Municipal Consent in Practice
I35W/Crosstown in Minneapolis

Tom O'Keefe
West Area Manager
Mn/DOT Metro District
Access Modification

“ACCESS FROM LYNDALE AVE. TO WB HWY 62”

Access Modification

“ACCESS TO NB I-35W ONLY”

APRIL 16, 2004
SUBJECT TO CHANGE
Political Context

• 35W in south Minneapolis has a long, contentious history
• 1990’s mega-project stopped
  – Funding
  – Opposition/Lack of Support
• 2001 project stopped
  – Closures
  – Lack of Capacity
• Subsequent study/design activities have included both representatives from communities neighboring the corridor and representatives from communities travelling the corridor
• Bus Rapid Transit study
The Timeline

• April 16 2004 – Layout package submitted
• June 14, 2004 – Minneapolis public hearing
• August 10, 2004 – Richfield grants consent
• September 3, 2004 – Minneapolis resolution denies consent
• October 2004 – Mn/DOT & Minneapolis name members, request Chief Justice Blatz to name third member
• November 2004 – Richard B. Solum named panel’s third member
• January 21, 2005 – Layout submitted for Appeal Board review
• January 31, 2005 – Appeal Board Hearing
• March 16, 2005 – Appeal Board Report
Minneapolis Resolution

- Not limited to access, capacity & right-of-way

- Minneapolis Resolution; 16 modifications

- Bus Rapid Transit (BRT) commitment
  - Fund, design, build as one project Lakeville to Downtown
  - BRT/HOV(3)

- Traffic mgmt. plan, EB access from Portland Ave., 62nd St. modification, water quality treatment, corridor flooding elimination, bike/ped improvements, aesthetic improvements, tree replacement, Minnehaha Creek bridge replacement, revised EA, fund mitigation and enhancement measures, LRT an acceptable alternative, reserve the right to id other needed modifications.
The Media’s Take

• **Minneapolis rejects Crosstown/I-35W plans**
  “Minneapolis has solidly planted itself as a roadblock to the Crosstown/Interstate Hwy. 35W project.”
  “Council members and Rybak spent much of their time making a public relations case that they were protecting the public interest and acting within their roles as elected officials. They emphasized that the only way the city could affect the project was to vote no.”
  Rochelle Olson - *Star Tribune* – Published Sept. 4, 2004

• **MnDOT appealing Minneapolis decision on Crosstown**
  “Citing ‘deep disappointment’ at a Minneapolis City Council vote to block the Crosstown/Interstate Hwy. 25W project, the state Department of Transportation has announced its intentions to appeal that decision to keep the project on schedule.”
  Laurie Blake – *Star Tribune* – Published Oct. 1, 2004
Appeal Board Process

- Mn/DOT – Minneapolis staff meet to resolve issues prior to Appeal Board hearing
- Mn/DOT contends many issues raised not subject to municipal consent and appeal board review
Appeal Board Hearing

– Mn/DOT presents layout
– Minneapolis presents resolution
– Met Council presents transit policy/plans
– Mn/DOT presents response to resolution
Appeal Board Report

• Appeal Board jurisdiction
• Procedural Findings and Factual Findings
• Appeal Board recommendations
  – BRT
  – Portland Avenue
  – 62\textsuperscript{nd} Street
  – Stormwater Treatment
  – Flooding
  – Sidewalks/Bicycle Lanes on Bridges
  – Noise Walls
  – Minnehaha Creek Bridge
The Media’s Take revisited

• **35W-62 remake appears good to go**

  “Both the city and the state expressed satisfaction with the outcome, a long way from the snide barbs exchanged when the city declined to grant ‘municipal consent’ for the project in September 2004.”

  “The municipal consent process, though at times difficult, has achieved benefits for the city, region and state,” she (Lt. Gov. Carol Molnau) said in a written statement. “The process has resulted in a broader understanding of the importance of the project to the region and how the project will support safety, congestion relief and enhanced transit service in the years to come.”

  “City Council Member Scott Benson saw the end result as vindication. ‘As we said all along, our goal wasn't to stop the project,’ he said. ‘If you look at our resolution and you look at what was issued by the panel, it's nearly identical.’”

  “Last year the disagreement looked to be another collision between the DFL-led city and the Republican-dominated State Capitol. DFLers tend to be more supportive of mass transit than Republicans are.”

Rochelle Olson **Star Tribune** Published March 18, 2005
Lessons Learned

- Both the City and the State need to be able to claim victory
- Know applicable statute, rules and policy.
- Get legal advice