Because of the study's focus and time period, it does not capture revenue impacts on stores such as Macy's in downtown St. Paul, which is now closing, and underrepresents businesses between Lexington and Rice. The limitations of this study make the SDEIS' broad application to the entire corridor questionable.

3. The SDEIS focuses much of its analysis on the merits of Final Construction Mitigations over the Initial Construction Mitigations. This comparison is not the purpose of an Environmental Impacts Review and distracts from the original purpose.
4. In this comparison of mitigation strategies, the Initial Construction Mitigation package identifies \$4,000,000 for a multi-lingual team of outreach coordinators to build relationships with corridor businesses over the course of the project and to be communications liaisons for the project. The Final Construction Mitigation package reduces the allocation for this strategy to \$3,500,000. The outreach team was reduced significantly in size in 2012 when heavy construction was taking place on the eastern portion of University Avenue. In this area, there is a concentration of business owners for whom English is a second language or they don't speak English at all. A smaller communications team with fewer languages relevant to this business community made it difficult for owners to stay informed about upcoming construction activity and to report problems when they arose. Many of these businesses are small and the loss of revenue has a much greater impact than it does on large businesses with a greater profit margin.
5. The SDEIS fails to include an Environmental Justice (EJ) analysis. The SEA states that an EJ analysis is not needed because 46% of the population in the alignment area is minority and only 20% of the businesses are minority-owned. The comparison of population to business ownership is not logical and is not the basis on which the need for an EJ is determined.

In addition, an EJ analysis is done to determine if there is a disproportionately high impact or delay in the receipt of benefits on the EJ population. With 162 businesses owned by Asians, many of whom are immigrants, do not have English as a second language and concentrated in a 4 to 5 block section of the alignment; 51 businesses owned by Blacks or African Americans; and 4 businesses owned by Hispanics or Latinos, an analysis is clearly merited. The SDEIS fails to include this analysis.
6. The SDEIS states that of the 1,243 businesses on the Central Corridor there was a net loss of three. A fine-grained analysis of the businesses that were lost and gained on the corridor would offer valuable insights into what business sectors are being affected most, whether or not business loss was concentrated geographically, among certain populations, and whether or not business were lost because they relocated elsewhere due to reasons unrelated to the light rail.

Conclusion

The DCC understands that there is no uniform methodology for assessing the adverse impacts of construction on business revenues and there are few if any precedent studies to use as guides. Because of this dearth of scientifically valid studies, a robust CCLRT SDEIS would have been a valuable contribution to the field. Unfortunately, the SDEIS focuses on the merits of different mitigation strategies instead.

The DCC appreciates the Metropolitan Council's and FTA's use of local studies and data to inform the SDEIS analysis, however, these studies provide only a partial answer to the central question: the loss of business revenue as an adverse impact on construction of the CCLRT. A comprehensive study by the Metropolitan Council would have provided a more complete analysis.

The lack of an EJ analysis is another great opportunity lost. With the new guidance on EJ from the FTA and EPA, this SDEIS could have stood as a model to benefit others elsewhere.

Experience in other regions where light rail has been built, tells us that bringing customers back to the avenue and attracting new patrons takes up to two years. The DCC supports the call of business-owners in the corridor to continue to provide business support and marketing after construction ends.

Finally, we urge the Metropolitan Council and FTA to prepare a report of "Lessons Learned from the Central Corridor" that addresses the challenges of business and environmental justice analyses in environmental reviews, offers guidance for similar projects and circumstances, and makes recommendations for future research in this area.

Thank you for the opportunity to submit comments for the SDEIS. If there are questions, please contact Carol Swenson, Executive Director, at 651-249-6877 or carol@dcc-stpaul-mpls.org.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 30 2013

REPLY TO THE ATTENTION OF

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

Re: Comments on the Second Supplemental Draft Environmental Impact Statement for the Minneapolis-St. Paul, Minnesota Central Corridor Light Rail Transit Project, CEQ No. 20120382

Dear Ms. Simon:

In accordance with U.S. Environmental Protection Agency responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the Second Supplemental Draft Environmental Impact Statement (2SDEIS) for the Minneapolis - St. Paul, Central Corridor Project, in Hennepin and Ramsey Counties, Minnesota. The Federal Transit Administration (FTA) and the Metropolitan Council (MC) have proposed the Central Corridor Light Rail Transit (CC-LRT) line. This 11-mile line will serve the Minneapolis and St. Paul downtown areas, as well as the State Capitol complex, the University of Minnesota (U of M), and several neighborhoods, including diverse minority and low-income communities along University Avenue.

EPA has participated throughout the NEPA process for this project. In our July 27, 2009 comment letter on the Final EIS, we commended MC for its outreach efforts to the minority and low-income communities and the proposed resolutions of many concerns raised. We highlighted project revisions that were made to enhance community connectedness and safety by increasing the number of traffic lights with pedestrian crossings, developing transportation system management mechanisms to facilitate traffic and light rail speed, reduce congestion, redirecting left turn traffic to and from cross-street traffic, and modifying the light rail barrier curb system. We recommended the Record of Decision (ROD) include specific plans for parking loss mitigation, completion of the three proposed additional stations serving low-income communities, and continued discussions with the Rondo community about cumulative impacts regarding community cohesion and function.

We note that this 2SDEIS is unique in scope and timing. The 2SDEIS is in response to a court order; therefore, the scope is limited to consideration of the CC-LRT construction impacts to businesses. Further, the 2SDEIS is largely a retroactive study, because the

project is almost fully constructed; therefore, most construction-related impacts to businesses have already occurred.

Since NEPA is a planning tool, we typically review NEPA documents for future actions, and recommend appropriate changes or additions to consider in the planning decision. For this 2SDEIS, our review takes the perspective of what might have been proposed, and recommends what might be appropriate actions to consider at this time.

Based on the provided materials, we have assigned a rating of **Environmental Concerns-Insufficient Information (EC-2)**. A summary of our ratings definitions is enclosed. Our comments include:

- The need to define businesses within the project area;
- Clarification for what qualifies or disqualifies a business from receiving mitigation assistance;
- Further analysis of project impacts to businesses in the project area;
- Inadequacy of studies presented in the 2SDEIS;
- The need for additional effective public participation.

DEFINE BUSINESSES WITHIN THE PROJECT SITE

The 2SDEIS does not define what FTA and MC considers as a “business” within the project area. EPA is specifically looking for whether home-based or other non-traditional businesses were included in the referenced surveys and given consideration when developing mitigation measures and eligibility requirements. Because part of the project area includes high percentages of low-income, minority, or those with limited-English proficiency, it is not unreasonable that non-traditional businesses, such as cash-based or culturally-specific services are present. However, the 2SDEIS does not clarify whether these types of businesses, and other similar non-traditional businesses, were considered. A clear definition of what constitutes a business should be included in the 2nd Supplemental Final Environmental Impact Statement (2SFEIS) (i.e., must have a storefront, must have at least one employee, etc.)

Recommendation: EPA recommends a clear definition of a *business* be included in the 2SFEIS. This definition should consider the subtleties of non-traditional businesses that might be present within a low-income or minority community. This may take special adaptations of survey methods to fully and adequately include home-based, non-traditional, and/or part-time businesses, low income or minority participants, those with limited literacy or computer skills, or those with limited English proficiency, especially those reluctant to participate in any additional outreach.

As discussed in the 2SDEIS, the Volpe Transportation Research Center examined census bureau block data and determined there were 4,143 businesses within the project area zip codes. This is an overestimate, because not all businesses within these zip codes would be impacted by the project construction.

A second study by a Wilder Research team is discussed in Section 3.5, indicating it selected 436 "representative businesses" within the project site that would be expected to possibly experience direct impacts due to project construction based on location. Of the representative businesses surveyed, 201 responded to the survey instrument(s) and their report generalizes findings of impacts to the represented whole business community. It is unclear whether the representative 201 businesses accurately reflect the project site range of businesses. It is noteworthy however, that on page 31, Section 3.5.2.3, the Wilder Study representative businesses were selected from a list of 1,144 businesses the project had created itself with business names, locations, contact information and perhaps additional data.

Prior to the start of construction, a survey should have been made of all defined businesses along the project site corridor to establish a baseline condition, including information such as ownership, contact information, nature of each business, concerns businesses might have with coming construction, and some measure of each business's economic health, such as average annual gross income and operating expenses or other appropriate measures. This would have afforded the project a basis for understanding subsequent complaints and concerns, and would have provided a meaningful comparison for a similar post-construction survey. We acknowledge this is more evident in hindsight, but we find the two studies discussed in the 2SDEIS and others in the appendices insufficient for addressing concerns now raised by the business communities.

Recommendations: EPA recommends the 2SFEIS identify precisely each business within the project site *prior to construction*. This should include the name, location, owner or contact person and geographical and financial data relevant to understanding possible project impacts. . We recommend the existing list of 1,144 businesses be included in the 2SFEIS and suggest including a process to allow those believing they have a qualifying business not on the list to be considered for inclusion in this definition. The businesses that are known to no longer be located within the project site (either because of relocation or termination) should specifically be identified.

CLARIFY BUSINESS QUALIFICATIONS FOR MITIGATION ASSISTANCE

The 2SDEIS presents many efforts which have been made to address the business community's concerns, including:

- construction contract inclusions,
- project communication efforts,
- parking assistance programs,
- business assistance funds,

- Cedar Riverside Betterments, and
- Business access improvements.

These were all mitigation efforts created to respond to recognized developing business needs during project construction. These are explained in greater detail and listed in Table 3-20 as the 2SDEIS Preferred Alternative. Each of these measures has specific limitations and business qualification requirements for receiving mitigation. We commend the mitigation measures already implemented and designated as the 2SDEIS Preferred Alternative.

However, based upon presentations made at the 2SDEIS public hearings, January 10, 2013, many potentially eligible businesses may have: 1) misunderstood the qualifications; 2) concluded, perhaps erroneously, that they did not qualify and therefore did not seek mitigation; or 3) did not receive the needed information to apply for relief.

We note that the initial project ROD included a number of negotiated business mitigation measures or provided associated actions in some portions of the project construction zone

Recommendation: EPA recommends the 2SFEIS clarifies business qualifications for mitigation assistance. Those businesses that did receive relief may fit a narrow group and additional groups or needs should be identified for possible relief. Such additional groups, including businesses in low-income and/or minority neighborhoods, may be more evident once project site businesses are defined, per above. The 2SFEIS should also clarify if some groups of businesses are excluded from mitigation relief for specific reasons such as size, type of business, the nature of perceived project impacts, or other considerations.

ANALYZE PROJECT IMPACTS TO BUSINESSES IN THE PROJECT AREA

Once the above baseline business survey establishes what each project site business's status was prior to project construction, it is then feasible to consider what impacts the construction may have had on those businesses. A second survey should be completed as part of the 2SFEIS.

The studies referred to in the 2SDEIS and provided in the appendices used small, and selective samples, which were generalized as groups and may have overlooked factors specific to low-income and minority populations. Based on these studies, the 2SDEIS concludes that the overall outcome of constructing the CC-LRT was acceptable and no further mitigation is needed. While the studies may support that position for many businesses, they may have overlooked the many financially constrained and culturally oriented businesses within the project corridor.

During construction, the project area along University Avenue was widened from the rails and stations in the center of the avenue to encompass full reconstruction of the

avenue cross-section from building front to building front. The expansion of construction increased the impacts of the project on avenue businesses. The 2SDEIS is not clear whether these increased impacts associated with building front to building front reconstruction are adequately covered by the mitigation measures offered to affected businesses.

Recommendation: The 2SFEIS should include a further analysis that accurately reflects the changes each defined project site business experienced due to impacts from construction of the CC-LRT project.

ENHANCE EFFECTIVE PUBLIC PARTICIPATION

We commend the efforts that have been made to engage and address the businesses and diverse communities in the project area during construction. Appendix L of the 2SDEIS provided detailed documentation of this outreach, including records of the 835 meetings held along the project corridor from May 2011 to June 2012. We commend the CC-LRT project team for establishing a hotline and website that were made available to the public. However, based on the information provided in the 2SDEIS and testimony at the January 10, 2013 public hearings, EPA continues to have some concerns about the effectiveness of public outreach, notably to low-income and/or multi-cultural businesses.

Recommendation: EPA recommends the 2SFEIS identify what businesses were not successfully contacted to date, determine why, and make additional efforts to reach those businesses to inform them of mitigation opportunities for which they may qualify. This project offers an excellent opportunity for FTA and other federal agencies to gain insights into how to effectively engage diverse communities.

Thank you for the opportunity to review and comment on the 2SDEIS for the Central Corridor Project. Should you have any questions regarding these comments, please feel free to contact me or my staff member Norm West, at 312-353-5692 or west.norman@epa.gov or Elizabeth Poole at 312-353-2087 poole.elizabeth@epa.gov.

