

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
MINNESOTA DIVISION**

**ADMINISTRATIVE ACTION
FINDING OF NO SIGNIFICANT IMPACT**

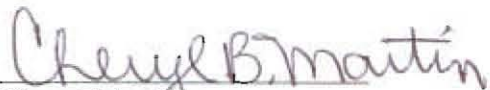
Minnesota State Project Number 19-623-23, 19-623-24, 19-623-25, 19-596-06, and 19-596-05

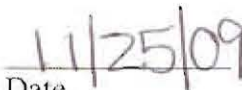
Cedar Ave Corridor Transitway Project from
138th Street in the City of Apple Valley to County Highway 70 in the City of Lakeville
In Dakota County, Minnesota

The proposed project consists of implementing shoulder-running Bus Rapid Transit (BRT) on Cedar Avenue between 138th Street and County Highway 70 (approximately 7.7 miles), access modifications, turn lanes, noise barrier, and capacity expansion between 153rd Street and 160th Street.

The Federal Highway Administration has determined that the proposed improvements, as described in the Environmental Assessment (EA) will have no significant impacts on the human environment. This FONSI is based on the attached EA which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impact of the proposed project and appropriate mitigation measures.

The EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the EA for the subject project.


Cheryl Martin
Acting Division Administrator
Federal Highway Administration


Date

FEDERAL HIGHWAY ADMINISTRATION
and
STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
and
DAKOTA COUNTY

**ENVIRONMENTAL ASSESSMENT UPDATE/
REQUEST FOR FINDING OF NO SIGNIFICANT IMPACTS**

FOR

State Project No.: S.P. 19-623-23; 19-623-24; 19-623-25; 19-596-06; and 19-596-05

Cedar Avenue Corridor Transitway Project
From 138th Street to County Highway 70
in
the Cities of Apple Valley and Lakeville, Dakota County, Minnesota

PROPOSED PROJECT: Implementation of shoulder-running Bus Rapid Transit (BRT) on Cedar Avenue between 138th Street and County Highway 70, a distance of approximately 7.7 miles. Other transportation improvements along the Cedar Avenue corridor include access modifications, capacity expansion between 153rd Street and 160th Street, and right-of-way acquisition.

Recommended for Approval:



Dakota County Engineer

11/3/09
Date


Reviewed and Recommended for Approval:



