



October 27, 2021

COMMENTS ON MNDOT'S RETHINKING I-94 DRAFT PURPOSE AND NEED STATEMENT

Introduction

MnDOT has publicly acknowledged the deep injustice done to the residents of Saint Paul and Minneapolis neighborhoods as a result of the construction of Interstate 94.¹ The government deliberately routed I-94 through Saint Paul's Rondo neighborhood, displacing residents and businesses, destroying generational wealth and devastating a community that was home to 80% of Saint Paul's African American population. I-94's construction devastated communities all along the corridor. A second harm is less officially recognized: the unceasing damage of toxic air and noise that takes a grave physical and mental toll on the residents who live, work, or attend school near the highway corridor.

MnDOT has made a public commitment to do better, to right the wrongs of the past, and to accept nearby communities as true partners. In its own words, MnDOT formed the "Rethinking I-94" initiative in 2016 "as part of a promise to the Rondo community – and all the communities in the corridor – to do better."²

¹ See MnDOT, *Rethinking I-94: Overview*, <https://www.dot.state.mn.us/I-94minneapolis-stpaul/background.html>; see also Allen Constantini, *Rondo Neighborhood Gets Apologies for I-94*, KARE, <https://www.kare11.com/article/news/local/rondo-neighborhood-gets-apologies-for-i-94/105454642>.

² MnDOT, *Rethinking I-94 Overview*, <https://www.dot.state.mn.us/I-94minneapolis-stpaul/background.html>

Despite this promise, the draft Purpose and Need and related environmental documents for Rethinking I-94 establish an approach that would pave the way for more of the same—prioritizing moving more cars and trucks along I-94 at the expense of the health, wealth, accessibility, and social cohesion of the communities through which it runs.

It is not too late for MnDOT to change its approach and fully embrace the needs and goals of the local community in the NEPA process. MnDOT has indicated its intent to consider community interests by adding a few transportation-specific concerns as “secondary” needs, and by including the bulk of the communities’ concerns in a “goals document,” a “livability framework,” and in social / economic / environmental (“SEE”) criteria. While the undersigned groups appreciate that MnDOT has acknowledged these concerns, this approach is entirely insufficient and opens the door to potential duplicity. Leaving these concerns out of the Purpose and Need eliminates accountability for their consideration in the NEPA and MEPA processes. It is inappropriate for these very important concerns to be relegated to a separate “path” for which MnDOT is neither responsible nor accountable. The undersigned groups ask MnDOT³ to fulfill its promises by directly incorporating community goals into the Purpose and Need Statement.

Our comments begin by discussing the needs and interests of the communities in and around the program area. We then provide feedback on each of the following of MnDOT’s preliminary draft documents:

- Draft Purpose and Need Statement
- Draft Statement of Goals
- Draft Logical Termini Memorandum
- Draft Evaluation Criteria

Our overarching concern is that the community goals be directly incorporated into the Purpose and Need Statement, not relegated to a separate and unenforceable Goals Statement, and that the geographic scope of the program area and evaluation criteria are crafted to allow full and fair consideration of a variety of alternatives that can meet the communities’ needs.

³ We specifically direct these comments to MnDOT, since it appears to be leading the process, but note that it is our understanding that this environmental review process is intended to satisfy requirements of both NEPA and MEPA, and that both federal and state laws, rules, and guidance therefore apply. Furthermore, the Federal Highway Administration has the legal duty to ensure compliance with NEPA and federal rules and guidance.

These comments conclude by presenting and discussing the following alternative Purpose and Need Statement that incorporates community needs and desires:

Proposed Purpose and Need Statement:

To improve multimodal access while reducing vehicle miles traveled in the program area with infrastructure and facilities in good condition, and to reduce transportation-related fatalities and injuries, in a manner that reduces air and noise pollution in the surrounding communities, supports state, regional, and local climate goals and facilitates community cohesion and local economic prosperity without displacement.

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I. Community Concerns and Interests

The Rethinking I-94 project has major implications for the health and well-being of people in adjacent communities. As the freeway nears the end of its useful life, this project is a once-in-a-lifetime opportunity to transform the corridor to address harms, reconnect communities and set a national example. The Rethinking I-94 project should aim to create better communities, not a better highway.

It is critical that the communities who suffer daily from the freeway's impacts have a powerful role in deciding what comes next. It will take time and sustained engagement to fully build out the vision for the corridor. The undersigned groups urge MnDOT to prioritize the following community goals in the Purpose & Need statement and throughout the Rethinking I-94 project process and to seek out additional community input.

Our Priorities for Rethinking I-94:

Reconnected communities. I-94 divides neighborhoods and severs communities. The Rethinking I-94 project should address this by restoring street grid connections and improving access across what is now a trench.

Improved air quality. Communities along I-94 experience some of the region's worst air pollution from traffic. The Rethinking I-94 project must go beyond mitigating additional impacts and redress the harm of decades of unhealthy air.

Reduced noise pollution. People living, working, and going to school near the highway are burdened with constant sounds of roadway traffic from tires, engines and brakes.

Safety for all users. Rethinking I-94 should prioritize strategies that foster safety and minimize fatalities and injuries for transportation users along and across the corridor.

Increased access. The freeway provides little for people who lack access to an automobile. Rethinking I-94 should better prioritize the needs of people walking, rolling, biking, and taking transit along and across the corridor.

Climate action. Surface transportation is Minnesota's largest greenhouse gas emissions sector. This project has the power to reduce emissions and congestion by increasing access to sustainable transportation options and prioritizing strategies that reduce vehicle miles traveled.

Economic prosperity without displacement. It is critical that MnDOT work with partners to implement robust anti-displacement strategies so existing residents can enjoy the benefits of the Rethinking I-94 project.

MnDOT engaged in a two-year “Phase 1” study from 2016 to 2018 which confirmed many of these concerns and desires. The Phase 1 report identifies the following as top concerns from community members:

- Better connections across the freeway
- Congestion issues
- Identity or sense of place
- Improved health and environment
- More job opportunities
- More inclusivity in planning
- Safety issues

It is important to note the community engagement methods used in the Phase 1 study were flawed and limited in scope. Participants were asked leading questions that provided little-to-no opportunity to imagine a future corridor significantly different from the current highway. As just one example, in a meeting of the project Policy Advisory Committee on May 7, 2021, MnDOT staff indicated that they would continue to solicit public feedback by asking questions including, “how do you use the freeway?” That question only allows for answers that are provided by the status quo. Most people could only answer “I drive on it.” A more genuine question would be “how would you like to get around?” or “what transportation choices would you like to have available to you?” As long as MnDOT asks questions that presume the status quo, the feedback MnDOT collects should not be considered useful. We are calling on MnDOT to build meaningful relationships with communities along the corridor and to offer them the opportunity to truly “rethink” I-94.

The Phase 1 report states, “While clearly transportation was a common issue, so were jobs, sense of place, health and environment. It has become clear that Rethinking I-94 is about more than the highway. As a result, I [MnDOT Commissioner Charles Zelle] am challenging our agency — and our partner agencies — to reach beyond our usual roles and try to help.”⁴ The community’s desire to improve transportation options and truly rethink the freeway is also reflected in other public engagement documents that were created during the Phase 1 process. This includes a community engagement report conducted by Hope Community in 2018, which noted that “for many residents who do

⁴ MnDOT, Rethinking I-94 Overview, <https://www.dot.state.mn.us/I-94minneapolis-stpaul/background.html>.

not drive, traffic, noise, health impact/pollution, and routes across the freeway are the primary ways they interact with I-94.”

The most important way to help is to meaningfully incorporate these concerns — including concerns about sense of place, health, and the environment — directly into the Purpose and Need Statement. It is, after all, the highway that induces these problems. MnDOT’s draft documents set out a process with two “paths”—an approach that focuses the Environmental Impact Statement (EIS) process on infrastructure condition and motor vehicles, and relegates many of the communities’ concerns to the sidelines. MnDOT should not pass responsibility to others for issues like health, sense of place, and community cohesion as part of a second “path.” These need to be a central part of the EIS process. While the “goals,” “livability framework,” and “SEE criteria” all represent important considerations, and we appreciate MnDOT’s work in articulating these considerations, these goals and values need to be directly incorporated into the Purpose and Need Statement. As part of the Purpose and Need Statement, they should inform what alternatives are developed in the first place, and not just be used to help evaluate alternatives that were developed to meet other goals.

II. Draft Purpose and Need Statement

A. Overview of the Role and Importance of the Purpose and Need Statement in the Environmental Review Process

The Purpose and Need determination is a key step in the NEPA analysis. It frames the problem that needs solving and sets the scope of what alternatives will be considered. It is therefore crucial that the Purpose and Need Statement is broad enough to encompass all reasonable alternatives, including those both within and outside of the jurisdiction of the lead agency. The purpose of NEPA is not only to inform the acting agency about alternatives, but also to inform the public and other decision makers. Importantly, there will be creative or innovative project elements and approaches identified that extend beyond the direct jurisdiction of MnDOT and/or FHWA but that would address the desires of the local communities, such as new rapid transit service. The Purpose and Need Statement must be broad enough to include these alternatives.

An agency must consider “all reasonable alternatives” in an Environmental Impact Statement, and “[n]o decision is more important than delimiting what these ‘reasonable alternatives’ are. . . . To make that decision, the first thing an agency must define is the project’s purpose. . . . The broader the purpose, the wider the range of alternatives; and vice versa.” *Simmons v. United States Army Corps of Engineers*, 120

F.3d 664, 666 (7th Cir. 1997); see also *City of Bridgeton v. FAA*, 212 F.3d 448, 458 (8th Cir. 2000) ("In reviewing the FAA's selection of FEIS [Final Environmental Impact Statement] alternatives, we properly look at whether the agency defined the project's purpose in terms so unreasonably narrow as to make the FEIS 'a foreordained formality.'" (quoting *Citizens Against Burlingtonfe, Inc. v. Busey*, 938 F.2d 190, 196 (D.C.Cir.)). The EIS must include a solution-neutral Purpose and Need Statement, so that alternatives are not eliminated simply because they are different from the proposed project. *Simmons*, 120 F.3d at 666. MnDOT cannot adopt a limited Purpose and Need that acts as a "self-fulfilling prophecy" or that effectively precludes full and fair consideration of all reasonable alternatives. *Id.*

Minnesota Environmental Quality Board regulations emphasize the importance of a broad range of alternatives:

The EIS must address one or more alternatives of each of the following types of alternatives or provide a concise explanation of why no alternative of a particular type is included in the EIS: alternative sites, alternative technologies, modified designs or layouts, modified scale or magnitude, and alternatives incorporating reasonable mitigation measures identified through comments received during the comment periods for EIS scoping or for the draft EIS.⁵

MnDOT should not limit its Purpose and Need, or consideration of alternatives, to actions that MnDOT itself can carry out or that FHWA can fund. Rather, it should think creatively and consider a broad range of alternatives, including project elements that meet broader community goals. For many years, the Council on Environmental Quality's (CEQ) regulations explicitly required agencies to consider "reasonable alternatives not within the jurisdiction of the lead agency." 40 C.F.R. 1502.14 (1978). CEQ regulations explained how broadly an agency should think:

An alternative that is outside the legal jurisdiction of the lead agency must still be analyzed in the EIS if it is reasonable. A potential conflict with local or federal law does not necessarily render an alternative unreasonable, although such conflicts must be considered. Section 1506.2(d). Alternatives that are outside the scope of what Congress has approved or funded must still be evaluated in the EIS if they are reasonable, because the EIS may serve as the basis for modifying the Congressional approval or funding in light of NEPA's goals and policies.⁶

⁵ Minn. Admin. Rules 4410.2300.

⁶ CEQ, *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*, available at <https://www.energy.gov/sites/prod/files/2018/06/f53/G-CEQ-40Questions.pdf>.

The purpose of NEPA is not just to inform the primary acting agency, but also to provide information about alternatives, and their impacts, on other decision-makers at all levels, from local government all the way to the U.S. Congress.

During the Trump presidency, the CEQ rewrote its regulations and eliminated the above language. However, the 2020 CEQ regulations were challenged in court, and the CEQ has asked the court to remand the rule to the agency, because CEQ “has commenced a comprehensive reconsideration of the 2020 Rule to evaluate its legal basis, policy orientation, and conformance with Administration priorities, including the Administration’s commitment to addressing climate change and environmental justice.”

⁷ It is therefore likely that the formerly required approach to the scope of alternatives will be reinstated.

Even while the 2020 rules remain in effect, there is no bar to an agency considering alternatives outside of its primary jurisdiction area. Indeed, such consideration would be well-advised, since this scope of alternatives will likely be required by CEQ regulations or guidance again in the near future.