Sincerely,



Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosure: EPA Summary of Rating Definitions and Follow-up Action

Cc: Kathryn O'Brien
Environmental Services Project Manager, MC

**COMMENT ATTACHMENTS RECEIVED FROM THE UNIVERSITY
AVENUE BETTERMENT ASSOCIATION**

**SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT OF
CCLRT CONSTRUCTION-RELATED POTENTIAL IMPACTS ON
BUSINESS REVENUES**

APPENDIX A

In 2009, the Minnesota Department of Transportation (MnDOT), in a report entitled “Mitigation of Transportation Construction Impacts,” identified seven potential construction-related impacts to be examined in determining the impact of construction on small businesses. This report was prepared in response to Laws of Minnesota 2008, Chapter 308, and required MnDOT to prepare a report on the mitigation of construction impacts on small businesses.

This chart lists the seven factors and identifies the page where the Draft SEIS identifies that impact on businesses during construction. The Draft SEIS *talks* about the impact but does not *analyze* the extent or severity of these impacts.

Factor	References in Draft SEIS
--------	--------------------------

Pedestrian access	ES-6, 33, 43, 49, 57, 58, 75, 76
Traffic and vehicular access	17, 43, 49
Temporary parking loss	ES-12, 33, 43, 53, 55, 68, 75, 76
Utility shutoffs	ES-7, 42, 49, 75
Noise and vibrations	ES-7, 43, 49, 53, 55, 75
Increased dirt and dust	ES-7, 43, 49, 53, 55, 75
Visual impacts	None

Pedestrian Access: The Draft SEIS mentioned the loss of pedestrian access on several occasions. For example, the Draft SEIS states, “Businesses which rely on customers physically accessing their locations may experience impacts during a large construction project.” Draft SEIS, 49. Therefore, the loss of access would affect business revenue. However, the degree and extent to which access was limited or impeded, and the impact the loss of access had on business

revenue was never analyzed or discussed in the Draft SEIS. It also failed to address the specific situation where construction workers blocked access to a restaurant during the busy noon hour.

Traffic and Vehicular Access: The Draft SEIS addresses this impact primarily in a chart or bullet-point list, and offers a summary conclusion that this impacted business revenues for all businesses. However, the document never discusses how long and to what extent access was limited or how these limitations affected all types of businesses and their revenues.

Temporary Parking Loss: Though parking loss was mentioned more than other impacts, the analysis was no better. The number and location of parking spaces lost and the types of parking loss were never analyzed or discussed in the Draft SEIS. For example, the Draft SEIS states, “[T]he large majority of impacts involved parking and parking lot access” with no analysis of what that meant for business revenues. Draft SEIS, 43.

Additionally, the Draft SEIS neglects to completely describe the Construction Employee Parking Plan, a plan made to redirect construction workers to park “off-site” so that parking is not further taken from businesses. Draft SEIS, 68. Besides the purpose of the program initially stated in the SEA, the Draft SEIS states, “[C]ontractors are responsible for identifying parking off-site and transporting workers to the work site *if necessary*. Construction vehicles will be parked within delineated construction zones and work material will be kept out of existing parking areas.” *Id.* Though the Draft SEIS discusses this plan, it does not discuss how or if this was actually implemented, and whether workers complied with it. It does not discuss the situations where construction vehicles and equipment parked at the only remaining parking spaces on the cross streets, particularly near restaurants, and how this led to loss of business revenue for those businesses.

The Draft SEIS minimally describes the signage program used during construction, which would help pedestrian access, vehicular access, and parking. The document discusses money allocated for signage, including \$200,000 for the “Construction Communication Plan” and \$50,000 for “Additional Business signage. Draft SEIS, 63–64. The Draft SEIS discussed the objective of the plan as providing “clear directional signage, variable message signs, and construction site

information such as contact information and anticipated completion dates.” Draft SEIS, 66–67. However, nothing in the Draft SEIS indicates how much of this money was actually used, what it was used for or the effectiveness of the program. The Draft SEIS doesn’t describe how the signage program mitigated specific problems that led to loss of business revenue because they haven’t identified which business locations suffered loss of revenues.

Utility Shutoffs: The Draft SEIS minimally examines the impacts of utility shutoffs on businesses but not the loss of business revenues as a result of those shutoffs. The document states, “Impacts included loss of customers, inability of customers to use the bathroom, and needing to spend money on bottled water,” but it doesn’t provide the number of businesses that were without utility services, for what duration, resulting in what impact and whether the shut off was planned or unintended. Draft SEIS, 42. It does not discuss the resulting revenue loss, which is included in the Little Mekong study. Draft SEIS, Appendix J, 5. For example, it did not analyze the impact on the businesses that were evacuated due to a gas leak at University and Snelling, March 2011.

Noise and Vibrations: The Draft SEIS refers to the noise and vibration experienced during construction but neglects to discuss the impact these impacts had on business revenues. For example, the document states, “[B]usinesses cited items falling off shelves, disturbed customers, and cracked walls all as impacts of noise/vibration.” Draft SEIS, 43. However, the data from the Little Mekong study and UABA study indicates that some businesses experienced severe costs as a result of vibrations. Draft SEIS, Appendix H & J. No effort was made to quantify the amount of property damage and business interruption caused by vibration and noise.

Increased dirt and dust: The Draft SEIS gives only the number of businesses that reported dust and air “troubles” but doesn’t specify what those troubles were or the impact on business revenues. Draft SEIS, 43. However, the Little Mekong and UABA studies discuss those specific impacts. Draft SEIS, Appendix H & J.

Visual Impacts: The Draft SEIS has no mention or analysis of visual impacts to businesses and the impact on business revenues. The report focused on the visual impacts of the light rail,

discussing the artwork to be installed during construction. Draft SEIS, II & 15. Further, the Draft SEIS does not mention the effect of construction on the visual appearance of businesses. In the UABA study, businesses discussed property damages including exterior walls and litter/trash problems experienced during construction. Draft SEIS, Appendix H.



REPORT ON

MITIGATION OF TRANSPORTATION CONSTRUCTION IMPACTS

Prepared for the Legislature
of the State of Minnesota

February 2009

TB012009001MKE





Minnesota Department of Transportation

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

February 27, 2009

The Honorable Steve Murphy, Chair
Senate Transportation Budget & Policy Division

The Honorable Michael Jungbauer
Ranking Minority Member
Senate Transportation Budget & Policy Division

The Honorable James Metzen, Chair
Senate Business, Industry & Jobs Committee

The Honorable Geoff Michel
Ranking Minority Member
Senate Business, Industry & Jobs Committee

The Honorable David Tomassoni, Chair
Senate Economic Development & Housing
Budget Division

The Honorable Amy Koch
Ranking Minority Member
Senate Economic Development & Housing
Budget Division

The Honorable Bernie Lieder, Chair
House Transportation Finance & Policy Division

The Honorable Michael Beard
Ranking Minority Member
House Transportation Finance & Policy Division

The Honorable Frank Hornstein, Chair
House Transportation & Transit Policy & Oversight
Division Committee

The Honorable Dean Urdahl
Ranking Minority Member
House Transportation & Transit Policy & Oversight
Division Committee

The Honorable Tom Rukavina, Chair
House Higher Education & Workforce
Development Finance & Policy Division

The Honorable Sarah Anderson
Ranking Minority Member - Workforce
House Higher Education & Workforce
Development Finance & Policy Division

RE: Report on Mitigation of Transportation Construction Impacts

Dear Chairs and Ranking Minority Members:

The Minnesota Department of Transportation (Mn/DOT) has completed the enclosed Report on Mitigation of Transportation Construction Impacts in response to the law passed by the Minnesota State Legislature (Laws 2008, Chapter 308). The report will help Mn/DOT implement our new strategic direction to encourage public involvement and build public trust.

In developing this report, Mn/DOT worked with many groups, including other state agencies, counties, cities, chambers of commerce, and business owners from across Minnesota. The input we received was very valuable in identifying successful practices that are currently being used, and areas where we can improve in reaching out to small businesses before, during, and after transportation construction projects.

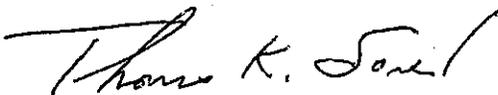
In compliance with the law, Mn/DOT developed the following plan to assist small businesses impacted by Mn/DOT construction projects.

1. Mn/DOT will emphasize small business outreach as an integral part of our broader public participation process by making revisions to our current "Hear Every Voice" program (described in Appendix B) and will place greater emphasis on the identification and mitigation of impacts to small businesses.
2. Mn/DOT will develop a checklist to be used by Mn/DOT project managers to initiate consultations with local government representatives and business community representatives. The checklist is a list of steps to be taken by Mn/DOT project managers to identify impacts to businesses, to plan and coordinate with local governments and small businesses, to identify mitigation measures (including signing), and to involve the construction engineer and contractor in an effort to improve communication and coordination with small businesses.
3. In order to better communicate with small businesses affected by construction projects, Mn/DOT will develop a packet for businesses that includes information about the nature, extent and timing of construction activities, identifies a single point of contact for small business owners, and, working with the Minnesota Department of Employment and Economic Development, will seek the assistance of area business development organizations.
4. From our surveys and discussions with small business owners, we learned that placing appropriate signing for businesses and business districts that are affected by construction projects is crucial. Mn/DOT will review its policies for signing in construction zones to document appropriate signing practices and to determine how to improve its response to requests from small businesses for additional signs.
5. Mn/DOT will regularly evaluate our program to make sure that our small business outreach activities are effective and continue to improve so we can avoid, minimize and mitigate the negative impacts of our projects on businesses.

The recommendations and opportunities identified in this report are well aligned with our increased efforts to include public participation and collaborative solutions not only in the project development and construction processes, but throughout the department.

If you have any questions or comments about the attached report, please contact Tom O'Keefe, Mn/DOT Metro District Program Delivery Director and Chair of the Advisory Committee at 651 234-7725. If you have questions about the implementation or ongoing support for the recommendations, please contact Michael Barnes, Mn/DOT Division Director of Engineering Services at 651 366-4825.

Sincerely,



Thomas K. Sorel
Commissioner

Attachment

cc: Peter Wattson, Secretary of the Senate
Albin A. Mathiowetz, Chief Clerk of the House
Legislative Reference Library
Senator Patricia Torres Ray
Billie Ball, Division Administrator
Abbey Mahin, Committee Administrator
Brian Martinson, Committee Administrator
Cap O'Rourke, Committee Administrator
Kerry Kinney Fine, Committee Administrator

Final Report

Report on Mitigation of Transportation Construction Impacts

Prepared for
Minnesota Department of Transportation

February 2009

Prepared by



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Acknowledgements

The authors of this report would like to acknowledge and thank the individuals, agencies, and communities who have participated developing the *Report on Mitigation of Transportation Construction Impacts*. First and foremost, thank you to the businesses that have provided input regarding experiences of operating a business during a transportation construction project. By sharing these experiences, you've added to a knowledge base that will be used by transportation agencies – including Mn/DOT – to improve interactions with businesses during future transportation construction projects.

The following listed agencies participated on the study's Advisory Committee, which was instrumental in providing input on candidate projects to study, how to collect input from businesses, including assistance in conducting public outreach meetings.

- Minnesota Department of Transportation (various districts and offices)
- Minnesota Department of Employment and Economic Development
- Anoka County
- City of North St. Paul
- Metropolitan Council Central Corridor project office
- Metropolitan Consortium of Community Developers

The following listed organizations were instrumental in preparing for and conducting on-site business outreach meetings which provided a wealth of information regarding business operator experiences during transportation constructions.

- Rochester Area Chamber of Commerce
- MetroNorth Chamber of Commerce

The following listed business associations were key to providing contact information for businesses located in an area recently affected by a transportation construction project, as well as assisting with distribution of the assessment forms to businesses.

- Lake Street Council
- La Crescent Chamber of Commerce
- North St. Paul Business Association

Cost of Preparing this Report

This report cost approximately \$95,000 to develop and publish.

Costs included:

- Consultant contract costs up to the date of publication
- Mn/DOT agency staff and partner agency staff time
- Document printing
- Travel expenses
- Postage and related costs for business assessment distribution and collection

Executive Summary

Transportation construction projects in Minnesota have wide-ranging impacts that, depending on the size of the project, can have an impact on neighborhoods, entire communities, or sometimes even broader multi-county regions of the State. All aspects of the population, including the business community, are affected by the construction of transportation projects. Often the impacts are very small and of short duration, such as during a routine maintenance project. Larger construction projects, such as complete reconstruction of an interchange or highway corridor, have several direct and long-term impacts on the daily lives of people.

This report has been prepared in response to Laws of Minnesota 2008, Chapter 308, requiring the Minnesota Department of Transportation (Mn/DOT) to prepare a report on the mitigation of construction impacts on small businesses. Mn/DOT recognizes that as construction projects become larger in size and duration, small businesses are at risk for difficulties arising from construction impacts. Working with small businesses to provide them with the information they need to understand the potential impacts of a project and the available resources to manage their business during construction is especially important.

Through outreach conducted as part of this study, Mn/DOT has reviewed several previous projects to identify the practices that made for successful communications with small businesses, as well as the lessons learned from those projects. The report summarizes business owner and operator assessments, the input received from a project Advisory Committee, as well as observations from the practices of other agencies (including from other states).

