



Request for City Council Committee Action

Date: August 24, 2004
To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee
Subject: MnDOT I-35W & Hwy. 62 "Crosstown Commons Reconstruction" Municipal Consent Submittal and Related Matters

Recommendation: Adopt Resolution Disapproving I-35W & Hwy. 62 "Crosstown" Layout And Recommending Areas of Modification

Previous Directives: 2004R-035; City Policy Directive on I35W in South Minneapolis

Prepared by: Peter W. Ginder, Acting Deputy City Attorney

Approved by: _____

Presenter: Peter W. Ginder, Acting Deputy City Attorney

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
 Action requires an appropriation increase to the Capital Budget
 Action requires an appropriation increase to the Operating Budget
 Action provides increased revenue for appropriation increase
 Action requires use of contingency or reserves
 Other financial impact (Explain):

 Request provided to the Budget Office when provided to the Committee Coordinator

Background/Supporting Information:

The Minnesota Department of Transportation (MnDOT) has submitted a layout and Municipal Consent Report for the reconstruction of 35W between 66th St in Richfield and 42nd St in Minneapolis and for TH 62 between Penn Av and Portland Av. A summary of the proposed layout follows.

PROPOSED LAYOUT

MnDOT has recently expanded freeway capacity in I-35W from Trunk Highway (TH) 13 in Dakota County to 66th St in Richfield. I-35W between 66th St in Richfield and I-494 currently operates as a 6 lane section, 3 general purpose lanes in each direction. After completion of the "Crosstown" project, 35W will remain a 3 lane section between 66th and 494 until the 35W/I-494 Interchange is reconstructed. The reconstruction of the I-494/35W Interchange will include the addition of a fourth lane between 494 and TH 62 for a total of 8 lanes, a HOV/BRT left lane and three general purpose lanes. I-35W south of I-494

will remain a 6 lane segment, an HOV/BRT lane and two general purpose lanes in each direction to TH 13.

A description of the freeway mainlines follows:

35W Northbound (NB) – NB I-35W will cross 66th St with a HOV/BRT left lane and three general purpose lanes. At about 65th St, these lanes will split with a BRT/HOV lane and 2 general purpose lanes entering the 35W/TH 62 interchange and two lanes continuing north to connect to TH 62 and to TH 121. NB 35W is joined by 2 Eastbound (EB) TH 62 general purpose lanes, one of which will drop at the East Junction leaving 4 lanes turning north. These 4 lanes are joined by 2 lanes from Westbound (WB) TH 62 for a total of 6 lanes NB at 60th St. The sixth lane drops at the Diamond Lake Road exit leaving 5 lanes to proceed north to the project limits at 42nd St.

35W Southbound (SB) – SB I-35W is proposed as a 5 lane segment at 42nd St, 4 general purpose lanes and a BRT/ HOV lane on the left. These lanes proceed to a point south of Diamond Lake Road where they expand to 6 lanes and split with the BRT/HOV lane and two general purpose lanes on the left continuing south as 35W and 3 general purpose lanes on the right destined to TH 62 and the 60th St exit. The 3 lanes destined to TH62 split into two 2 lane sections at about 61st St with the right hand two lanes proceeding to join WB TH 62 and the two left-hand lanes proceeding to join EB TH 62.

The three SB 35W lanes continue into the east – west segment where they proceed with no weaves and no entrances or exits until they turn south at the west junction. There they are joined by a ramp from WB TH 62 and shortly thereafter by a ramp carrying both SB TH 121 and EB TH62 to SB 35W traffic. These merge to a total of 4 lanes south of the exit to 66th St.

TH62 – The long term goal of MnDOT is to upgrade TH 62 to 6 lanes from at least TH 100 to at least TH 77. To that end the I35W/TH 62 Interchange carries a 6 lane design to the Portland Av Bridge and to the Penn Av Bridge where they merge into the existing 4 lane section. Neither the Penn Av nor Portland Av bridges are replaced in this project.