B. Comments on the Draft Purpose and Need Statement for Rethinking I-94

Overview

The name “Rethinking I-94,” and the public materials produced and distributed by MnDOT, indicate that the purpose of this project is to go well beyond simply addressing transportation-specific needs. For example, the project website explains, “Rethinking I-94 intends to reconnect neighborhoods, revitalize communities and ensure residents have a meaningful voice in transportation decisions that affect their lives.” The breadth of this purpose should be reflected in the Purpose and Need Statement—the wellbeing of the community cannot be a secondary consideration, or a consideration that is only used to evaluate alternatives that were designed to only resolve transportation-specific issues.

MnDOT’s draft documents suggest that the agency may believe that it is required to focus narrowly on building and rebuilding roadways. This could not be further from the truth. Numerous authorities, including state laws and agency policies, direct MnDOT to

⁷ *Wild Virginia et al. v. Council on Environmental Quality et al.*, Defendants’ Motion for Remand without Vacatur, Case No. 3:20-cv-00045-JPJ-PMS (Mar. 17, 2020, W.D. Vir.), <https://www.bloomberglaw.com/public/desktop/document/WildVirginiaetalvCouncilonEnvironmentalQualityetalDocketNo320cv00/9?1616712936>.

consider multimodal access, economic and environmental impacts, environmental justice effects, equity, quality of life, air quality, and climate impacts in its transportation programs and plans.

To begin with, Minnesota law explicitly directs MnDOT to consider more than just motorized vehicles in its plans and program. Minn. Stat. § 174.01, Subdivision 2, states that the “goals of the state transportation system” include to:

- Provide multimodal and intermodal transportation facilities and services to increase access for all persons and businesses
- Ensure economic well-being and quality of life without undue burden placed on any community
- Enhance economic development
- Ensure that the planning and implementation of all modes of transportation are consistent with the environmental and energy goals of the state
- Promote and increase the use of high-occupancy vehicles and low-emission vehicles
- Increase use of transit as a percentage of all trips statewide by giving highest priority to the transportation modes with the greatest people-moving capacity and lowest long-term economic and environmental cost
- Promote and increase bicycling and walking as a percentage of all trips as energy-efficient, non-polluting, and healthy forms of transportation
- Reduce greenhouse gas emissions from the state's transportation sector
- Accomplish these goals with minimal impact on the environment

Another provision in Minn. Stat. § 174.01 adds, “It is part of the department's mission that within the department's resources the commissioner shall endeavor to . . . minimize the degradation of air, water quality, and the climate, including reduction in greenhouse gas emissions.” Minn. Stat. § 174.21. This is consistent with the legislature’s established goal of reducing “statewide greenhouse gas emissions *across all sectors* producing those emissions.” Minn. Stat. § 216H.02 (emphasis added). Minnesota also has a “complete streets” policy—a commitment to developing transportation infrastructure and facilities that accommodate not only motorists, but also “pedestrians, transit users and vehicles, [and] bicyclists.” Minn. Stat. Ann. § 174.75.

MnDOT itself launched a “visioning process” in 2011 called Minnesota GO, which was intended “to better align the transportation system with what Minnesotans expect for their quality of life, economy and natural environment.” In March of 2021, MnDOT

adopted recommendations proposed by the Sustainable Transportation Advisory Council, including the following:

- “Adopting a preliminary goal of a 20% reduction in Vehicle Miles Traveled (VMT) statewide by 2050”
- “Prioritizing transit and high-occupancy vehicles (HOV) on MnDOT-owned right of way”
- “Continuing to prioritize other solutions before considering highway expansion.”⁸

In addition, both MnDOT and USDOT have policies regarding environmental justice. For example, “MnDOT supports environmental justice through every stage of our planning, construction and maintenance processes.”⁹ USDOT’s environmental justice strategy is intended to “actively prevent disproportionately high and adverse effects of transportation projects on minority and low-income communities.”¹⁰

MnDOT is therefore not only empowered, but *required* to develop alternatives that reduce vehicle miles traveled and promote transit and non-motorized accessibility, that reduce emissions and air pollution, that do not disproportionately burden environmental justice communities, and that advance economic well-being and quality of life.

FHWA—the federal agency with ultimate responsibility for NEPA compliance—also has a responsibility to look at alternatives beyond simply maintaining, building, and expanding highways. Like MnDOT, the federal government recognizes the damage done by the historical focus on building highways at the expense of local communities, many of which were communities of color or low-income communities. The fact sheet for President Biden’s American Jobs Plan points out that, “[t]oo often, past transportation investments divided communities ... or it left out the people most in need of affordable transportation options.” The Plan therefore includes \$20 billion for “a new program that will reconnect neighborhoods cut off by historic investments and ensure new projects increase opportunity, advance racial equity and environmental justice, and promote affordable access.” FHWA has even specifically praised previous highway to boulevard projects, highlighting several as “Successes in Sustainability,”

⁸ News Releases: MnDOT Adopts Recommendations from the Sustainable Transportation Advisory Council, (Mar. 15, 2021), <https://www.dot.state.mn.us/news/2021/03/15-statewide-stac.html>.

⁹ *Environmental Justice at MnDOT*, MNDOT, <http://www.dot.state.mn.us/environmentaljustice/index.html>.

¹⁰ *Environmental Justice Strategy*, USDOT, (Nov. 15, 2016), <https://www.transportation.gov/transportation-policy/environmental-justice/environmental-justice-strategy>.

and noting the numerous possible benefits: these projects “can rebuild lost connections and reduce the noise, pollution, and blight that freeways may impose on communities.”¹¹

C. Comments on Proposed Primary and Secondary Needs

MnDOT’s preliminary draft Purpose and Need Statement¹² lays out two echelons of needs:

- “Primary” needs focus on physical infrastructure condition, vehicle mobility on I-94, and crashes on I-94; and
- “Secondary” needs including non-motorized accessibility, safety on intersecting streets, and the condition of additional physical infrastructure (retaining walls and drainage)

This framing of the purpose for the project is inconsistent with MnDOT’s stated desire to “re-think” I-94 and to use this project to “reconnect neighborhoods” and “revitalize communities.” Most concerning, many of the communities’ most pressing concerns do not appear anywhere in the Purpose and Need Statement. Even if a livability framework and SEE criteria are considered in evaluating and comparing alternatives, this is not enough. These concerns must be considered in developing those alternatives. This changes the narrative from “which of the alternatives has the least bad impacts” to creating alternatives that affirmatively support and benefit the communities.

MnDOT explains that the “primary” needs are the reasons why MnDOT is proposing the project, and the “secondary” needs are other opportunities that should be addressed, but that “[t]hey are all problems to be addressed by the program of projects but are not the driving force behind the projects.” We oppose this two-tiered approach. Categorizing infrastructure condition, mobility, and safety/crashes on I-94 as “primary” indicates that concrete and motor vehicles are of greater importance than people. Elevating a need like the condition of a retaining wall above safety, noise reduction, air quality, and across-corridor neighborhood connectivity is inconsistent with state law and MnDOT’s commitment to communities.

We ask that the Purpose and Need Statement fully incorporate both primary and secondary needs and eliminate the distinction between the two. MnDOT recently

¹¹ *Successes in Sustainability*, FHWA, (Mar. 2016), https://www.environment.fhwa.dot.gov/Pubs_resources_tools/publications/newsletters/mar16nl.aspx.

¹² MnDOT, Rethinking I-94, available at <http://www.dot.state.mn.us/I-94minneapolis-stpaul/>.

combined the primary and secondary needs for its Highway 252/I-94 project.¹³ This treatment should also be applied to Rethinking I-94. As explained in more detail in Part VI, below, we propose a reframed Purpose and Need Statement that embraces the needs and concerns of people and communities and, importantly, puts them on the same footing as the traditional vehicle-centric transportation-specific needs.

The next section discusses our concerns with the primary needs, evaluation criteria, and measurement tools that MnDOT has identified.

D. Concerns with Draft Primary Needs

1. Mobility

We oppose MnDOT's stated primary need of "mobility." In a comment letter dated December 4, 2020, 25 groups opposed the use of the vague term "mobility." MnDOT's preliminary draft evaluation criteria would evaluate mobility on I-94 using ten measures, most of which prioritize increasing vehicle speed and reducing travel time.

We oppose mobility as a primary goal and we reject the proposed criteria and measurements. A highway should not have been built in this location in the first place, and encouraging faster speeds that reduce travel time will only make existing problems worse. Faster speeds will undercut MnDOT's proposed secondary goals that the communities prioritize, including reducing air and noise pollution, increasing equity, and reducing fatalities and injuries. The proposed criteria will likely lead to higher design speeds, a higher posted speed limit, and faster traffic. The result will run counter to community priorities of reduced fatalities and injuries, reduced noise and air emissions, and improved livability.

For more information on the differences between "mobility" and "accessibility," and ideas on how to improve and evaluate accessibility, we encourage MnDOT to review some of the many publications on this subject. The Victoria Transport Policy Institute has a relevant report from March 2021 titled, *Evaluating Accessibility for Transport Planning*.¹⁴ In addition, the University of Minnesota undertook a multiyear research study, titled "Access to Destinations." The findings are contained in 11 reports in three subject areas. The study promotes measuring access within a network rather than

¹³ MnDOT, Highway 252/I-94 Environmental Review at <https://www.dot.state.mn.us/metro/projects/hwy252study/>.

¹⁴ Todd Litman, Victoria Transport Policy Institute, *Evaluating Accessibility for Transport Planning: People's Ability to Reach Desired Services and Activities* (Mar. 16, 2020), <https://www.vtpi.org/access.pdf>.

mobility and congestion on a corridor.¹⁵ For the same reasons, we urge MnDOT to eliminate the use of Level of Service (LOS), which assumes that moving more vehicles faster is the desired, ultimate goal.

With respect to mobility and accessibility issues, transportation infrastructure greatly influences how people choose to move around and how communities develop. Adding lanes to highways and creating more limited access principal arterials disperses development and facilitates more trips and longer trips. Many DOTs assume ever-increasing VMT and build to meet that assumption. In reality, adding lanes and new limited access facilities can actually make that assumption come true. Conversely, MnDOT cannot assume that VMT reduction goals will occur automatically—they must be facilitated by de-prioritizing moving more cars and trucks, by prioritizing transit and non-motorized travel, and by encouraging development that enables shorter and combined trips.

MnDOT should rely on a data-driven approach to mobility and accessibility. For example, MnDOT should not assume VMT growth of ten to fifteen percent in the project area over the 20-year planning horizon.¹⁶ MnDOT's own data shows that in metro areas, per capita VMT *decreased* between 1998 and 2018.¹⁷ This trend of decreasing per capita VMT, and projected low slow growth of the state's working age population is notable. The Minnesota State Demographic Center projects that the working age population (18-65) will grow only 4.5 percent over the next 30 years. These numbers confirm that no highway capacity increase is needed or warranted.

Furthermore, the global COVID-19 pandemic may significantly and permanently change how people work and shop - likely reducing trips and traffic congestion during peak periods.¹⁸

MnDOT must realize that the practice of building more and bigger highways does not improve traffic congestion in the long-term, but rather leads to induced demand.

¹⁵ University of Minnesota, *Access to Destinations: A New Approach to Understanding and Measuring Transportation and Land Use*, available at

<https://access.umn.edu/publications/related/destinations/documents/brief.pdf>.

¹⁶ Memorandum from MnDOT I-94 Project staff to Union Park District Council, October 14, 2019.

¹⁷ MnDOT Office of Transportation System Management, *Vehicle Miles of Travel Trends in Minnesota: 1992-2018* (Sept. 2019),

https://www.dot.state.mn.us/traffic/data/reports/vmt/VMT_Trend_Report_2018.pdf.

¹⁸ Alvin Powell, *Outbreak forced changes big and small, some of which are here to stay*, November 24, 2020, available at

<https://news.harvard.edu/gazette/story/2020/11/our-post-pandemic-world-and-whats-likely-to-hang-around/>.

Induced demand is “a counterintuitive but well-documented phenomenon.”¹⁹ It is the basic economic concept that decreasing prices leads to increased demand. Essentially, adding road capacity decreases travel time (in the short term), in effect lowering the “price” of driving; and when prices go down, the quantity of driving goes up. For example, a commuter who would otherwise take transit may instead drive because of the (temporarily) reduced congestion, or drive at peak period when formerly the trip would have been postponed to a less congested time of day. Induced highway use “counteracts the effectiveness of capacity expansion as a strategy for alleviating traffic congestion, and offsets in part or in whole reductions in GHG emissions that would result from reduced congestion.”²⁰

Many studies have examined the effectiveness of adding more vehicle lanes and consistently found that adding capacity does not relieve congestion long-term because it induces an increase in driving and vehicle miles traveled (VMT). In a study by Transportation for America, cities that added new road capacity most aggressively did not consistently see slower growth in “delay” (extra time spent traveling due to congestion)—and in some cases, saw much higher *growth* in delay.²¹

An extreme example is the Katy Freeway in Texas, which is among the widest freeways in the world. The ongoing expansion of the Katy Freeway increased the number of commuters on the road which in turn increased air pollution in the region.²² Even when roadway expansion meets or exceeds population growth, extra travel time due to congestion increases considerably. In Minneapolis, between 1993 and 2017, the population grew by 35%. Freeways were expanded by almost the same amount—34%.