Recommendations

As a result of this work, Mn/DOT makes the following overarching recommendations:

1. Small business outreach must be emphasized as an integral part of a broader public participation process.

While greater emphasis on business outreach is necessary, the outreach must be conducted as part of an integrated public outreach program. Businesses and their surrounding communities rely upon each other – only when the potential impacts to each are communicated broadly can an appreciation of their need for support be developed.

2. Mn/DOT has the tools, practices, and relationships in place to assist small businesses—they need to be better leveraged with consistent and rigorous application through the entire project development process.

Programs such as “Hear Every Voice” offer training for Mn/DOT and its project development/construction partners to be sensitive to the needs of the public. Revisions to the Hear Every Voice program will be made to place greater emphasis on the mitigation of impacts to small businesses.

3. Important business issues need to be identified early in project development.

Once identified, Mn/DOT will identify appropriate agency (Mn/DOT and non-Mn/DOT) project contacts and decision-makers to ensure their involvement at the proper time. By doing so, Mn/DOT's commitments for mitigation activities will be implemented as intended. A project manager checklist will be used to guide this process. This checklist will also be used by transportation agency staff to initiate the following activities:

- a. Consultation with local units of government and business community representatives to identify businesses surrounding the project, potential impacts to small businesses (e.g., parking, traffic, and access), and to discuss potential mitigation measures;
- b. Development of a packet for businesses that will include project information (e.g., nature, extent, and timing of construction and anticipated changes in parking, traffic, and public access), a transportation agency project contact; and
- c. Determine a list of project-specific area business development organizations that may offer support and resources to affected businesses. This determination will be completed with assistance from the Minnesota Department of Employment and Economic Development.

4. Identify opportunities for partnership with a greater depth of resources, including economic development offices, dynamic local business leaders, or local government agencies.

Every project has unique technical issues but also unique human resources, personalities, and organizations. Taking advantage of the ideas, services, and relationships that these resources can offer will help businesses manage the challenges of construction. Besides offering greater knowledge of site-specific issues, their presence often serves as a moderating force in public outreach that enables a shared understanding of project impacts.

5. Enhance engagement of the construction contractor as an important resource for business communication and relationships.

The construction contractor offers a tremendous resource that can positively or adversely affect the effectiveness of business outreach. As a result of their visibility in the construction area, contractors oftentimes become the face of a project in the eyes of the public. Mn/DOT will work with contractors on a project-by-project basis to ensure that contractors are aware of this dynamic. Transportation agency staff may consider including contract provisions related to contractor participation or communication in projects where small businesses will be impacted. This may include a requirement that the contractor provide a business liaison to communicate with business operators and resolve issues on a regular basis (e.g. weekly) or as need may arise.

6. Review policies for signing in construction zones.

Mn/DOT will review policies regarding signing for businesses or business districts in construction zones. Appropriate signing can benefit businesses but, at the same time, good signing practices must be maintained (for example, drivers can be overwhelmed

with information from too many signs, spaced frequently). Signing practices that can be considered should be documented as well as those that should not be used. A clear policy will help ensure that signing proposals discussed early in the project development process are feasible and can be implemented during construction.

7. Evaluate the effectiveness of small business outreach activities.

Mn/DOT will regularly review business outreach efforts on a project-by-project basis and apply lessons learned to future projects. Mn/DOT will use its *Hear Every Voice Initiative Team* to begin this process and establish a long-term evaluation approach.

Implementation Opportunities

Several opportunities exist for Mn/DOT to implement the recommendations described in this report. In summary, those opportunities include:

- 1) **Update the Hear Every Voice program.** This update will include a module specifically focused on small business outreach. As Mn/DOT's core program in public involvement training, Hear Every Voice provides the principles and tools to implement an effective small business outreach plan.
- 2) **Implementation of a Project Manager's Checklist.** Incorporating a business outreach checklist into the Mn/DOT project development process will allow for a consistent application of business impacts review. The checklist offers an opportunity to document business outreach actions, the commitments that have been made, and plans for following through on business outreach before, during, and after construction.
- 3) **Conduct an Initiative Study to Assess the Requirements of Small Business Outreach.** Mn/DOT District 6 will be reviewing business outreach needs during the 2009 construction season. The findings from this initiative study may be used to update previous editions of business outreach materials, such as the draft "Survive and Thrive" workbook being developed by District 6 staff.
- 4) **Continue to Recognize the Construction Contractor as a Business Outreach Provider.** For continued use of the contractor on outreach activities, the best opportunity to ensure their success is at the "pre-construction meeting." This meeting is held between Mn/DOT and the contractor after they are selected, but before construction begins. Including the whole team (i.e. include contractor's sub-contractors) in the meeting will provide a shared understanding of the project business concerns and methods to be used in outreach.

Introduction

Transportation construction projects have wide-ranging impacts to the communities in which the projects take place. The interim impacts of construction often disrupt the normal activities and routines of business owners and operators. When the nature, extent, and timing of those construction impacts are uncertain, it is especially difficult for small business owners to implement measures that will mitigate the negative effects of construction.

This report was developed by Mn/DOT, with assistance from several cooperating partners, in an effort to help agency staff develop better communication methods with small businesses. Improved communications with small businesses before and during transportation construction projects are expected to help reduce the impacts of construction to businesses. This effort was undertaken in response to legislation passed in 2008 by the Minnesota State Legislature (Laws of Minnesota 2008, Chapter 308) requiring a report on this topic. (See Appendix A for complete language of this law).

In developing this report, Mn/DOT collected information from owners/operators of small businesses that had recently been affected by a transportation construction project. Gathering this information helped Mn/DOT:

- understand the needs of small businesses during transportation construction projects,
- identify what types of communications are most useful to small businesses, and
- identify ways to lessen transportation construction impacts to small businesses.

From this information, Mn/DOT has developed a variety of recommendations that give agency staff a set of guiding principles for business outreach as new project construction plans are developed and implemented. The report also identifies organizations that are available to assist businesses with financial, marketing, and technical counseling during transportation construction projects.

Mn/DOT's Project Development Process

There are several steps in the development of a highway improvement project. A brief summary of each step follows:

Planning: identification of a need or deficiency within the transportation system. These may be identified by Mn/DOT staff, affected regions, counties, cities, or townships, and individual citizens. The deficiencies are prioritized so that the most important needs are addressed with current funding.

Scoping: determination of what the project should entail. An environmental study is conducted and social, economic, and environmental impacts are identified. Several alternatives are developed with hearings and information meetings for public comment. Large/complex projects may include advisory committees with representatives from the community, local governments, and other federal and state agencies. These committees are involved with guiding project decisions and are often involved through the design phase. A preliminary cost estimate and schedule are developed.

Programming: identification of the projects that will be implemented with current revenue. These projects are documented in the Statewide Transportation Improvement Program.

Detail Design and Right-of-Way Acquisition: final plans and specifications are developed that provide the information that a contractor uses to build the project. Details on construction impacts, traffic staging, and scheduling are identified and worked through in this stage.

Construction: the final plans are let for competitive bidding and the project is built. The focus of public involvement during construction is to provide current, on-going information to affected residents, businesses, and the traveling public.

Operations and Maintenance: use of the highway after construction is complete. Ongoing maintenance activities occur to prolong the life of the roadway and ensure safe and efficient operation.

Mn/DOT Project Development and Public Involvement

- Project Scoping is an important first assessment of a project's potential impacts – and a chance to obtain input from the community.
- Several opportunities for public involvement occur throughout the project development process, including notably during environmental studies.
- *Hear Every Voice* serves as the centerpiece of Mn/DOT's public involvement program, offering training to Mn/DOT staff and its partners in project delivery.

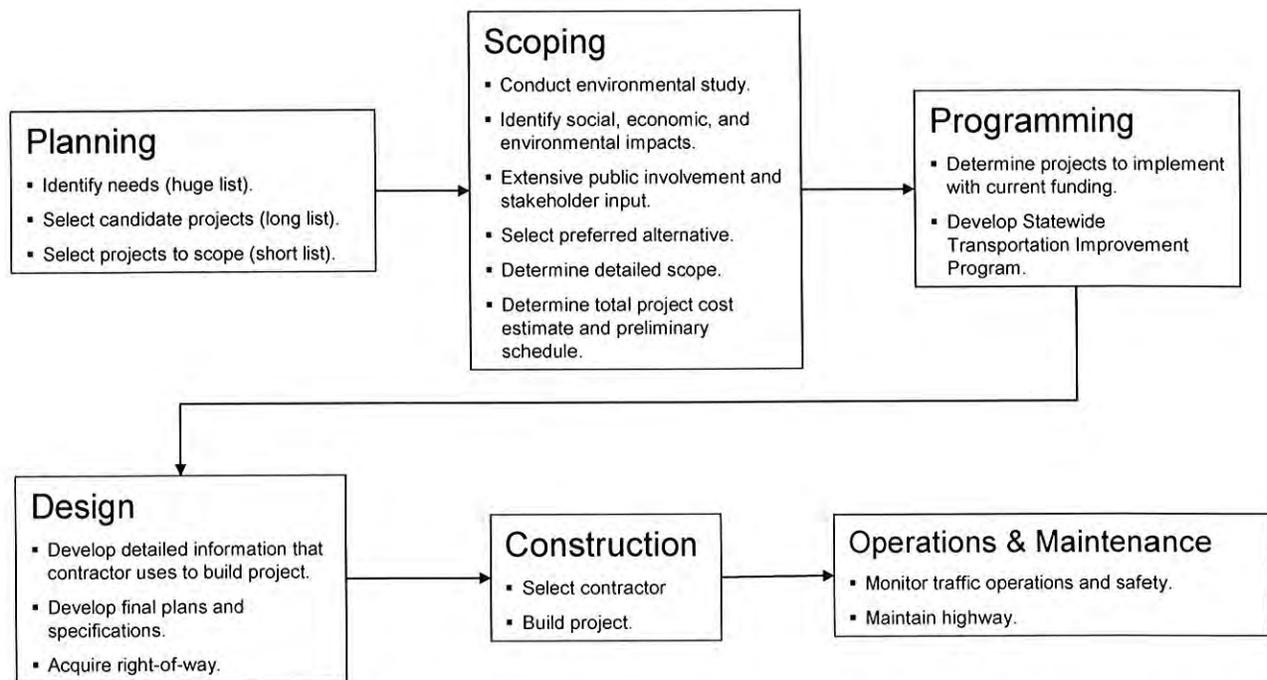


Figure 1. Mn/DOT's project development process. Public involvement is emphasized through every step.

Public Involvement and *Hear Every Voice*

Mn/DOT provides detailed guidance for project managers and other staff on the highway project development process at <http://www.dot.state.mn.us/planning/hpdp/scoping.html>. The importance of stakeholder consultation and public involvement through every step in the process is emphasized. A sampling of *Hear Every Voice* Program materials is provided in Appendix B.

As an integral part of the project development process, the *Hear Every Voice* program documents Mn/DOT's approach to public involvement. This program provides written guidance, as well as a number of tools and resources, which employees can use to conduct meaningful and productive public involvement. Best practices for each step are documented including requirements and timelines, when applicable. Because each project is different—in terms of scale, impacts, and context—*Hear Every Voice* appropriately emphasizes the importance of tailoring public involvement to the unique characteristics of each project. Training courses are offered on an on-going basis to support employees in planning, implementation, evaluation and management of public and stakeholder participation.

The *Hear Every Voice* program provides an existing platform that can be expanded or improved to better address the needs of small business during construction projects.

Context Sensitive Design and Solutions

Context Sensitive Design and Solutions (CSD&S) is another integral part of Mn/DOT's project development process. CSD&S is the simultaneous balancing of the objectives of safety and mobility with preservation and enhancement of aesthetic, scenic, historic, cultural, environmental, and community values in transportation projects. CSD&S is the art of creating and sustaining transportation public works that satisfy users, stakeholders, and neighboring communities by integrating and balancing projects with the context and setting in a sensitive manner that relies upon broadly-informed planning, consideration of differing values and perspectives, and tailoring designs to unique project circumstances. CSD&S uses a collaborative and interdisciplinary approach that includes early and ongoing involvement of key stakeholders to ensure that transportation projects not only perform safely and efficiently, but are also in harmony with the natural, social, economic, and cultural environment. Mn/DOT's commitment to the CSD&S approach to project development offers another existing means through which outreach and coordination with small business can be improved.

Current Practices to Address the Needs of Small Business

The following practices are currently used by Mn/DOT at various stages of project development to address the needs of small business:

- Opportunities for business representatives to serve on project advisory committees.
- Opportunities for early input at public hearings and public information meetings.
- Direct conversations with businesses during project design to provide input on how to mitigate impacts, including those related to traffic, access, and parking.
- Pre-construction meetings after contractor selection, but prior to construction that involve impacted businesses, Mn/DOT staff, and the contractor.
- Special signing, if it consistent with current signing standards and practices (for example, drivers can be overwhelmed with information from too many signs, spaced frequently).
- Construction restricted to nighttime or time periods when businesses are closed.
- Construction restricted during community events.
- Weekly meetings during construction between businesses, contractors, and Mn/DOT construction staff.
- Ongoing updates during construction using a variety of communication methods and media sources.

