

RECORD OF DECISION

Northstar Corridor Rail Project Rice to Minneapolis, Minnesota Minnesota Department of Transportation

DECISION

This Record of Decision (ROD) is issued pursuant to Title 23 of the Code of Federal Regulations (CFR), Part 771 and Title 40 CFR Parts 1500-1508. The Federal Transit Administration (FTA) has **determined** that the requirements of the National Environmental Policy Act of 1969 (NEPA) have been satisfied for the Northstar Corridor Rail Project (the "**Project**") preferred alternative. The Project will operate between Minneapolis and Rice, Minnesota. It will be operated by the Minnesota Department of Transportation (**Mn/DOT**). This decision is based on the Northstar Corridor Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation dated March 2002. The FEIS was prepared by the Federal Transit Administration (FTA), **Mn/DOT**, and the Northstar Corridor Development Authority (NCDA).

The proposed action covered by this ROD is the implementation of an 8 1.8-mile commuter rail line on the existing Burlington Northern Santa Fe (BNSF) track between downtown Minneapolis and Rice, Minnesota. There will be eleven stations along the commuter rail line. The downtown Minneapolis multi-modal station at 5th Street North and 5th Avenue North will also include a connection to the Hiawatha Light Rail Transit (LRT) line. Track capacity improvements, a vehicle maintenance and layover facility, LRT connection from 3rd Avenue North to 6th Avenue North which includes an LRT station, and feeder bus improvements are also included in the proposed action.

BASIS FOR DECISION

The primary basis for this FTA decision includes the alternatives analysis, technical considerations, and social, economic and environmental evaluations and determinations found in the Northstar Corridor Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation (October 2000), the supplemental environmental document to the DEIS (January 2001) and the Northstar Corridor FEIS (March 2002).

BACKGROUND

Examination of commuter rail in the Twin Cities Metropolitan Area began in 1997, with the initiation of the Twin Cities Commuter Rail Feasibility Study (FS). The FS was conducted in two phases, with study documents published in January 1998 and January 1999, respectively. The Northstar Corridor was included in this study.

In May 1998 the NCDA, working on behalf of **Mn/DOT**, undertook a Major Investment Study (MIS) to identify transportation solutions to meet future transportation needs in the Northstar Corridor. This study concluded that commuter rail **service** in the Corridor is feasible, and identified commuter rail as part of the Locally Preferred Transportation Investment Strategy (LPTIS), along with expanded feeder bus service, roadway improvements, river crossings, Intelligent Transportation System (ITS) initiatives, and bicycle/pedestrian **improvements**.

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The DEIS, which evaluated potential transportation alternatives for the Northstar Corridor, was published in October 2000. As a result of actions taken through the Advanced Corridor Planning Process, and comments received on the DEIS, a supplemental environmental information document to the DEIS was distributed in January 2001, which evaluated the impacts of a proposed Northeast Minneapolis Station at 7th Street Northeast. The FEIS, which identified a Preferred Alternative, was published in March 2002. These documents defined the purpose and need for transportation improvements to the Northstar Corridor, and described and evaluated proposed transportation improvements for the Corridor.

Based on the analysis documented in the DEIS, supportive technical reports, and concerns raised throughout the study's public involvement process, a Preferred Alternative was selected and fully described in the FEIS. This alternative was selected based on the analysis results in the DEIS and the supplement to the DEIS, consultation with permitting agencies, comments received during the DEIS review and comment period, input during the Advanced Corridor Planning Process, and more detailed engineering analysis. The Commuter Rail Alternative, with modifications, emerged as the Preferred Alternative and was carried forward to be evaluated in the FEIS. This alternative best addresses the need identified by federal, state, and local transportation planning efforts to implement a regional transportation system, and to support growth in regional travel demand.

ALTERNATIVES CONSIDERED

Three primary alternatives were considered for the Northstar Corridor. These included the No-Build Alternative, the Transportation Systems Management (TSM) Alternative, and the Commuter Rail Alternative. Each of these alternatives is described below.

No-Build Alternative: The No-Build Alternative evaluated in the DEIS and FEIS is defined as the existing roadway and transit system, along with committed and programmed transportation improvements for which funding has been committed through Year 2003. This includes two commuter-coach bus facilities and one park-and-pool facility along the Northstar Corridor at Elk River, Coon Rapids-Riverdale, and Big Lake, respectively.

TSM Alternative: The TSM Alternative included all elements of the No-Build Alternative along with expanded bus service, ITS improvements, and pedestrian/bicycle facilities. Specific TSM improvements evaluated in the DEIS included: transit service enhancements, feeder bus service, infrastructure improvements, park-and-ride facilities and additional bicycle lanes.

Commuter Rail Alternative: The Commuter Rail Alternative evaluated in the DEIS consisted of passenger rail service on an existing Burlington Northern Santa Fe (BNSF) rail line from downtown Minneapolis to the St. Cloud area. Three possible northern termini were analyzed, including St. Cloud East, Downtown St. Cloud, or Rice. Fourteen commuter rail stations were evaluated along this line. The DEIS also evaluated three potential layover facility locations, three potential vehicle maintenance facility locations, several potential track improvements, and revised bus operations plans. The Commuter Rail Alternative also included the connection of Hiawatha LRT service on 5th Street to the commuter rail from 3rd Avenue North to the multi-modal station in downtown Minneapolis. The supplemental environmental information document to the DEIS evaluated a potential station location at 7th Street Northeast in Minneapolis. For a complete discussion of the Commuter Rail Alternative, please refer to Section 2.1, Part C of the FEIS.

Based on analysis documented in the DEIS and the supplemental environmental information document, the Commuter Rail Alternative, with modifications, was selected as the Preferred ' Alternative. Modifications to the Commuter Rail Alternative included:

- Selection of Rice as the northern terminus
- Selection of Elk River South as the maintenance facility location
- Selection of Rice as the layover facility location
- Elimination of stations at St. Cloud Downtown, Clear Lake, and Ramsey
- Elimination of track capacity improvements ~~from~~ milepost (MP) 15.6 to MP 20.7
- Selection of a Minneapolis Northeast station at 7th Street NE

The Preferred Alternative is discussed in detail later in this document.

PUBLIC INVOLVEMENT

Scoping meetings for the Northstar Corridor project were held in July 1999. Meeting notices were published in the Volume 64, Number 108 Federal *Register* (June 7, 1999), and the June 28, 1999 issue of the *Minnesota Environmental Quality Board (MnEQB) Monitor*. Notices were also placed in several local newspapers within the Northstar Corridor geographic area.

The DEIS was distributed in November 2000. The DEIS was distributed to a list of approximately 300 interested parties and appropriate agencies. The public comment period for this document ran ~~from~~ November 13, 2000, to January 12, 2001. The DEIS comment period reopened from February 5, 2001 to March 7, 2001, to provide adequate comment time for the supplemental environmental document. As part of the DEIS comment period, four public hearings were held, one each in St. Cloud, Elk River, Fridley, and Minneapolis, MN.

In addition to the DEIS comment period, the City of Minneapolis also appointed a task force representing area residents and business interests to review the proposed Northeast Minneapolis station plan at 7th Street NE and make recommendations. Six meetings of the Northstar Community Task Force took place during February and March 2001.

The FETS was distributed in April 2002, and included responses to all written and verbal comments received on the DEIS. A Notice of Availability was published in the *MnEQB Monitor* on April 1, 2002, and in the Volume 67, No. 66 *Federal Register* on April 5, 2002. The FEIS public review period ran from April 5, 2002, to May 6, 2002.

The DEIS and FEIS for the Northstar Corridor Rail Project will be available for review by the public at the following locations during normal business hours:

MnDOT Central Office Library
395 John Ireland Boulevard
St. Paul, MN

Anoka County Courthouse
County Administration, 7th Floor
2100 Third Avenue
Anoka, MN

Elk River Public Library
413 Proctor Avenue
Elk River, MN

Great River Regional Library, St. Cloud
405 St. Germain
St. Cloud, MN

FEIS COMMENT SUMMARY

A total of nine letters commenting on the FEIS were received. These letters are included as Attachment C. Commentors included:

- U.S. Environmental Protection Agency (EPA)
- U.S. Department of the Interior
- Minnesota Department of Agriculture (MDA)
- Minnesota Pollution Control Agency (MPCA)
- Metropolitan Council of the Twin Cities (Metropolitan Council)
- City of Minneapolis
- City of Fridley
- Burlington Northern Santa Fe Railroad (BNSF)
- Leech Lake Band of Ojibwe

Letters received from the EPA, Department of Agriculture, MPCA, Metropolitan Council and the City of Fridley indicated that specific concerns that were raised related to the DEIS had been sufficiently addressed in the FEIS, and that no further comment was warranted. The Leech Lake Band of Ojibwe indicated that they do not have concerns regarding sites of religious or cultural importance in the project area.

A meeting was held with City of Minneapolis staff on May 9, 2002, to discuss their comments on the FEIS. Many of the comments were editorial in nature and would not change the outcome of the evaluation in the FEIS. An additional comment related to the potential for new development near the Downtown Minneapolis station in the future, and the effects this development could have on the design of the station. The location for the Downtown Minneapolis station was selected because it is best suited to existing land use patterns. Mn/DOT will engage in an interactive planning process with the City of Minneapolis regarding future land use patterns. If the land use pattern of the area changes before station construction begins, Mn/DOT will reevaluate the need for additional environmental documentation for the Downtown Minneapolis station. The City of Minneapolis also noted that a master planning process, relative to the Minneapolis Northeast station, has been discussed and not officially initiated as stated in the FEIS.

