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MEMORANDUM

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Thomas L. Johnson**

TO: Jim Grube
FROM: Tom Johnson *Tom*
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DATE: January 14, 2002
SUBJECT: Saturday Afternoon Meeting regarding I-35W (January 12, 2002)

Commissioners Peter McLaughlin and Gail Dorfman invited Craig Anderson and I to a meeting arranged by Council Member Dan Niziolek with several other elected officials regarding the I-35W access project and Mn/DOT's requirement for HOV accommodations. I brought along and distributed copies of the motion passed by the PAC on December 18 and the two page cost estimate/participation document distributed during our Friday meeting with Mn/DOT. Legislators in attendance were Senators Julie Sabo and Linda Berglin, and Representatives Karen Clark and Neva Walker. Mayor R.T. Rybek was in attendance supported by Peter Wagenius who now works for the Mayor. From the County, Peter McLaughlin was there as was Kerri Pearce-Ruch from Gail Dorfman's office. In addition to Dan Niziolek, Scott Benson, Dean Zimmerman and Robert Lilligren were also there from the City Council. Three or four council staff members were there. Former Council Member Dore Mead was also in attendance. From the Project Advisory Committee Craig Anderson and Antonio Rosell and Robert Lilligren attended. We discussed the make up of the PAC and the project's overall status. The construction schedule was also discussed. The results of the Friday meeting with Mn/DOT were presented by Craig and myself.

Dan Niziolek chaired the meeting and did an excellent job of keeping the group focused as they discussed the I-35W Access Project. I was really quite impressed with his ability to grasp the facts and run meetings. The purpose of the meeting, as described by Dan, was to reach a consensus on the project given its status change as required by Mn/DOT accommodating the HOV lanes. All elected officials were very disturbed that Mn/DOT would insert this requirement at a point nearly three years after the project was initiated by the Phillips Partnership. I tried to frame the issue in the context of the legislature imposing a moratorium on the Crosstown and requiring a study that looked at capacity improvements and that this has influenced Mn/DOT's review of the Access Project. They responded by saying that Mn/DOT has been less than candid in their discussions with the Partnership and the PAC. The context of this discussion was, as reminded by Dan, to conclude what their position should be now regarding the Access Project.

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Robert Lilligren was voicing his objection to the fly-over ramp to 28th street saying that it was unnecessary and required too much right-of-way. He had obviously been talking with others from the city previous to this meeting because Mayor Rybek also suggested that it was an issue to discuss. I explained that the project components were essentially a "house of cards" and that to pull one piece out would cause serious ramifications for others. To this point, I quoted our past studies that indicate that the fly-over is needed in order to provide the Northbound entrance and Southbound exit without gridlock on Lake Street. My response seemed to satisfy everyone except Lilligren, who complained that he had not heard this explanation previously. I will be sending him a letter attaching minutes and other handouts from PAC meetings where we discussed this issue quite a long time ago.

Senator Linda Berglin pointed out that acceptance of an interchange at 38th street had not been provided by the affected neighborhoods or residents. I explained that we have been meeting with Jim Cook and other representatives from the Sabathani Center addressing their concerns and have virtually reached an agreement with the Kingfield neighborhood group regarding the mitigation/enhancement package.

At that point Dan Niziolek said that he did not want the meeting to become one where specific components of the access project were being debated and that he was looking for a consensus as to whether the access project should proceed or not. Craig Anderson emphasized that the Access Project was still a work in progress and that specific components were being dealt with involving the appropriate neighborhood groups.

Mn/DOT's lack of funding needed for the current Crosstown Proposal and the HOV lanes and the accommodations north of 46th Street was discussed at length. Legislators doubted that Mn/DOT would have this large amount of money available very soon. Legislators felt that this was to their advantage because it gives them time to de-rail Mn/DOT's efforts. Several Council members agreed. Mayor Rybek did not express an opinion other than to say that he opposed HOV lanes but did not yet have a full perspective on the situation. He indicated that Peter Wagenius would be handling this issue for him. Later in the meeting Peter Wagenius admonished everyone that they should be considering Mn/DOT's requirement for HOV lanes to be actually a requirement for adding additional lanes since everyone in the meeting had expressed doubt that these lanes would be restricted for HOV use for very long. Wagenius, Niziolek, and several others said that we should look at the use of shoulders for buses instead of new lanes as requested by Mn/DOT. Cost would be minimal and they would not likely convert well to all-purpose lanes. This logic, they felt, would appeal to Legislators this session. I pointed out that Nacho Diaz had explained during the Crosstown Advisory Committee meeting last Wednesday that shoulder bus lanes were a poor substitute for HOV lanes and would not be available for car pools. Legislators seemed to disagree that carpooling is a form of transit. Given their perceived differences in cost, Wagenius dismissed Nacho's comments.

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Attendees did not, however, conclude this discussion by requesting the PAC stop examining new median lanes while looking at shoulder bus lanes.

Dore Mead recommended that the PAC keep developing preliminary design layouts, but on the basis of two options: 1) accommodating future HOV lanes; and 2) not accommodating HOV lanes, but using shoulders for buses. This would allow an opportunity for everyone to continue comparing the cost of each.

Craig Anderson asked the group several times if they desired the PAC to stop working on the Access Project. Peter McLaughlin gave an excellent summary of how and why the project was started and how it relates to the full mission of the Partnership. In response to Craig, all agreed to continue supporting the Access Project and Dan Niziolek emphasized that Mn/DOT should not be allowed to control the construction schedule by requiring, but not funding, the HOV lane accommodations. He went on to say that when construction of the Access Project is scheduled to begin, Mn/DOT must either provide the \$97 million necessary for the accommodations or withdraw their request to include them within the project's design. Others agreed. Many expressed doubt regarding Mn/DOT's sincerity to fund mitigation/enhancement at the \$25.8 million level because Mn/DOT does not feel any responsibility for helping the Minneapolis neighborhoods to better accept the freeway.

Senator Sabo very effectively communicated that Mn/DOT is going too far in dictating the terms of the Access Project and that in the context of larger transportation issues, they will need to see the benefit in negotiating and compromising on I-35W in order to gain legislative approval for other Mn/DOT initiatives. She did not elaborate, but expressed her strong support for the Access Project while saying that Mn/DOT needs to seek compromise rather than the "their way or no way" approach.

Antonio Rosell continued to bash the Access Project saying that its initial objectives were flawed. He keeps saying that big business and big government are collaborating to the detriment of neighborhood residents. As a populist, he seems to be effective, but in this instance Peter McLaughlin, Craig Anderson and I kept responding to his rhetoric with facts leaving others the impression that he is more of a "bomb thrower" than a serious critic of the project.

As the meeting concluded, I began hearing the strongest support for the Access Project ever expressed by Council Members and Legislators. Mayor Rybek also expressed support. I now know that they are unwilling to sacrifice the Access Project in effort to kill the HOV lanes. They will, however, continue to fight the placement of new HOV lanes in the center-median.

In conclusion, there are two points that we should discuss with the Technical Advisory Committee:

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1. Use of shoulders for buses as an alternative to placing HOV lanes in the median. I also know that we have discussed this and found several disadvantages, but it looks like we should revisit and document our conclusions. I know that this is not within the scope of our responsibility, but it is probably needed in order to keep moving forward.
2. Prepare two sets of layouts, one that accommodates HOV lanes and the other that does not. This will, however, when submitted to Mn/DOT, put them in the position of saying no to the layout without the accommodation raising the level of controversy making resolution even more difficult.

Jim, please give me a call when you can to discuss this meeting and our Friday meeting at Mn/DOT.

cc. Louis Smith