¹⁹ Transportation for America, *The Congestion Con: How More Lanes and More Money Equals More Traffic* (Mar. 2020),

<https://t4america.org/wp-content/uploads/2020/03/Congestion-Report-2020-FINAL.pdf>.

²⁰ Handy, Susan, *Increasing Highway Capacity Unlikely to Relieve Traffic Congestion* (2015), <https://escholarship.org/uc/item/58x8436d>.

²¹ Transportation for America, *The Congestion Con: How More Lanes and More Money Equals More Traffic* (Mar. 2020),

<https://t4america.org/wp-content/uploads/2020/03/Congestion-Report-2020-FINAL.pdf>.

²² “The \$2.2 billion widening of the Katy Freeway, making it one of the biggest in the world, ended up increasing average commute times for roughly 85 percent of drivers who used the 23-lane road.” Patrick Sisson, *Houston’s \$7 Billion Solution to Gridlock Is More Highways*, Curbed (Aug. 5, 2019), <https://archive.curbed.com/2019/8/5/20754435/houston-traffic-highway-i-45-north-txdot>

But “delay” still increased by 168%.²³ Clearly the solution to congestion is not building more highways and lanes (assuming congestion reduction is even a valid goal).²⁴

The reverse phenomenon, termed “reduced demand,” is also an important consideration. “If road capacity is reduced, people will also change their behavior.”²⁵ Reduced demand explains why “carmageddon” never occurred in numerous historical instances where traffic capacity was suddenly eliminated:

Embarcadero Freeway, San Francisco. In 1989, the Embarcadero Freeway (SB 480), an elevated double-decked highway, was severely damaged by an Earthquake. At the time nearly 100,000 vehicles used the highway each day. After a long community engagement and planning process, the highway was reconstructed as a grade-level, six lane boulevard with transit in the middle. The new roadway greatly improved community access and freed up more than 100 acres of land along the waterfront for new housing and employment.²⁶ Transit ridership increased 75% and traffic volume is about 14,500 non-transit vehicles per day.²⁷ According to an article in the Toronto Star, “People didn’t want to take it (the Embarcadero) down. But once it was gone and they saw the alternative, the highway became a rapidly fading memory. The thought of rebuilding it (as it was) now seems absurd — simply unthinkable.”²⁸

Cheonggyecheon Expressway, Seoul, South Korea. Between 2003 and 2005, the city of Seoul demolished a four-lane elevated expressway and the city street below it and replaced them with a greenway that daylighted a formerly buried river. Before demolition, the expressway carried an estimated 170,000 vehicles per day. Vehicle

²³ Transportation for America, *The Congestion Con: How More Lanes and More Money Equals More Traffic* (Mar. 2020),

<https://t4america.org/wp-content/uploads/2020/03/Congestion-Report-2020-FINAL.pdf>.

²⁴ Transportation for America, *The Congestion Con: How More Lanes and More Money Equals More Traffic* (Mar. 2020),

<https://t4america.org/wp-content/uploads/2020/03/Congestion-Report-2020-FINAL.pdf>, explains that “congestion is . . . generally a sign of vibrant economic activity, whereas a lack of congestion can signal a stagnant economy.” “Focusing on congestion mitigation misses the bigger picture. We should focus instead on the goal of providing and improving access.”

²⁵ Robert Steuteville, *Reduced Demand Is Just As Important As Induced Demand*, *Public Square*: A CNU Journal (Mar. 19, 2021),

<https://www.cnu.org/publicsquare/2021/03/19/reduced-demand-just-important-induced-demand>.

²⁶ Congress for the New Urbanism available at

<https://www.cnu.org/what-we-do/build-great-places/embarcadero-freeway>.

²⁷ San Francisco Municipal Transportation Association at

<https://www.sfmta.com/reports/sfmta-traffic-count-data>.

²⁸ Edward Keenan, *Toronto Star*, June 5, 2015 at

<https://www.thestar.com/news/gta/2015/06/05/san-franciscos-waterfront-freeway-was-removed-25-years-ago-no-one-misses-it.html>.

traffic into downtown decreased after the expressway was removed, transit use went up, urban temperatures dropped, and air quality improved. The mayor who made removing the expressway and restoring the river his legacy went on to be elected president of South Korea.²⁹

Collapse of the 35W bridge in Minneapolis. In 2007 the I-35W bridge in downtown Minneapolis collapsed. The bridge carried approximately 140,000 vehicles per day. Within weeks, a temporary fourth lane was striped on I-94, TH280 was modified to expressway conditions, and transit service was added in the corridor. Fears of traffic gridlock did not come to pass. A study in 2010 by David Levinson and Henry Liu, analyzed travel demand data, and concluded that the new I-35W bridge (which opened one year after the collapse with greater capacity and faster average travel speeds than its predecessor) helped reduce travel costs most of the time, but that this benefit was fairly small—on the order of 0.2 to 0.3%.

Recognizing the reality of reduced demand and the benefits of eliminating urban highways, cities across the country are now pursuing highway removal and conversion projects.³⁰

2. Safety/Crashes

MnDOT proposes “safety/crashes” as a Primary Need and establishes reducing crashes and crash costs on the network as evaluation criteria to be measured. We believe the need should be restated as reducing fatalities and injuries for all users. This will be more effective at ensuring safety for all transportation users rather than vague goals of “safety” or reducing “crashes.” Crashes that result in property damage only, also known as “Fender-benders,” make up a large portion of crashes in the corridor and should be a low priority. The evaluation area should extend to the intersections and frontage roads along the corridor. The language in our proposed alternative Purpose and Need Statement is consistent with state law Minn. Stat. § 174.01, MnDOT plans, and FHWA guidance.

Reducing speed is a proven strategy for reducing fatalities and injuries. Improving transit access and multi-modal connectivity is also a way to reduce driving and crash risk. The safety “need” should be revised to better consider these strategies.

²⁹ Article in Development Asia, by the Asian Development Bank, May 13, 2016, at <https://development.asia/case-study/revitalizing-city-reviving-stream> .

³⁰ See New York Times, *U.S. Cities Highway Removal* at <https://www.nytimes.com/interactive/2021/05/27/climate/us-cities-highway-removal.html>.

III. Draft Statement of Goals

We appreciate MnDOT's stated commitment to incorporating the concerns raised by communities and to use a community-based approach. However, the approach laid out in the Statement of Goals prevents any real accountability. MnDOT's stated intent to separate "broader livability goals" into a "separate process," for which MnDOT takes no responsibility, is especially concerning. As we have explained, if MnDOT is committed to incorporating community goals and concerns, these must be incorporated directly into the Purpose and Need Statement.

IV. Draft Logical Termini Memorandum

A. Overview of Logical Termini

According to a memo on MnDOT's website, Logical Termini for project development are defined as: (1) rational end points for a transportation improvement, and (2) rational end points for a review of the environmental impacts. Additionally, Logical Termini will define the limits of the improvement and analysis areas. In the memo, MnDOT proposes a program area that encompasses I-94 from Hiawatha Avenue/TH 55 in Minneapolis to Marion Street in Saint Paul. The memo also identifies a 1,000 foot to one-quarter mile buffer north and south of the highway.

This program area is problematic because it is focused narrowly on the existing I-94 highway. Like the Purpose and Need Statement, the program area needs to be broad enough to allow for the consideration of reasonable alternatives that may extend beyond the east and west termini and corridors that connect to and parallel the I-94 corridor that are farther than 1,000 feet north or south of the corridor, including those not within the jurisdiction of the lead agency.

B. Logical Termini, VMT and Transit Considerations

If MnDOT is serious about achieving its statewide VMT reduction goal, there is no area in Minnesota with more opportunities to achieve this by expanding multi-modal alternatives to driving than the Rethinking I-94 corridor. These opportunities result from multiple overlapping qualities all of which support strong potential for increased transit ridership and an increase in trips by walking/rolling and bicycle:

1. Downtown Minneapolis, downtown Saint Paul and the University of Minnesota are major destinations for transit riders.
2. The neighborhoods in between the downtowns have a greater density of housing and jobs than the statewide average and density in this corridor is increasing.
3. The neighborhoods that adjoin the I-94 corridor are laid out in a grid with sidewalks and well-spaced transit corridors, which is commonly understood to be ideal for achieving the multiplier effect from a network of frequent transit lines and accommodating trips on foot, bicycle, and scooter.
4. The land uses of these neighborhoods, which originally developed along transit lines, still support walkable, transit-oriented-development.
5. As of 2017, 15% of Saint Paul households and 18% of Minneapolis households do not own a car.³¹ These households are poorly served by the highway and would greatly benefit from improved non-driving transportation options.
6. A significant number of trips in the region and in Minneapolis and Saint Paul are short trips – many of which could be shifted to non-motorized trips. Estimates from the Metropolitan Council's 2010 Travel Behavior Inventory show that 26% of trips in the region were two miles or fewer. Within Minneapolis and Saint Paul, the percentage rises to 31% of trips.³²

VMT Reduction Requires Multi-Agency, Network Approach

If public sector agencies, led by MnDOT, cannot achieve a significant VMT reduction in the I-94 corridor where conditions are most favorable, they will certainly fail to reduce VMT everywhere else in the region and state. Achieving VMT reductions will require MnDOT to both make major changes in the I-94 corridor itself and also lead a multi-agency effort to improve transit service and pedestrian and bicycle infrastructure on parallel and perpendicular corridors.

The logical termini would appear to not necessarily allow for this comprehensive approach focused on providing choices for travelers. Quite the opposite, the draft suggests it is a virtue to “not force the need for other transportation improvements.”³³ Insofar as MnDOT seeks to avoid including the Lowry Tunnel in the project area, this is

³¹ Data USA, Minneapolis-St. Paul-Bloomington, available at <https://datausa.io/profile/geo/minneapolis-st-paul-bloomington-mn-wi>

³² Information provided from Travel Behavior Inventory to Barb Thoman by Jonathan Ehrlich, Metropolitan Council staff, October 17, 2018.

³³ Logical Termini and Independent Utility, MnDOT memo dated February 2021 at p. 13.

understandable. However, the Rethinking I-94 project must consider viable transit, bicycle, and pedestrian alternatives that are outside the project boundaries, but could serve current and future travelers that would otherwise be driving on I-94. The logical termini should reflect these realities and actively encourage a multi-modal approach.³⁴

C. Logical Termini and Bicycling and Walking Considerations

To reduce VMT and reap the full benefits of transit investments, people need safe, direct, and comfortable facilities for walking and rolling. These include sidewalks and safe crossings of the trench and adjacent streets. Good lighting, traffic calming, and shade are also essential. The boundaries established for the Rethinking I-94 Logical Termini should enable consideration of trips that could be made on foot from a distance of one mile north/south/east and west of I-94.

Logical termini criteria should also enable consideration of a network of bicycle routes that run north/south/east/west of I-94. An expanded network of bicycle trails and on-road facilities have the potential to carry significant traffic. A travel shed of up to two miles should be considered.

The nationally-recognized Midtown Greenway trail in Minneapolis is the highest use bike facility in Minnesota with an average of 5,000 riders per day.³⁵ The western end of the Midtown Greenway is a national example of “Bicycle Oriented Development.” Significant residential and mixed-use development was built along the Greenway to provide access to the trail and to Lake Street, creating a zone where it’s possible to walk, bicycle, and take transit for most trips.

A study examining the potential to extend the Midtown Greenway into St. Paul is underway. An extension of the Greenway trail to the east, connecting to the new Ayd Mill trail (which opened in 2020) could shift trips from driving on I-94 to bicycling along this extended world-class facility. The extended Greenway could run parallel to the I-94 corridor to Snelling and then connect not only to the Ayd Mill trail, but also to bike lanes on Cleveland, Pelham, and other corridors. MnDOT’s analysis of the Rethinking I-94 project must include the likely future extension of the Greenway into St. Paul and the extension of the Ayd Mill trail to downtown Saint Paul.

D. Concerns with Two Path Approach

³⁴ See Appendix A for a more detailed overview of the multimodal options that should be actively encouraged in logical termini and the Purpose & Need Statement.

³⁵ Midway Greenway, <https://midtowngreenway.org/about-the-greenway/>.

The Logical Termini Draft Memorandum also explains the two “paths” that MnDOT proposes for the Rethinking I-94 project. As has been previously explained, the undersigned groups do not believe it is necessary or appropriate to separate the vision and process of Rethinking I-94 into two separate paths. Rather, the goals of the livability framework should be fully incorporated into the environmental review process, from the Purpose and Need onward. Community concerns and needs should not only be used to evaluate alternatives, but to develop and shape those alternatives in the first place.

