Municipal Approval/Consent
IRC Appeals Board Case Study

2007 Mn/DOT Environmental Stewardship and Streamlining Workshop
Wednesday, March 28, 2007

John Rodeberg, PE
SEH Consulting
Project

- TH 169/CSAH 6 (Main Street)/Scott County Road 64
  - New Interchange
  - 10 existing, plus 5 potential businesses affected
  - Main issue was access limitations caused by median
Appeals Process

- City did not approve final layout
- Mn/DOT Commissioner referred to an Appeal Board
  - One member appointed by Commissioner
  - One member appointed by City (governing body)
  - Third member agreed to by both parties (that would be me)
Appeals Board Members

- Mn/DOT Commissioner Appointment
  - Nelrae Succio: Mn/DOT Operations Division Director
- Belle Plaine Appointment
  - Mayor Maynard Harms
- Third Party Appointment
  - John Rodeberg, City of Hutchinson Director of Engineering/Public Works
My Background

- Worked with Mn/DOT on City Engineers Association Board, Municipal Screening Board and other projects/partnerships. Previously worked with Nelrae.
- Worked with Community Development Director (and acting City Administrator) Holly Kreft previously.
- Background in Engineering and Planning. Involved in access management issues.
Our Process

- City and Mn/DOT agreed on my involvement
- Basic information provided for review
- Board met at the site prior to Appeal Board Hearing & reviewed: layout, topography, design, project purpose, other related information
Appeals Board Hearing

- Chair elected (Rodeberg)
- Mn/DOT makes first presentation
  - Only Board members can ask questions
  - Only Mn/DOT representatives can respond
- City makes their presentation
  - Same rules as Mn/DOT
- No public comment taken during hearing
- Meeting adjourned
  - Written report due in 45 days (out in 35)
Mn/DOT’s Presentation

- Provided detailed layout of proposed design
- Noted access management guidelines
- Described safety and capacity issues
- Described IRC concept
- Noted significant concerns regarding modification to median
- Provided information on impacts on business vitality
City’s Concerns

- Agrees on the need for interchange
- Agreed that median may be “the highest safety precaution”
- However, too great a limiting factor for business access
- Proposed removal of median west of TH 169 and addition of “twiddle” (center-turn) lane
- Median cuts off access to $3M of property PLUS access to potential new business
City’s Proposal

- Approve general layout
- Remove portion of median
- Add “twiddle” lane for turning movements
- Keep current access points
Information Presented

- Main Street traffic levels
  - 2002: 5500 (360 HCADT)
  - 2022: 15400 (1000 HCADT)

- Specific business issues
  - BP Coop has almost 400 HCADT in September
  - Progressive Printing currently requires u-turn
  - Rear access limited, but modifications possible

- Interchange options noted
Appeals Board Decision

- Nelrae and I voted to adopt layout as presented by Mn/DOT, with no modifications
- Maynard Harms cast a nay vote, favoring the City’s proposal
- Time line
  - Board implemented: March 13, 2002
  - Board Hearing: March 18, 2002
  - Final written report: April 22, 2002
Process Summary

- Very good process for this level of project
  - Fairly detailed analysis possible over a concise period
  - Areas of dispute were well defined
  - City clearly noted specific issues, and had specific recommendations
  - Number of affected properties limited
  - City agreed to follow decision
Observations

- Mutual respect and credibility evident from all parties
- Presentations were extremely professional.
- Presenters were well prepared, and respectful of the process
- Both sides clearly understood the affect on the other party
Lessons Learned

- Involve the right people
  - Credibility, trust & respect required
- Focus on areas of agreement, avoid petty differences
- Be prepared, be professional
  - Understand the issues, be empathetic
- Have an open mind