District State Aid Engineer

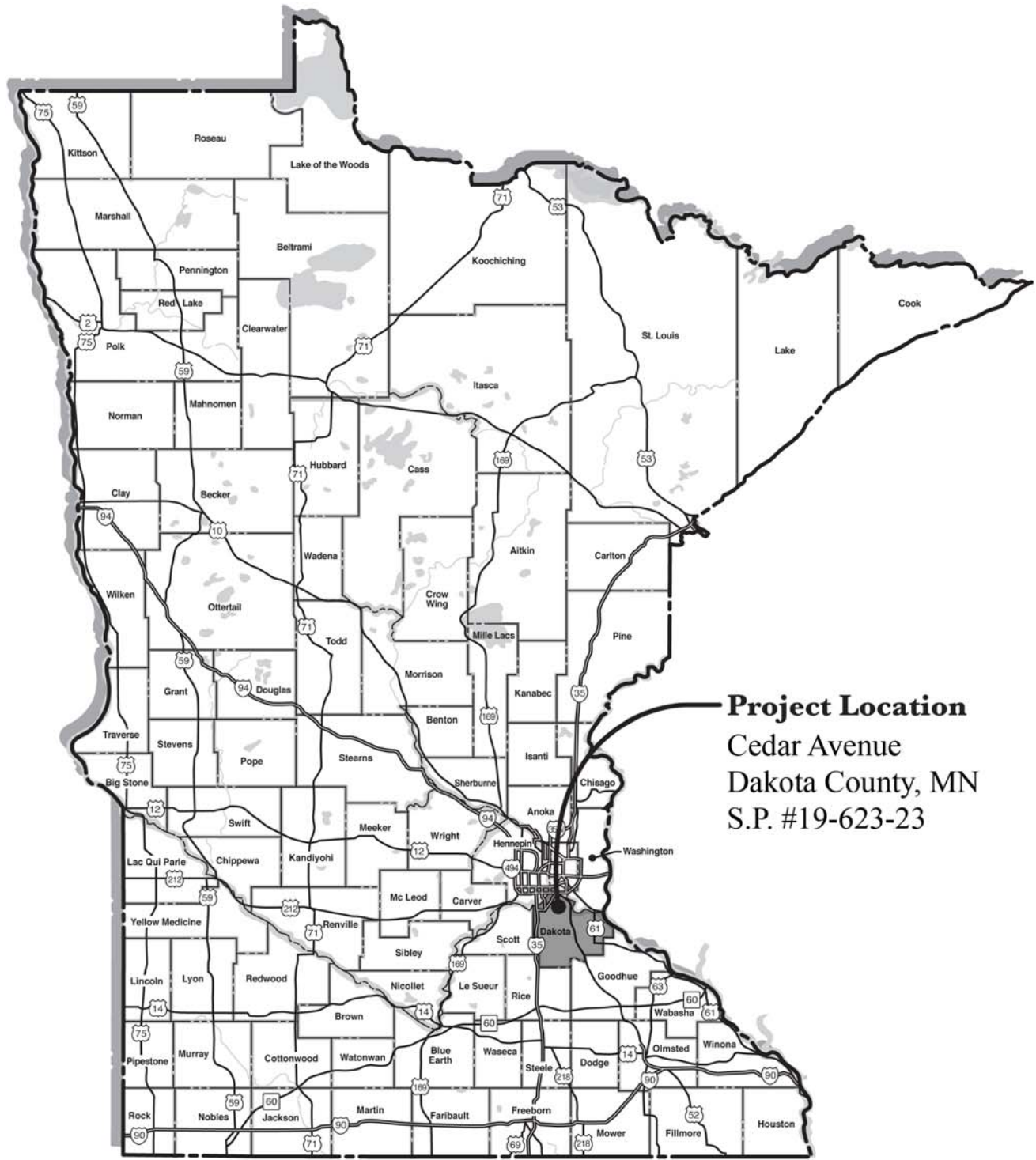
11/6/09
Date

Approved:




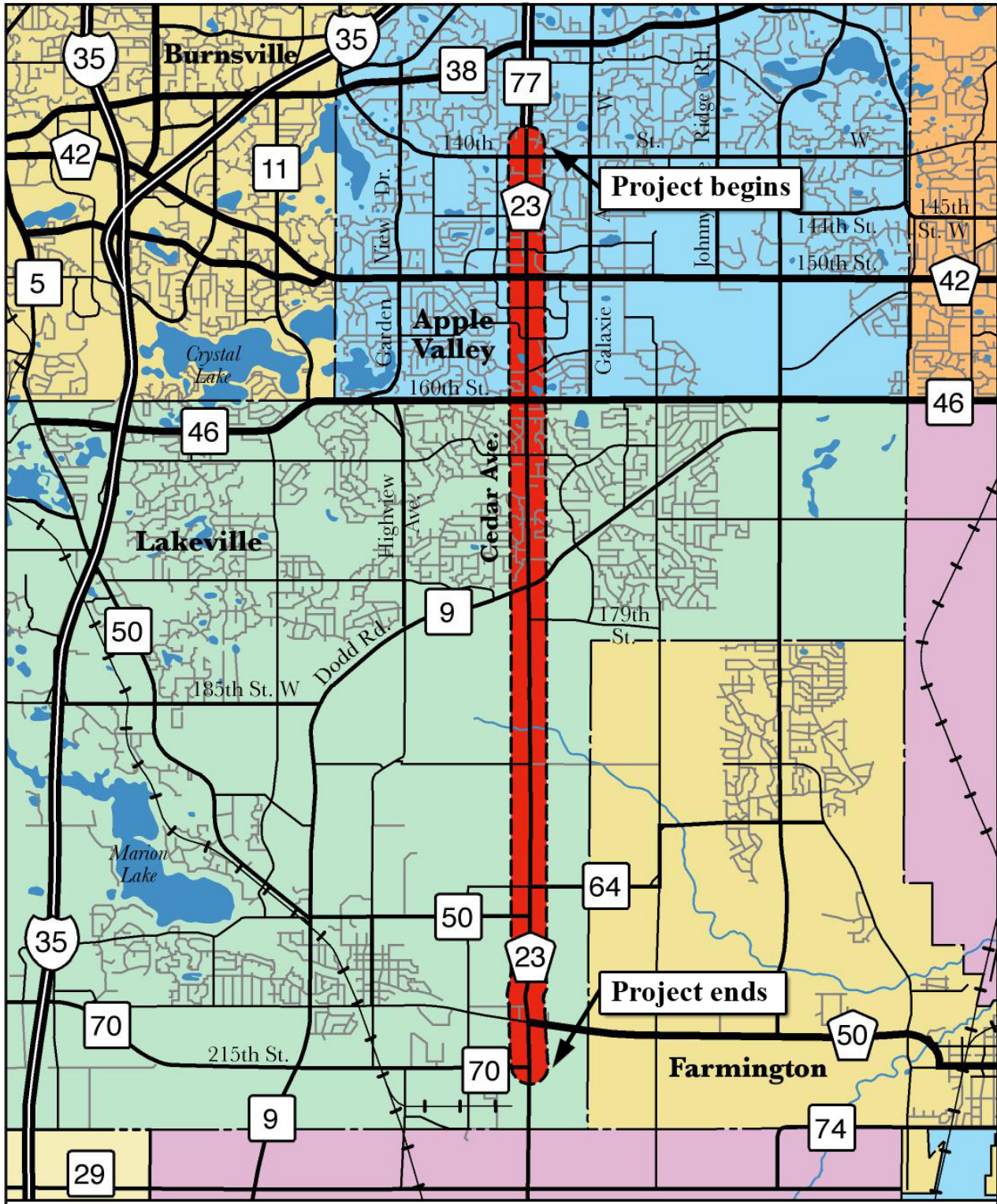
State Aid Engineer, State Aid for Local Transportation