V. Draft Evaluation Criteria

MnDOT proposes three Primary Needs for the Rethinking I-94 project: (1) Infrastructure condition, (2) Safety/crashes, and (3) Mobility. The agency proposes evaluation criteria and measurement tools for each of the three. In all, it proposes 14 evaluation criteria and one or more measurement tools for each of the 14 evaluation criteria.

The proposed approach to evaluation criteria is problematic for the same reason that MnDOT’s overall approach is problematic. The needs and desires of the community are a secondary consideration. The Draft Evaluation Criteria document explains that, “For the scoping phase, purpose and need items evaluated will focus on primary needs.” We understand this to mean that alternatives will be developed based on their ability to meet MnDOT’s “primary” needs for the project. Once those alternatives have been developed to meet the “primary” needs, they will be screened based on the primary and secondary needs, as well as consistency with the goals statement and livability framework. MnDOT specifically notes that “[p]roject goals/livability criteria are a lower level of screening.”³⁶ This issue is exacerbated by the fact that some of the proposed evaluation criteria, such as vehicle LOS, directly undercut community desires.

It is critical that community goals are incorporated into decision-making from the scoping stage. That is, the alternatives should be developed to not only meet the narrow “fix the pavement and the drainage” type goals, but also to meet the broader community goals.

The proposed approach leaves the community’s goals and desires as an afterthought, and would in many circumstances mean that the question is not, “How can this project *improve* community cohesion / air quality / intermodal accessibility / etc.,” but rather becomes, “Which of these alternatives is *the least bad*” for those values. The proposed approach incorporates the “SEE Impacts” into the scoping phase, but those criteria

³⁶ See Evaluation Criteria at 1.

focus on the degree to which each alternative negatively impacts each of the relevant communities or resources.³⁷

For example, for “Environmental Justice,” the proposed evaluation criteria are “Potential for disproportionate impact and/or adverse effects to EJ populations.” In other words, the criteria would compare the alternatives (adding a new MnPASS lane, for example) based on *how negatively* each alternative would affect already disadvantaged populations. This thinking needs to be flipped around, and each alternative should be affirmatively developed to add positive value to the community. Those alternatives that do not add value to the community would then be rejected as incompatible with the Purpose and Need.

It is also critical that MnDOT explain, ahead of time and in a transparent and clear manner, how the various criteria will be balanced. Are all criteria given the same weight? For example, the proposed criteria measure both “vehicle throughput” and “people throughput.” Will these be assigned the same or different values?

A. Comments Regarding Proposed Evaluation Criteria for MnDOT’s Draft Primary Needs

We take serious issue with MnDOT’s proposed evaluation criteria for the listed “primary needs” of both mobility and safety.

1. **Mobility.** MnDOT proposes to measure mobility using ten criteria. Those criteria include: mainline speed, person hours traveled, person throughput, vehicle miles traveled in the interchange area, variability of travel time, etc.

As MnDOT recognizes in the draft Purpose and Need Statement, mobility is about moving *people*. The criteria should measure mobility and accessibility for *people and goods* within the corridor, and along corridors that parallel and cross the project area. This prioritizes transit and other high-occupancy vehicles, people walking and bicycling, development closer to where people live and work, with benefits of reduced congestion and air pollution.

We oppose the use of “mainline speed” as an evaluation tool for mobility or access. Speed is not a good measure for accessibility and using speed as a performance metric undermines important goals. Prioritizing speed leads to the development and continued use of roadway networks that de-prioritize access and interconnections, encourage sprawl, and require longer trips, driving up VMT. Further, not only is

³⁷ See Evaluation Criteria at 1 (noting that alternatives that “minimize SEE impacts” will be advanced).

increasing speed inconsistent with the goals of reducing fatalities and injuries, and local economic development, but it also conflicts with air quality and climate goals. According to the Department of Energy, fuel efficiency for most vehicles, including electric vehicles, declines rapidly at speeds above 50 mph.³⁸

As explained in a Transportation for America report:

Measuring speed does not provide a good representation of what we actually need from our transportation system—access to destinations. And moving cars quickly often works against other goals, like local economic activity, providing a safe environment for walking and biking, and creating places people want to spend time. Focusing on speed and delay can not only make congestion worse, but can also undermine the very things that drew lots of people to the community in the first place.³⁹

The Insurance Institute for Highway Safety notes this about vehicle speed:

- “In 2019, more than 9,000 deaths — 26 percent of all crash fatalities in the United States — occurred in speed-related crashes. High speeds make a crash more likely because it takes longer to stop or slow down. They also make collisions more deadly because crash energy increases exponentially as speeds go up.
- Raising speed limits leads to more deaths. People often drive faster than the speed limit, and if the limit is raised, they will go faster still. Research shows that when speed limits are raised, speeds go up, as do fatal crashes.”⁴⁰

2. Safety/Crashes. MnDOT proposes to focus on crashes on the “network” and to evaluate this goal by measuring crashes and crash rate reduction and crash cost reduction. We have two primary concerns with this proposal.

First, as stated previously in section II, D-2 on page 16 of this letter, the goal should be to reduce fatalities and serious injuries, not crashes generally. This prioritizes protecting the safety of people as opposed to reducing less serious crashes that involve property damage only.

Second, use of the term “network” gives the impression that the focus is narrowly defined as crashes on I-94 only. The highway and the traffic that it generates impacts

³⁸ *Driving More Efficiently*, www.fueleconomy.gov, Department of Energy, <https://www.fueleconomy.gov/feg/driveHabits.jsp>.

³⁹ Transportation for America, *The Congestion Con: How More Lanes and More Money Equals More Traffic* (Mar. 2020), <https://t4america.org/wp-content/uploads/2020/03/Congestion-Report-2020-FINAL.pdf>.

⁴⁰ Insurance Institute for Highway Safety, Highway Loss Data Institute available at <https://www.iihs.org/topics/speed>.

safety on parallel and perpendicular streets. Many of these streets are designed to move high volumes of traffic to and from I-94 and consequently have high crash and injury rates. These high-traffic arterial streets are barriers to non-motorized access and social cohesion. Any evaluation criteria should include the full I-94 corridor including connecting streets.

The proposed evaluation criteria and measurement for safety also fail to account for trips that are not taken because of safety concerns. This is explained in Transportation for America's "Measuring What We Value" Report:

"An additional challenge within safety is accounting for trips not taken because of safety fears. Strategies to address safety for motorized vehicles may often increase danger for non-motorized users, who may adapt by avoiding non-motorized travel all together. For instance, building wide lanes for vehicles so that drivers can weave at high speeds aims to improve safety for motorists. The consequence of that strategy is wide, higher speed streets are harder for pedestrians and cyclists to cross. Encouraging high-speed travel for motorists creates an unfriendly environment for those outside of a car. The result tends to be that people stop walking and biking out of fear and the number of fatalities among these modes decrease. But the reduction in fatalities should not be seen as a safety success. In this case, fewer pedestrians and cyclists indicate degraded — not improved — safety."⁴¹

In addition to measuring reductions in fatalities and injuries within the corridor, other tools should be used that measure safety and access for people walking, rolling and biking. Walk Score and Bike Score are two examples.

To improve safety, MnDOT should consider a transformational new design for the corridor that includes a smaller footprint, reduced vehicle speeds, and robust transportation infrastructure for transit, walking, rolling, and bicycling. Lower speeds would improve safety and address other community goals such as noise and emission reduction. We ask that the safety "need" and the corresponding evaluation criteria and measurement tools be revised to focus on reducing fatalities and serious injuries for all users and that this focus be extended to all streets along and across the Rethinking I-94 corridor.

⁴¹ Transportation for America, *Measuring What We Value: Setting Priorities and Evaluating Success in Transportation*, March 2015 available at <https://t4america.org/wpcontent/uploads/2015/02/Performance-Measures-Report.pdf>.

B. Comments regarding MnDOT's proposed Evaluation Criteria for Social, Economic and Environmental Impacts

MnDOT proposes 13 categories of Social, Economic and Environmental (SEE) Impacts as well as evaluation criteria and measurements for each. Many of the SEE Impacts are central to the community priorities that we outlined in section 1 and we have included comments on each.

1. **Environmental Justice (EJ).** MnDOT proposes to evaluate whether each alternative will result in disproportionate impacts to EJ populations. As we stated previously, environmental justice should be fully incorporated within the primary needs. Furthermore, rather than merely evaluating additional impacts, the evaluation criteria and measurement tools should evaluate the potential of the project alternative to reduce historic and current impacts including air and noise pollution, displacement, land taken when the highway was constructed, lost community wealth and damaged community cohesion. Existing impacts are wide-reaching and unacceptable. Evaluation criteria for environmental justice must seek to reduce current harms.

2. **Air Quality.** While MnDOT's proposed "Social Economic and Environmental Impacts" criteria (SEE) include criteria for "air quality," the only proposed measurement is to evaluate whether the alternative would cause non-compliance with the Clean Air Act's national ambient air quality standards. This is a very low bar that does not capture the impacts of traffic on human health. The fact that air pollution from traffic harms people's health at levels below the air quality standards is well established in science. Improved air quality should be a Primary Need of the project, not a SEE Impact criterion for evaluating a no-built option and project alternatives.

While the Twin Cities region is in attainment with federal Clean Air standards, specific locations, such as highway corridors, often have poor air quality. Vehicle emissions from tailpipes and particles from brakes and tires are a major contributor to unhealthy air and health impacts.⁴²

According to the EPA, people who live, work or attend school near major roads appear to have an increased incidence and severity of health problems associated with air pollution exposures related to roadway traffic. Children, older adults, people with

⁴² Health Effect Institute, *Traffic-Related Air Pollution: A Critical Review of the Literature on Emissions, Exposure, and Health Effects* available at <https://www.healtheffects.org/publication/traffic-related-air-pollution-critical-review-literature-emissions-exposure-and-health>

pre-existing cardiopulmonary disease, and people of low socioeconomic status are among those at higher risk for health impacts from air pollution near roadways. These risks include:

- Higher rates of asthma onset and aggravation
- Cardiovascular disease
- Impaired lung development in children
- Pre-term and low-birthweight infants
- Childhood leukemia
- Premature death⁴³

Perpendicular and parallel access roads leading to the highway can also have high vehicle emissions and poor air quality.

Highway corridors in the Minneapolis-St Paul metropolitan area have the highest traffic counts in the state, with traffic counts exceeding 100,000 vehicles per day on I-94 in the metro area and approaching 200,000 in some locations. Studies done in the Minneapolis-St Paul metropolitan area⁴⁴ show that people living near busy roadways tend to be poorer, disproportionately non-white, own fewer vehicles, drive less, and take public transport more. At the same time, they are exposed to higher concentrations of air pollution from traffic, and as a result suffer disproportionately high levels of adverse health outcomes.

A 2021 study of 52 American cities found that low-income and communities of color are disproportionately impacted by freight traffic.⁴⁵ These communities experience an average of 28% more nitrogen dioxide (NO₂) pollution than higher income and majority white neighborhoods. The authors note that “the disparity is driven primarily by proximity to trucking routes on major roadways, where diesel trucks are emitters of NO₂ and other air pollutants.”

Figure 1 provides information on outdoor air quality that can impact human health. Colors show estimated impacts from pollution reported to the Minnesota Pollution Control Agency's (MPCA) 2014 air emissions inventory. Higher values show areas with higher air pollution. An area's score indicates the highest annual risk value for the

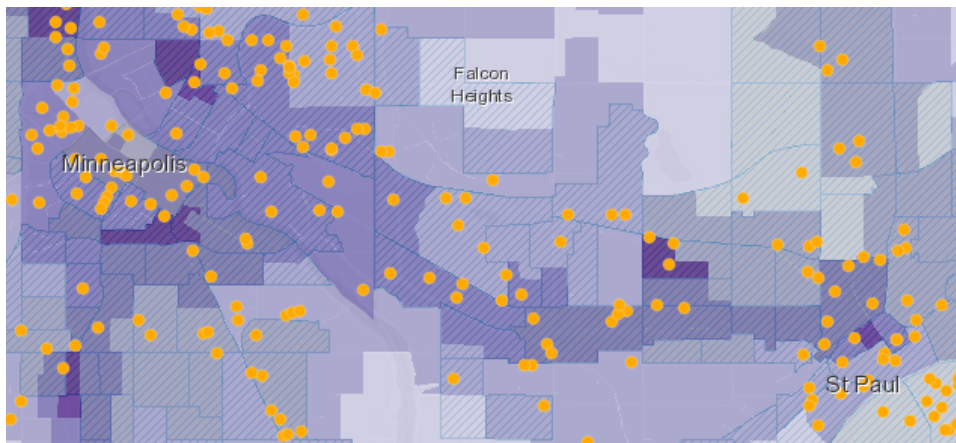
⁴³ Near Roadway Air Pollution and Health: Frequently Asked Questions, Environmental Protection Agency, Frequently Asked Questions, Office of Transportation and Air Quality, EPA-420-F-14-044 August 2014.