EB TH 62 – EB TH 62 begins as a 3 lane section at Penn Av and continues as such into the interchange with I35W. An additional auxiliary lane is provided between the EB Penn Av entrance and the exit to SB 35W. As it crosses over 35W, there is a ramp to Lyndale Av. The 3 lanes widen to 4 lanes by Bryant Av then split into two 2 lane segments at Aldrich. The right hand segment continues as EB TH 62 until it is joined by the 2 lane segment from SB 35W about 560' west of Portland Av. These 4 lanes must merge 2 lanes at Portland.

WB TH 62 – WB TH 62 begins as a 3 lane section at Portland Av. At about 3rd Av it splits into two 2 lane sections, one turning to the north to join 35W and one continuing west as TH 62. WB TH 62 is joined by a 2 lane ramp from SB 35W at about Wentworth. This 4 lane segment continues west with the right hand lane dropping at the Lyndale exit. These three lanes continue west with a left hand exit ramp connecting to SB 35W. These three lanes continue west past TH 121 where they are joined by an auxiliary lane carrying NB 35W to WB TH 62 traffic and SB TH 121 to WB TH 62 traffic. This auxiliary lane continues west, exiting at Penn Av. The three through lanes continue to the Penn Av bridge where the third lane drops to match the 2 lane section to the west.

All current connections between 35W, TH 62, and TH 121 are maintained except at Lyndale and Portland. Full access in all directions is maintained at 46th St, Diamond Lake Road, and Penn Ave. Existing access at 60th St is maintained. Access at 66th St in Richfield will be to and from I-35W only.

The layout was submitted by MnDOT on April 16, 2004 as a “new” project for purposes of obtaining Municipal Consent under the provisions of Minnesota Statutes §§ 161.162 – 161.167. Without waiving any objection to the statutory process selected by MnDOT, the City Council held the required Public Hearing on June 14, 2004. Under the procedure selected by MnDOT, City Council approval or disapproval of the layout is required within 90 days of this Public Hearing (not later than September 13, 2004). An action by your Committee is required today for Council consideration on September 3.

STAFF RECOMMENDATION

We have reviewed the proposed layout and the Municipal Consent record. Pursuant to the statutory framework under which MnDOT has elected to proceed with this matter, the “final layout” provided to the governing body must include, among other matters, information on noise walls, transit considerations, sensitive areas, traffic volume and turning movements, and project schedule and estimated cost. Minn. Stat. § 161.162, subd. 2. We have also reviewed the Environmental Assessment/Environmental Assessment Worksheet (EA) and incorporate the City’s comments on the EA and attached exhibits submitted on August 19th without repeating each issue raised therein. We have considered legal issues, the conflict between MnDOT’s planned use of the Bus Rapid Transit/High Occupancy Vehicle (BRT/HOV) lane and 2004R-035, the problems with a ten lane freeway meeting an existing eight lane freeway at 42nd St, and the failure to provide a BRT Station at 46th St and therefore no BRT service to Minneapolis.

Based on this review, we recommend that the submitted layout be disapproved because the application is premature, incomplete, and fails to adequately address those and other matters and fails to provide transit and environmental mitigation. Before outlining the specific reasons for recommending disapproval, we would like to outline the need for consideration of this decision in the context of environmentally sound decision-making and regional policy-setting serving the region and affected communities.

The Crosstown is an integral part of the State and Interstate highway systems serving the region and the City of Minneapolis. To advance cooperative regional planning and to ensure policy transparency, there must be a commitment to a responsible plan for the Crosstown rebuild, including adequate mitigation to address the environmental concerns raised, and a commitment to a regional transportation and transit plan of which the Crosstown is one key segment. Neither of these critical areas are addressed in the record before the City. The City has previously by Resolution in January and a letter in April urged that these issues be addressed. City Staff believes they can, and in fact must, be addressed and offers this framework for proceeding to find such solutions should the Council and Mayor adopt the recommended Resolution of Denial.