Data Collection and Outreach

Project Advisory Committee and Agency Staff Outreach

Project Advisory Committee Role in Report Development

A project Advisory Committee was assembled to draw upon experiences from recent construction projects across Minnesota. The Advisory Committee included representatives from local government, the Minnesota Department of Employment and Economic Development, the Metropolitan Consortium of Community Developers, the Metropolitan Council Central Corridor project office and several Mn/DOT districts and offices. The Advisory Committee provided input on candidate projects for business assessments, how to collect input from businesses, including assistance in conducting public outreach meetings.

Transportation Agency Staff Role in Report Development

Several individuals who work for transportation agencies also provided a great deal of information and input that aided in the development of this report. These individuals frequently work on transportation construction projects and have extensive experience coordinating with communities and businesses through project development.

Transportation agency staff assisted with development of business assessment forms (discussed below) and provided feedback regarding their experiences of coordinating with businesses through the project development.

Business Experience Assessment Form

Mn/DOT developed assessment forms aimed at capturing input from businesses recently affected by transportation construction projects. A complete version of the assessment form is provided in Appendix C. The assessment of business representatives was intended to:

- Gain a better perspective of challenges and impacts business operators within close proximity to transportation projects encounter during construction,
- Identify the extent to which business operators had access to information from transportation agency staff or other resources throughout the project development and construction process, and
- Determine the type of information, as well as methods and frequency of communications, that are most useful for business operators before and during a construction project.

Advisory Committee and Agency Support in Report Development

- An Advisory Committee of several agencies provided direction in data collection and outreach.
- Transportation agency staff provided feedback about recent project examples to review for agency practices and obtain input from affected businesses.
- Advisory Committee members noted a continuing problem in identifying the correct contact information for businesses that are tenants of buildings owned by others. (See the discussion in the "Challenges" section of this report).

Assessment Form Development & Distribution

The business owner/operator assessment form was developed through a collaborative effort that involved the Advisory Committee and volunteer form testers. The Advisory Committee decided to distribute the business assessment forms to owners/operators who recently have had the experience of operating a business during construction. The Committee selected seven recent projects within Minnesota. Three projects are located in the Twin Cities Metropolitan Area; the other four were located throughout Minnesota. With the exception of one project, all were completed by Mn/DOT. The Lake Street major reconstruction project, completed by Hennepin County, was included in the assessment effort to capture input from the high number of small businesses along the corridor. Information about these projects is provided in the table below:

Illustrative Project Case Studies

- Several recent transportation projects from across Minnesota were the source of business owner/operator input.

Project Name & Type	Agency	Location
Highway 36 between White Bear Ave. and Hwy 120/Century Ave.—Major reconstruction	Mn/DOT Metro District	Maplewood & North Saint Paul
Highways 16/61—Major reconstruction	Mn/DOT District 6	La Crescent
Highway 2 West of Highway 38 intersection—Mill and Overlay	Mn/DOT District 1	Grand Rapids
Highway 2 East of Highway 38—Major reconstruction	Mn/DOT District 1	Grand Rapids
I-35W & 54 th Street/Diamond Lake Road Improvements (part of I-35W/Hwy 62 Crosstown Project)—Major reconstruction	Mn/DOT Metro District	Minneapolis
Lake Street—Major reconstruction	Hennepin County	Minneapolis
Highway 10 Detroit Lakes—Major reconstruction	Mn/DOT District 4	Detroit Lakes

Lists of business owner/operator contacts were obtained from transportation agency staff involved with each project. Agency project staff also helped identify the best means for distributing the forms. As such, a variety of distribution methods were used – including mailing, along with an addressed, stamped return envelope; e-mailing an electronic link to an on-line assessment form; and hand-delivery and pick-up.

Business Assessment Results

In total, assessment forms were distributed to over 400 business owner/operators. Responses were received from ninety-five businesses. A complete summary of business assessment results is provided at the end of this document, in Appendix C. The following discussion highlights findings from the business assessment that were influential in developing recommendations for Mn/DOT staff in communicating with small businesses in the future.

Effects of Transportation Construction on Businesses

Business Assessment Results

- Over 400 businesses were asked to provide input, with more than 20% responding.
- While the business assessments provide a valuable source of input from recently affected businesses, statistical significance should not be implied from the results.
- A majority of business respondents reported having lost business during construction.
- Businesses are sensitive to the practices of construction contractors – including as a source of project information.

76% (72 respondents) of the respondents reported having been affected by a transportation construction project. Over 60% (59 respondents) reported having lost business during construction. The most commonly cited reasons for business loss were:

- Loss of access
- Length of project
- Less traffic
- Highway/road closures
- Detours
- Lack of or poor signing

In addition to selecting choices from the list of impacts on the multiple choice question, business operators also wrote in the following business impacts:

- Lane closures resulted in heavy traffic and congestion; in some cases, this made it difficult for customers to enter or exit a business.
- Loss of parking resulted in impacts ranging from customer inconvenience to avoidance of the construction area.
- Property damage to business property resulting from contractor actions was cited by several business operators. In several instances, the business representatives noted that the situation had not been resolved to their satisfaction.
- Construction activities that took place over the July 4th weekend resulted in less business for some businesses located in a community that historically receives a high volume of tourist traffic.

Notably among the written comments received from business owners and operators was the impact a contractor's practices can have on their perceptions of the project. A frequent comment of frustration from businesses was concern about contractor equipment or activities blocking access to businesses or eliminating customer parking. In cases where the business person communicated directly with on-site contractor employees, there was a great improvement in knowledge of the project and an understanding of what was being done.

Very few businesses responded that their business had benefited from the transportation construction project. Over one-quarter of respondents

indicated that it was too soon to tell or that the project was still under construction. However, only 8% felt the project had provided a benefit to their business.

Fewer than 40% of business representatives knew the specific transportation agency staff person they could contact with project related inquiries. Few businesses reported coordinating with local chambers of commerce, community development agencies, or marketing/business consultants for assistance during construction. Roughly over one-quarter of the businesses reported they had coordinated with other businesses during the construction period.

Business Operations during Construction

In general, 45-60% of business representatives indicated that they had received adequate information about the following topics:

- Timing and phasing of construction
- Length of project
- Changes in Parking
- Construction-related detours
- Changes in public access

However, less than 30% of respondents indicated that the construction project included adequate signing that directed customers to area businesses. Regarding signing issues, several written comments expressed frustration with transportation agency signing policies, noting the need for the transportation agency and the businesses to work together.

Business Response to Construction

Overall, nearly 60% of businesses reported having enough information to development and implement a business plan for the construction period. Below is a sampling of actions businesses noted they took to better serve customers during construction:

- Advertised
- Sent map or flier with detailed directions and project updates
- Telephoned customers
- Developed and paid for own signage; specific entrance/exit and detour directions
- Read construction updates in neighborhood newspaper
- Provided good customer service/apologized for inconvenience
- Expanded hours and increased delivery

Business Assessment Results

- Most businesses were unable to identify the specific transportation agency contact person available for project-related inquiries.
- Signing was a consistently highlighted issue of concern for businesses during construction.
- Most businesses were satisfied with the amount of project information they received for their own development of plans for operation during construction.

Business Outreach Meetings

During development of this report, Mn/DOT met with business managers/operators representative of two recent projects: the ROC52 design-build project in Rochester, Minnesota, and the Highway 65/County Road 14 Interchange project in Blaine, Minnesota. A brief summary of the findings from each meeting is provided below. Complete summaries are provided in Appendix C of this document.

Rochester Area Chamber of Commerce

This meeting was held in cooperation with the Rochester Area Chamber of Commerce. The meeting was a regular meeting of their Transportation Committee, but was held as a meeting open to the public. Press releases were provided to the local news media in advance of the meeting. Feedback from participants about the ROC 52 project in Rochester was generally positive. They noted that communications throughout the entire project were good and that Mn/DOT and the contractor worked to provide the community with up-to-date information. Project buy-in from community leaders also helped a great deal in completing the project in a manner that kept community relations intact.

Communications

Good communication practices; started early and lasted throughout the project. Elements of the ROC 52 communications program included:

- Daily radio announcements
- Regular press releases
- Newsletters
- 1-800 number for project information
- Project website

Focus Group Findings

- The design-build contractor management of public outreach was effective in Rochester (the "ROC 52" project) due to an extensive outreach program and broad community support for the project.
- The same ROC 52 outreach model was applied to an Oronoco design-build project with less success.
- Each project has unique characteristics that prevent a "one-size-fits-all" approach to outreach.

The design-build contractor hired a public relations firm that was responsible for coordinating most elements of the public outreach program. This firm also frequently followed-up with stakeholders to determine the effectiveness of various communication methods.

Coordination with Businesses

Frequent and meaningful communications with businesses along the Highway 52 corridor resulted in successful business operations during construction. Below are some specific efforts that were taken to ease business impacts during construction:

- Signs directing drivers how to reach specific businesses entrances were moved around as project conditions changed
- Businesses worked together to develop incentives to shop during construction, e.g., Miracle Mile businesses and the local chamber of commerce coordinated to offer special sales during construction

Mn/DOT's attempt to replicate the public outreach approach used on ROC 52 in the Oronoco Highway 52 design-build project approximately 12 miles to the north was not successful for a variety of reasons, including a lack of community buy-in for the project. Comparing the results of the community outreach programs on Oronoco and ROC 52 demonstrates that projects possess unique characteristics that require tailored approaches to outreach—even within close proximity to one another.

MetroNorth Chamber of Commerce

The group focused on the experiences of businesses that operated during the Highway 65/County Road 14 project in Blaine. Highlights from the discussion are summarized below:

- Sponsors of the project—Anoka County, City of Blaine, and Mn/DOT—explained benefits of the project (e.g., access management) with stakeholders before and during construction.
- Contractors play a large role in project communications with the business community. This role is valuable and should be explored further for future projects.
- Businesses, the County, and the City of Blaine all coordinated to develop and fund the “Heart of Blaine” marketing effort, which was focused on keeping customers within the project corridor during construction. One business person in particular championed the effort for the businesses.
- Anoka County's Transportation Management Organization (TMO) Director devoted a considerable portion of her time to coordination with businesses along the project corridor.

Best Practices and Lessons Learned

As a result of reviewing the outreach efforts described above, Mn/DOT has identified several best practices and lessons learned from past projects and the outreach practices used by other state and local transportation agencies. Generally, the lessons learned discussions are incorporated within the project-specific case studies included in this section.

The observed best practices, described in five broad categories below, form the basis for the recommendations of this report. The first four categories relate to project-specific needs and actions necessary to promote an effective and efficient communications strategy between the project sponsor and the business community. The fifth category is focused on existing agency practices that can be drawn upon to create a structured business outreach protocol, which is discussed in the Recommendations and Implementation section below.

Successful Business Outreach Includes the Whole Community

Businesses are part of the Community

- Successful business outreach integrates the entire community.
- Provide project information that can be used by business – for their customers, suppliers, and employees.
- Community support and awareness of the project enables a cohesive business community marketing plan.

As described above, one of the findings from the survey of businesses is that business owners and operators often do not perceive a benefit from the planned or completed transportation construction project.

A common theme from the best examples of outreach to the business community is that project outreach efforts are conducted in a holistic manner. That is, outreach to businesses should not be conducted in a vacuum, but as part of a broader public involvement program that also includes businesses, community residents, locally elected officials, and other governmental agencies as stakeholders. The benefit of this approach is that all stakeholders have an opportunity to hear the perspectives of other groups, thereby increasing the potential for project understanding and enthusiasm for the project from all stakeholders – including businesses.

Successful communication with business owners and operators recognizes that communications do not stop at the businesses. Customers, employees, and suppliers to businesses are all affected by construction activities. Providing project information to businesses that can easily be passed on to those types of business stakeholders is another example of how broad project outreach is necessary.

An example of good community outreach (shown as a Case Study below) is the Highway 52 design-build project in Rochester, also known as “ROC 52.” This case study is a demonstration of the benefit of broad community support as a means to engage the business community. Conversely, a similar Highway 52 design-build project approximately 12 miles north of Rochester in the City of Oronoco did not demonstrate the same type of broad

community support. This resulted in fractured communications between the community, including businesses, and the project sponsor.

The experience from these two Highway 52 design-build projects not only demonstrates the value of broad community support, but it also reflects a lesson learned that applies to the third category of best practices described below in this report: each project is unique and requires a tailored approach to outreach. Mn/DOT, having gone through a successful community outreach program on the ROC 52 project, applied the exact same approach to the Oronoco design-build project. However, the Oronoco project did not have the same foundation of community support as experienced in Rochester – a different approach was needed.

Case Study: ROC 52 Design-Build Project

Demonstrated Effort to Minimize Impacts

Expansion of an 11.8 mile section of Highway 52 to six-lanes in Rochester, Minnesota was Mn/DOT's first design-build highway project. The ROC 52 project was completed in 3 ½ years, versus the eleven year schedule that was estimated with a traditional, non-design-build construction approach.

Maintaining the function of Highway 52 as a major artery within Rochester, the region, and state was an important goal during construction. As such, four lanes of traffic (two lanes in each direction) were maintained during peak travel periods (6 a.m. to 7 p.m. Monday - Friday). Lane closures were allowed during non-restricted hours (night and weekends). Additionally, access to residences and business was maintained throughout the project. Efforts were made to minimize impacts to businesses, including minimizing construction during the November-December holiday shopping season.