The letter received from BNSF expressed concerns that certain track improvements were not included in the FEIS. These track improvements were removed because they presented significant environmental impacts to wetlands, 4(f) resources and state-threatened wildlife species. Mn/DOT studies also indicate that these track improvements would not be necessary for commuter rail&eight function; however, Mn/DOT has proposed track improvements to provide equivalent functionality. Mn/DOT will continue to work with BNSF to reach an agreement on this issue. The list of track improvements listed in the FEIS is believed to be comprehensive; however, if any of the final track improvements differ from those evaluated in the FEIS, additional environmental analysis and documentation will be done as appropriate.

The Department of Interior expressed three primary concerns regarding Section 4(f) issues. The first concern was the lack of a signed agreement with the State Historic Preservation Office (SHPO) in regards to historic resources. Since publication of the FEIS, the Programmatic Agreement has been signed. It is included as Attachment A to this document. A second point of concern the Department of the Interior noted was that the FEIS did not indicate that the SHPO concurs with Mn/DOT's determination of no adverse effects regarding the Elk River Maintenance Facility site. The SHPO has concurred with Mn/DOT's evaluation, and this comment is included in Attachment B.

The last item of concern of the Department of Interior related to a final agreement with BNSF regarding track improvements. As stated above, the list of track improvements listed in the FEIS is believed to be comprehensive. However, if any of the final track improvements differ from those evaluated in the FEIS, additional environmental analysis and documentation, including a Section 4(f) Evaluation, will be done as appropriate.

These issues were resolved through a letter issued to the Department of the Interior, and a response letter dated August 22, 2002 which concurred with Section 4(f) approval for the project.

Letters and responses to comments from the City of Minneapolis, and the Department of the Interior are included as Attachment C. These letters and responses are also located in the Mn/DOT project file.

PREFERRED ALTERNATIVE

The Preferred Alternative for the Northstar Corridor includes:

- Commuter Rail Service on the existing BNSF rail line from downtown Minneapolis to a northern terminus at Rice, Minnesota, for a length of 8 1.8 miles.
- Eleven commuter rail stations at the following locations (from north to south): Rice, St. Cloud East, Becker, Big Lake, Elk River, Anoka, Coon Rapids- Riverdale, Coon Rapids-Foley, Fridley, Northeast Minneapolis (7th Street NE location) and Minneapolis Downtown.
- A vehicle maintenance facility at the Elk River South location.
- A layover facility at Rice.
- A Light Rail Transit Connection from 3rd Avenue North to 6th Avenue North (including tail tracks), with the LRT continuing on the north side of 5th Street, and an LRT station immediately west of 3rd Avenue North.
- All of the proposed track improvements evaluated in the DEIS (retained for the purposes of environmental evaluation); except for the potential triple track from Coon Creek to I-694 (mileposts 20.7 to 15.6) and the potential siding from milepost 20.7 to 18.8. Proposed track improvements potentially could change from those evaluated in the EIS, depending on the outcome of BNSF negotiations.
- A bus operation plan that will reduce bus service frequencies on existing express service routes that duplicate commuter rail service. Existing bus routes will also be modified to connect to commuter rail stations and service frequencies will be modified to provide strong connections to commuter rail.

MITIGATION MEASURES

Mn/DOT will be responsible for construction of all facilities relating to the Project. Mn/DOT will also be responsible for implementing all mitigation measures described in the FEIS. These measures include the stipulations set forth in the Programmatic Agreement (PA), which is included as Attachment A. The PA complies with Section 106 of the National Historic Preservation Act. FTA requires as a condition of any grant or grant agreement that all required

mitigation measures be implemented in accordance with the requirements identified in the ROD. FTA requires that **Mn/DOT** periodically submit written reports on their progress in implementing the required mitigation measures. **FTA** will monitor this progress through quarterly reviews of final engineering and design, land acquisition required for the project, and construction of the project. A complete discussion of mitigation measures can be found in the **FEIS**, Sections 3.0 through 5.0. A summary of mitigation measures for each impact area is included below.

Community Facilities

- Installation of “Watch for Pedestrian” signs at the Anoka station; and
- Coordination with affected facilities during station construction.

Displacements and Relocations

- Payment of fair market value for approximately 18 parcels, and relocation assistance, as provided by law, for loss of private property; and
- Posting of signs announcing parking lot closure dates during construction of the Minneapolis Downtown station.

Archaeological and Historic Resources

- Application of mitigation measures outlined in the Programmatic Agreement (Attachment A). Mitigation measures identified in the PA include the following:
 - 9 Final design review and concurrence by **MnSHPO** of **Rice station** and **Minneapolis Northeast station** to assure they will not result in an adverse effect to the Rice Mill & Grain and Northwestern Furniture Mart, respectively.
 - 9 The design of the **Minneapolis Downtown Commuter Station** will take into account its visual relationship to the Minneapolis warehouse district. In addition, programmatic aspects of the design, which influence the design of the **5th Street North Bridge** between **3rd** and **5th** Avenues North will be considered.
 - 9 The design of the new **5th Street North Bridge between 3rd and 5th Avenues North** (including the Light Rail Transit (LRT) platform and the vertical circulation system) will meet the Secretary of the Interior’s standards for new construction in historic areas.
 - 9 The design of the new **5th Street North Bridge between 2nd and 3rd Avenue** will meet the Secretary of the Interior’s standards for new construction in historic areas.
 - The potential relocation and reuse of the St. Cloud Northern Pacific Depot will meet the Secretary of Interior’s standards and will ensure the continued eligibility of the depot on its new location.
 - 9 The design of all LRT system elements between the **5th Street North Bridge LRT station** and the **Hiawatha LRT project** will address the Warehouse District. These elements include (but are not limited to) **signage**, track and traffic lanes, curbs and sidewalks, overhead cables and support **posts**, and landscaping. (A portion of this project between 1st and 3rd Avenues North was previously covered under the earlier Hiawatha LRT Project Programmatic Agreement of 1999).

Visual and Aesthetic Conditions

- Incorporation of station landscaping which complements the character of the surrounding community in all station locations; and
- Continued coordination with Minnesota Department of Natural Resources (MNDNR) and City of Anoka regarding Anoka Station pond design.

Wetlands

- Incorporation of permanent storm water management controls and Best Management Practices (BMPs); and
- Replacement of wetlands in the vicinity of the St. Cloud East station, within the major watershed, through a private wetland bank program certified by the Board of Water and Soil Resources.

Vegetation and Wildlife

- Replanting, of native vegetation in all impacted areas; and
- Completing Rice station construction during non-breeding months of the Swallow, or installing netting to prevent active nesting.

Rare, Threatened and Endangered Species

- Adjusting construction schedule near Becker to minimize disturbance to Loggerhead Shrike nesting pairs; and
- Adhering to erosion and sediment controls during construction of track improvements west of Elk River and in Big Lake, to avoid secondary impacts to the Blanding's Turtle.

Water Resources and Utilities

- Installation of appropriate storm water management facilities, designed to the EPA's National Urban Runoff Program (NURP) criteria;
- During final design, Mn/DOT will explore the feasibility of implementing innovative ponding design using infiltration techniques at one "test case" site;
- Implementation of BMPs during construction to reduce runoff;
- Formulate a detailed public utility relocation plan for all relocated utilities
- Minimize the extent of the utility disruption;
- Plan for utility service disruptions to occur, to the extent possible, during periods of non-usage or minimum usage;
- Coordinate relocation of private utilities to minimize impact to customers;
- Minimize the extent of utility work within the roadway;
- Where feasible, coordinate utility work hours to correspond with non-peak traffic hours;
- Provide adequate public notification, including public meetings and notices (related to utility construction); and
- Provide utility-related traffic detours.

Hazardous Waste and Contaminated Material

- Conduct Updated Phase I Environmental Site Assessments (ESAs), if needed and Phase II Drilling Investigations, if appropriate, on all parcels to be acquired;
- Implementation of BNSF Environmental Response Procedures in the event of a hazardous materials spill from a commuter train; and
- Adherence to BNSF construction contingency plan.

Noise and Vibration

- Evaluation of operational characteristics during final design, to minimize project-generated noise to the extent possible; and
- Ongoing maintenance of wheels and rails to minimize vibration.

Transportation

- Review of signal timing and phasing at 5th Street North/2nd Avenue North in conjunction with the City of Minneapolis;
- The vehicle circulation east of 2nd Avenue North along 5th Street will be reviewed in final design. Changes to the downtown transportation system, including lane geometry, directional flow on 5th Street, vehicle circulation throughout the nearby region of downtown, or a combination thereof will be evaluated. The best of these mitigation measures will be implemented;
- Investigation of possibly locating the LRT tracks on the south side of 5th Street North, northwest of 3rd Avenue North;
- Installation of a traffic signal at the intersection of Central Avenue NE and 8th Street NE, if evaluation during final design shows that improved traffic conditions will result;
- Coordination with the City of Anoka on improving traffic conditions at intersections surrounding the station area, with focus on 4th Avenue/Pleasant Street and 7th Avenue/Johnson Street, as a part of future Transit-Oriented Development efforts; and
- Installation of a traffic signal at Trunk Highway (TH) 10/Lincoln Avenue, restricting access from Lincoln Avenue, or diverting left-turning traffic to the signalized intersection at 15th Avenue SE in St. Cloud. One or a combination of these will be selected in final design.

Safety

- Station sites have been selected to utilize existing gated crossings for station access. At the St. Cloud East and Coon Rapids Riverdale stations, a pedestrian bridge will be constructed due to a lack of a nearby crossing. At the Fridley station, a pedestrian tunnel will be constructed due to a lack of a nearby crossing;
- Station areas will have inter-track fencing installed to prevent pedestrians from crossing the tracks at inappropriate locations;
- Station security measures will include security cameras where warranted;
- An ongoing education effort and safety program will be implemented to promote pedestrian and vehicle safety in corridor communities and nearby schools;
- A fire/life safety committee will be formed to ensure appropriate emergency response procedures are developed and implemented;
- Mn/DOT will work towards implementing recommendations contained in the Sherburne County Railroad Grade Crossing Study. Mn/DOT has a Railroad-Highway Grade Crossing Safety Improvement Program that offers funding for improvements such as those recommended in the above referenced study;
- Coordination with the Federal Railroad Administration on safety issues; and

- Coordination with the Metropolitan Council to ensure any required updates are made to the Hiawatha LRT project's State Safety Oversight Program.