11/9/09
Date



Project Location
 Cedar Avenue
 Dakota County, MN
 S.P. #19-623-23

<p>Cedar Avenue Corridor Transitway Preliminary Design and Environmental Review</p>	<p>Figure 1 State Location Map</p>	 North
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**Cedar Avenue
Corridor Transitway**
Preliminary Design
and Environmental Review

Figure 2
Project Location Map
S.P. #19-623-23



Table of Contents

I.	OPENING STATEMENT	1
II.	PROPOSED ACTION	2
III.	SOCIAL, ECONOMIC, AND ENVIRONMENTAL IMPACTS	8
	A. RIGHT-OF-WAY	8
	B. EA MODIFICATIONS	8
IV.	PROPOSED MITIGATION	11
	A. RIGHT-OF-WAY	11
	B. NOISE	12
V.	ENVIRONMENTAL REVIEW PROCESS/PUBLIC HEARING REQUIREMENTS	15
	A. AGENCY COMMENTS AND RESPONSES	15
	Minnesota Department of Transportation	16
	Minnesota Department of Natural Resources	18
	Minnesota Pollution Control Agency	19
	Metropolitan Council	22
	City of Apple Valley	25
	Apple Valley Chamber of Commerce	28
	B. SUMMARY OF PUBLIC COMMENTS AND RESPONSES	34
	1. Paul Graffunder, 7525 W 147th Street, Apple Valley (letter)	34
	2. Time Square Shopping Center, 5005 Old Cedar Lake Road, St. Louis Park (letter)	34
	3. Apple Valley Tire & Auto Service, Inc., 14580 Glenda Drive, Apple Valley (letter)	35
	4. Robert Milis, 7915 Lower 139th Court W, Apple Valley (e-mail)	35
	5. Steve Burk (e-mail)	36
	6. Nanette Eilers, 17100 Glencoe Avenue, Lakeville (e-mail)	36
	7. Unknown (comment card)	37
	8. Binoy Panicker (comment card)	37
	9. Dale Mrozinski, 13389 Georgia Circle (comment card)	37
	10. Unknown (comment card)	37
	11. Patrick McNamara, 8680 Asatic Avenue, Inver Grove Heights (comment card)	37
	12. Ron Kveton: Owner – Old Piper and Valley Park Mall (hearing transcript)	38
	13. John Anderson (hearing transcript)	38
	14. Tim Silbernagel: representing Mount Olivet Assembly of God, Apple Valley (hearing transcript)	38
	15. Gary Humphrey, 15835 Highland Point Court, Apple Valley (hearing transcript)	38
VI.	RECOMMENDATION FOR FINDING OF NO SIGNIFICANT IMPACT	40
VII.	PROJECT MANAGER	41

LIST OF TABLES

Table 1 – Traffic Noise Analysis - Wall Assessment Summary.....15

LIST OF FIGURES

Figure 1 – County Location Map.....i
Figure 2 – Project Location Mapii
Figure 3A - 3E – Preferred Alternative 3 - 7

LIST OF APPENDICIES

Appendix A Cedar Avenue Noise Wall - Utility Impacts Memorandum
Appendix B EQB Distribution List
Appendix C Affidavit of Publication and Public Hearing Certificate of Compliance
Appendix D Public Hearing Transcript
Appendix E Public Comments
Appendix F Dakota County Board of Commissioners Negative Declaration Resolution