⁴⁴ Gregory C. Pratt, *Traffic, air pollution, minority and socio-economic status: addressing inequities in exposure and risk*, May 19, 2015 available at <https://pubmed.ncbi.nlm.nih.gov/25996888/>.

⁴⁵ American Geophysical Union. (2021, October 7). Pollution from freight traffic disproportionately impacts communities of color across 52 US cities: Low-income and minority neighborhoods in U.S. exposed to 28% more nitrogen dioxide pollution, study finds.

selected Census Tract — either the total non-cancer hazard index or the total cancer risk relative to a 1 in 100,000 guideline, whichever is higher. These scores are then used to prioritize environmental work and to identify potential inequalities in air pollution exposure.

The impact of I-94 is apparent on the map. Dark shaded areas indicating poor air quality follow the path of the highway between downtown Minneapolis and downtown Saint Paul. Improving air quality must be a core priority of the Rethinking I-94 project. The project's evaluation criteria should evaluate alternatives on their ability to reduce existing air pollution.



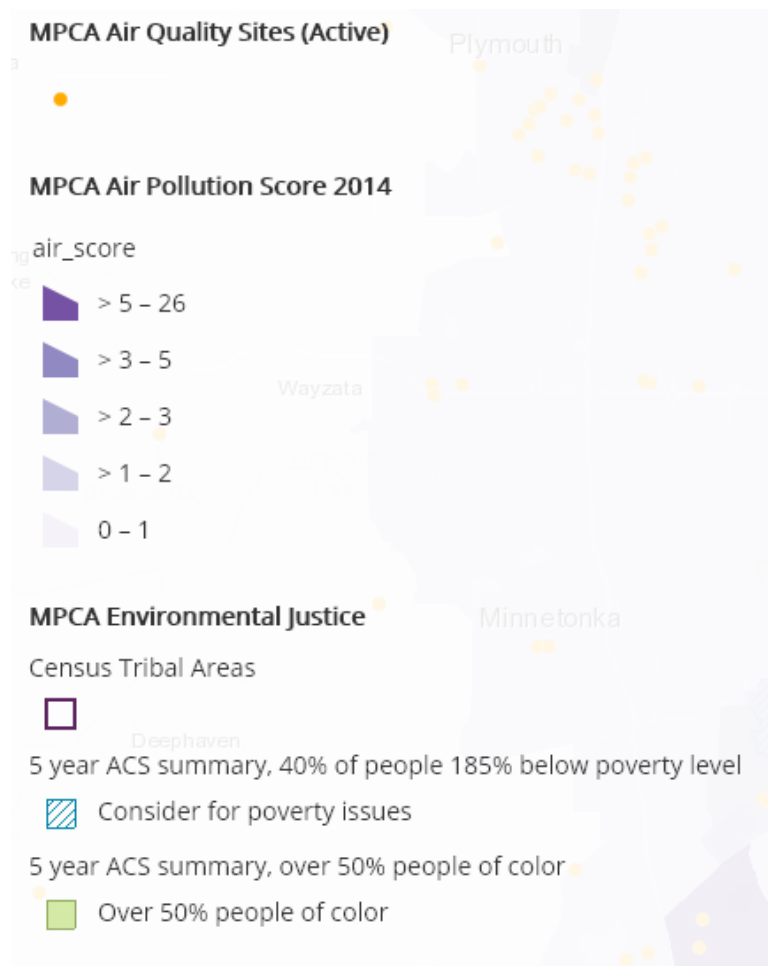


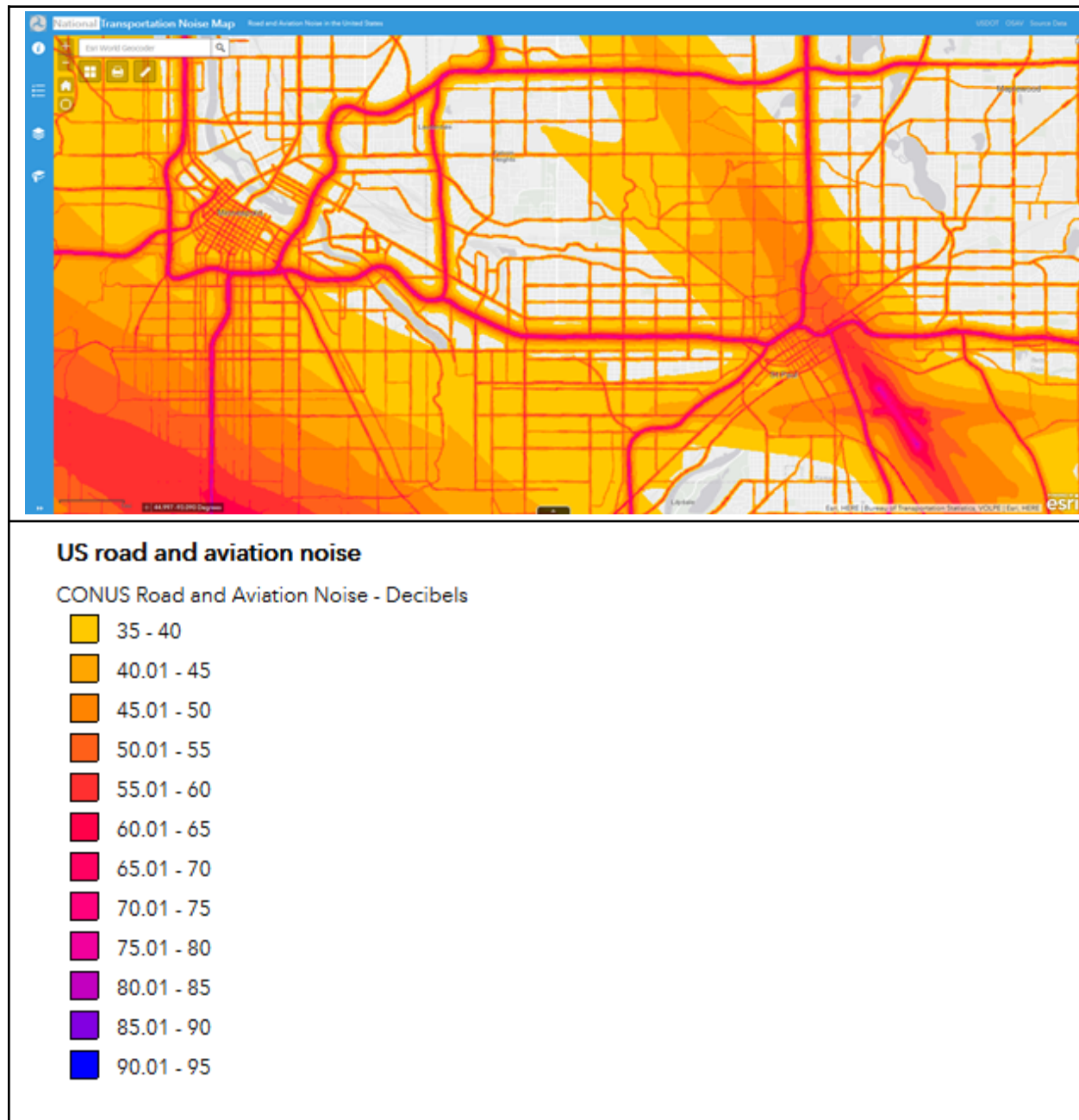
Figure 1. Map of MPCA Air Quality Data along the Rethinking I-94 Corridor.

3. Noise Pollution. MnDOT proposes to model noise levels as a SEE criterion for the build and no build alternatives. This approach is not adequate because it assumes that existing noise pollution is acceptable.

Reducing vehicle-generated noise pollution should be a Primary Need of the Rethinking I-94 project with corresponding evaluation criteria and measurements. Noise generated by vehicle tires, braking, engines, and airflow over vehicles traveling on I-94 is continuous and disruptive and impacts the health and well-being of people who live, work, and go to school along the corridor. Figure 2 shows the severe impact of I-94 on noise levels.

According to the EPA, “noise pollution adversely affects the lives of millions of people. Studies have shown that there are direct links between noise and health. Problems related to noise include stress related illnesses, high blood pressure, speech interference, hearing loss, sleep disruption, and lost productivity. Noise Induced

Hearing Loss (NIHL) is the most common and often discussed health effect, but research has shown that exposure to constant or high levels of noise can cause countless adverse health effects."⁴⁶ A recent study linked traffic noise with an elevated risk of dementia.⁴⁷



⁴⁶ Clean Air Act Title IV - Noise Pollution available at <https://www.epa.gov/clean-air-act-overview/clean-air-act-title-iv-noise-pollution>.

⁴⁷ "Exposure to Traffic Noise Linked to Higher Dementia Risk" available at <https://neurosciencenews.com/traffic-noise-dementia-19282/>

Figure 2. Map of Transportation Related Noise Pollution in the Minneapolis/Saint Paul Region⁴⁸

C. Comments regarding MnDOT's proposed Evaluation Criteria for Goals and Livability

MnDOT proposes seven “Goals and Livability” criteria to evaluate the benefits and impacts of the project alternatives. As we have stated throughout this letter, it is inadequate for important concerns like “equity,” “sense of place,” and “health and environment” to be relegated to a separate path within the “Livability Framework” for which MnDOT is neither responsible nor accountable. Furthermore, these considerations should not just be used to evaluate project alternatives. They must be fully integrated into the project’s Purpose and Need and inform the *development* of project alternatives. Without this, there is no guarantee that the goals and measures articulated in the Livability Framework are anything more than virtue signaling.

D. Comments regarding MnDOT's proposed Additional Considerations

1. **Benefit-Cost Analysis.** We also wish to comment on MnDOT’s “benefit-cost analysis procedure.” This procedure, as described on MnDOT’s website,⁴⁹ exclusively considers a very limited set of fairly direct costs and benefits. It does not consider many important externalities that can result from transportation projects. For example, adding a lane to a highway would lead to numerous negative impacts on the environment and on surrounding communities that are not included in the analysis. While the proposed analysis may provide useful information, and we understand that many externalities are difficult to monetize, MnDOT should explicitly acknowledge the limitations of its proposed analysis, and not overstate its usefulness or over-rely on the results of the analysis.

2. **Consistency with Regional Transportation Plan.** Finally, MnDOT states that it will evaluate whether alternatives are consistent with regional transportation plans. According to the draft Purpose and Need Statement, “This includes the MnDOT 20-Year State Highway Investment Plan, Metropolitan Council 2040 Transportation Policy Plan, and MnDOT Metro District Bicycle Plan.” MnDOT should consider not only

⁴⁸ See National Transportation Noise Map, <https://maps.dot.gov/BTS/NationalTransportationNoiseMap/>.

⁴⁹ *Programming & Planning: Benefit-Cost Analysis for Transportation Projects*, MNDOT, <https://www.dot.state.mn.us/planning/program/benefitcost.html#1>.

these transportation plans, but also local comprehensive and transportation plans. These include the City of Minneapolis' 2040 Comprehensive Plan and Transportation Action Plan,⁵⁰ local climate and resiliency plans such as Saint Paul's Climate Action and Resiliency Plan,⁵¹ as well as state and national commitments to environmental justice and climate action. Each of these documents has language that is highly relevant to the Rethinking I-94 project. For example, Policy #48 of the Minneapolis 2040 Comprehensive Plan focuses on highway remediation.⁵² The policy reads: "Recover and repurpose space taken by construction of the interstate highway system in Minneapolis and use it to reconnect neighborhoods and provide needed housing, employment, greenspace, clean energy and other amenities consistent with City goals."⁵³

Furthermore, the City Councils of Minneapolis and Saint Paul both passed unanimous resolutions expressing city and community priorities for the Rethinking I-94 project.^{54 55} Both resolutions state that each city "strongly opposes the repair or reconstruction of I-94 in its current form and categorically rejects any lane expansion within its boundaries."⁵⁶ The aforementioned plans, policies and resolutions should be specifically outlined in the Purpose and Need Statement.

⁵⁰ See Minneapolis Streets 2030 at <http://go.minneapolismn.gov/minneapolis-streets-2030>

⁵¹ *Saint Paul Climate Action & Resilience Plan*, City of St. Paul (Oct. 2019), https://www.stpaul.gov/sites/default/files/Media%20Root/Mayor%27s%20Office/CLIMATE%20ACTION%20%26%20RESILIENCE%20PLAN_DRAFT%202.pdf.