DETERMINATIONS AND FINDINGS

Conformity with Air Quality Plans

The Project is included in the current Twin Cities Transportation Improvement Plan (TIP) and the long-range metropolitan transportation plan. The regional analysis of this plan shows a reduction in regional Carbon Monoxide (CO) emissions with commuter rail, and emissions are below the officially established emissions budget for the TIP.

The plan and TIP were determined to conform with the requirements of the 1990 Clean Air Act (per 40 CFR Parts 51 and 93) by the Federal Highway Administration (FHWA) and FTA on December 12, 2001. This proposed action conforms to the requirements of the Clean Air Act Amendments and the Conformity Rules, 40 CFR Section 93.

In addition, the CO hot spot analysis in FEIS section 4.7.3-B ("Microscale Air Quality") indicates that the project will not cause or contribute to any localized violations of the CO standard. Therefore the project conforms because it comes from a conforming plan and TIP and does not cause or contribute to any localized violations of the National Ambient Air Quality Standards.

Section 106

To assess and mitigate the effects that commuter rail and the LRT connection will have on historic properties, a PA has been developed and signed by the FTA, the State Historic Preservation Office (SHPO), Mn/DOT, the Minneapolis Heritage Preservation Commission, and the St. Cloud Heritage Preservation Commission. The PA is included as Attachment A of this document. Mitigation measures identified in the PA include the following:

- Final design review and concurrence by MnSHPO of Rice **station** and **Minneapolis Northeast station** to assure they will not result in an adverse effect to the Rice Mill & Grain and **Northwestern Furniture Mart**, respectively.
- **The design of the Minneapolis Downtown Commuter Station** will take into account its visual relationship to the Minneapolis warehouse district. In addition, programmatic aspects of the design, which influence the design of the 5th Street North Bridge between 3rd and 5th Avenues North will be considered.
- **The design of the new 5th Street North Bridge between 3rd and 5th Avenues North** (including the Light Rail Transit (LRT) platform and the vertical circulation system) will meet the Secretary of the Interior's standards for new construction in historic areas.
- **The design of the new 5th Street North Bridge between 2nd and 3rd Avenue** will meet the Secretary of the Interior's standards for new construction in historic areas.
- The potential relocation and reuse of the St. Cloud Northern Pacific Depot will meet the Secretary of Interior's standards and will ensure the continued eligibility of the depot on its new location.

- The design of all LRT system elements between the 5th Street North Bridge LRT station and the Hiawatha LRT project will address the Warehouse District. These elements include (but are not limited to) **signage**, track and traffic lanes, curbs and sidewalks, overhead cables and support posts, and landscaping. (A portion of this project between 1st and 3rd Avenues North was previously covered under the earlier Hiawatha LRT Project Programmatic Agreement of 1999).

Section 4(f)

Section 4(f) of the Department of Transportation Act (49 U.S.C. Section 303) affords special protection to parks, recreation areas, wildlife refuges and historic sites. The existence of Northstar commuter rail in downtown Minneapolis would require the shifting of the planned Cedar Lake Trail east of, and parallel to, the commuter rail line and station, for a distance of approximately 1,500 feet. There is no feasible or prudent alternative to this action, as the commuter rail station is required to be adjacent to the BNSF tracks. To mitigate this impact to the planned Cedar Lake Trail extension, Mn/DOT will obtain right-of-way sufficient to accommodate the trail (12 feet wide and 1,500 foot in length). This commitment to replacement of the affected trail section constitutes “all possible planning to minimize harm” which is required by Section 4(f).

As indicated in Attachments A and B, the SHPO has concurred that, with Mn/DOT’s commitment that designs meet the Secretary of the Interior’s Standards for the Treatment of Historic Properties, the Northstar Corridor project will not cause any adverse effects on any historic properties. Therefore, use of these historic resources has **been** avoided, as Section 4(f) requires whenever a feasible and prudent avoidance option exists.

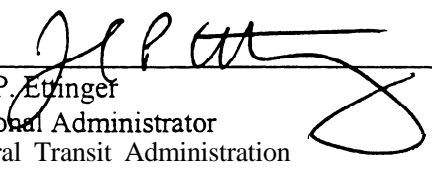
ENVIRONMENTAL FINDING

FTA has determined that the environmental documentation prepared for the preferred alternative satisfies the statutory and regulatory requirements of NEPA and fully evaluates the potential environmental impacts of the Project **from** downtown Minneapolis to Rice, Minnesota. The environmental documents represent the detailed statement required by NEPA regarding:

- The environmental impact of the proposed action;
- Adverse environmental effects which cannot be avoided should the proposed action be implemented;
- Alternatives to the proposed action;
- The relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity; and
- Irreversible and irretrievable commitments of resources which would be involved if the proposed action is implemented.

In accordance with 49 USC Section 5324(b), FTA has determined that:

- An adequate opportunity to present views was given to all parties with a significant economic, social, or environmental interest;
- The preservation and enhancement of the environment, and the interest of the communities in which the project is located, were considered; and
- No feasible and prudent alternative to the adverse environmental effects of the project exists and all reasonable steps have been included to minimize these effects.


Joel P. Ettinger
Regional Administrator
Federal Transit Administration

12-10-02

Date

Attachments:

Attachment A: Programmatic Agreement

Attachment B: SHPO letters

Attachment C: Comment letters received on the FEIS

ATTACHMENT A
PROGRAMMATIC AGREEMENT

PROGRAMMATIC AGREEMENT
BETWEEN
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE, THE MINNESOTA DEPARTMENT
OF TRANSPORTATION, AND THE FEDERAL TRANSIT ADMINISTRATION

REGARDING

**THE NORTHSTAR CORRIDOR COMMUTER RAIL FACILITY BETWEEN RICE AND DOWNTOWN
MINNEAPOLIS, A CONNECTION TO THE HIAWATHA LIGHT RAIL SYSTEM AT 5TH STREET NORTH
AND 5TH AVENUE NORTH, MINNEAPOLIS, AND THE RECONSTRUCTION OF TWO BRIDGES ON 5TH
STREET NORTH, BETWEEN 2ND AND 3RD AVENUES NORTH AND 3RD AND 5TH AVENUES NORTH,
MINNEAPOLIS**

WHEREAS, the Federal Transit Administration (FTA) is proposing to fund the use of existing rail for commuter service, a connection to the Hiawatha light rail system, and the reconstruction of two bridges on 5th Street North in Minneapolis;

WHEREAS, the Minnesota Department of Transportation (Mn/DOT) has consulted with the Minnesota State Historic Preservation Office (SHPO) and is a signatory to this agreement;

WHEREAS, Mn/DOT will administer the implementation of the project;

-WHEREAS, Mn/DOT will complete the stipulations of this agreement;

WHEREAS, the FTA will be responsible for ensuring that all aspects of project implementation meet the terms of this agreement;-

WHEREAS, Mn/DOT has completed the identification and evaluation of historic properties in the project's area of potential effect;

WHEREAS, the project will have an effect on the Minneapolis Warehouse Historic District (listed on the National Register of Historic Places (NRHP)), the Northwestern Furniture Mart in Minneapolis (eligible for listing on the NRHP), the Rice Mill and Grain (eligible for listing on the NRHP), and the Northern Pacific Depot in St. Cloud if it is used on the rail line (eligible for listing on the NRHP).

NOW THEREFORE, the Parties agree that, upon execution of this agreement, FTA shall ensure that the following stipulations are implemented in order to take into account the effect of the undertaking on historic properties:

I. STIPULATIONS .

The FTA will ensure that the following measures are carried out:

1. All aspects of the project within and adjacent to the Minneapolis Warehouse Historic District will be designed by Mn/DOT to be compatible with the historic character of the district and will consider effects to buildings adjacent to the district that contribute to the district. All aspects of the project within this area will meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (STANDARDS) and will be designed in consultation with the Minnesota SHPO and submitted for their review and concurrence. The Minneapolis Heritage Preservation Commission, as a consulting party, will be part of this review. Information about this project will be made available to members of the public for their comment and input.
 - A. The design of the downtown Minneapolis Commuter Rail Station will consider its visual relationship to the Minneapolis Warehouse Historic District. Any aspects of the design of this station that may influence the proposed reconstruction of the 5th Street North Bridge between 3rd and 5th Avenues North will be considered.
 - B. The design of the new 5th Street North Bridge between 3rd and 5th Avenues North, including the Light Rail Transit (LRT) station platform, and the vertical circulation system, and the design of the 5th Street North Bridge between 2nd and 3rd Avenues North, will meet the STANDARDS for new construction in historic areas.
 - C. The design of all LRT system elements between the 5th Street North Bridge LRT Station and the Hiawatha LRT Project will consider effects to the Minneapolis Warehouse Historic District. These elements include, but are not limited to, **signage**, track and traffic lanes, curbs and sidewalks, overhead cables and support posts, and landscaping. (A portion of this project between 1st and 3rd Avenues North was previously covered under the earlier Hiawatha LRT Project Programmatic Agreement of 1999.)
2. All new design and construction in the vicinity of the Northwestern Furniture Mart will meet the STANDARDS and will be submitted to the Minnesota SHPO for review and concurrence. Information about this project will be made available to members of the public for their comment and input.
3. All new design and construction in the vicinity of the Rice Mill and Grain building will meet the STANDARDS and will be submitted to the Minnesota SHPO for review and **concurrence**. Information about this project will be made available to members of the public for their comment and input.