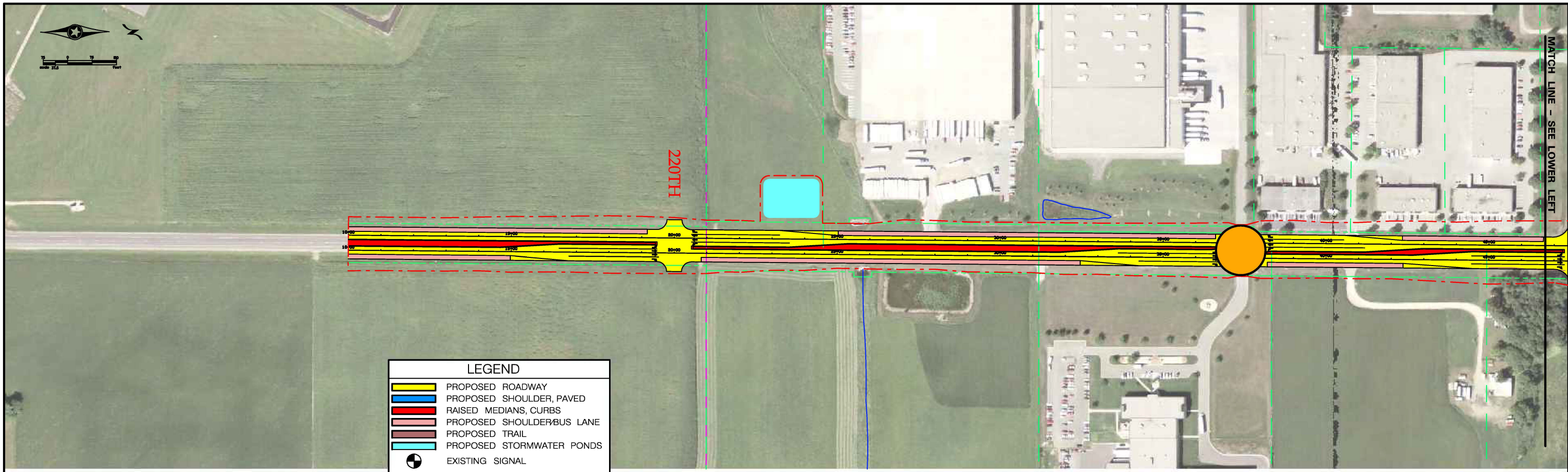
I. OPENING STATEMENT

This Environmental Assessment (EA) Update provides new information regarding the action, environmental issues, and mitigation measures since the approval of the EA on November 7, 2008, documents the public and agency involvement process, includes a statement that an EIS is not necessary, and requests a Finding of No Significant Impact (FONSI) by the FHWA.

