

Maximizing Transportation Assets by Building Community Connection Through Innovative Development of Rights of Way and Airspace



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Project Background



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- Research through MnDOT/CTS RFP
- Case Study Research Looking at Innovative Uses of Rights of Way:
 - caps
 - adjacent
 - under bridge
 - Removal
- Report complete, published on CTS, MnDOT websites
 - <https://mntransportationresearch.org/2023/08/17/strengthening-communities-with-innovative-right-of-way-projects/>
 - <https://www.cts.umn.edu/research/project/maximizing-transportation-assets-by-building-community-connection-through-innovative-development-of-rights-of-way-and-airspace>
- (all images are from report unless otherwise noted)

Cases Selected



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Under Bridge

Sweet Auburn,
Atlanta

Claiborne Cultural
Innovation
District, New
Orleans



Adjacent

Oregon DOT solar
gardens



<https://highways.dot.gov/public-roads/novemberdecember-2012/spotlight-solar-arrays>

Cases Selected



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Caps Over Highway

Central I-70
Project, Denver

I-579 Cap,
Pittsburgh

Highway Removal

ParkEast,
Milwaukee



<https://i0.wp.com/images.303magazine.com/uploads/2021/05/cover-sim-6-22-16.jpeg?ssl=1>



Added “Insightful Cases”



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Capitol Crossing

- DDOT/USDOT gave up property and airspace rights
- Unique circumstances for this project, DDOT was able to create an outcome where selling the rights was the best course of action
- Privately funded/owned



11th Street Bridge Park

- Bridge over river that is being rebuilt/repurposed as a community amenity
- Community members very engaged so far
- Makes multiple unique moves to address gentrification, one is through establishing a successful community owned land trust



- **6 Areas of Data Collection:**
 - **Stakeholder Engagement**
 - **Governance Structures**
 - **Finance Strategies**
 - **Community and Economic Development**
 - **Human and Natural Environment and Health**
 - **Design Features and Placemaking**
- **Discern Lessons and Best Practices**
 - **7 identified**

Task 3 – cases review



Corridor	I-579	Solar Program	Auburn Avenue	I-70	Park East Freeway (and I-794)	Claiborne Corridor	Eleventh Street Bridge	Capitol Crossing
City	Pittsburgh	State of Oregon	Atlanta	Denver	Milwaukee	New Orleans	Washington, DC	Washington, DC
Stakeholder engagement	High levels, not community	Not much – little needed	Some engagement with local community – decisions done at business / chamber	Forced. Initially little innovation. Lawsuits and other efforts changed this	Stakeholder-led, local community support- most stakeholders were business / govt	Citizen-led, but did not include gov't decision- makers	Exemplary – design process driven by citizen engagement	High level stakeholders
Governance	Related to TIGER grants	According to FHWA guidance	Little on-going	Not clear – CDOT leads, involvement from community “as req'd.” DBFOM arrangement did not help transparency	Done within existing gov't structures – no add'l entities	Gov't effort for underbridge looked good, but not fully inclusive	Also best practice: n-hood level orgs created and speaking	Private developer lead
Finance	Primarily TIGER	FHWA innovation reqts, & reduced ops costs	Combination of business & gov't	DBFOM concession agreement – but created community engagement issues.	Std hwy \$\$\$. Innov: no repayment, and accounted for positive local returns	unknown	Key innovation in use of land trust	Complex – but notable for obtaining fee simple ownership