4. If the St. Cloud Northern Pacific Depot is moved to the **Northstar** Corridor for use as a rail station, the relocation and reuse of the building will meet the STANDARDS and will ensure the continued eligibility of the depot at its new location. Plans for relocation and reuse will be submitted to the Minnesota SHPO for review and concurrence. Information about this project will be made available to members of the public for their comment and input.

II. DISPUTE RESOLUTION

If at any time during the implementation of this AGREEMENT, Mn/DOT or the SHPO objects within 30 days to any action proposed, or any failure to act pursuant to this AGREEMENT, they may file written objections with the FTA. However, prior to filing such objections, parties to this AGREEMENT shall attempt to resolve the dispute with Mn/DOT before involving the FTA. The FTA shall notify the parties to this AGREEMENT of the objection, and then take the objection into account, consulting with the objector and at the objector's request, with any of the parties to this AGREEMENT, in order to resolve the objection. The FTA will facilitate resolution with any of the parties involved.

If the FTA determines that the objection cannot be resolved, then the FTA shall forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (COUNCIL). Alternatively, if the SHPO is unsatisfied with the FTA's proposed resolution of the conflict, then the SHPO may forward the dispute directly to the COUNCIL. Within 30 days after receipt of all pertinent documentation, the COUNCIL will either:

1. Provide the FTA with recommendations, which the FTA will evaluate in reaching a final decision regarding the dispute; or
2. Notify the FTA that it will comment pursuant to 36 Code of Federal Regulations (CFR) Section 800.7(b) and Section 110(1) of the National Historic Preservation Act and then proceed to comment. Any COUNCIL comment provided in response to such a request will be taken into account by the FTA in accordance with 36 CFR Section 800.6(a)(1)(C)(ii) with reference to the subject of the dispute.

Any recommendation or comment provided by the COUNCIL will be understood to pertain only to the subject of the dispute. The FTA's responsibility to carry out all actions under this AGREEMENT that are not the subject of the dispute will remain unchanged.

III. AMENDMENTS

Any party to this AGREEMENT may request that it be amended. Any amendments shall be in writing and signed by all parties. This AGREEMENT is in accordance with the regulations in effect at the time of its execution. If the regulations change from the time of execution, Mn/DOT will consult with all parties regarding an amendment of this AGREEMENT.

IV. TERMINATION OF AGREEMENT

Any signatory to this AGREEMENT may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, Mn/DOT will comply with 36 CFR §§800.3 through 800.13 with regard to the undertakings covered by this AGREEMENT.

V. DURATION OF AGREEMENT

If the terms of this agreement have not been implemented seven years after signature, this agreement shall be null and void. In such an event, FTA shall notify the parties of this agreement of the expiration, and if appropriate, shall re-initiate review of the undertaking in accordance with 36 CFR Section 800.7(c)(4) and Section 110(l) of the National Historic Preservation Act.

Execution of this AGREEMENT and implementation of its terms evidences that the FTA has afforded the COUNCIL a reasonable opportunity to comment on the PROJECT and that the FTA has taken into account the effects of the PROJECT on historic properties.

FEDERAL TRANSIT ADMINISTRATION

By: Donald Simonds Date: 3/25/02

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

By: Anna M. Archobal Date: 2/13/02

MINNESOTA DEPARTMENT OF TRANSPORTATION

By: [Signature] Date: 2/19/2002

Consulting Parties:

MINNEAPOLIS HERITAGE PRESERVATION COMMISSION,

BY: Linda D. Messenger Date: 3/12/02

ST. CLOUD HERITAGE PRESERVATION COMMISSION

BY: David E. [Signature] Date: 3/5/02

ATTACHMENT B
SHPOLETTERS



MINNESOTA HISTORICAL SOCIETY
STATE HISTORIC PRESERVATION OFFICE



M a y 15, 2002

Mr. Craig Johnson
MnDOT
Cultural Resources Unit
Transportation building
395 John Ireland Boulevard
St. Paul, MN 551551899

RE: Northstar Corridor; commuter rail corridor from downtown Minneapolis to the St.
Cloud area
Anoka, Benton, Sherburne, Hennepin, Stearns and Wright Counties
SHPO Number: 2000-0273

Dear Mr. Johnson:

You have requested clarification from our office regarding an issue that was addressed during the review of the Northstar Corridor Project.

The issue relates to the need for survey at the Elk River maintenance site. This issue was raised during the identification process. However, you will note that the Section 106 programmatic agreement for the project, which we signed on 13 February 2002, does not include any stipulations related to this site. If there had been outstanding issues related to the site, stipulations would have been included or we would not have signed the agreement. Therefore, you can conclude that we concurred with your recommendation that there are no outstanding identification issues at the Elk River maintenance site.

If you have further questions, contact us at 651-296-5462.

Sincerely,

Dennis A. Gimmestad
Government Programs and Compliance Officer



MINNESOTA HISTORICAL SOCIETY

STATE HISTORIC PRESERVATION OFFICE

November 1, 2001

Ms. Jackie Sluss
Cultural Resource Unit
MN Dept. of Transportation
Transportation Building, MS 676
395 John Ireland Boulevard
St. Paul, MN 55155-1899

RE: Northstar Corridor Rail Line; Phase II Architectural History Evaluations
SHPO Number: 2000-0273

Dear Ms. Sluss:

Thank you for the opportunity to review the Phase II evaluations and the evaluation of effects for the Northstar Corridor Project.

We agree with the recommendation that a Programmatic Agreement be formulated for this project. This agreement will need to outline a process for further consideration of the design of project components within or adjacent to historic properties. In this vein, we feel that a finding of "no adverse effect" at this point would be premature. It would also be inconsistent with the development of an agreement, since "no adverse effect" findings do not usually include agreement documents.

As the agreement is developed, we think the following issues need consideration:

1. Five **brick houses** in Rice and St. Cloud (**Russell House, Gazette House, Mohr House, Bachman House, and Hotel Exchange**). We appreciate the background research completed on brick construction in the St. Cloud area and on these five buildings. Based on the potential significance of this collection of vernacular buildings, we do not concur at this time with the determination that none of these buildings meet National Register criteria. However, we have reviewed the discussion in the Phase I report relative to the effects of the project work on the houses, and have concluded that they will not be adversely affected. It would not appear that any further evaluation or review is necessary.

2. **Rice Mill and Grain** in Rice. We concur with the determination that this property meets National Register criteria. It appears that the project work in the vicinity will have no adverse effect on the property. The Programmatic Agreement should include a provision for review of the final design of the adjacent station area to assure that this is the case.

3. Northwestern Furniture Mart in Minneapolis. We concur with the determination that this property meets National Register criteria. It appears that the project work in the vicinity will have no adverse effect on the property. The Programmatic Agreement should include a provision for review of the final design of the adjacent station area to assure that this is the case.

4. Great Northern. Railroad Line throughout the project area. Pages 83-84 of the Phase I Cultural Resources Assessment indicate that the proposed project follows the route of the Great Northern, which has been determined to meet National Register criteria. As the report indicates, the proposed project should have no effect on the historical characteristics of the line.

5. Minneapolis Warehouse District in Minneapolis. All aspects of the project within and adjacent to the Minneapolis Warehouse District need to be designed to be compatible with the historic character of the district and need to take into account effects on adjacent properties which contribute to the district. The Phase II report stipulates that the new construction in this area should have no adverse effect in this area. The Programmatic Agreement, therefore, should include a provision stipulating that all aspects of this portion of the project will meet the Secretary of the Interior's Standards and will be designed in consultation with our office and submitted to our office for review and concurrence. Public participation and participation of interested parties (including the Minneapolis Heritage Preservation Commission) should be part of this review process. We offer the items below as some issues which will need to be considered as this review and consultation takes place.

A. The design of the Minneapolis Downtown Commuter Station will need to take into account its visual relationship to the warehouse district. In addition, programmatic aspects of the design which influence the design of the 5th Street Bridge between 3rd Avenue and 5th Avenue will need to be considered.

B. The design of the new 5th Street Bridge between 3rd Avenue and 5th Avenue (including the station platform and the vertical circulation system) needs to meet the Secretary of the Interior's Standards for new construction in historic areas. The effects of the structure on the adjacent properties need to be addressed. The grade of the structure near the Booth Fisheries Warehouse is expected to drop, and it should be possible to minimize the effects of the bridge in this area. On the other hand, raising the grade of the bridge adjacent to the facade of the Ford Building could cause an adverse effect to this building. Contrary to information in the report, it appears that the 5th Street side of the Ford Building may indeed have been a primary historic facade. The integration of the bridge design with the significant elements of this facade is an important issue.

C. The design of the new 5th Street Bridge between 2nd Avenue and 3rd Avenue needs to meet the Secretary of the Interior's Standards for new construction in historic areas.

D. The design of all LRT system elements between the Commuter Station and the Warehouse District Station needs to address the Warehouse District. These elements include (but are not limited to) signage, track and traffic lanes, curbs and sidewalks, overhead cables and support posts, and landscaping.

6. With regard to the potential move of the **Northern Pacific Depot** in St. Cloud to the St. Cloud East Station Site, it would seem to us that any such move would obviously be related to the construction of the project, and that provisions should be included in the Programmatic Agreement for the review of such an action should it occur. The fact that the city may cover the costs of the move would not appear to remove it from consideration as part of the effects of this project and the need to include it in the scope of this review.

We look forward to working with you to complete the **agreement** for this project.
Contact us at 651-296-5462 with any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dennis A. Gimmestad', with a stylized, flowing script.

