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

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Project Background

- 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

- (all images are from report unless otherwise noted)
Cases Selected

Under Bridge
Sweet Auburn,
Atlanta
Claiborne Cultural
Innovation
District, New
Orleans

Adjacent
Oregon DOT solar
gardens

Cases Selected

Caps Over Highway
Central I-70
Project, Denver
I-579 Cap,
Pittsburgh

Highway Removal
ParkEast,
Milwaukee
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

https://www.architectmagazine.com/project-gallery/capitol-crossing
Methodology

• 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

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<tr>
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<td>City</td>
<td>Pittsburgh</td>
<td>State of Oregon</td>
<td>Atlanta</td>
<td>Denver</td>
<td>Milwaukee</td>
<td>New Orleans</td>
<td>Washington, DC</td>
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<tr>
<td>Stakeholder engagement</td>
<td>High levels, not community</td>
<td>Not much – little needed</td>
<td>Some engagement with local community – decisions done at business / chamber</td>
<td>Forced. Initially little innovation. Lawsuits and other efforts changed this</td>
<td>Stakeholder-led, local community support- most stakeholders were business / govt</td>
<td>Citizen-led, but did not include gov’t decision-makers</td>
<td><strong>Exemplary – design process driven by citizen engagement</strong></td>
<td>High level stakeholders</td>
</tr>
<tr>
<td>Governance</td>
<td>Related to TIGER grants</td>
<td>According to FHWA guidance</td>
<td>Little on-going</td>
<td>Not clear – CDOT leads, involvement from community “as req’d.” DBFOM arrangement did not help transparency</td>
<td>Done within existing gov’t structures – no add’l entities</td>
<td>Gov’t effort for underbridge looked good, but not fully inclusive</td>
<td><strong>Also best practice: n-hood level orgs created and speaking</strong></td>
<td>Private developer lead</td>
</tr>
<tr>
<td>Finance</td>
<td>Primarily TIGER</td>
<td>FHWA innovation reqts, &amp; reduced ops costs</td>
<td>Combination of business &amp; gov’t</td>
<td>DBFOM concession agreement – but created community engagement issues.</td>
<td>Std hwy $$, Innov: no repayment, and accounted for positive local returns</td>
<td>unknown</td>
<td><strong>Key innovation in use of land trust</strong></td>
<td>Complex – but notable for obtaining fee simple ownership</td>
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<td><strong>Community and Econ Development</strong></td>
<td>Not exemplary – no long term</td>
<td>Minimal – little community</td>
<td>Overall efforts are significant (led by Sweet Auburn Works) – underbridge itself is less so (but connection to history)</td>
<td>Significant effort by CDOT to connect with businesses, etc. Some plans for trees, etc. Dispute as to who “led”</td>
<td>Significant – stakeholders at all levels engaged. City sought and developed partners for redevelopment, esp large projects</td>
<td>The breakdown is here: there is no shared vision for how this should proceed</td>
<td>Land trust and also development coordination: parks, etc.</td>
<td>Significant, but no innovative practices to note</td>
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<tr>
<td><strong>Human and Natural Environment</strong></td>
<td>Some design to human scale – little notice or tracking of natural</td>
<td>Reduced emissions (measured?!) – no human impact</td>
<td>Less than perfect. Poor lighting, ventilation, etc.</td>
<td>TBD – HIA forced by lawsuit, is key innovation but only getting underway.</td>
<td>Little measured</td>
<td>It is clear the current situation is not good. Question whether underbridge option would help</td>
<td>monitoring</td>
<td>No measurement?</td>
</tr>
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<td><strong>Design and Placemaking</strong></td>
<td>Cap with park to recognize past, but little actual community involvement to recognize</td>
<td>Nothing significant – some highway design?</td>
<td>Use of photos and placement / integration with structural elements</td>
<td>TBD – Cap touted as innovative by CDOT, residents taking more “wait &amp; see”</td>
<td>Major stakeholder partners involved in new developments (e.g. Deer District outside Fiserv Center)</td>
<td>No consensus. Anecdotal information that underbridge is not working</td>
<td>Going back to stakeholder and gov: project elements evolving from community</td>
<td>Significant, but no innovative practices to note</td>
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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
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
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)
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.)
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

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<td>cap</td>
<td>adjacent</td>
<td>under bridge</td>
<td>cap</td>
<td>removal</td>
<td>Under bridge</td>
<td>Non-category (adjacent bridge)</td>
<td>Non-category (tunnel)</td>
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### 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.
- Right of Way Use Agreements, Utility Accommodations, and other federal innovations can support a wide range of uses.
- Engage and address interests of local surrounding communities.
- Have a visible and transparent governance process.
- Observe Finance Best Practices (2): ensure highway funds do not need to be returned/reimbursed.

- X = exemplary possible best practice
- > = exists, but not exemplary
- O = Lesson from lack of this activity

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August Symposium

• 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
Q1 - Please group the lessons learned / best practices according to importance to successfully implementing an innovative right of way use.
Q2 - What has been the most interesting piece of information for you today?
Q3 - What will you take away / do differently when approaching Right of Way planning?
Thank you!

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