⁵² See Minneapolis 2040 at <https://minneapolis2040.com/policies/freeway-remediation/>

⁵³ *Id.*

⁵⁴ See Gordon and Osman, Resolution available at <https://lims.minneapolismn.gov/Download/RCA/15876/Rethinking%20I-94%20Resolution.pdf>.

⁵⁵ City of Saint Paul resolution text: <https://stpaul.legistar.com/LegislationDetail.aspx?ID=4763572&GUID=D1506AA3-F47F-4625-AACB-2EE8FA2E4BA8&FullText=1>

⁵⁶ See Gordon and Osman Resolution at <https://lims.minneapolismn.gov/Download/RCA/15876/Rethinking%20I-94%20Resolution.pdf>; see also Resolution at <https://stpaul.legistar.com/LegislationDetail.aspx?ID=4763572&GUID=D1506AA3-F47F-4625-AACB-2EE8FA2E4BA8&FullText=.1>.

VI. Proposed Alternative Purpose and Need Statement

The undersigned groups propose the following alternative Purpose and Need Statement:

To improve multimodal access while reducing vehicle miles traveled in the program area with infrastructure and facilities in good condition, and to reduce transportation-related fatalities and injuries, in a manner that reduces air and noise pollution in the surrounding communities, supports state, regional, and local climate goals and facilitates community cohesion and local economic prosperity without displacement.

This proposed Purpose and Need Statement puts the needs and desires of the communities front and center, while still addressing issues like infrastructure condition. At the same time, it shifts the focus away from mobility for motorists and vehicles and toward a more holistic view of transportation access for all users, including pedestrians, bicyclists, and transit riders.

Each element of this proposed Purpose and Need Statement is discussed in greater detail below.

A. Multimodal Access in the Program Area

The purpose of multimodal access in the program area expands the focus beyond cars and trucks traveling on I-94 and seeks to increase transportation *accessibility*. The purpose should not be “mobility”—moving people and goods simply to accommodate faster, longer, or unimpeded vehicle trips. The purpose should be to enable people to choose from a variety of high-quality transportation options—including walking, rolling, bicycling, transit, car-sharing and driving—that can be utilized as needed within the corridor.

MnDOT’s draft Purpose and Need Statement largely dismisses the transportation needs of people who travel by walking, biking and taking transit. By focusing on multi-modal transportation access as opposed to mobility, our proposed Purpose and Need Statement better serves the varying transportation needs of people along the corridor.

Eighteen percent (18%) of Minneapolis households and 15% of Saint Paul households do not own a vehicle.⁵⁷ As shown in Figure 3, the percentage of households without a vehicle in both cities is significantly higher for Black, Indigenous and people of color (BIPOC). 39% of Black households in Minneapolis and 33% of Black households in Saint Paul do not own a car.⁵⁸

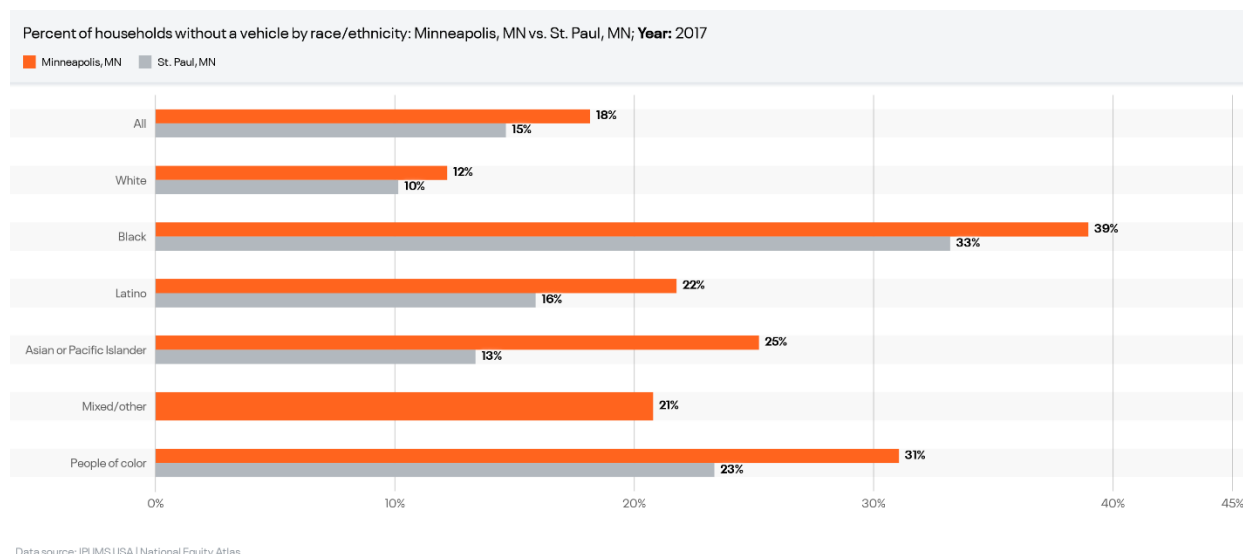


Figure 3. Percent of Minneapolis and Saint Paul Households without a Vehicle by Race/Ethnicity, 2017.

Increasing multi-modal transportation has numerous benefits, including greater equity and efficiency,⁵⁹ reducing air and noise pollution, reducing climate impacts, and increasing sense of community.

Finally, our framing encompasses movement across the I-94 corridor, not just along it—a critical element in reconnecting the neighborhoods that were ripped apart by the construction of the highway. A highway that accelerates east-west driving, for example, but continues to impede north-south access has not improved mobility or access.

B. Infrastructure and Facilities in Good Condition

Our proposed purpose of providing infrastructure and facilities in good condition expands the focus beyond the existing highway. No one wants crumbling pavement, bridges, or retaining walls. However, creating equitable access in the I-94 corridor

⁵⁷ Data USA, Minneapolis-St. Paul-Bloomington, available at <https://datausa.io/profile/geo/minneapolis-st-paul-bloomington-mn-wi>.

⁵⁸ Integrated Public Use Microdata Series, IPUMS USA, University of Minnesota, www.ipums.org, 1990 and 2000 5% samples, 2010 and 2017 American Community Survey 5-year samples.

⁵⁹ *Supra*.

requires addressing the condition of infrastructure beyond pavement and bridges. The project should affirmatively address other infrastructure and facilities including sidewalks, bike paths, transit stations/stops, lighting, street trees, public greenspace, etc. For example, MnDOT's Draft Purpose and Need document reveals that pedestrian and bicycle multimodal level of service in the program area is poor and a "large percent of pedestrian facilities" do not comply with the Americans with Disabilities Act. Project alternatives must be designed to remedy these deficiencies.

C. Reducing Transportation-related Fatalities and Injuries

Our proposed purpose of reducing transportation-related fatalities and injuries would both broaden and shift the draft Purpose and Need Statement's consideration of safety. First, it seeks to address safety issues for all transportation users traveling within the broader Rethinking I-94 corridor, not just for vehicles on the highway. Second, it shifts the focus from "vehicle crashes" to the human impacts—fatalities and injuries. This de-emphasizes "fender benders" and concentrates on safety improvements that save lives. This is explained in greater detail in sections 2B and 5A.

It should be noted that there are significant racial equity issues when it comes to pedestrian safety. A recent study by the Governors Highway Safety Association found that Black and Indigenous Americans were killed in traffic crashes at a higher rate than White Americans.⁶⁰ The rate of pedestrian deaths for Black people is nearly double the rate for White people. Another study on racial disparities in pedestrian hospitalizations found that BIPOC populations "carry a larger burden of injury with increased hospital costs, cost per capita, severity of illness, and lengths of stay."⁶¹ These disparities must be considered when considering safety in the Rethinking I-94 corridor.

D. Reducing Air and Noise Pollution on Surrounding Communities

The Purpose and Need Statement must directly address the need to reduce air and noise pollution in the surrounding communities. I-94 cuts directly through dense residential areas and borders K-12 schools, major parks, and colleges. People in these areas are subjected to some of the region's highest levels of air and noise pollution.

⁶⁰ GHSA, *An Analysis of Traffic Fatalities by Race and Ethnicity*, June 2021, https://www.ghsa.org/sites/default/files/2021-06/An%20Analysis%20of%20Traffic%20Fatalities%20by%20Race%20and%20Ethnicity_0.pdf.

⁶¹ Cara Hamann et al, *Racial Disparities in Pedestrian-Related Injury Hospitalizations in the United States*, BMC Public Health (Sept. 25, 2020), available at <https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-020-09513-8>.

Air pollution is a major negative externality created by highways, and “[t]ransportation is the second largest source of pollution in the Twin Cities.”⁶² As explained by the U.S. EPA:

People who live, work or attend school near major roads appear to have an increased incidence and severity of health problems associated with air pollution exposures related to roadway traffic including higher rates of asthma onset and- aggravation, cardiovascular disease, impaired lung development in children, pre-term and low-birthweight infants, childhood leukemia, and premature death.⁶³

Roadway air pollution has also been linked to heart attacks and increased risk of dementia.⁶⁴ Increased motor vehicle traffic generates more air pollution and increased health impacts, although “even low and moderate levels of air pollution can contribute to serious illnesses and early death.”⁶⁵ In both Saint Paul and Minneapolis, there are disproportionately higher rates of asthma hospitalizations along major highways, including I-94.⁶⁶

Air pollution is a critical environmental justice issue. Major air pollution sources are often clustered in communities of color and low-income communities, creating hot spots for pollution and health issues. The Minnesota Pollution Control Agency states that statewide, 32% of communities “have air pollution-related risks above health guidelines.” For low-income communities, this increases to 46%, and for communities of color and indigenous communities, *it jumps to 91%*.⁶⁷ MnDOT and FHWA must develop and prioritize alternatives that help reduce, not increase, that burden.

⁶² *Air Quality Overview for Rethinking I-94*, MNDOT, at 5 (Jan. 2018), <https://www.dot.state.mn.us/I-94minneapolis-stpaul/pdf/vision/technical-appendices/t4-air-quality-overview.pdf>.

⁶³ *Near Roadway Air Pollution and Health: Frequently Asked Questions*, U.S. EPA, https://www.epa.gov/sites/production/files/2015-11/documents/420f14044_0.pdf.

⁶⁴ *Living Near Highways and Air Pollution*, American Lung Association (Jan. 5, 2021), <https://www.lung.org/clean-air/outdoors/who-is-at-risk/highways>.

⁶⁵ *Life and Breath: How Air Pollution Affects Public Health in the Twin Cities*, Minnesota Pollution Control Agency.

⁶⁶ *Saint Paul Climate Action & Resilience Plan*, City of St. Paul (Oct. 2019), p.17-19, https://www.stpaul.gov/sites/default/files/Media%20Root/Mayor%27s%20Office/CLIMATE%20ACTION%20%26%20RESILIENCE%20PLAN_DRAFT%202.pdf; Lorna Benson, *In the Twin Cities, Asthma Hospitalization Rate Highest Along I-94: Here's Why*, Minnesota Public Radio News (July 8, 2014), <https://www.mprnews.org/story/2014/07/08/for-some-asthma-patients-smoking-housing-conditions-and-uneven-insurance-are-a-deadly-mix>.

⁶⁷ *Disproportionate Impacts in Minnesota*, Minnesota Pollution Control Agency, <https://www.pca.state.mn.us/air/disproportionate-impacts-minnesota>.

Section V, B-3 on pages 26-27 of this letter discusses the impacts of noise pollution from motor vehicles. Additionally, a 2016 study on the cardiovascular health effects of noise states:

Noise has been associated with annoyance, stress, sleep disturbance, and impaired cognitive performance. Furthermore, epidemiological studies have found that environmental noise is associated with an increased incidence of arterial hypertension, myocardial infarction, heart failure, and stroke. Observational and translational studies indicate that especially nighttime noise increases levels of stress hormones and vascular oxidative stress, which may lead to endothelial dysfunction and arterial hypertension.⁶⁸

There are many ways to reduce highway noise pollution, including reducing VMT and vehicle speed via highway to boulevard conversions.

We urge MnDOT to fully incorporate air and noise pollution reduction into the draft Purpose & Need Statement and prioritize strategies that improve air quality and reduce noise pollution along the entire length of the Rethinking I-94 project corridor.

E. Supporting Climate Goals

Global climate change is an existential threat. We are in the midst of a climate emergency, as was declared by the City of Minneapolis in 2019.⁶⁹ MnDOT must respond accordingly and put climate action at the forefront of the Rethinking I-94 project.

In Minnesota, we are already experiencing increasing temperatures, with more extreme heat days that create public health risks in cities and jeopardize crop harvests in rural areas.⁷⁰ Flooding is becoming more frequent and combined with warmer temperatures, may lead to algal blooms and impaired drinking water supply.⁷¹ Increased temperatures also encourage the formation of ground-level ozone, which exacerbates air pollution impacts and can also affect crops.⁷²

While climate change has broad impacts, there is significant overlap between those who are disproportionately affected by climate change and environmental justice

⁶⁸ Thomas Münzel, *Environmental Noise and the Cardiovascular System*, Journal of the American College of Cardiology, Volume 71, p. 688-697 (2018).