Dennis A. Gimmestad
Government Programs and Compliance Officer

cc: Tammy Campion, St. Cloud Heritage Preservation Commission
Greg Mathis, Minneapolis Heritage Preservation Commission
Garneth Peterson, URS
Tom Cinadr, MHS (cef)

ATTACHMENT C
COMMENT LETTERS RECEIVED ON THE FEIS



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240



ER-00/830

AUG 22 2002

Mr. Joel Ettinger
Regional Administrator, Region 5
Federal Transit Administration
200 West Adams, Suite 320
Chicago, Illinois 60606

Dear Mr. Ettinger:

The Department of the Interior (Department) reviewed the Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation for the Northstar Corridor Project in Anoka, Benton, Sherburne, Hennepin, Stearns, and Wright Counties, Minnesota. The Department offers the following supplemental comments on this project for your consideration:

Section 4(f) Comments

In the Department's original comments, we expressed **concern** that the Federal Transit Administration (FTA) and Minnesota Department of Transportation (MnDOT) had not provided sufficient information to conclude that all measures to minimize harm to historic properties had been presented in the Section 4(f) Evaluation. The original evaluation gave insufficient evidence that the State Historic Preservation Officer (SHPO) had agreed to sign an agreement containing the offered mitigative measures. In your letter of July 1, 2002, you included a copy of the signed agreement document indicating SHPO concurrence with the mitigation.

The Department had also expressed concern that the FTA and the MnDOT had not taken into **account** all cultural resources that would be impacted by the Elk River maintenance facility since it had not been subjected to an inventory. We have now received a copy of a letter **from** the SHPO indicating that there were no further concerns with impacts to cultural resources at that proposed facility. Based upon that letter, the Department withdraws its concerns.

Finally, the Department expressed concern about the lack of final negotiations with BNSF (the railroad) that may have led to impacts to potential Section 4(f) properties. In your letter of July 1, 2002, you explained because of the uncertainty of these negotiations, you included several options in your analysis for capacity improvements. The Department will **agree** that should the conclusion of these negotiations with the railroad result in capacity improvements, the FTA and the MnDOT will be responsible for the additional environmental work, including any potential evaluation under Section 4(f).

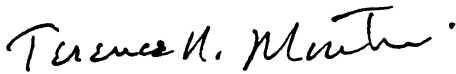
Summary Comments

Based upon the additional information provided to us on the Northstar Corridor Project, the Department concurs with the Section 4(f) approval of this project.

The Department has a continuing interest in working with the FTA and MnDOT to ensure impacts to resources of concern to the Department are adequately addressed. For matters related to Section 4(f), please contact the Regional Environmental Coordinator, National Park Service, Midwest Regional Office, 1709 Jackson Street, Omaha, Nebraska 68102.

We appreciate the opportunity to provide these comments.

Sincerely,


for Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:

Mr. Mike Schadauer

✓ **Office** of Passenger Rail Transit
Minnesota Department of Transportation
395 John Ireland Boulevard, MS 475
St. Paul, Minnesota 55 155-1 899



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams St&et
Suite 320
Chicago, IL 606064253
312-353-2789
3 12-886-0351 (fax)

Willie R. Taylor
Director, Office of Environmental Policy and Compliance
U.S. Department of the Interior
Office of the Secretary
Washington, D .C. 20240

JUL - 1 2002

Regional Env. Coordinator
National Park Service
Midwest Regional Office
1709 Jackson Street
Omaha, NE 65102

RE: Northstar Corridor Rail Project, MN

Dear Mr. Taylor:

The Federal Transit Administration (FTA) and the Minnesota Department of Transportation (Mn/DOT) have reviewed the comments provided in the Department of the Interior's (DOI) letter dated May 3, 2002, regarding the Final Environmental Impact Statement (FEIS) for the Northstar Corridor Rail Project in Minnesota. FTA offers the following comments and documentation for DOI's consideration, and respectfully requests that DOI approve the proposed Section 4(f) evaluation.

DOI's letter mentions that the final evaluation presents a full analysis of the impacts to properties eligible for inclusion in the National Register of Historic Places, but did not demonstrate concurrence by the Minnesota State Historic Preservation Officer (SHPO) through a signed agreement. The Programmatic Agreement (PA) was being circulated for signature at the time the FEIS was being printed. The PA is now fully executed, and a copy is included with this letter. Additionally, the executed PA will be included as an attachment to the Record of Decision (ROD).

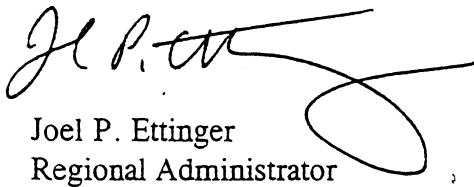
Additionally, the DOI letter noted that the FEIS did not indicate that the Minnesota SHPO had concurred with Mn/DOT's determination of no adverse effects regarding the Elk River Maintenance Facility site. Minnesota's SHPO did concur with Mn/DOT's evaluation, and a letter from the SHPO reflecting that fact is also included with this letter.

Finally, you mention that it would be premature to approve the Section 4(f) Evaluation prior to completion of negotiations with Burlington Northern Santa Fe Railroad (BNSF).

Mn/DOT recognizes that the lack of a final agreement with BNSF lends some 'uncertainty to the final outcome of the process, which is why several capacity improvement options were analyzed. **Mn/DOT** has communicated with BNSF the need to avoid impacts to the Springbrook Nature Center and the Rice Creek West Regional Trail. On page S-5 of the FEIS (bullet no. 6), it states that, "It is anticipated that all potential track improvements are included at this time; however, if capacity improvements are added, additional environmental documentation will be done. " This additional environmental documentation, if needed, will include the appropriate Section 4(f) Evaluation.

If you have questions or comments please contact either Vanessa Adams-Donald of my staff or myself at (3 12) 353-2789. I hope the above information satisfies your concerns about the Section 4(f) evaluation for the Northstar Corridor Rail Project.

Sincerely,



Joel P. Ettinger
Regional Administrator

Enclosures

cc: Mike Schadauer, **Mn/DOT**



Minnesota Department of Transportation

Office of Passenger Rail Transit

Mail Stop 475
395 John Ireland Blvd.
St. Paul, MN 55155

Phone: 651/ 215-6800

Fax: 651/ 284-4113

June 5, 2002

Jon Wertjes
City of Minneapolis
Dept. of Public Works
350 South 5th Street
Minneapolis, MN 55415-1390

Sequence #: (if required)	
File Code(s):	

Dear Jon:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the comments from the City of Minneapolis provided to us in a letter dated May 3, 2002 regarding the Final Environmental Impact Statement (FEIS) for the Northstar Corridor Rail Project. We offer the following response to your letter and would like to reaffirm that when the Northstar Corridor Rail Project moves into a final stage of design, we will continue to work with the City of Minneapolis to address the concerns of interested stakeholders.

A meeting was held on May 9th, 2002 with you and Mike Larson from the Office of Planning to discuss the concerns outlined in the above referenced letter. At that meeting we discussed that many of the comments expressed in your letter were editorial in nature and do not affect the outcome of the decision in the FEIS.

One of the comments expressed in your letter related to the potential for new development near the Downtown Minneapolis station in the future, and the effects the development could have on the design of the station. The location for the Downtown Minneapolis station was selected because it is best suited to existing land use patterns. If the land use pattern of the area surrounding the station changes before station construction begins, Mn/DOT will evaluate the need for redesign of the station and additional environmental documentation, if warranted.

An additional comment that you expressed was that a master planning process for the area surrounding the Northeast Minneapolis station has been discussed, but not initiated, as was mentioned in the FEIS. It is anticipated that the above two comments with corresponding responses will be included in the comment summary section of the Northstar Corridor Record of Decision (ROD).

If you have further questions or comments please contact me.

Sincerely,

Mike Schadauer

Mike Schadauer
Northstar Corridor Rail Project Manager



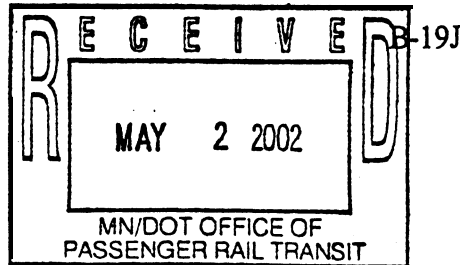
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 606043590

APR 25 2002

REPLY TO THE ATTENTION OF:

Joel Ettinger, **Regional Administrator**
Federal Transit Administration - Region 5
200 West Adams Street - Suite 320
Chicago, IL 60606



Re: **FEIS, Northstar Corridor Project: Minneapolis to Rice, Minnesota (FTA)**
(EIS No.: 020125)

Dear Mr. Ettinger:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the United States Environmental Protection Agency, Region 5 (U.S. EPA) has reviewed the Federal Transit Administration's (FTA) *Northstar Corridor - Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation* dated March 2002.

The FEIS identifies a Preferred Alternative for the **Northstar** Corridor. The Preferred **Alternative** is an **82-mile-long** commuter rail service on the existing Burlington Northern Santa Fe Railroad (BNSF) rail line from downtown Minneapolis to Rice, Minnesota. It includes track capacity improvements, eleven commuter stations, a layover facility at Rice, vehicle maintenance facility at Elk River, and a bus operations plan. It also includes a light rail transit (LRT) connection to the Hiawatha LRT line in Downtown Minneapolis on 5th Street from 3rd Avenue North to 6th Avenue North. In addition, a Minimum Operable Segment (MOS) for the Northstar Corridor is defined and evaluated in the FEIS. The MOS for the Northstar Corridor is defined in the FEIS to address and evaluate a commuter rail system that could operate in a cost-effective manner. The MOS for the Northstar corridor is defined as commuter rail service, approximately 41 miles long, from Downtown Minneapolis to the Big Lake station. Under the MOS, a layover facility would be located at Big Lake.