Business Communications Conducted Within the Community Context

The ROC 52 project stands apart from many others in that many businesses view the project as a success—including the period of construction. Through discussions with members of the Rochester Area Chamber of Commerce's Transportation Committee, we learned that one of the keys to this success was viewing the outreach program as a community outreach, rather than a business outreach effort. This theme was apparent even in the project slogan of "We're in this together."

Another key to the success of ROC 52 was that Mn/DOT and the contractor worked together with an understanding that this project was not to be "business as usual." The contractors were aware of important business community concerns. Other elements of the ROC 52 public outreach program are discussed above, under Outreach Meetings.

Project Ambassadors" Provided Leadership

Perhaps one of the keys to the success of the ROC 52 project was the fact that a Leadership Group within the community acted as "project ambassadors" within the community. That is, they were key in building community support for the project, which included educating the public about the need for, and benefits of the project.



Project Team Planning: Consider the Whole Project

One common theme in business owner feedback was frustration about changes in project contacts and decision-makers. This was most notable relative to the topic of signing and visibility of businesses during and after construction.

Case Study: Highway 36 (North Saint Paul and Maplewood, MN)

Improvements to Highway 36 were constructed in 2007 and 2008. The goal of the project was to rebuild a segment of Highway 36 to increase safety and improve access through the cities of North St. Paul and Maplewood. After conducting market research and substantial outreach with the affected communities, Mn/DOT chose to expedite the project schedule by completely closing Highway 36 to traffic in North Saint Paul for several months in 2007. Business input was critical to this decision. As a result, Mn/DOT staff established a close working relationship with businesses early in project development.

The value of this early work with businesses was confirmed through feedback received from businesses and from the Advisory Committee. Businesses and the broader communities generally believed Mn/DOT's outreach efforts met their needs for information. However, some businesses noted commitments made by the Mn/DOT project representatives were not always implemented. Specifically, project staff involved in the early outreach efforts worked with affected businesses and communities to develop a system for installing temporary signs that would direct motorists to business entrances. However, when it came time to design and install the signing plan, Mn/DOT was unable to implement the arrangement because the signs would not conform to agency standards. This left businesses and city representatives frustrated and temporarily without a plan for signing during construction.



Another aspect of project signing that needs consideration is signing for the finished project. In the case of Highway 36 at McKnight Road, the new interchange included full access to McKnight Road and the option to drive straight toward the North Saint Paul business district from eastbound Highway 36. This unique feature created a need to coordinate with the city for signing at this location. A compromise between the parties was reached (a "Downtown North Saint Paul" sign at the exit ramp with a straight-ahead arrow) after completion of the project. The business

community involvement in that decision was important for buy-in on the final design and location. An opportunity to avoid the temporary confusion would have been to hold the discussion of final project signing earlier in project design and development.

Signing is a key concern of businesses during construction, especially if a detour or change in business access is involved. As can be seen from the case studies below, difficulties arise from misunderstandings about what can and

cannot be done in terms of the types, locations, and sizes of signing during construction. Many layers of decision-making occur, often involving multiple levels of government (e.g. the State and City) depending on the extent of construction and best opportunities to provide signing. Problems such as those identified in the Case Studies of Highway 36 and Highway 2 can often be avoided if the right decision-makers are involved early in the project outreach process and if staff identifies the problems that must be resolved.

For this reason, it is extremely important to map out the key decision makers and project managers early in project development, even before a formal business outreach program is underway. Each project will have its unique characteristics that require different resources to be available according to the project's key issues.

Getting the right resources involved at the appropriate time will help to provide seamless project communications that are not hindered by participants' climbing a project learning curve. Relative to Mn/DOT, this means that staff with specific project development responsibilities (see Figure 1) becomes involved with the project before their specific project phase begins. For example, Mn/DOT's construction manager would be aware of project details and commitments well before the start of construction. This would allow the construction manager to understand the project's unique issues, the variety of stakeholders involved, and any commitments that the agency has made in previous project development phases. All of this would help to ensure a smooth transition into the construction phase and minimize the potential for glitches in communication.

One resource that may be often overlooked as an opportunity for business outreach and support is the construction contractor. Many business owners described how they relied on face-to-face interaction with the contractor to receive project updates. Occasionally businesses described situations where the contractor's construction practices (e.g. material placement or equipment operation) was disruptive to the business for prolonged periods with no explanation or warning. While the identity of a contractor may not be officially known until immediately prior to construction, planning for their active involvement and engagement as an outreach participant has been proven as a successful strategy.

Adapt Communication Methods to Business Needs and Project Resources

As described above and in the case studies, each project is unique and will have its own key issues and associated level of public outreach. For this reason, assigning a specific universal template or approach to business outreach for every project is not likely to be successful. Instead, the people directly involved need to have the freedom to conduct and adjust business outreach in a way that responds to the distinct needs of each project. (Note: this does not preclude a structured approach to communications, as described further below in Section 5 of this Best Practices section).

One advantage to early communication with businesses is that besides learning about specific issues, it also offers an opportunity for leaders of the business community to emerge. A great example of this comes from the Highway 65/County Road 14 project in Blaine, Minnesota (see Case Study below). This project shows how valuable it is to allow committed individuals to identify themselves and in turn leverage their interest and abilities. Not only did the project gain a new vehicle for communications, but the business community relationship to the sponsoring agencies was strengthened as well. The leadership from these individuals will often play a critical role in understanding what types and frequencies of communication are appropriate for the project.

Among the findings of the business survey was that business owners and operators do distinguish between the types of projects that may be

Adapt Business Communication Methods to Your Project Needs

- Each project has unique characteristics and associated potential for business impacts.
- Tailor your business communications strategies accordingly.
- Early outreach with businesses will enable them to identify those methods of outreach that will be most helpful.
- Large construction projects often require community outreach more than one year in advance of construction.
- To maximize business contact, conduct public outreach in the affected area – look for opportunities to hold meetings at affected businesses.

Case Study: Highway 2 (Grand Rapids, MN)

Highway 2 in Grand Rapids has undergone a wide range of improvements recently, from major construction for one portion, to a regularly scheduled "mill and overlay" maintenance work on another. Businesses located around these projects expressed concerns similar to those expressed by businesses near the Highway 36 project. In this case, early communications about signing for businesses during construction were conducted between Mn/DOT and the businesses. Later as construction on Highway 2 began, the businesses learned that city of Grand Rapids requirements for signing did not allow for the construction signing to be implemented as planned.

This project example reinforces the importance of signing as an issue for coordination with businesses in advance of construction. A key lesson from this project and the Highway 36 example above is that getting the proper decision makers involved early in project development is very important for ensuring the implementation of project commitments. This involves Mn/DOT staff and local government officials.

Demonstrate Responsiveness

Businesses identified clear and timely project communications as valuable to their operations before, during, and after construction. Information about the following topics was noted as important by several business representatives:

- Project start date
- Length of construction
- Areas of the project with likelihood of changing, including updates when project elements change
- Project completion announcement to allow businesses to communicate with customers, suppliers, and employees

Several businesses also noted the value of receiving fast responses to their inquiries to project staff. Also, for larger projects, such as the ROC 52 reconstruction in Rochester, business representatives noted value in being able to provide feedback regarding the effectiveness of the public outreach efforts, and seeing the outreach approach change based on the feedback.

The Highway 65/County Road 14 interchange project in Blaine offers an excellent example of both adapting outreach and demonstrating responsiveness to the business community's needs. As described in the Case Study below, representative government agencies worked cooperatively with businesses to not only implement a cohesive business marketing plan and outreach effort, but to also engage with specific individuals easily identified as business community members to moderate discussions and represent business interests. This responsiveness to business needs has resulted in creative methods to mitigate construction impacts and complete the project on schedule.

Case Study: Highway 65/County Road 14 Interchange Project (Blaine, MN)

Work on the interchange at Highway 65 and County Road 14 began in March 2008 and was completed in August 2008. The interchange—which was completed through a partnership between Anoka County, the City of Blaine, and Mn/DOT—was the second of three phases that will ultimately convert a section of Highway 65 to a freeway. The third phase remains underway at the time of this report publication.

Prior to implementation of improvements, the intersection of Highway 65 and County Road 14 was one of the most congested and dangerous intersections in Minnesota. Existing and planned development (including retail development) along Highway 65 was expected to add additional congestion to an already congested corridor.

Construction of the interchange required closing and detouring County Road 14 traffic for several months. However, access was maintained to all businesses and detours were signed to allow drivers to reach their intended destinations. The Highway 65/County Road 14 interchange project provides an excellent example of successful coordination with the business community before and during a construction project. Highlights of the business outreach program are provided below:

A Unique Partnership of Business and Community

Early in project development, one business representative and member of the MetroNorth Chamber of Commerce became very engaged in project planning. This person was invited to participate in Mn/DOT and other agency discussions about the project. He served as the “eyes and ears” of the business community. Project features were explained to him and he in turn told project designers what he heard from a business owners’ perspective. The relationship building fostered by this collaboration resulted in his serving as a public meeting moderator and reinforced the business community’s role as a part of the project development process.

Another business owner seized the opportunity to initiate a marketing campaign on behalf of affected businesses. Her leadership resulted in a formalized organization of project partners that included area businesses, the MetroNorth Chamber of Commerce, and the city of Blaine. Each of the three groups contributed funding toward a collective advertising and marketing campaign fund to last through project construction.

The Anoka County Transportation Management Organization (TMO) was also an important partner in the business coordination effort. The Anoka TMO has provided staff time, agency coordination, and informational handouts throughout project construction to maintain awareness of the project activities.

Coordinated Marketing Plan

The joint advertising fund was used to develop the “Heart of Blaine” brand for the area businesses. The “Heart of Blaine” advertising campaign relied on businesses cross-marketing with each other during construction; this included promotions that offered prizes for patronage at business in the Heart of Blaine. The campaign also included sending out project updates to community residents and businesses via postcards and e-mails. These updates not only provided information to the community, but also armed businesses with information that they could distribute to their own clients, employees, and suppliers.

Case Study (Continued): Highway 65/County Road 14 Interchange Project (Blaine, MN)**Project Web Sites Offer Continual Project Updates**

Mn/DOT and the City of Blaine developed project web sites that link to each other to take advantage of each agency's resources for project information and updates. The Mn/DOT site offers an opportunity to sign up for automatic e-mail notifications of project news, a list of project contacts (at Mn/DOT and other project partners), along with detailed information about the project background and stages. The Blaine web site includes similar project overview information, but notably includes an "Open for Business" link to help locate businesses in the project area with business phone number and web site information provided.

Leverage Existing Tools and Practices for Business Communications

Through current project development processes, Mn/DOT accumulates information that is useful to businesses in developing and implementing plans to operate during construction. Existing Mn/DOT tools and practices can be re-packaged into a project information packet that provides businesses with project information – including anticipated impacts to traffic, access, and parking – so that they are able to more effectively operate during construction. Elements of a business information packet must include:

- Information regarding the nature, extent, timing, and duration of planned construction – this includes changes in parking, traffic, and public access in the project area
- Information about how businesses can contact Mn/DOT staff throughout the project regarding construction progress and timing
- A listing of area business development organizations that can assist businesses with financing, marketing, and technical counseling during the construction period

In addition to the required information listed above, information packets should be tailored to unique project descriptions. Mn/DOT staff may also consider including an educational piece explaining why the project is being done (e.g., to address safety, demand, etc.), so that businesses are more likely to see a project benefit.

Based on the ability of Mn/DOT to use existing tools and practices to improve communications with businesses, there is not a need for any legislation to improve this process. However, Mn/DOT will update public involvement guidance, including the *Hear Every Voice* document, to specifically address business communications within the project development process. This step will ensure that Mn/DOT staff is consistently applying the same set of considerations to projects, while also being allowed flexibility to respond to unique project circumstances.

Challenges

Some transportation agency staff noted they had had difficulty with obtaining complete, accurate, and cost-effective business contact information – particularly with tenant-based businesses. Most of the transportation agency staff noted that they rely on tax records. Other sources of this information included chambers of commerce, local business groups, and going door-to-door to collect this information. Experiences from the Central Corridor Light Rail Transit project provide an example (see the Case Study below) of the challenges agency staff face when trying to determine the appropriate owner/operator contact information.

Case Study: Central Corridor LRT (St. Paul & Minneapolis, MN)

Difficulty Obtaining Complete, Accurate, and Cost-effective Business Contact Data

The Central Corridor Light Rail Transit (LRT) Project will link the downtowns of St. Paul and Minneapolis, with construction anticipated to begin in 2010 with service in 2014. The 11-mile line will serve the University of Minnesota, Midway businesses and neighborhoods and the Capitol area.