Task 3 – cases review



Corridor	I-579	Solar Program	Auburn Avenue	I-70	Park East Freeway (and I-794)	Claiborne Corridor	Eleventh Street Bridge	Capitol Crossing
Community and Econ Development	Not exemplary – no long term	Minimal – little community	Overall efforts are significant (led by Sweet Auburn Works) – underbridge itself is less so (but connection to history)	Significant effort by CDOT to connect with businesses, etc. Some plans for trees, etc. Dispute as to who “led”	Significant – stakeholders at all levels engaged. City sought and developed partners for redevelopment, esp large projects	The breakdown is here: there is no shared vision for how this should proceed	Land trust and also development coordination: parks, etc.	Significant, but no innovative practices to note
Human and Natural Environment	Some design to human scale – little notice or tracking of natural	Reduced emissions (measured?) – no human impact	Less than perfect. Poor lighting, ventilation, etc.	TBD – HIA forced by lawsuit, is key innovation but only getting underway.	Little measured	It is clear the current situation is not good. Question whether underbridge option would help	monitoring	No measurement?
Design and Placemaking	Cap with park to recognize past, but little actual community involvement to recognize	Nothing significant – some highway design?	Use of photos and placement / integration with structural elements	TBD – Cap touted as innovative by CDOT, residents taking more “wait & see”	Major stakeholder partners involved in new developments (e.g. Deer District outside Fiserv Center)	No consensus. Anecdotal information that underbridge is not working	Going back to stakeholder and gov: project elements evolving from community	Significant, but no innovative practices to note

Lessons Learned



Infrastructure can cause community wounds, but infrastructure itself cannot heal them

- Infrastructure (urban freeways) caused harm in the cases studied
- Many of these cases tried to “fix” the harm caused
 - with infrastructure solutions
 - with less than successful results
- Conflicting interests show weakness of infrastructure solutions
- Cases: Denver, Pittsburgh, New Orleans

Lessons Learned



Changes cannot be at the expense of the transportation purpose

- Infrastructure built with federal funds must serve a “public highway purpose,” as stated in 23 CFR 1.23(b)
- Does not need to be *only* purpose
- Cases with innovative combinations:
 - Milwaukee, Oregon, Denver
- Cautionary case: New Orleans

Lessons Learned



Right of Way Use Agreements, Utility Accommodations, and other federal innovations can support a wide range of uses. They do not need to support the transportation purpose - the use just cannot *impair* that purpose.

- CFR 1.23(c), allows for non-highway uses, if
 - use is in the public interest,
 - does not impair the highway itself, and
 - will not interfere with . . . flow of traffic
- Oregon & I-794 in Milwaukee utilize this
- Capitol Crossing shows complexity of conventional process (fee simple)

Lessons Learned



Engage and address interests of local surrounding communities

- Purposeful engagement with surrounding community, or lack of such engagement, is critical in whether the project is embraced as an amenity or seen as a continued affront to their well-being
- Denver: cap etc. only followed lawsuits, etc.
- Pittsburgh: not enough
- Positive examples: Atlanta, Milwaukee, 11th Street bridge (D.C.)

Lessons Learned



Have a visible and transparent governance process

- Governance can allow for engagement over the life of the facility
- Helps public awareness of
 - who is leading the project,
 - how decisions are made, and
 - how to get involved in the decision-making process
- Cautionary examples: Denver, Pittsburgh
- Best Practices: Atlanta, 11th Street bridge (D.C.)

Lessons Learned



Observe Finance Best Practices (1): ensure financial benefits return to community

- Intuitive? Note that benefits of urban highways flowed away from impacted communities
- Denver – Central I-70 will receive cap, Health Impact Assessment*, but does that balance?
- Milwaukee – driven by considerations that reduced expenditures and increased revenue
- 11th Street bridge goes one step further: created structures to
 - Ward off property value increases / gentrification
 - Direct investments towards needs and interests of existing residents

*Health Impact Assessments also appear to be an emerging Best Practice

Lessons Learned



**Observe Finance Best Practices (2):
ensure highway funds do not need to be returned /
reimbursed.**

- One more example from Milwaukee
- 23 CFR 1.23(b) requires funds be spent in support of “public highway purposes.”
- Planners demonstrated Park East removal served transportation purpose better than keeping the freeway by showing how removal eased congestion and enhanced mobility

Lessons Learned



Corridor	I-579	Solar Program	Auburn Avenue	I-70	Park East Freeway (and I-794)	Claiborne Corridor	Eleventh Street Bridge	Capitol Crossing
City	Pittsburgh	State of Oregon	Atlanta	Denver	Milwaukee	New Orleans	Washington, DC	Washington, DC
Innovation type	cap	adjacent	under bridge	cap	removal	Under bridge	Non-category (adjacent bridge)	Non-category (tunnel)
Best Practices and “Lessons Learned”	Infrastructure can cause community wounds, but infrastructure itself cannot heal them	>		>		>		
	Changes cannot be at the expense of the transportation purpose		X	>	X	O		
	Right of Way Use Agreements, Utility Accommodations, and other federal innovations can support a wide range of uses		X		X			>
	Engage and address interests of local surrounding communities	>		X	O	X	X	
	Have a visible and transparent governance process	>		X	O		X	
	Observe Finance Best Practices (1): ensure funds return to community				>	X	X	
	Observe Finance Best Practices (2): ensure highway funds do not need to be returned / reimbursed.					X		