City Staff believes a policy framework can be prepared which adequately and cooperatively addresses the following goals:

1. Providing Bus Rapid Transit from Lakeville to downtown Minneapolis, additional capacity in the form of a fifth Transit/HOV lane in each direction, including the Crosstown and Lake Street area access improvements and up to the 94 Commons, as a combined single project, known as the I-35W Corridor Improvement Project, whereby each of these elements is linked in concept, design,

and construction. BRT is needed both to prevent traffic congestion over time and to mitigate the effects of motor vehicle air pollution.

2. Including the costs and funding plans for this Project -- highway improvements, Transit/HOV lanes, Access improvements, environmental and aesthetic mitigation and enhancements, and BRT system capital and operating costs -- as a single combined package so that roadway construction does not begin until the entire package is funded.
3. This Project should be integrated into state, regional, and local planning documents in appropriate fashion and as soon and as frequently as possible. Design will be completed within 24 months to promote funding opportunities.
4. The specific operating plan for the Transit/HOV lane will address, at a minimum:
 - (a) Reserved BRT/HOV priority capacity with accompanying transit investment to at least double ridership by 2020
 - (b) Defined service levels ensuring quality priority transit service and ensuring no HOV or other use which would reduce the speed of BRT/transit.
5. Mitigation and enhancement measures developed pursuant to I-35W Corridor Aesthetic Design Guide should be identified as mitigative measures in a revised Environmental Assessment or Environmental Impact Statement document. These costs, (currently estimated to be \$ 46 million), should be fully funded and integrated in the Project's costs.

This corridor has some of the highest traffic counts in the region. Adding additional highway capacity and increased vehicle traffic without providing for transit and addressing the Crosstown bottleneck only to create congestion in other segments of the corridor is environmentally and legally unsound. Instead, as the City of Minneapolis has consistently advocated, two key principles which serve both the City and the Region must be aligned:

*Transportation and Transit must be integrated in design, construction, and operation to serve the City and the Region.

*Environmental Mitigation must be integrated into transportation and transit projects.

In furtherance of these principles, the City of Minneapolis in January established a policy framework for the I35W corridor prior to MnDOT's submission of the Municipal Consent application and related EA supplemental materials. The City's framework is consistent with regional plans and stakeholders' priorities. See Metropolitan Council 2030 Transportation Policy Plan. While acknowledging the City's framework, the MnDOT applications before the City seek to proceed without addressing either of these key principles. As the City has consistently stated, these applications are premature and incomplete. The City and regional stakeholders should insist that full transit (with BRT being the legislative direction) be integrated into MnDOT's decision-making.

The accompanying Resolution details areas which must be addressed before meaningful Municipal Consent could be considered. Examples of the failings of the pending MnDOT Application which would be addressed by this regional framework and which are some of the reasons the present layout should be disapproved include the following:

1. Non-completion of the 46th St BRT Station
The final layout provides space and accommodation for the Station. It also provides space and accommodation on the 46th St overpass bridge including bus pullouts. However, the Station is not completed and would not be operational when the roadway work is complete.
2. Failure to maintain the BRT/HOV lane to serve to 46th St BRT Station
The Municipal Consent Report, Figure 4, states “Northbound HOV designation to end at approximately 50th St until 5-lane section is extended north of 42nd Street under separate project.” This is supported by MnDOT’s preliminary 2010 Striping Layout dated May 27, 2004, (not part of the Municipal Consent Submittal), which shows the BRT/HOV designation ending at Diamond Lake Rd. Not only would the 46th Street station be incomplete when roadway construction is done, but access to the station would not be complete.
3. Revised layout to permit local business to relocate on same site
The layout requires the taking of a local business at 6150 Lyndale Av without leaving sufficient private property to permit the business to rebuild on this site. A revised layout has been prepared which will allow the business to rebuild at this site and still permit MnDOT to construct the new access to WB TH 62 from Lyndale as currently proposed. Under this alternate, 62nd St would be closed resulting in some loss of access to the neighborhood between Lyndale and TH 121.
4. The layout unnecessarily takes four homes along 62nd St between 3rd Av and 4th Av.
We believe it is possible, with some loss in value to the four properties, to save all four of these homes. This will require further discussion and negotiation with MnDOT.
5. Layout changes are needed to facilitate bike travel and pedestrian movement in Minneapolis.
The following changes are needed:
 - Diamond Lake Road Overpass – Widen bridge to accommodate a 6’ shoulder on each side for bikes. This is a bicycle route on the Minneapolis Bicycle Master Plan and the bridge should be built for the possibility of future bicycle lanes.
 - 60th Street Underpass – The current design should be modified to add a 6’ shoulder on each side for bikes. This is a bicycle route on the Minneapolis Bicycle Master Plan and the bridge should be built for the possibility of future bicycle lanes.
 - Nicollet Av Underpass - The current design should be modified to add a 6’ shoulder on each side for bikes. This is the preferred bicycle route by the City of Richfield and does make good bicycle connections into Minneapolis.
 - Construct sidewalk widths in keeping with Design Guide and Access Project standards.

Other issues previously raised by the City in the Municipal Consent and accompanying EAW proceedings and incorporated by reference include the need to address:

- Environmental issues raised in the City comments to the EA submitted to MnDOT by the City Attorney on August 19, 2004.
- Necessary agreement between the City and MnDOT on the design and timing for reconstruction of 35W north of 42nd St including implementation of BRT from 42nd St to Downtown before a decision is made to proceed with 35W upgrading south of 42nd St. This should include a timetable to complete the design for these improvements within 24 months of this Council action.

- The impacts of the expanded freeway, on noise, traffic, visual environment, parks and vegetation need to be adequately mitigated in the neighborhoods through which it passes. Water quality and flood impacts need to be more completely analyzed and mitigated. There is not yet agreement between the City and MnDOT on funding for this mitigation.
- City Resolution 2004R-035 would support a fifth lane provided it is dedicated to Bus Rapid Transit or other mass transit and excludes all other vehicles except those carrying at least three people provided that those vehicles do not reduce the speed of the buses. The Resolution also requires that MnDOT enter into an agreement with the City guaranteeing the above.
- BRT stations and the local feeder bus service that serves must be funded to achieve, at a minimum, a doubling of ridership by 2020 and adequate transit service throughout the I-35W Corridor Improvement Project to maintain a minimum peak level of service of D, including assurance that the BRT system, including the local bus connections, will actually operate before the City agrees to the wider cross-section associated with it, especially at Station locations;
- The layout has changed since the Aesthetic Design Guide was developed. Costs are not current or related to the current freeway design being proposed. Funding responsibilities are not yet agreed to. The City views this as a critical element as it relates directly to the homes and businesses most directly impacted by the proposed project. The City needs to know that an updated Guide will be funded by MnDOT.
- MnDOT should agree to work with the City and fund a traffic management plan for the City street system as part of project mitigation and pay for a portion of the cost of implementation.
- The project as proposed eliminates access from Portland Av to WB TH 62 and to SB 35W. We estimate that some 3600 vehicles per day in Year 2030 will need to drive to an alternate access point as a result. There must be a process agreed upon between the City and MnDOT to develop an alternative access from Portland Avenue to WB TH 62 and SB 35W.

The statutes cited above provide that the submitted layout will be considered to be approved unless the City Council disapproves it within 90 days of the Public Hearing. Given the concerns stated above, we recommend that the layout be disapproved for the reasons enumerated above and for other reasons as listed in the proposed Findings supporting the denial of municipal consent. We recommend MnDOT be asked to work with the City to prepare revisions to the project responding to these concerns.

We further recommend that we continue to engage MnDOT and others while the project revisions are being prepared to attempt to resolve the issues discussed above.