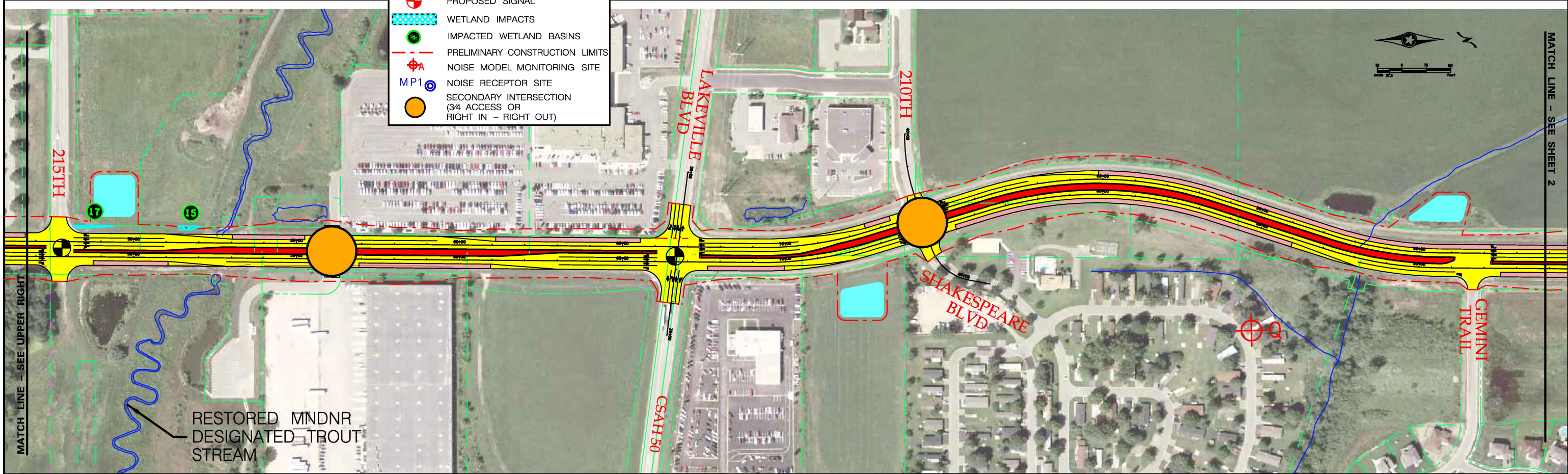
II. PROPOSED ACTION

The following section describes design changes to the project that have occurred since publication of the EA in November 2008. The changes have been driven by continued efforts to refine the project to best reflect a balance between the mobility needs along Cedar Avenue, access for adjacent and surrounding land use, and overall safety. A substantial amount of public involvement has played a role in the development of these modifications to include public open houses in both Apple Valley and Lakeville. In addition, the Apple Valley and Lakeville City Councils have endorsed the modifications described below and illustrated in Figures 3A-3E.

- 157th Street Modifications – Figure 3D reflects additional modifications at the 157th Street intersection to include dual left turn lanes from westbound 157th Street to southbound Cedar Avenue. This modification responds to refined analysis associated with the proposed Apple Valley Transit Station which indicated the need for additional capacity to accommodate traffic departing the station in the PM peak hour.
- 162nd Street Modifications – The proposed project has been modified to include removal of the existing traffic signal at 162nd Street and converting the intersection to $\frac{3}{4}$ access with stop control at the 162nd Street approaches (see Figure 3D).
- Griffon Trail – Figure 3D reflects that the Cedar Avenue/Griffon Trail intersection has been modified to include a new traffic signal. The EA had originally indicated that the intersection would be full access with stop control at the Griffon Trail approaches.
- Upper 167th Street – The proposed project has been modified to include conversion of the Upper 167th Street intersection from full access with stop control on Upper 167th Street to right-in/right-out access with stop control on Upper 167th (see Figure 3D).
- Dodd Boulevard (CSAH 9) – As noted in the EA, Dodd Boulevard is planned to transition from the existing full access condition to a $\frac{3}{4}$ access intersection. However, as depicted in Figure 3C, the intersection will continue as full access until 179th Street is extended from Cedar Avenue to connect with Dodd Boulevard west of the project area. With this new connection, 179th Street will become the primary roadway and the existing Cedar Avenue/Dodd Boulevard intersection will transition to $\frac{3}{4}$ access.
- Interim full access at 181st Street - The EA reflected right-in/right-out access for two private driveways across Cedar Avenue from each other. The revised proposal is for an interim full intersection to allow for bus access to the new Lakeville–181st Street park and ride lot and egress to the south for transit users. In the future an on-line BRT station is planned at this location. At the time a new street connection is provided to 179th Street the full access at 181st Street will be modified to $\frac{3}{4}$ access.
- 183rd Street – The EA did not indicate an intersection at 183rd Street. Figure 3C reflects that a $\frac{3}{4}$ access intersection will be constructed at this location when land development occurs.
- South of 185th Street – Figure 3A-3C reflect that access along Cedar Avenue will be developed primarily in accordance with Dakota County access spacing guidelines which identify full access at $\frac{1}{2}$ mile intervals and secondary access (either $\frac{3}{4}$ or right-in/right-out access) at the intermediate $\frac{1}{4}$ mile intervals. There are some exceptions to this at locations where existing roadway intersections occur at different spacing intervals such as 202nd Street. It is anticipated that all existing full access locations will be maintained until such time alternate access is provided via the local road system or traffic safety conditions warrant a change.