The corridor is home to 2,500 businesses, of which 1,300 are directly on University Avenue; therefore business outreach was determined to be of great importance. One of the first tasks undertaken by the Central Corridor's outreach team was to develop a business operator database. This data needed to include complete and accurate business contact information, and be available at a cost within the team's budget. Ultimately, the task took the outreach team one year to complete; the effort was considerably more difficult and time consuming than originally anticipated, for the following reasons:

- Utility companies, which have access to the most complete data for both property owners and tenants, would not share the information with the Metropolitan Council.
- High cost data bases offered 2005 information. One source estimates that about 5% of businesses turn over every year, meaning that the data was outdated. Given the cost and the accuracy of the data, the Council chose not to make this investment.
- Data from the Secretary of State (SOS) is accurate, but only for businesses with current annual filings. SOS business data can be queried by address, however, many businesses list addresses that do not match the physical business address. For instance, chain or franchise locations are listed under headquarters addresses; or businesses list a home or different address.
- Property tax databases provided a list of property owners but not tenants. A survey conducted by the Metropolitan Council showed that 58% of the businesses lease space, meaning that their contact information would not be in the property tax information.
- The Council requested that property owners share project information with their tenants, which some did by including information with monthly bills. Project outreach staff discovered that some property owners were hesitant to share project information with tenants, especially if a lease was up. These owners were worried that tenant business owners would not renew a lease if they learned about the project.

Ultimately, the outreach team stitched together a business contact database by starting with the property tax database and cross referencing it with free business data which was downloaded from a research website. Staff then went door-to-door to fill in the blanks and make corrections to the contact data that had been compiled.

Recently, a mailing sent by outreach staff resulted in about 10% of the envelopes being returned to outreach staff. Maintenance of the business database will be an ongoing issue for the Central Corridor outreach team.



Recommendations and Implementation

Mn/DOT has the vision of “A coordinated transportation network that meets the needs of Minnesota’s citizens and businesses for safe, timely, and predictable travel.” In this regard, Mn/DOT is committed to improving its work and coordination with small businesses. Providing businesses with the opportunity to understand potential project impacts and the resources to plan for mitigating those impacts is fundamental to the success of achieving Mn/DOT’s vision for Minnesotans.

As a result of the work in developing this report, Mn/DOT makes the following overarching recommendations:

1. Small business outreach must be emphasized as an integral part of a broader public participation process.

While greater emphasis on business outreach is necessary, the outreach must be conducted as part of an integrated public outreach program. Businesses and their surrounding communities rely upon each other—only when the potential impacts to each are communicated broadly can an appreciation of their need for support be developed.

2. Mn/DOT has the tools, practices, and relationships in place to assist small businesses—they need to be better leveraged with consistent and rigorous application through the entire project development process.

Programs such as *Hear Every Voice* offer training for Mn/DOT and its project development/construction partners to be sensitive to the needs of the public. Revisions to the *Hear Every Voice* program will be made to place greater emphasis on the mitigation of impacts to small businesses.

3. Important business issues need to be identified early in project development.

Once identified, Mn/DOT will identify appropriate agency (Mn/DOT and non-Mn/DOT) project contacts and decision-makers to ensure their involvement at the proper time. By doing so, Mn/DOT’s commitments for mitigation activities will be implemented as intended. A project manager checklist will be used to guide this process. This checklist will also be used by transportation agency staff to initiate the following activities:

- a. Consultation with local units of government and business community representatives to identify businesses surrounding the project, potential impacts to small businesses (e.g., parking, traffic, and access), and to discuss potential mitigation measures;
- b. Development of a packet for businesses that will include project information (e.g., nature, extent, and timing of construction and

anticipated changes in parking, traffic, and public access), a transportation agency project contact; and

- c. Determine a list of project-specific area business development organizations that may offer support and resources to affected businesses. This determination will be completed with assistance from the Minnesota Department of Employment and Economic Development. Appendix D provides a sample list of resources that may be available to businesses impacted by transportation projects.

4. Identify opportunities for partnership with a greater depth of resources, including economic development offices, dynamic local business leaders, or local government agencies.

Every project has unique technical issues but also unique human resources, personalities, and organizations. Taking advantage of the ideas, services, and relationships that these resources can offer will help businesses manage the challenges of construction. Besides offering greater knowledge of site-specific issues, their presence often serves as a moderating force in public outreach that enables a shared understanding of project impacts. The Lake Street Reconstruction project offers an example of how this can work (see the Case Study below).

Case Study: Lake Street Reconstruction Project (Minneapolis, MN)

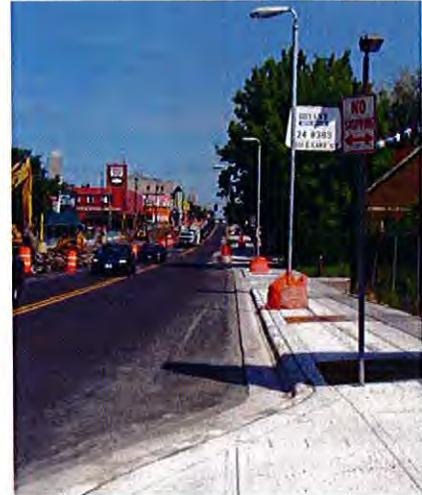
In 2004, Hennepin County Public Works contracted with the non-profit Minneapolis Consortium of Community Developers (MCCD) to provide mitigation assistance for small businesses impacted by the multi-year reconstruction of Lake Street.

MCCD is an association of community development organizations committed to expanding the wealth and resources of neighborhoods, partially through economic development initiatives. MCCD and a group of its members, including African Development Center and Latino Economic Development Center, had existing relationships with many of the businesses along the corridor and were committed to supporting them through the project.

MCCD augmented its Hennepin County contract with additional public and private funding in order to support the work of its Community Outreach Coordinator. In partnership with the area's business association, the Lake Street Council (LSC), the Outreach Coordinator assisted businesses to prepare for the start of the construction in the spring of 2005.

Because the Coordinator was bilingual in Spanish and English, she was able to work with the more than 40 Latino-owned businesses located in the Lake Street project's initial phase.

Prior to the start of construction, the Coordinator helped organize a survey of Lake Street area businesses. The survey results pointed out business concerns about need for marketing assistance, signage and off-street parking. After the start of construction, the Coordinator helped inform businesses about the weekly project update meetings conducted by Hennepin County staff and its construction contractor.



MCCD, in partnership with LSC and Hennepin County staff, helped area businesses access some shared public parking for their customers on several privately-owned lots. The multi-agency group also provided some customized marketing assistance for individual businesses so these businesses could keep their customers apprised of access routes during the construction period, when one lane of traffic in each direction was kept open. Using its own loan fund, MCCD was also able to provide some small cash flow loans for businesses that experienced a temporary drop in revenues during the construction period.

Starting in 2006, construction mitigation services were transitioned from MCCD to LSC. LSC has continued to work with Lake Street area businesses affected by the more recent phases of the County reconstruction project.

5. Enhance engagement of the construction contractor as an important resource for business communication and relationships.

The construction contractor offers a tremendous resource that can positively or adversely affect the effectiveness of business outreach. As a result of their visibility in the construction area, contractors oftentimes become the face of a project in the eyes of the public. Mn/DOT will more consistently work with contractors on a project-by-project basis to ensure that contractors are aware of this dynamic. Transportation agency staff may consider including contract provisions related to contractor participation or communication in projects where small businesses will be impacted. This may include a requirement that the contractor provide a business liaison to communicate with business operators and resolve issues on a regular basis (e.g. weekly) or as need may arise.

6. Review policies for signing in construction zones.

Mn/DOT will review policies regarding signing for businesses or business districts in construction zones. Appropriate signing can benefit businesses but, at the same time, good signing practices must be maintained (for example, drivers can be overwhelmed with information from too many signs, spaced frequently). Signing practices that can be considered should be documented as well as those that should not be used. A clear policy will help ensure that any signing proposals discussed early in the project development process are feasible and can be implemented during construction.

7. Evaluate the effectiveness of small business outreach activities.

Mn/DOT will regularly review business outreach efforts on a project-by-project basis and apply lessons learned to future projects. Mn/DOT will use its *Hear Every Voice* Initiative Team to begin this process and establish a long-term evaluation approach.

Implementation Opportunities

Update the Hear Every Voice program

As described on the Mn/DOT public involvement web site,¹ “Engaging the public is no longer optional. It is the way transportation departments must

Incorporate a Business Outreach into Mn/DOT’s *Hear Every Voice Initiative*

- Mn/DOT was updating the agency’s *Hear Every Voice* program at the time of this report’s publication.
- One of the proposed new modules is dedicated to the topic of small businesses.
- The findings of this report will feed into the development of a new module for small business outreach.

do business – now and into the future.” With a recent update (“Phase II”) to the entire *Hear Every Voice* program, Mn/DOT has affirmed its commitment to the program. Based on early feedback and the reviews of its *Hear Every Voice* Initiative Team, Mn/DOT is planning additional refinements to its public involvement program with the inclusion of additional training modules and expanded offerings for Mn/DOT staff and external partners (e.g., consultants, other agencies, and contractors).

At the time of this report’s publication, one of the proposed new modules for *Hear Every Voice* is dedicated to the topic of Small Businesses. The findings of this report will feed into the development of this new module.

Implementation of a Project Manager’s Checklist

Included in this report is a Project Manager’s Checklist for use in Mn/DOT project development (see Appendix E). The checklist provides an inventory of the steps to be taken to account for the interests of small businesses surrounding the proposed construction project. Besides reminding project managers of the need to consider business impacts, the checklist also offers an opportunity to document business outreach actions, the commitments that have been made, and plans for following through on business outreach before, during, and after construction.

Conduct an Initiative Study to Assess the Requirements of Small Business Outreach

Mn/DOT District 6, covering southwestern Minnesota, will be reviewing business outreach needs during the 2009 construction season. The findings from this initiative study may be used to update previous editions of business outreach materials, such as the draft *How to Thrive during Road Construction* workbook that is being developed by District staff. This workbook includes tips and tools aimed to assist businesses operate and thrive during construction, and is included in Appendix F.

District 6 is also exploring the possibility of assigning a community relations person to function as a single point of contact for stakeholders throughout the duration of a project. Immediately, these initiatives will be applied to

¹ The Hear Every Voice web site may be found at:
<http://www.dot.state.mn.us/planning/publicinvolvement/>

larger District 6 projects that are soon entering the construction phase. The initiative will also be applied to larger projects entering the scoping phase.

Once complete, the outcomes of the initiative will be assessed. Ultimately, this effort will provide Mn/DOT Districts further guidance and experience for the implementation of business outreach programs that allow variability based on the unique needs and available resources within each District.

Continue to Recognize the Construction Contractor as a Business Outreach Provider

Mn/DOT has successfully worked with construction contractors to partner in conducting business outreach. The methods that have been employed to use contractors in outreach have varied, including requiring design-build contractors to include a public relations firm on the team. For continued use of the contractor on outreach activities, the best opportunity to ensure their success is at the "pre-construction meeting." This meeting is held between Mn/DOT and the contractor after they are selected, but before construction begins. Including the whole team (i.e. include contractor's sub-contractors) in the meeting will provide a shared understanding of the project business concerns and methods to be used in outreach. Future enhancements to the *Hear Every Voice* program could include a standard reference guide for covering business outreach issues at the pre-construction meeting.

Costs of Implementation

The table below provides estimated costs for common business outreach activities. Costs for certain services and products can vary considerably through for various markets throughout the state; also, project needs vary considerably, also causing variability in costs.

Outreach Activity	Range of Estimated Costs
Face-to-face communication	Variable—agency and/or consulting staff labor
Telephone calls	Variable—agency and/or consulting staff labor
Mailings—Postcards (including printing)	\$0.20-\$0.30 per card
Mailings—Newsletter, black & white printing	\$0.50-\$0.75 one page
Advertising—Newspaper	\$100-\$1,000 per ad
Project Website	\$3,000-\$4,000 per site per year
On-line Survey Tool (e.g., Survey Monkey)	\$200 per year for subscription
Full-time Public Information Staff Person	\$4,000-\$5,000 per week

Experience from the Advisory Committee on past projects indicates that public involvement costs account for 0.7-0.9 % of the total project costs, including construction.