⁶⁹ Declaration of a climate emergency, <https://lims.minneapolismn.gov/File/2019-01362>.

⁷⁰ U.S. EPA, *What Climate Change Means for Minnesota* (Aug. 2016), <https://www.epa.gov/sites/production/files/2016-09/documents/climate-change-mn.pdf>.

⁷¹ *Id.*

⁷² *Id.*

communities who are most impacted by I-94.⁷³ For example, ground-level ozone is formed by an interaction between nitrous oxides and volatile organic compounds—which are emitted by motor vehicles.⁷⁴ This means that people who live near major roadways and other air pollution sources are going to be disproportionately affected by the increase in ground-level ozone driven by increasing temperatures. As another example, the expanse of pavement on the freeway and connecting streets makes the corridor an urban heat island. Nearly 33% of households in the corridor live in poverty⁷⁵ and low-income households are less likely to have air conditioning, which can prevent heat stroke and save lives during heat waves.

Climate action must be incorporated into every aspect of government decision-making. The State of Minnesota is currently *not* on track to meet the emissions reduction goals set in the Next Generation Energy Act of 2007.⁷⁶ This includes a long-term goal to reduce emissions 80% by 2050 and an interim goal of 30% by 2025. Considering climate impact is especially important for MnDOT, as the transportation sector is now the largest source of greenhouse gas emissions in Minnesota.

MnDOT convened a Sustainable Transportation Advisory Council (STAC) to address transportation's major climate impact. According to the MnDOT website, the STAC “makes recommendations to the MnDOT Commissioner to help the agency reduce carbon pollution from transportation, consistent with the MnDOT statutory goals outlined in Minnesota statute 174.01, the Next Generation Energy Act, and the annual MnDOT Sustainability Report.”⁷⁷ On December 10, 2020, STAC membership approved

⁷³ See, e.g., US EPA, *Air Pollution: Current and Future Challenges*, <https://www.epa.gov/clean-air-act-overview/air-pollution-current-and-future-challenges> (“Recent studies also find that certain communities, including low-income communities and some communities of color (more specifically, populations defined jointly by ethnic/racial characteristics and geographic location), are disproportionately affected by certain climate-change-related impacts - including heat waves, degraded air quality, and extreme weather events - which are associated with increased deaths, illnesses, and economic challenges.”)

⁷⁴ U.S. EPA, *Ground-level Ozone Basics*, <https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics>.

⁷⁵ MnDOT, *Rethinking I-94: Phase 1 Report*, Aug. 1, 2018, <http://www.dot.state.mn.us/i-94minneapolis-stpaul/pdf/vision/phase-1-report.pdf>.

⁷⁶ Greenhouse gas emissions inventory 2005-2018, <https://www.pca.state.mn.us/sites/default/files/lraq-1sy21.pdf>.

⁷⁷ MnDOT, Sustainability and Public Health, <http://www.dot.state.mn.us/sustainability/advisory-council.html>

its recommendations to MnDOT.⁷⁸ As was previously mentioned, the STAC recommendations include:

1. Adopt a statewide goal of reducing VMT by 20% by 2050
2. Stop expanding highway capacity to reduce congestion
3. Prioritize transit and high occupancy vehicles on MnDOT owned right of way

The recommendations also specifically call out Rethinking I-94 and the need to fully integrate the recommended policies in the project. On March 15, 2021, MnDOT adopted recommendations from the Sustainable Transportation Advisory Council.⁷⁹ This included setting a preliminary goal of a 20% reduction in VMT statewide by 2050.

Minneapolis and Saint Paul have also set VMT reduction goals to support their broader GHG reduction goals. The City of Minneapolis has determined that in order to achieve an 80% reduction in GHG emissions by 2050, even with rapid electrification, it must reduce vehicle miles traveled by 1.8% per year.⁸⁰ As seen in Figure 4, the City of Saint Paul's Climate Action and Resilience Plan set a goal to reduce VMT 40% by 2040, or approximately 2.5% per year.⁸¹

Reduce Single Occupancy Vehicle (SOV) travel demand	Land use and Travel Management Targets	2030 Targets	2040 Targets	2050 Targets
The City of Saint Paul will prioritize walking, biking, rolling and taking public transit for travel and reduce driving by 40% by 2040.	% Reduction of SOV commuters (from 2015 levels)	-10%	-40%	-50%
	% Reduction of per person vehicle miles travelled (VMT) annually	-2.5%/yr	-2.5%/yr	-2.5%/yr

Figure 4. City of Saint Paul Vehicle Miles Traveled (VMT) Reduction Goals⁸²

Reducing VMT must include significantly improving non-driving transportation options while centering the needs of BIPOC and low-income communities along the corridor. It

⁷⁸ STAC Recommendations Summary, available at <http://www.dot.state.mn.us/sustainability/docs/advisory%20council/stac-recommendations-detail-2020.pdf>

⁷⁹ MnDOT, News Release: *MnDOT adopts recommendations from the Sustainable Transportation Advisory Council*, March 15, 2021, <https://www.dot.state.mn.us/news/2021/03/15-statewide-stac.html>

⁸⁰ Minneapolis Streets 2030, <https://go.minneapolismn.gov/minneapolis-streets-2030#vmt>

⁸¹ City of Saint Paul Climate Action and Resilience Plan: A Framework for Our Community To Address The Impact Of Climate Change, available at https://www.stpaul.gov/sites/default/files/Media%20Root/Mayor%27s%20Office/CLIMATE%20ACTION%20%26%20RESILIENCE%20PLAN_DRAFT%202.pdf.

⁸²Id.

is a misconception that efforts to reduce VMT in cities will disrupt the lives and transportation options of vulnerable populations, including people of color and low-income residents. Conversely, these populations tend to suffer the worst effects of auto-centric transportation planning. Although BIPOC and low-income households tend, on average, to own fewer cars,⁸³ drive less,⁸⁴ and ride transit more,⁸⁵ they are also subjected to elevated exposure to air pollution from traffic,⁸⁶ elevated risk of pollution-related health impacts and higher rates of traffic injuries and fatalities.⁸⁷ In order to ensure that VMT reduction strategies are not punitive for these communities, MnDOT must work with other government agencies and in partnership with local communities to significantly expand and improve non-driving transportation options. This will reduce driving while expanding transportation access for all residents.

The Rethinking I-94 project is a critical opportunity to take action on climate goals, however “climate” is not mentioned once in the February 2021 draft Purpose and Need documents. This is unacceptable. As we have previously stated, it is not sufficient to silo climate considerations into a separate path. Climate action must be fully integrated in the Rethinking I-94 Purpose and Need Statement. This includes specifically naming VMT reduction as a “Primary Need.” Our proposed draft Purpose and Need Statement ensures that climate goals will be prioritized when developing and evaluating alternatives.

F. Facilitates Community Cohesion and Local Economic Prosperity Without Displacement

The tremendous harm that was done to communities by the construction of I-94 through Minneapolis and Saint Paul—the loss of homes, businesses, generational wealth and community cohesion—is well documented.⁸⁸ Today, more than 60 years after construction, the effects are ongoing. The Rethinking I-94 project should aim to

⁸³ National Equity Atlas, available at https://nationalequityatlas.org/indicators/Car_access#/?breakdown=2&geo_compare=07000000002758000.

⁸⁴ Nicholas J. Klein, *Life events, poverty, and car ownership in the United States: A mobility biography approach*, 2019, <https://www.jtlu.org/index.php/jtlu/article/view/1482>.

⁸⁵ Metro Transit Equity Stats, <https://www.metrotransit.org/equity-stats>.

⁸⁶ Union of Concerned Scientist, *Who Breathes the Dirtiest Air from Vehicles in Minnesota?*, February 3, 2020, <https://blog.ucsusa.org/cecilia-moura/who-breathes-dirtiest-air-from-vehicles-minnesota/>.

⁸⁷ Ian Duncan, *Traffic deaths increased during the pandemic. The toll fell more heavily on Black residents, report shows*, June 22, 2021, available at <https://www.washingtonpost.com/transportation/2021/06/22/black-traffic-deaths-pandemic/>.

⁸⁸ See, e.g., Yorth Group (prepared for Reconnect Rondo), *Past Prosperity Study* (July 2020), <https://reconnectrondo.com/wp-content/uploads/2021/01/Rondo-Past-Prosperity-Study.pdf>.

right these historical wrongs, reconnect communities and foster economic prosperity for people along the corridor.

It is critical that MnDOT work with government, nonprofit and community partners to identify and implement strategies to prevent displacement and ensure that the Rethinking I-94 project benefits the communities that were displaced by the highway's construction and the people who experience the highway's harms daily.

The harms of institutional racism and environmental injustice have existed for decades. As a result, even the first steps toward repairing those harms may unintentionally impact the very communities that an initiative intends to help. For example, removing lead pipes from residential buildings increases rent⁸⁹ and property values.⁹⁰ Building grocery stores in communities with limited access to fresh produce also increases property values.⁹¹ If I-94 were to be removed or significantly changed, rent and property values along the corridor would likely increase, because the pollution, noise and other impacts from the highway depress property values.

However, concerns about displacement and gentrification should not deter MnDOT from taking bold action to address the highway's historical and ongoing harms. Disinvestment and environmental injustice should not be relied upon as a tool to preserve affordability. Rather, the Rethinking I-94 project should repair the highway's harms and intentionally design and implement policies to prevent displacement and gentrification.

The Purpose and Need Statement should specifically call out preventing displacement as a goal. While we recognize that MnDOT alone lacks the authority to enact housing and land use policy, MnDOT must work with its partners to implement policies that promote economic prosperity without displacement. Examples of anti-displacement strategies and programs include community land banks, rent stabilization, tenant protection ordinances, commercial land trusts, inclusionary zoning, home purchase assistance programs and equitable development scorecards, among others. These policies must be implemented aggressively and intentionally to ensure that after

⁸⁹ Ludovica Gazze, *The Price of a Safe Home: Lead Abatement Mandates and the Housing Market*, <https://epic.uchicago.edu/events/event/the-price-of-a-safe-home-lead-abatement-mandates-and-the-housing-market/>.

⁹⁰ Mike Blackhurst, Do lead water laterals affect property values? A Case Study of Pittsburgh, PA, April 19, 2018, https://ucsur.pitt.edu/files/center/Lead_and_Property_Sales_2018-04.pdf.

⁹¹ William Van Fossen, *The Effect of Supermarket Entrance on Nearby Residential Property Values in the United States from 1997 to 2015*, April 3, 2017, available at <https://economics.yale.edu/sites/default/files/files/Undergraduate/Nominated%20Senior%20Essays/2016-17/VanFossenSeniorEssay.pdf>.

creating a generationally destructive asset, the Rethinking I-94 project doesn't cause further damage by repairing it.

E. Alternative Evaluation Criteria

In Section 5, we articulated the reasons why the proposed evaluation criteria are problematic. The table below includes suggested alternative measures for each of the elements in our proposed Purpose and Need Statement. Many of the alternative measurements were sourced from Transportation for America's "Measuring What We Value" report.⁹² The recommended list of alternative evaluation criteria is not comprehensive. We urge MnDOT to seek out technical expertise to identify evaluation criteria that better prioritize the listed community priorities.

Proposed Purpose and Need Element	Proposed Measurement
Multi-modal access	• Non-driving transportation access within 30 minutes • Number of dedicated bike/pedestrian crossings per mile • Width of sidewalks and feet of separation from roadway • Width that pedestrians/bicyclists have to cross • Housing + transportation household expenditure • Connection to employment, including separate target for low-income households • Connection to activity centers, such as schools, medical, etc. • Transit Access, measured by frequent transit (every 10-20 minutes) within the corridor • Jobs within a 45-minute transit trip • Walkscore • Bikescore
Infrastructure / facilities in good condition	• Condition of multi-modal infrastructure/facilities (not just roadway pavement and bridge condition, but also considering bike/ped facilities. Non-existence of such facilities as equivalent to a "failing" rating) • Percent of sidewalks and trails with ADA access • Pavement condition

⁹² Transportation for America, *Measuring What We Value: Setting Priorities and Evaluating Success in Transportation*, March 2015 available at <https://t4america.org/wpcontent/uploads/2015/02/Performance-Measures-Report.pdf>.