X =
exemplary
possible
best
practice

> =
exists, but
not
exemplary

O =
Lesson
from lack
of this
activity

August Symposium



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- *Agenda*

12:00 Welcome, Introductions and “Charge”

12:10 Keynote #1: Peter Park

12:30 Case Studies: Atlanta & Milwaukee

1:00 Keynote #2: Paul Angelone

1:20 Case Study: 11th Street bridge, Washington, D.C.

1:50 Presentation of *draft* “Best Practices”

2:10 Workshop Activity: 3 questions

2:30 Discussion

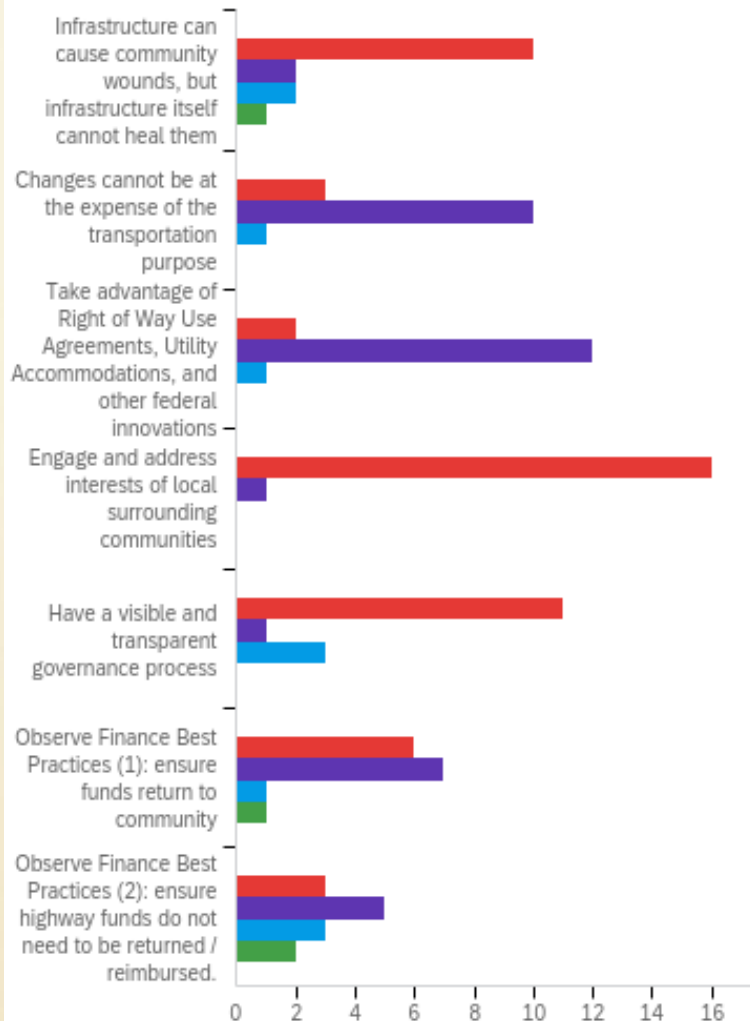
2:40 Local Perspective: Reconnect Rondo, St. Paul

2:50 Summary, next steps and adjourn

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Please group the lessons learned / best practices according to importance t...



Q1 - Please group the lessons learned / best practices according to importance to successfully implementing an innovative right of way use.

- Most important - critical to success
- 2nd most important - Good to observe, but project could succeed without
- Useful, but not important
- Irrelevant to success

August Symposium



Q2 - What has been the most interesting piece of information for you today?



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Q3 - What will you take away / do differently when approaching Right of Way planning?





Thank you!

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