APPENDIX B

University Avenue Betterment Association Comment to draft SEIS

Supplemental Environmental Assessment Volume 1 – April, 2011

<http://www.metrocouncil.org/transportation/ccorridor/EIS/SEAApril2011Vol1.pdf>

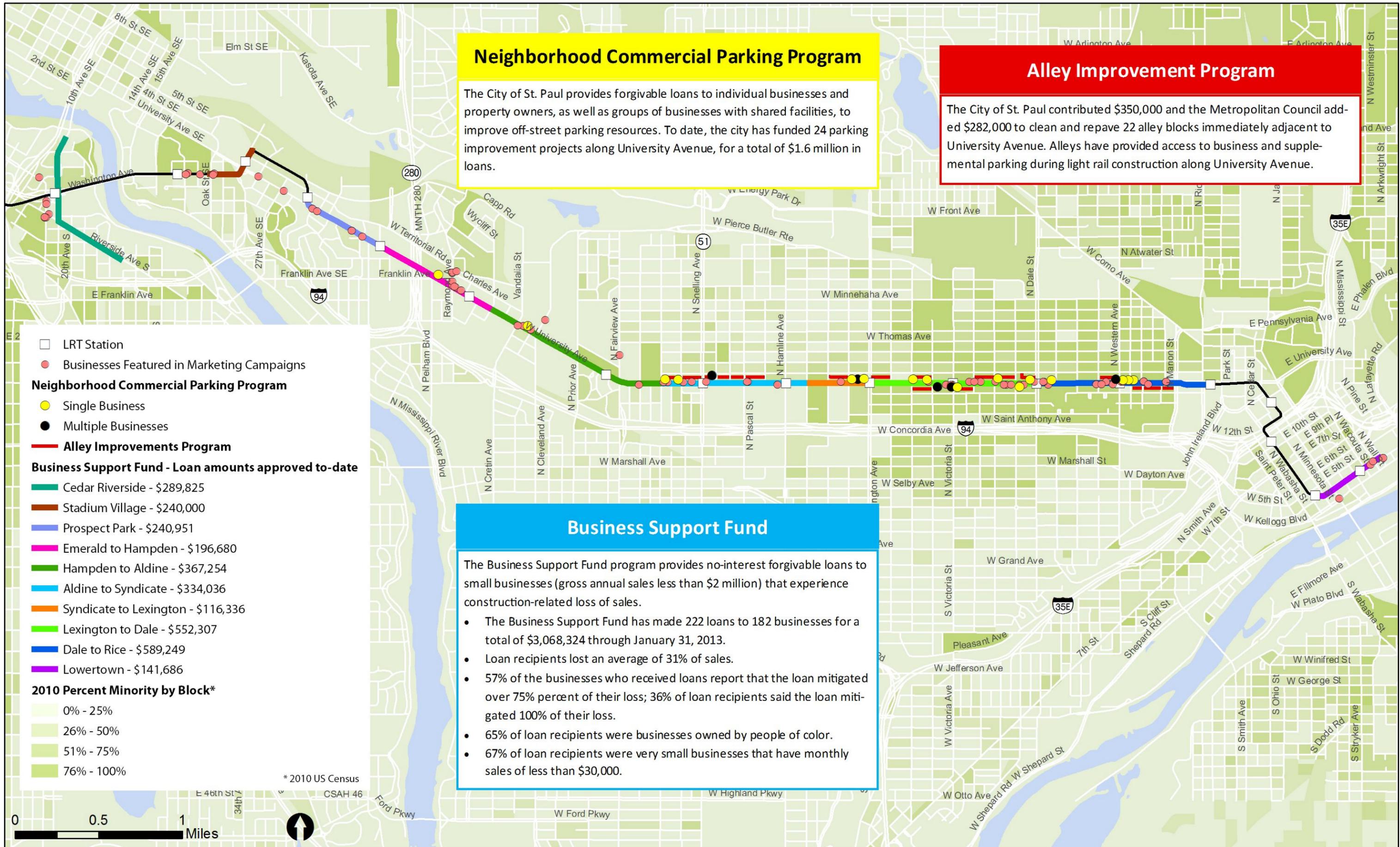
Supplemental Environmental Assessment Volume 2 – April, 2011

<http://www.metrocouncil.org/transportation/ccorridor/EIS/SEAApril2011RecordofCommentsReceivedVol2.pdf>

Supplemental Environmental Assessment Volume 3 – April, 2011

<http://www.metrocouncil.org/transportation/ccorridor/EIS/SEARecordofCommentsReceivedVol3.pdf>

**APPENDIX B: MAPS OF TARGETED CONSTRUCTION
MITIGATION PROGRAMS FOR CENTRAL CORRIDOR
BUSINESSES**



Neighborhood Commercial Parking Program

The City of St. Paul provides forgivable loans to individual businesses and property owners, as well as groups of businesses with shared facilities, to improve off-street parking resources. To date, the city has funded 24 parking improvement projects along University Avenue, for a total of \$1.6 million in loans.

Alley Improvement Program

The City of St. Paul contributed \$350,000 and the Metropolitan Council added \$282,000 to clean and repave 22 alley blocks immediately adjacent to University Avenue. Alleys have provided access to business and supplemental parking during light rail construction along University Avenue.

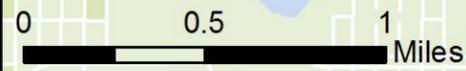
Business Support Fund

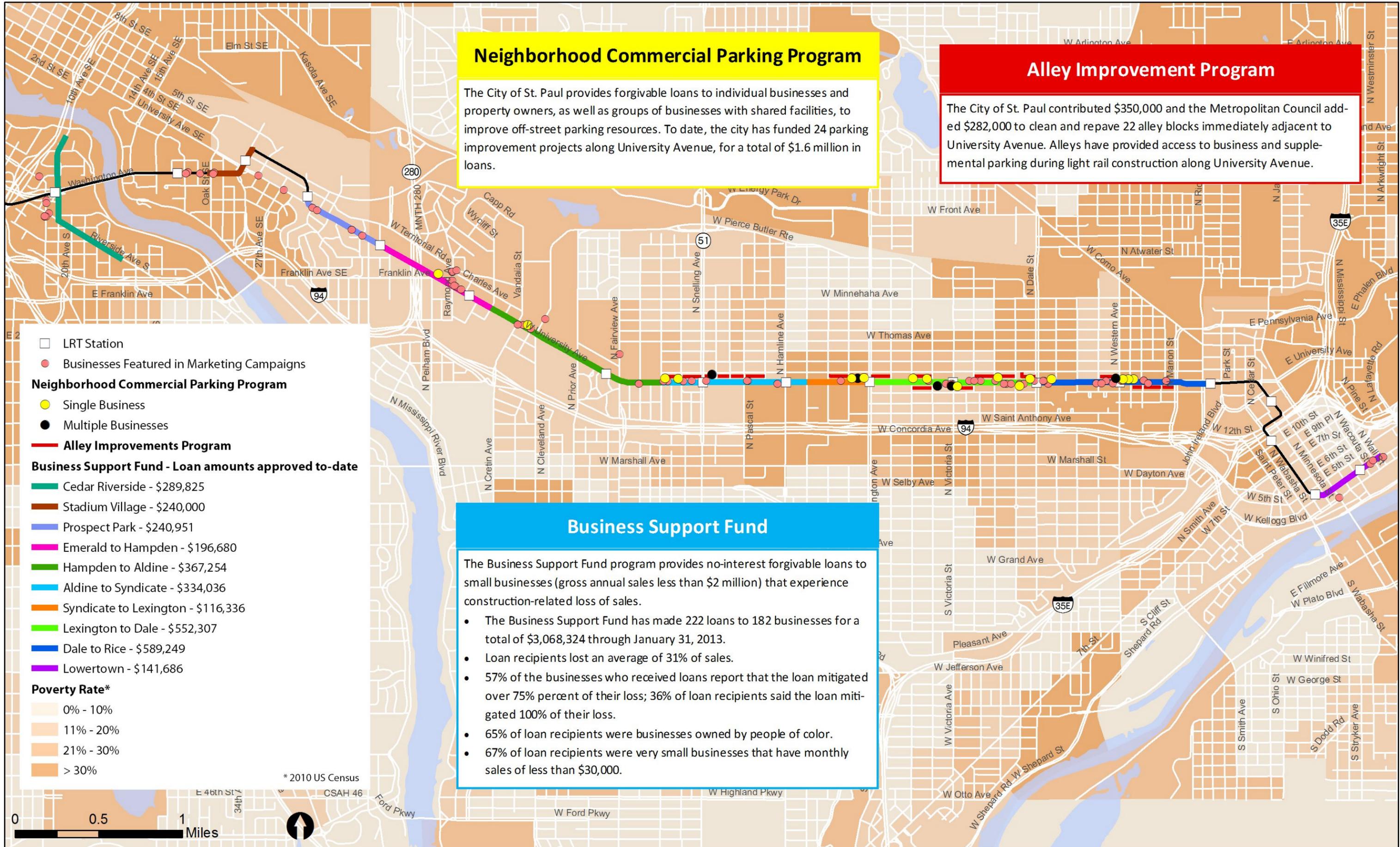
The Business Support Fund program provides no-interest forgivable loans to small businesses (gross annual sales less than \$2 million) that experience construction-related loss of sales.

- The Business Support Fund has made 222 loans to 182 businesses for a total of \$3,068,324 through January 31, 2013.
- Loan recipients lost an average of 31% of sales.
- 57% of the businesses who received loans report that the loan mitigated over 75% percent of their loss; 36% of loan recipients said the loan mitigated 100% of their loss.
- 65% of loan recipients were businesses owned by people of color.
- 67% of loan recipients were very small businesses that have monthly sales of less than \$30,000.

- LRT Station
- Businesses Featured in Marketing Campaigns
- Neighborhood Commercial Parking Program**
- Single Business
- Multiple Businesses
- Alley Improvements Program**
- Business Support Fund - Loan amounts approved to-date**
- Cedar Riverside - \$289,825
- Stadium Village - \$240,000
- Prospect Park - \$240,951
- Emerald to Hampden - \$196,680
- Hampden to Aldine - \$367,254
- Aldine to Syndicate - \$334,036
- Syndicate to Lexington - \$116,336
- Lexington to Dale - \$552,307
- Dale to Rice - \$589,249
- Lowertown - \$141,686
- 2010 Percent Minority by Block***
- 0% - 25%
- 26% - 50%
- 51% - 75%
- 76% - 100%

* 2010 US Census





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- Syndicate to Lexington - \$116,336
- Lexington to Dale - \$552,307
- Dale to Rice - \$589,249
- Lowertown - \$141,686
- Poverty Rate***
- 0% - 10%
- 11% - 20%
- 21% - 30%
- > 30%

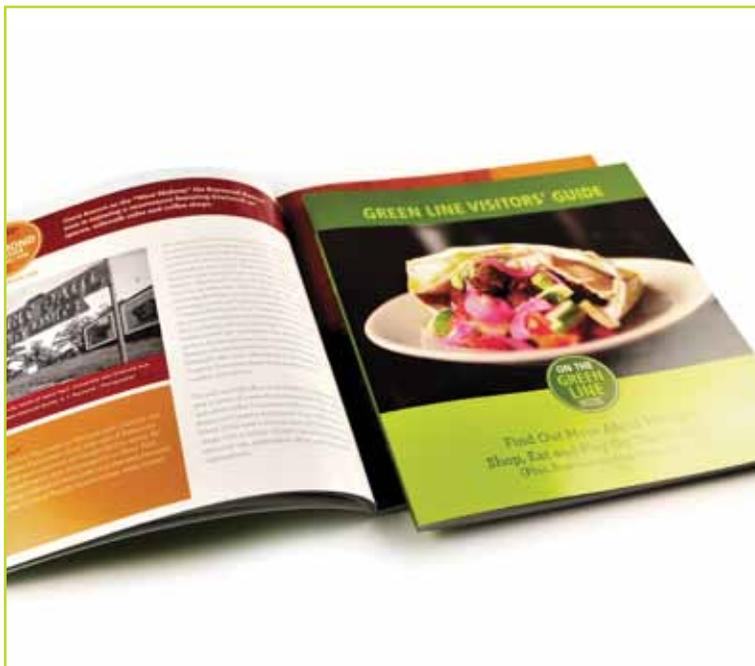
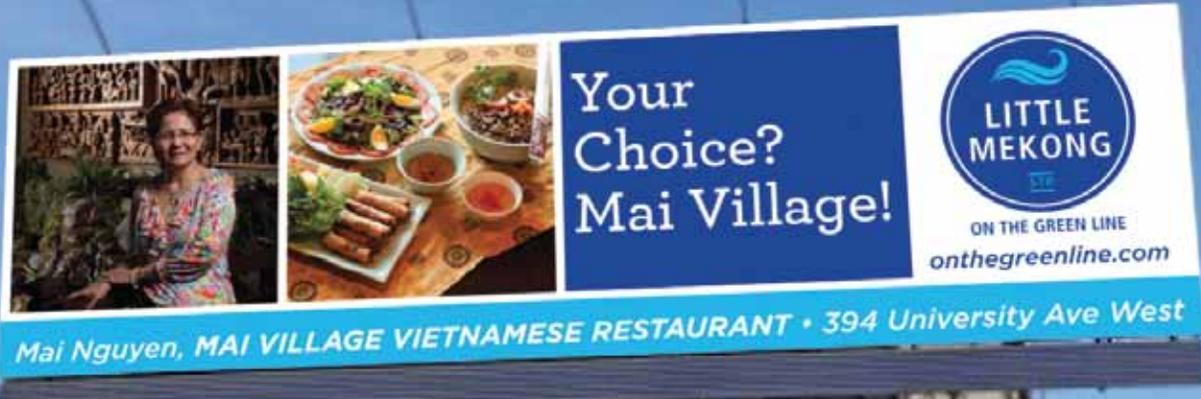
* 2010 US Census

APPENDIX C: CORRIDOR MARKETING CAMPAIGN REPORT



CAMPAIGN SNAPSHOT

On the Green Line Business Marketing Campaign



PROJECT TIMELINE

2012-2014

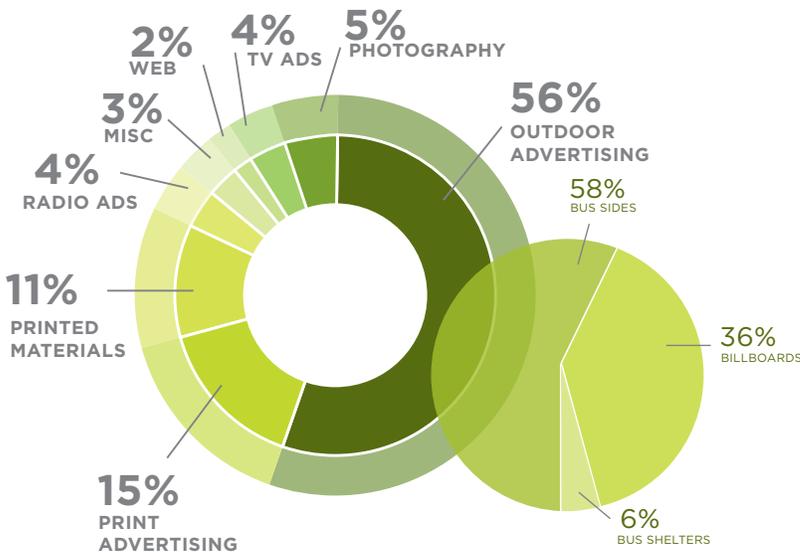
The goal of the project is to market the small businesses along the Light Rail Transit Green Line during and after construction. The campaign is structured to drive traffic to the Green Line businesses in general, and target specific audiences for each business.