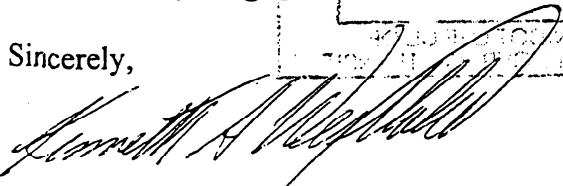
We documented our comments on the Draft Environmental Impact Statement (DEIS) and Supplemental DEIS for this project in letters dated, January 22, 2001, and March 7, 2001, respectively. Our comments generally dealt with insufficient information to assess environmental impacts. Our comments were in the following areas: (1) cumulative impacts analysis, (2) storm water management, (3) wetland mitigation, and (4) air quality.

We have reviewed the information presented in the FEIS in light of the concerns presented in our previous comment letters. The FEIS includes additional information and discussions for the

areas of concern we identified. In addition, we are pleased to see that direct wetland impacts have been reduced from 7.23 acres in the DEIS to 1.86 acres in the FEIS. The FEIS indicates that wetland replacement will occur within the major watershed through a private wetland banking credit program certified by the Board of Water and Soil Resources.

We appreciate the opportunity to review and comment on the Northstar Corridor FEIS. If you have any questions, please contact Virginia Laszewski of my staff at 312-886-7501 or e-mail at laszewski.virginia@epa.gov.

Sincerely,



Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch
Office of Strategic Environmental Analysis

cc: Mn/DOT
Northstar Corridor Development Authority



United States Department of the Interior

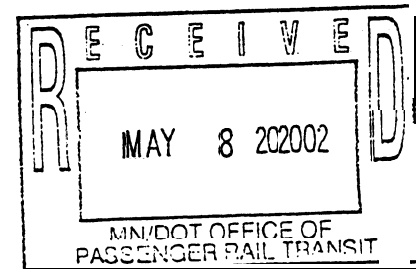
OFFICE OF THE SECRETARY
Washington, D.C. 20240



ER-00/830

MAY 3 2002

Mr. Joel Ettinger
Regional Administrator, Region 5
Federal Transit Administration
200 West Adams, Suite 320
Chicago, Illinois 60606



Dear Mr. Ettinger:

The Department of the Interior (Department) **has** reviewed the Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation for the Northstar Corridor Project in **Anoka, Benton, Sherburne, Hennepin**, Stearns, and Wright Counties, Minnesota. The Department offers the following comments and recommendations for your consideration.

Section 4(f) Comments

The Department provided the Federal Transit Administration (FTA) and the Minnesota Department of Transportation (Mn/DOT) comments on the **draft** EIS and Section 4(f) Evaluation on January 5, 2001, which appear in the final EIS and evaluation. We expressed our concern in the letter that the project may affect properties eligible for inclusion in the National Register of Historic Places. In our letter, the Department requested that the final evaluation provide a detailed analysis of the impacts to the properties, if they were to be impacted. We also requested that the final evaluation present a signed Memorandum of Agreement with the Minnesota State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation, if necessary, to demonstrate concurrence with the measures to minimize harm to Section 4(f) properties.

The final evaluation presents a full analysis of the impacts, but it does not demonstrate the SHPO's concurrence with the measures outlined to minimize harm, though it is stated in the **final** Section 4(f) Evaluation that the SHPO has concurred. The last piece of correspondence from the **SHPO** presented in the documents, dated November 1, 2001, indicates that the SHPO's staff is willing to explore an agreement, but some issues were clearly unresolved. A version of an agreement document is included in the final document that appears to address those issues but there are no **signatures**, and there is no explanation as to why the document is not signed.

Finally, we note that the Elk River maintenance site was not inventoried for cultural resources since access to the property was denied. While the **Mn/DOT** has made the determination that the property has low potential for archeological materials, and that there would be no adverse effect **from** the project, there is no indication of concurrence from the SHPO. In an earlier letter (January 21, 2001), the SHPO indicated that certain project areas had **not** been inventoried and that an agreement document could be used to provide for the necessary studies. There is no provision for the Elk River site in the agreement document included in the final evaluation. Therefore, because these issues appear not to have been resolved, the Department cannot concur with your assessment that all measures to reduce harm to historic properties have been provided for and agreed to by all parties.

The Department agrees that the removal of the commuter rail and track improvement aspects of the project avoids impacts to the Springbrook Nature Center and the Rice Creek West Regional Trail. However, we note that the **FTA** indicates that it has not yet completed negotiations with the BNSF (the railroad) concerning these track improvements. The language of the evaluation appears to indicate that this issue is not yet settled. Until the negotiations have been completed, it would seem premature to approve the Section 4(f) Evaluation.

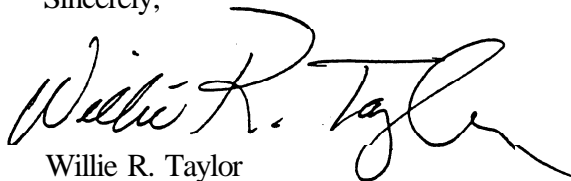
Summary Comments

The Department does not concur with Section 4(f) approval of this project at this time. **We** would be pleased to reconsider this position upon receipt of revised material that includes adequate information and full discussion of measures to minimize harm as mentioned earlier in our Section 4(f) Evaluation comments.

The Department has a continuing interest in working with the **FTA** and the **Mn/DOT** in order to ensure that impacts to resources of concern to the Department are adequately addressed. For matters related to Section 4(f), please contact the Regional Environmental Coordinator, National Park Service, Midwest Regional **Office**, 1709 Jackson Street, Omaha, Nebraska 68102.

We appreciate the opportunity to provide these comments.

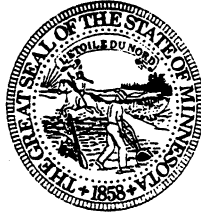
Sincerely,



Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:

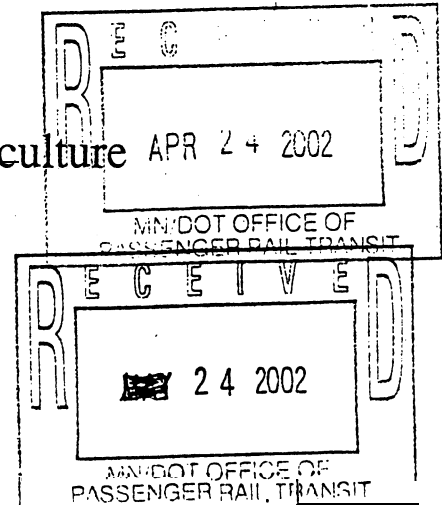
Mr. Mike Schadauer
Office of Passenger Rail Transit
Minnesota Department of Transportation
395 John Ireland Boulevard, MS 475
St. Paul, Minnesota 55155-1899



Minnesota Department of Agriculture

April 22, 2002

Mr. Mike Schadauer
Project Manager, Northstar Corridor
Minnesota Department of Transportation
395 John Ireland Boulevard, MS 475
St. Paul, MN 55155



RE: Northstar Corridor Project Final Environmental Impact Statement

Dear Mr. Schadauer:

The Minnesota Department of Agriculture (MDA) has reviewed the Northstar Corridor Project Final Environmental Impact Statement (FEIS). The mitigation measure referred to in Section 4.1 of the FEIS satisfies our concerns regarding severed or isolated farmland resulting from the construction of the substations, which we raised in the DEIS.

Thank you for the opportunity to review the FEIS. Please contact me at (651) 215-0369 if you have any questions regarding this matter.

Sincerely,

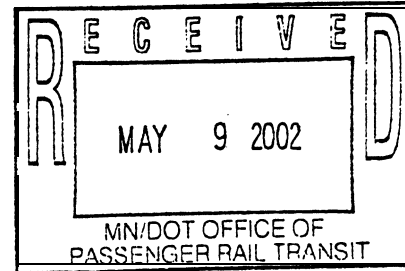
Becky Balk, Agricultural Land Use Planner
Agricultural Development Division

cc: Jim Boerboom
Paul Burns
Bob Patton



Minnesota Pollution Control Agency .

May 8, 2002



Mr. Mike Schadauer
Office of Passenger Rail Transit
Minnesota Department of Transportation
395 John Ireland Boulevard
St. Paul, MN 551554899

RE: Final Environmental Impact Statement (FEIS) Northstar Corridor project

Dear Mr. Schadauer:

Staff from the Minnesota Pollution Control Agency (MPCA) have received and reviewed the Final Environmental Impact Statement (FEIS) completed by the Federal Transit Administration' and the Minnesota Department of Transportation (MnDOT) for the proposed Northstar Corridor project.

The MPCA finds that the Mn/DOT responses to our comments on the above-referenced document prepared for the Northstar Corridor sufficiently address the concerns and issues raised in our comment letters.

Thank you for the opportunity to review the documents for this project. Should you have any general questions about these comments, please contact me at (651) 2964897. We look forward to a cooperative and effective relationship necessary for the efficient planning and construction of this important project.

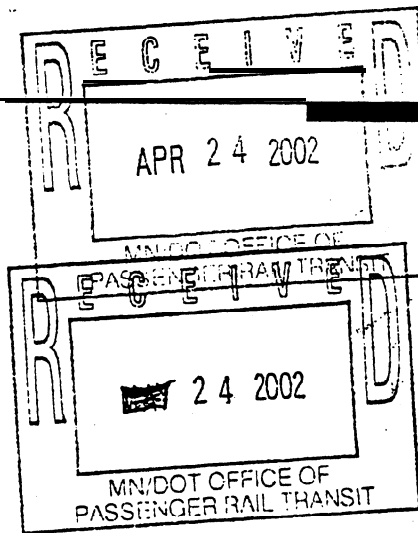
Sincerely,

Dale B. Thompson
Team Leader
Regional Environmental Management Division

DBT:smd

April 22, 2002

Mr. Mukhtar Thakur, P.E.
Director, Office of Passenger Rail Transit
Minnesota Department of Transportation
395 John Ireland Blvd. , MS 475
St. Paul, MN 55155



Re: Metropolitan Council comments on the *Northstar Corridor Final Environmental Impact Statement*-
(Referral No. 184025-5)

D e a r s : *Mukhtar*

The Metropolitan Council has reviewed the *Northstar Corridor Final Environmental Impact Statement* and has no further comments to submit on the environmental impact statement for the proposed **Northstar** Corridor project.