	• Bridge condition • Transit condition, measuring vehicles, stations, facilities and guideway components
Reduces transportation related fatalities and injuries	• Total fatalities for all users of the corridor, broken down by mode and cause • Total serious and minor injuries for all users of the corridor – broken down by mode and cause • Model future expected transportation-related fatalities and injuries, including bike/ped
Reduces air and noise pollution	• Model current and future estimated emissions of criteria pollutants from transportation sources in the corridor • Measure current and model estimated future transportation-related noise levels along the corridor and at sensitive locations (e.g., schools, health care facilities) • Chronic disease rates by census tract, prioritizing environmental justice communities • Mobile source emissions
Supports climate goals	• Average daily traffic • Annual vehicle miles traveled by locations along the corridor • Expected greenhouse gas emissions and reductions from base levels • Model induced demand⁹³ • Impervious surface area, current and estimated future • Mobile source emissions • Energy efficiency of transportation facilities, such as street lights, signals, facilities, etc. • Fossil fuel use per trip, including all modes • Mode shift/mode split, baseline compared to future estimated • Carbon sequestered
Facilitates community cohesion and local economic	• Return on investment/benefit-cost analysis • Ability to financially maintain project • Tax yield per acre • Multi-modal access to businesses

⁹³ SHIFT Calculator, <https://shift.rmi.org/>

prosperity without displacement	• Number of new bike/ped crossings • New policies to prevent displacement, encourage local and BIPOC ownership, generation of community wealth (qualitative) • Measures of potential displacement
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Conclusion

In conclusion, we ask MnDOT to reconsider its approach to the Rethinking I-94 project. We urge MnDOT to revise the Purpose and Need Statement and related project documents as we have proposed to fully incorporate community needs and goals into the project's process and core documents. We also ask that MnDOT designate a larger, more comprehensive program area and formulate the evaluation criteria to allow for a full and fair consideration of a range of multi-modal and land use alternatives. This would truly be a genuine "rethinking" of the I-94 corridor.

Thank you for your consideration. We look forward to hearing from you about these recommendations.

Sincerely,

Cedar Riverside Community Council,
Tola Vann, Executive Director of
Operations and Development

Creative Enterprise Zone, Angela
Casselton, Interim Executive Director

Elliot Park Neighborhood Association,
Kim Forbes, Board President

Environmental Law and Policy Center,
Howard A. Learner, President and
Executive Director

Fresh Energy, Anjali Bains, Lead
Director, Energy Access and Equity

Hamline Midway Coalition, Sarah
O'Brien, Director

Health Professionals for a Healthy
Climate, Brenna Doheny, Executive
Director

ISAIAH, Doran Schrantz, Executive
Director

Lexington-Hamline Community Council,
Amy Gundermann, Executive Director

Macalester-Groveland Community
Council, Alex Golemo, Executive
Director

Midtown Greenway Coalition, Soren
Jensen, Executive Director

MN350, Sam Grant, Executive Director

Move Minnesota, Sam Rockwell,
Executive Director

Neighborhoods First!, Paul Busch,
Board Chair

Our Streets Minneapolis, Ashwat
Narayanan, Executive Director

Prospect Park Association, Eric Amel,
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Redesign Inc., Sheldon Mains, President

Resilient Cities and Communities, Sean
Gosiewski, Director

Seward Neighborhood Group, Lisa
Boehlke, Board President

Sierra Club North Star Chapter,
Margaret Levin, State Director

St. Anthony Park Community Council,
Kathryn Murray, Executive Director

St. Paul 350, Chelsea DeArmond, Chair

St. Paul Bike Coalition, Andy Singer,
Co-Chair

Sustain St. Paul, Luke Hansen, Co-Chair

TakeAction MN, Elliane Farhat,
Executive Director

The Alliance, joo hee pomplun,
Executive Director

Union Park District Council,
Abdulrahman Wako, Executive Director

Appendix A: Logical Termini Should Not Limit Multi-modal Approach

Logical Termini should facilitate essential transit improvements both in the corridor and connected to the corridor.

BRT in the Corridor

An obvious key goal of this project should be to provide full Bus Rapid Transit (BRT) on the Rethinking I-94 corridor itself. To complement transit service on Green Line LRT, BRT on I-94 should provide express service between the downtowns with a limited number of stations in between. To maintain speed for transit riders, those stations should be online stations, ideally connecting to perpendicular frequent arterial Bus Rapid Transit (aBRT) service, similar to the station currently under construction at Lake Street and 35W⁹⁴. An online station at I-94 and Snelling which connects to A-Line arterial BRT⁹⁵ within walking distance of the soccer stadium is a great example. A second station in Minneapolis that serves the University of Minnesota and another online station at Dale Street in Saint Paul are logical and would still provide much faster downtown-to-downtown service than Green Line LRT can provide.

Connecting to Other BRT Lines

Quality transit service must be designed as a network and building full BRT in this corridor would maximize the return on investment of other planned BRT investments already underway. The METRO Orange Line Bus Rapid Transit⁹⁶ (BRT) from the southern suburbs to downtown Minneapolis will open later this year. The METRO Gold Line⁹⁷ BRT from the eastern suburbs to downtown Saint Paul and METRO Rush Line⁹⁸ BRT from the northern suburbs to downtown Saint Paul are also planned. Connecting these three lines with full BRT on I-94 would close a gap and is the next logical and necessary next expansion of the regional rapid transit system.

Lessons Learned from Orange Line

⁹⁴ Metro Transit, I-35W Lake Street Station, <http://www.metrotransit.org/i-35w-lake-street-station>.

⁹⁵ Metro Transit, What is the METRO A Line?, <https://www.metrotransit.org/a-line>.

⁹⁶ Metro Transit, Orange Line Project: Project Information, <http://www.metrotransit.org/orangeline>.

⁹⁷ Metro Transit, METRO Gold Line BRT Project, <http://www.metrotransit.org/gold-line-project>.

⁹⁸ Rush Line BRT Project, <https://www.ramseycounty.us/residents/roads-transit/transit-corridors-studies/rush-line-brt-project>.

This region knows from the extensive multi-agency collaboration to build Orange Line BRT that it is *essential* for BRT to not just reach the edge of each downtown. To be successful, BRT must continue *through* each downtown with multiple stops bringing riders as close as possible to their destinations. Orange Line BRT on I-35W can open later this year and succeed only because the MARQ2⁹⁹ facility was built through downtown in 2009 as part of the Urban Partnership Agreement¹⁰⁰. FHWA subsequently quantified¹⁰¹ the benefits of integrating transit and congestion pricing.

It is important to note that these comments related to I-35W should not be read to suggest that MnDOT should simply replicate that project in its entirety on I-94. That is not what is recommended here. But some obvious benefits of the I-35W project, like Bus Rapid Transit with online stations, could be incorporated into the Rethinking I-94 project without the cost and negative impacts of reconstructing the freeway and adding lanes.

It is also important to note here that there is no need - from a transit perspective - to include the Lowry Tunnel in this project. Following the example of Orange Line BRT, future BRT on I-94 should not go *around* downtown Minneapolis, but should enter downtown from the 7th Street on-ramp and run through downtown. City of Minneapolis transportation planners have been anticipating this for years since its construction. Likewise, BRT buses must be able to run through downtown Saint Paul bringing riders as close as possible to their destinations. To maximize ridership BRT on I-94 should perhaps be combined with the planned Gold Line as a single continuous service. This must be studied.

The logical termini should not only allow for, but should actively encourage, full BRT in the Rethinking I-94 corridor since it is the most obvious tool to provide improved transit access and reduce VMT.

Network Beyond the Corridor

The selection of Logical Termini must also not preclude consideration of the effects of possible new transit services that reach beyond the boundaries of the I-94 corridor itself.

⁹⁹ NACTO, Marquette & 2nd Avenues, Minneapolis, MN, <https://nacto.org/case-study/16905/>.

¹⁰⁰ Federal Highway Administration Urban Partnership Agreement project in Minneapolis, 2007-2011. <https://ops.fhwa.dot.gov/congestionpricing/agreements/minneapolis.htm>

¹⁰¹ Federal Highway Administration PowerPoint summarizing results from the Urban Partnership projects in Minneapolis and Miami. https://www.fhwa.dot.gov/ipd/pdfs/tolling_and_pricing/resources/webinars/webinar_congestion_pricing_102711.pdf

In addition to not reaching far enough east and west to encourage the impact of full highway BRT, the program area must extend north and south of the freeway itself to encompass the origins and destinations of people who live in Saint Paul and Minneapolis and currently drive to use I-94. Providing as many of those people as possible with high-quality non-driving transportation options should be the goal.

As noted above, transit service must form a well-connected network to be useful and MnDOT must consider the current and planned new transit corridors which have the potential to reduce trips on I-94. They include:

- METRO B Line¹⁰² arterial BRT on Lake Street/Selby Avenue (fully funded)
- METRO G Line¹⁰³ arterial BRT on Rice/Robert (planned)
- METRO H Line¹⁰⁴ arterial BRT on Como/Maryland (planned)
- Future arterial BRT lines identified as mid-term like West Broadway/Cedar Avenue¹⁰⁵ or longer-term like Grand Avenue¹⁰⁶
- Increased frequency on non-BRT bus routes that connect neighborhoods north and south of I-94 to either Green Line LRT and/or future highway BRT service on I-94

Any plans for I-94 should fully consider the potential for increased transit ridership and reduced VMT if this whole network of rapid transit service were constructed. The program area under consideration should extend at least as far north as Como/Maryland and at least as far south as Grand.

¹⁰² Metro Transit, B Line Project, <https://www.metrotransit.org/b-line-project>.

¹⁰³ Metro Transit, Network Next, <https://www.metrotransit.org/network-next>.

¹⁰⁴ Metro Transit, Network Next, <https://www.metrotransit.org/network-next>.

¹⁰⁵ Metro Transit, <https://www.metrotransit.org/Data/Sites/1/media/network-next/nn-brt-evaluation-resultsdec2020.pdf>.

¹⁰⁶ Metro Transit, Arterial BRT Corridor Evaluation: Network Next, December 2020, https://www.metrotransit.org/Data/Sites/1/media/network-next/nn-brt-evaluation-results_dec2020.pdf.

Appendix B: Recommended Project Alternatives

As MnDOT staff has begun the process of designing initial project alternatives, we feel that it would be valuable to inform the draft Purpose and Need Statement and the future Scoping Decision Document by discussing potential alternatives that would meet the stated community priorities.

Replacing I-94 with a slower-speed, multi-modal roadway, with a smaller footprint and frequent crossings, could achieve many of the community priorities that are described in this letter. Such projects are often referred to as “highway to boulevard conversions.” The Congress for New Urbanism profiles a number of highway-to-boulevard projects on its website.¹⁰⁷ Such a project could include:

- New dedicated bicycle and pedestrian facilities that span that entire length of the corridor
- A reconnected street grid with more frequent crossings that provide safe access for all users
- Dedicated transit lanes and new stations to accommodate new rapid transit service
- A reduced footprint, returning unused right-of-way to local municipalities and/or community land trusts
- Fewer lanes for general automobile traffic with reduced design speeds
- Expanded green infrastructure

A project with these elements would help to accomplish community priorities for the Rethinking I-94 project. Robust infrastructure for people walking, rolling, biking and taking transit would expand transportation access along and across the corridor. Increasing multi-modal transportation options while reducing lanes for general automobile traffic is critical for improving transportation access and reducing VMT. This would improve public health by reducing air and noise pollution and help to accomplish climate and transportation goals. Increased multi-modal access combined with slower speeds would also improve safety by reducing fatalities and serious injuries for all users.

¹⁰⁷

<https://www.cnu.org/publicsquare/2020/08/17/federal-highways-boulevards-program-infrastructure-project-healthy-and>, <https://www.cnu.org/our-projects/highways-boulevards>.

Highway-to-boulevard conversions have the potential to increase local economic development, reconnect communities and facilitate more equitable outcomes.¹⁰⁸ By shrinking the footprint, right of way could be returned to local municipalities. Communities along the corridor could then decide how to repurpose the land. This could include uses like affordable housing, commercial space for local businesses and new greenspace. As was previously mentioned, programs like community land banks would need to be implemented to ensure that historically impacted communities would benefit and that current residents along the corridor would not be displaced. In addition to the other listed project components, reducing the footprint and repurposing right of way would help to improve sense of place and reconnect the communities that were severed by I-94's construction. Reducing the amount of impervious surface and expanding green infrastructure would also improve stormwater management, mitigate the urban heat island effect and create a better experience for people traveling along and across the corridor.

A Rethinking I-94 project that included the aforementioned elements would help to improve equity and reduce disparities in transportation access, health outcomes, traffic fatalities and homeownership. It is critical that all project alternatives are developed in partnership with local residents, with priority given to historically impacted communities and residents who disproportionately experience I-94's harms. MnDOT should provide community groups and organizations with the resources necessary to conduct meaningful engagement about project alternatives and co-create the vision for the corridor.

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<https://www.lincolnst.edu/publications/articles/2020-03-deconstruction-ahead-urban-highway-removal-changing-cities>.