- 1. STRATEGY & RESEARCH**
NEIGHBORHOOD OUTREACH, FOCUS TESTS, PLANNING
- 2. CAMPAIGN LAUNCH**
BRAND LAUNCH, MEDIA BLITZ, PR INITIATIVES
- 3. ONGOING SUPPORT & DEVELOPMENT**
EVENT PLANNING, SOCIAL MEDIA, ONGOING ADS

MEDIA PURCHASES

DIGITAL & POSTER BILLBOARDS, BUS SIDES, BUS SHELTERS, INDOOR ADS, NEWSPAPERS & MAGAZINES, PRINTED BROCHURES & DIRECTORIES, RADIO ADS, TV ADS & WEB



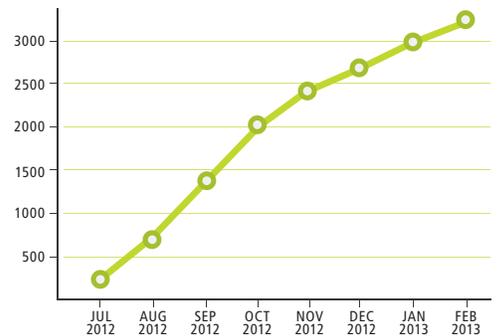
SOCIAL MEDIA



FACEBOOK

facebook.com/GreenLineTC

LIKES
PER MONTH



32M
IMPRESSIONS

74000+
FACEBOOK ACTIONS



3000+ LIKES



TWITTER

@GreenLineTC

2700+
TWEETS



INSTAGRAM

instagram.com/GreenLineTC



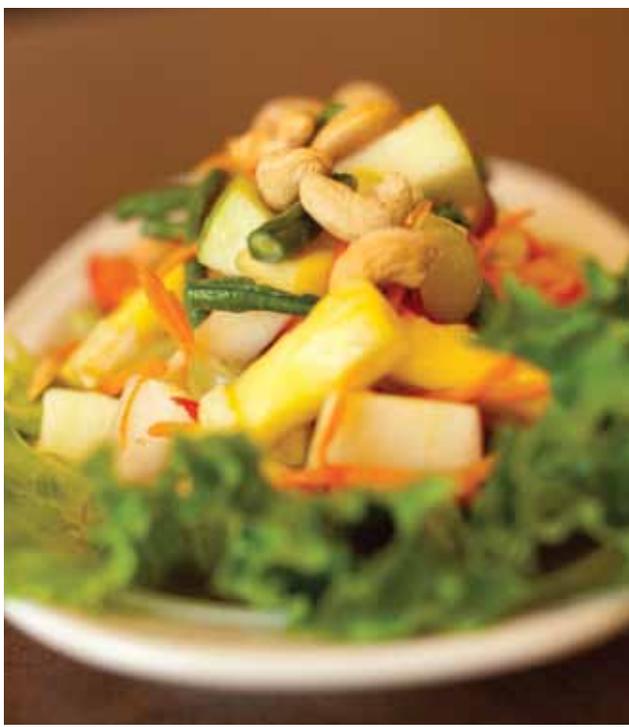
YOUTUBE

youtube.com/OntheGreenLine

WEB onthegreenline.com

12000+
PAGE VIEWS





Top Left: Papaya Salad, Thai Café
Top Right: Arnellia Allen, Arnellia's
Middle Left: Artisanal Chocolates, Chocolat Céleste
Middle: Ralph Johnson, Royal Tire
Bottom Left: Bangkok Betty Burger, Señor Wong
Bottom Right: Shegitu Kebede, Flamingo Restaurant



FEATURED BUSINESSES

A-1 Vacuum

Acadia

Arnellia's

Art & Architecture

Ax-Man Surplus

Bangkok Cuisine

Bangkok Thai Deli

The Best Steak House

Big 10

Big Daddy's BBQ

Black Dog Coffee

Blessings Salon

Bonnie's Café

Bun Mi

Campus Pizza

Capitol City Auto Electric

Cat Purrniture

Cedar Cultural Center

Chocolat Celeste

Classic Retro @ Pete's

The Commons Hotel

Cupcake

Cycles for Change

Depth of Field

Depth of Field Yarn

Earth's Beauty Supply, Midway

Earth's Beauty Supply, Rondo

The Edge Coffeehouse

Flamingo

Foxy Falafel

General NanoSystems

Glamour with NY Cuts

Glasgow Automotive

Golden's Deli

Grooming House

The Hole

Homi Restaurant

Infinite Hair

iPho by Saigon

Key's Café

Latuff Brothers

Lowertown Bike Shop

Lowertown Wine

Lucy Café

Mai Village

Mapps Coffee & Tea

May's Market

MidModMen+Friends

Midwest Mountaineering

Milbern Clothing

The Nail Shop

Ngon Bistro

Noll Hardware

On's Kitchen

Pete Lebak Barber

Roni's Beauty Supply

Royal Tire

Russian Tea House

Ryan Plumbing & Heating

Señor Wong

Sharret's Liquor

Southern Theater

St Paul Classic Cookie

Steady Tattoo

Succotash

Sugarush

Sunday's Best

Tanpopo

Tay Ho

Tea Garden

Textile Center

Thai Café

Transformation Salon

Trung Nam

TU Dance

Twin Cities Reptile

U Garden

Uniquely Attainable & Friends

Universal Hair Design

University Buffet

UPS Store

The Wienery

ADVERTISING GUIDE

- Billboard Ads
- Bus Side Ads
- Bus Shelter Ads
- Indoor Ads
- Events & Promotions
- Facebook Ads & Features

TESTIMONIALS

"I think [the Green Line advertising] is great. Personally, the advertising for the Southern Theater has popped up in a lot of different places."

Damon Runnals, Southern Theater



"I think it's fabulous! From the feedback that I got from how many people saw the bus ads, I think those were more effective as far as the amount of people they reached. I like the fact that they ran the ad a lot."

Mary Leonard, Chocolat Céleste



"We saw the ad in City Pages! We have had people who have never been to the restaurant come in because they said they saw the billboard, or because they saw us on a bus side and decided they wanted to check it out."

Ron Whyte, Big Daddy's BBQ



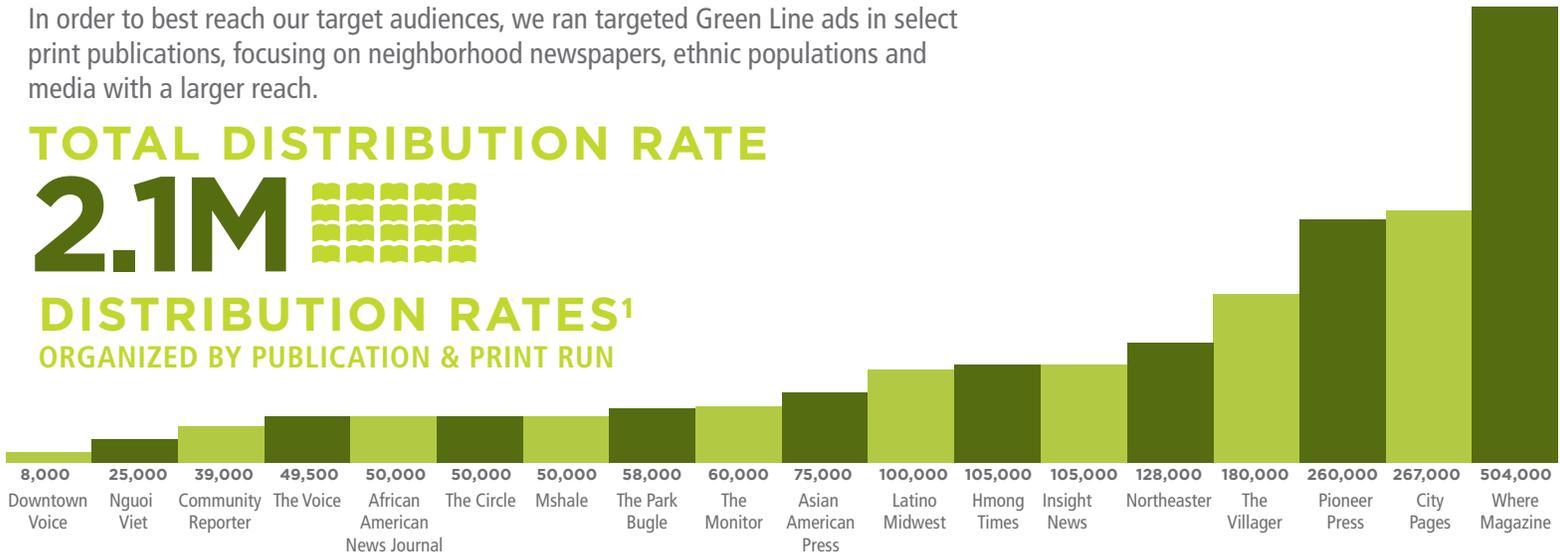
PRINT ADVERTISING NEWSPAPERS & MAGAZINES

In order to best reach our target audiences, we ran targeted Green Line ads in select print publications, focusing on neighborhood newspapers, ethnic populations and media with a larger reach.

TOTAL DISTRIBUTION RATE

2.1M

DISTRIBUTION RATES¹ ORGANIZED BY PUBLICATION & PRINT RUN



OUTDOOR ADVERTISING BILLBOARDS, BUS SIDES & SHELTERS

POSTER BILLBOARDS²

MILLIONS OF IMPRESSIONS

19M

DIGITAL BILLBOARDS³

MILLIONS OF IMPRESSIONS

40M

BUS SIDES⁴

MILLIONS OF IMPRESSIONS

57M

BUS SHELTERS⁵

MILLIONS OF IMPRESSIONS

5M

1 Numbers based on averages supplied by each publication
 2 Numbers based on averages supplied by Clear Channel Outdoor
 3 Numbers based on averages supplied by Clear Channel Outdoor
 4 Numbers based on averages from TITAN
 5 Numbers based on averages from CBS Outdoor

EVENTS & PROMOTIONS

SAINTS GAME SPONSOR

"Around the World in 11 Miles: On the Green Line"
 On July 27, 2012 On the Green Line, together with U-7, sponsored the St Paul Saints baseball game. Before the game and during the 7th inning stretch we showcased the unique diversity that University Ave has to offer.



GO GREEN LINE FRIDAYS

Every Friday a different restaurant along the Green Line is featured to give them a little extra boost. Join us from 11a-2p every Friday at a new location!



GO GREEN SATURDAY

The idea of "Small Business Saturday" over Thanksgiving weekend seemed like a perfect fit for Green Line businesses. With over 40 events, several prize giveaways, holiday attractions and numerous participating businesses offering specials and deals it was no surprise Go Green Saturday was a great success on November 24, 2012.



BE MINE ON THE GREEN LINE

We promoted all of the special things to do on the Green Line to celebrate LOVE day on February 14, 2013. Original district valentines, two prize giveaways and special advertising contributed to an increase in online traffic (and made it a truly SWEET day).



CABLE TV ADS

ABC Family, Animal Planet, BET, Comedy Central, Food Network, HGTV, TBS, TLC, Travel Channel



74% REACH HOUSEHOLDS
1.2M IMPRESSIONS

DISTRICT BRANDING



ON THE GREEN LINE



ON THE GREEN LINE



ON THE GREEN LINE



ON THE GREEN LINE



ON THE GREEN LINE



ON THE GREEN LINE



ON THE GREEN LINE



ON THE GREEN LINE



ON THE GREEN LINE



ON THE GREEN LINE



APPENDIX D: SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT CONSTRUCTION-RELATED POTENTIAL IMPACTS ON BUSINESS REVENUE

The 2012 Supplemental Draft EIS Construction-Related Potential Impacts on Business Revenue can be accessed online at:

<http://metro council.org/Transportation/Projects/Current-Projects/Central-Corridor/Environmental/Business-Impacts.aspx>