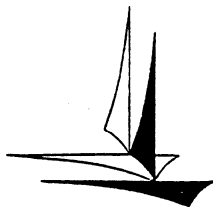
I look forward to the continued Metropolitan Council involvement in the development of this project.

Sincerely,


Nacho Diaz

Director, Transportation Planning

Cc: Natalie Haas Steffen, Council Member , District 9
James E. Nelson, Council Member, District 10
Carol A. Kummer, Council Member, District 8
Tim Yantos, **Northstar** Corridor Development **Authority**



Minneapolis
City of Lakes

Department of Public Works

David J. Sonnenberg
City Engineer
Director

Brian J. Lokkesmoe
Deputy Director

350 South 5th Street • Room 203
Minneapolis MN 554154390

Office 612 673-2352
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TTY 612 673-2157

Management Services
R. H. Smith, Director
Assistant Director of Public Works
350 South 5th St. - Room 203
Minneapolis, MN 55415-1390
(612) 673-2241

Administrative Services
T. G. Moloney, Director
350 South 5th St. - Room 203
Minneapolis, MN 55415-1390
(612) 673-3478

Engineering Services
F. W. Ogren, Director
309 2nd Ave. S. - Room 300
Minneapolis, MN 55401-2268
(612) 673-2456

Equipment Services
J. E. Edmunds, Director
1200 Cume Ave. N.
Minneapolis, MN 55403-1234
(612) 673-5737

Field Services
M. D. Kennedy, Director
350 South 5th St. - Room 203
Minneapolis, MN 55415-1390
(612) 673-3759

Property Services
S. A. Kotke, Director
350 South 5th St. - Room 223
Minneapolis, MN 55415-1390
(612) 673-2402

Solid Waste & Recycling
S. A. Young, Director
309 2nd Ave. S. - Room 210
Minneapolis, MN 55401-2281
(612) 673-2433

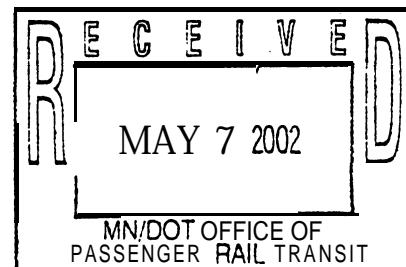
Transportation & Parking
G. A. Finstad, Director
350 South 5th St. - Room 233
Minneapolis, MN 55415-1390
(612) 673-2411

Water works
A. J. Kramer, Director
250 South 4th St. - Room 206
Minneapolis, MN 55415-1330
(612) 673-2418

www.ci.minneapolis.mn.us
Affirmative Action Employer

May 3, 2002

Mr. Mike Schadauer
Office of Passenger Rail Transit
Minnesota Department of Transportation
395 John Ireland Boulevard, MS 475
St. Paul, MN 55155-1899



RE: FEIS Northstar Commuter Rail

Dear Mike:

Here are the City of Minneapolis comments on the FEIS for the Northstar Commuter Rail project.

General Comments

Downtown Station -- Planning activities in the vicinity of the Downtown Multi-Modal Station include the Downtown East/North Loop Master Plan (currently underway) and Hennepin County's Multi-Modal Station Area Master Plan. Both planning processes have explored specific and general concepts for a new mixed-use district that mitigates the presence of freeway infrastructure and integrates this area with both downtown and the Warehouse District. Further, the site of the Downtown Station platform remains the City's preferred location for a new professional baseball stadium. The final location and design of Downtown Station commuter rail facilities and the LRT extension should account for these potential development plans.

Northeast Station -- The City appreciates inclusion and consideration of the Northstar Community Task Force (7th St. NE) materials in the appendices and looks forward to working with Northstar project staff on the final design of the station and associated facilities.

Summary

Page S-17, Minneapolis Downtown Station

Please add a reference to Section 8.6.5 after the words "Programmatic Agreement".

Page S-19, Pedestrian Access, 1st paragraph

Add that “The Ford Centre falls within the Minneapolis Warehouse Historic District (NRHP).”

Create a new paragraph that includes the last sentence of the first paragraph plus the following text: “The City continues to express a desire to explore alternatives that preserve vehicle access to 5th Avenue North and consider the visual and aesthetic relationship of bridge reconstruction to this district property (as per the Programmatic Agreement).”

Page S-25, Table S.6-3

The Minneapolis Downtown section refers to 5th Street South.’ This should be 5th Street North.

Section 2.0

Page 2-17, Table 2.2-6, Proposed Feeder Bus Routes

The two listed routes serving the Minneapolis station should have included the other bus routes listed on pages 5-31 and 5-32.

Page 2-22, Changes to Downtown Minneapolis Multi-Modal Connector

While the City of Minneapolis concurs with the identified location of the multi-modal station, the City has indicated that there are numerous historic, transportation, and development factors that may change future location and design of both the commuter rail and LRT stations. The City requests that MnDOT as part of the future design process address these and other factors that may influence this station location and its design.

Figure 2.2-2A, Downtown Minneapolis Site Plan

The LRT platforms and tracks are labeled “(By Others)”. Please delete this reference since this is part of the overall project.

Page 2-26, “Minneapolis Northeast”:

The phrase: “A decorative retaining wall would replace existing BNSF fencing, with a landscaped berm on the west side of the wall,” reads as if the fencing will be removed and replaced with a wall, a berm, and landscaping. Rather, in discussions with the Northstar Community Task Force and staff, new non-climbable wrought iron fencing, between the residential properties and the station area, was to be installed, with such fencing, the retaining wall, berm and landscaping as critical elements of overall safety and access discussions.

Section 3.0

Page 3-7, Employment for the Northstar Primary Service Area, 3rd Paragraph

This paragraph references data in Table 3.1.9. The forecast of 76,000 or 55 percent employment growth differs from what is indicated in the table.

Page 3-9, Table 3.1-9

This table differs from the Draft EIS, and indicates a considerably larger employment base as part of the Primary Service Area than what was assumed in the DEIS. This table also is inconsistent with Table 3.1-8, which provides a breakdown by employment type. It appears that employment in downtown Minneapolis was newly included in Table 3.1-9, but not explained or updated in the text and this other table.

Page 3-2 1, Minneapolis Northeast Station, Major Trip Generators

This section should have mentioned the Mid-City Industrial Opportunity Area, a major trip generator that will be accessible via commuter rail via bus transfer.

Page 3-28, Minneapolis Downtown Station Neighborhood,

Text should be added to this section regarding the ballpark being a possible future pattern of land use.

Page 3-28, Minneapolis Northeast Station Neighborhood, 2nd paragraph

Change “initiated” to “discussed”.

The FEIS should not include a reference to the initiation of a “master planning process when only discussions have been held. It is true that there will be continued community involvement in the final design of the station, feedback and input regarding the operation of the station, and also with regard to changes in public infrastructure and proposed development and redevelopment in the area.

Page 3-60, Minneapolis Northeast Station at 7th Street Northeast

This section should have noted the concurrence of the State Historic Preservation Office (SHPO) that the Northwestern Furniture Mart Building (Banks Building) meets National Historic Register criteria.

Page 3-62, Paragraph 2

This section should have acknowledged a commitment by the project, in cooperation with the City, to explore possible alignment and geometric alternatives that minimize visual and aesthetic impact, as well as access to, the Ford Centre (as per Section 106 Programmatic Agreement).

Figure 3.1-17

The figure should show the proposed ballpark as a possible future pattern of development. Please use the “sports arena star” along with the office denoted for the parking lot where the commuter rail station is located.

Section 5

Page 5-10, Minneapolis Downtown Station and Multi-Model Connector

The City wishes to explore options to the proposed configuration of the Downtown Commuter Rail and LRT extension in order to meet a number of planning objectives in the area. Numerous alternatives have been discussed with MnDOT staff related to the potential commercial/office/housing developments, the proposed ballpark, existing historic properties and access to the 5th Avenue North to/from 5th Street North. These alternatives include but not resolved are:

- Construct the LRT station platform on the south side of the 5th Street railroad bridge, with vertical circulation on the same side and separate the 5th Street railroad bridge profiles for vehicles traveling on the north side of the bridge, thereby maintaining access to 5th Avenue North
- Integrate the multi-modal station (commuter and LRT) infrastructure into the proposed ballpark and/or other mixed-use developments
- Relocate only the LRT station from the 5th Street railroad bridge east to the 5th Street freeway bridge and build a new “grand central station” over the I-394 freeway across from the 5th Street TAD garage.

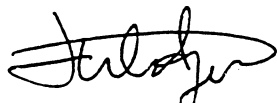
Section 7

Page 7-5, Section 7.6

The City appreciates the commitment to the establishment of a security plan, including the staff and financial participation of the owner and operator of the line.

If you have further questions about the letter, please feel free to contact Jon Wertjes at (612) 673-2614.

Respectfully,

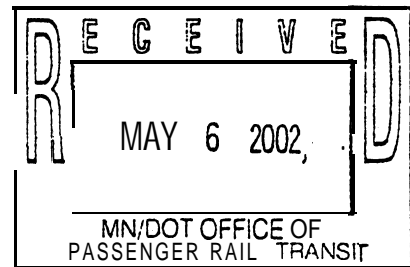


Jon Wertjes, P.E.
Minneapolis Public Works



Michael Larson
Minneapolis Planning

cc: David Sonnenberg, Chuck Ballentine, Brian Lokkesmoe, Greg Finstad, Heidi Hamilton, Bob Morgan, Peter Wagenius



FRIDLEY MUNICIPAL CENTER . 643 1 UNIVERSITY AVE. N.E. FRIDLEY, MN 55432 . (763) 57 1-3450 . FAX (763) 57 1-1287

May 3, 2002

Mr. Mukhtar Thakur
Director, Office of Passenger Rail Transit
Minnesota Department of Transportation
395 John Ireland Boulevard, MS 475
St. Paul, MN 55155-1899

Dear Mr. Thakur:

The City of Fridley staff, various advisory commissions, and the City Council have taken time to review the Final Environmental Impact Statement (FEIS) for the Northstar Commuter Rail Project. On April 24, 2002, the City hosted a Final EIS meeting to allow residents to comment and express their views about the FEIS document. Thirteen residents, 4 MnDOT/NCDA Staff, 4 City Council Members, and myself attended the meeting. The purpose of this letter is to summarize the discussion and offer final comment.

Many of the comments made were actually questions that were handled by Mike Schadauer, MnDOT.

Question # 1 What happens if the Legislature does not fund the North Star project?

Answer: Mike Schadauer explained potential outcome of several funding scenarios.

Question #2. Have you taken sound tests with high-speed freight noise?

Answer: Mike Schadauer explained the noise study portion of the FEIS and its relationship to future transit traffic as opposed to freight traffic that already exists. Also, beyond noise, the track and all crossings have been evaluated to assure all is known about necessary improvements to accommodate commuter rail.

Question #3 Has the City considered a quiet zone?

Answer: City staff responded, yes; however, with at-grade crossings that exist in Fridley, a quiet zone designation would be difficult. An alternative plan by the City would need to be offered by the City and that plan has not been devised. Ken Stevens added that the at-grade crossings requiring horn blowing are north of the proposed station site.

- Question #4 Has a solution to folks using **Starlite** Blvd. as a short cut been resolved.
Answer: City staff responded that the design of the Station site was modified to discourage those trips by moving the access to the parking over to Main Street. Staff further indicated that once the City Council has approved a Station Site, the details of **signage**, etc., could be evaluated.
- Question #5 Can the tunnel be locked at night for safety?
Answer: Mike Schadauer responded that part of the City's interest in having the tunnel was the ability to connect the neighborhoods on the east and west side of the tracks. They wiii **likely** want that connection during aii hours. However, there wiii be cameras that will aid in monitoring, and local assistance **from** Fridley Police will be helpful.
- Question #6 The third rail appears to be in limbo according to the plan. Who pays if it is eventually needed?
Answer: Mike Schadauer explained **the** NCDA position on the third rail and **further** explained that since it is not in their plan, it was not analyzed in the FEIS. If it is eventually needed, **the** Burlington Northern folks will need to address the issue at the time of that request.
- Question #7 Is the noise on the same wavelengths when there are more trains on a tighter schedule?
Answer: Mike Schadauer explained the noise study modeling and the additional number of trains used in the analysis to provide the most accurate estimate.
- Question #8 Comment (not FEIS related), rather than question about poor **traffic** movement on roadways and timing of traffic lights.
Answer: N/A
- Question #9 Why did Minneapolis need to move all the utilities on 5th Street (not FEIS related)?
Answer: Mike Schadauer explained the difficulties of using any of the street corridors in Minneapolis for that reason. Fifth Street eventually became the chosen route and, like any of the alternative choices, utilities would be an issue.
- Question #10 Why did the State have to pick up the cost of a parking ramp to allow people to go to the airport (not FEIS related)?
Answer: Mike clarified who was paying for the ramp and what the benefits were in that location.

Mr. Mukhtar Thakur

May 3, 2002

PAGE 3

Question #11 Have there been any surveys about crime increasing at train stations?

Answer: Mike Schadauer responded with more people in any given area, the potential for criminal activity might increase. He reiterated the need for surveillance by the Northstar folks and local police.

Question #12 Could the City and County provide a tunnel under East River Road at 61st?

Answer: City staff committed to investigating potential, while explaining that the project on East River Road this summer is surface enhancement, not reconstruction.

Question # 13 Could buses use 57th, rather than 61st?

Answer: Lynne Clarkowski, MnDOT, responded by pointing out what the 3 projected bus routes are and by indicating that a change would need to be evaluated. Ken Stevens added that those routes are the routes that will be used, if the station is constructed and that ridership, pick-up locations; destinations are all factors that contribute to the decisions about routes. These routes were analyzed in the FEIS in Chapter 5.

Question #14 Has there been additional consideration to buffer zones along the residential areas? A row of mature trees would be nice.

Answer: The station sites on both the east and west sides of the tracks have been laid out to provide buffers. The east side was reconfigured in response to neighborhood and City Council's desire of a separation between the residents and the station site.

Question #15 What are the benefits of the commuter rail to people in Fridley?

Answer City staff responded: relief of traffic on roadways and additional options for Fridley residents' travel.

Question #16 Comment: I'm not against commuter rail, but I'm against it in my neighborhood.

Answer: Comment noted.

Question #17 When will commuter rail be available to ride?

Answer: As soon as 2005, if funding becomes available.

The comments/questions made through this process were recorded herein and answers were provided to the participants in the process. Thank you for your oversight of this process and for providing the staff necessary to answer the questions that were raised.

Mukhtar Thakur

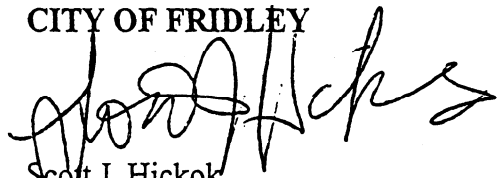
May 3, 2002

PAGE 4

If you have questions or comments, please feel **free** to contact me at (763)572-3590.

Sincerely,

CITY OF FRIDLEY

A handwritten signature in black ink, appearing to read "Scott J. Hickok", written over the printed name.

Scott J. Hickok

Community Development Director

c. Mike Schadauer, Mn/DOT

Lynn Clarkowski, Mn/DOT

Ken Stevens, NCDA

C-02-54

B N S F



DJ MITCHELL II

Assistant *Vice President*

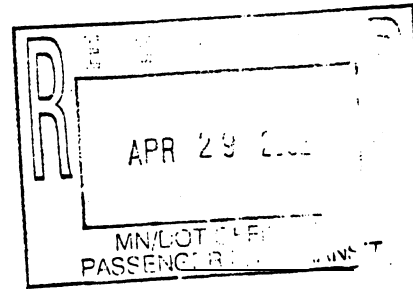
Burlington Northern Santa Fe

2600 Lou **Menk** Drive
P.O. Box 961034
Fort Worth, Texas, 76161-0034

phone (817) 352-1230
Fax (517) 234-7454

April 26, 2002

Mr. Joel Ettinger
Regional Administrator, Region 5
Federal Transit Administration
200 West Adams, Suite 320
Chicago, IL 60606



Subject: Northstar Corridor FEIS

Dear Mr. Ettinger:

Thank you for the opportunity to comment on the proposed FEIS for the Northstar Corridor. We have two observations related to this draft.

First, we note that in Section 2.2.7 Potential Track Improvements, the third main track from Coon Creek to I-694 and the Coon Creek siding (MI? 20.7 - 18.8) have been eliminated from the FEIS. However, no alternative track improvement has been proposed to provide the capacity and functionality required to reliably operate the proposed commuter rail service around our freight service entering or leaving the west end of Northtown Yard.

Second, we do not believe all or even most of the track and signal capacity improvements listed can be built for the project cost listed on Table 2.7-1.

If you have any questions about either of our two comments, please do not hesitate to call.

Sincerely,

A handwritten signature, likely of DJ Mitchell, written in dark ink.

DJ Mitchell
Passenger Operations

Cc: Mike Schadauer, MnDOT



Leech Lake Band of Ojibwe .

Eli O. Hunt, Chairman
Linda G. Johnston, Secretary/Treasurer

District I Representative
Burton "Luke" Wilson

District II Representative
Lyman L. Losh

District III Representative
Richard Robinson, Jr.

April 3, 2002

Joel P. Ettinger
Regional Administrator, Region 5
~~Federal Transit Administration~~
200 West Adams Street, Suite 320
Chicago, IL 606064253

Re: Proposed Northstar Corridor Project
81.8 mile commuter rail line on existing Burlington Northern Santa Fe
(BNSF), Between downtown Minneapolis and Rice, MN

Dear Mr. Ettinger:

Thank you for the opportunity to comment on the above-referenced project. It has been reviewed pursuant to the responsibilities given the Tribal Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (38CFR800).

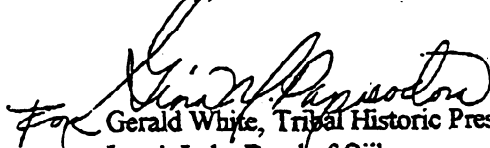
I have reviewed the documentation; I have determined that the Leech Lake Band of Ojibwe does not have any concerns regarding sites of religious or cultural importance in this area.

For future reference, please address any correspondence to:

Gerald White, Tribal Historic Preservation Officer
Leech Lake Band of Ojibwe
6530 Hwy 2 NW
Cass Lake, MN 56633

Please contact Gina Papasodora, Deputy TKPO at (218) 335-2940 if you have any questions.

Sincerely,


Gerald White, Tribal Historic Preservation Officer
Leech Lake Band of Ojibwe

6530 Hwy 2 NW • Cass Lake, Minnesota 56633
(218) 335-8200 • Fax (218) 335-8309
Email: llpr@paulbunyan.net