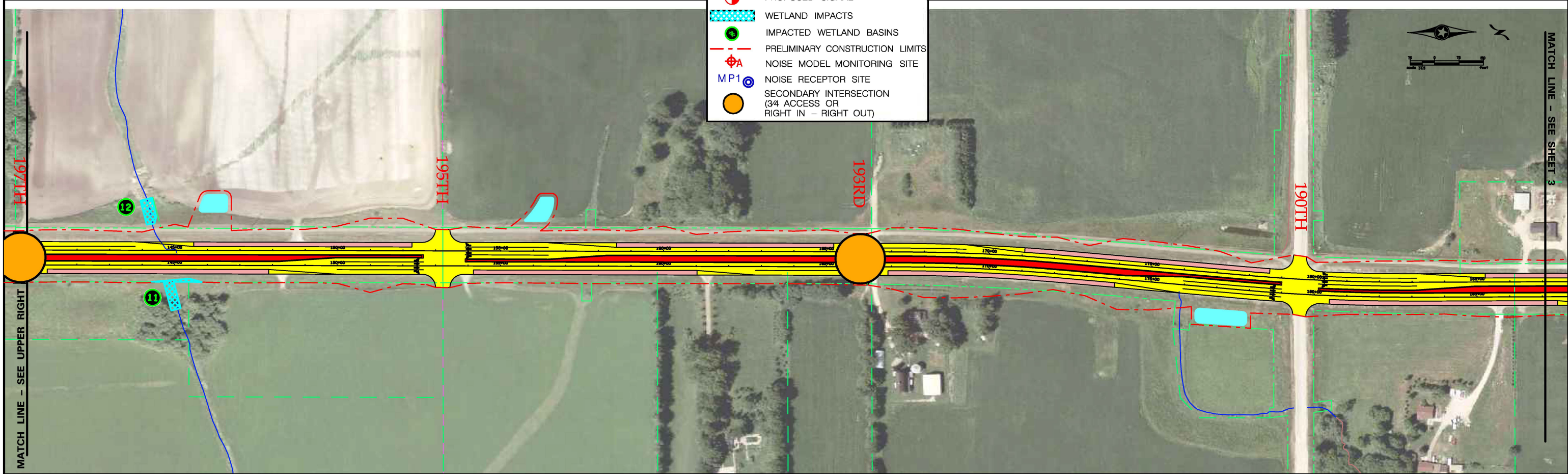
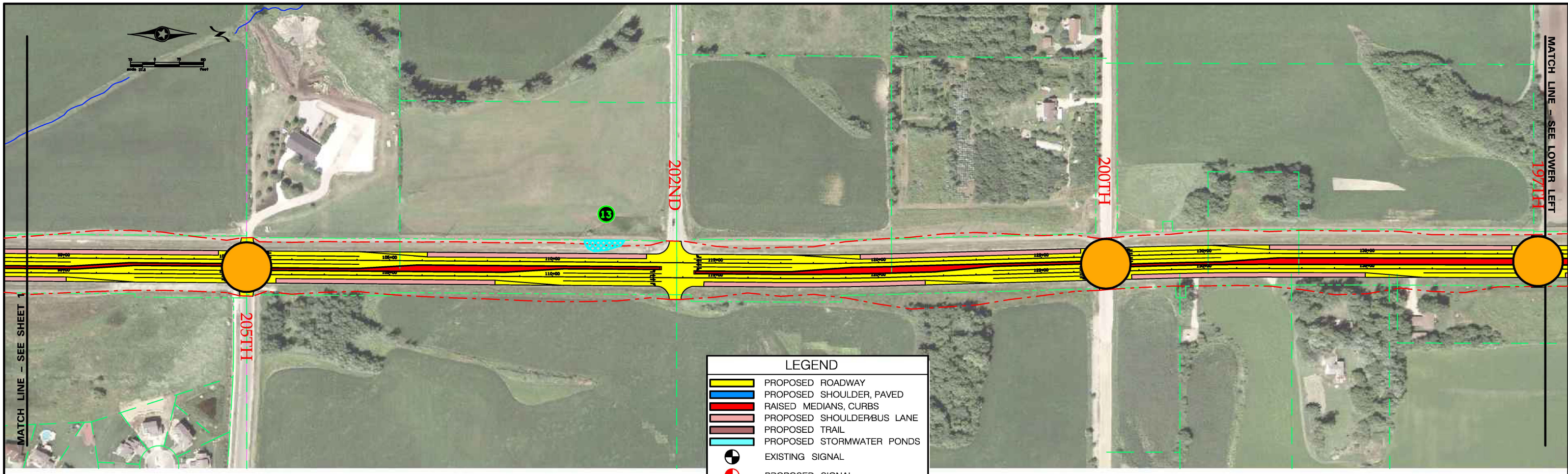


LEGEND	
	PROPOSED ROADWAY
	PROPOSED SHOULDER, PAVED
	RAISED MEDIANS, CURBS
	PROPOSED SHOULDER/BUS LANE
	PROPOSED TRAIL
	PROPOSED STORMWATER PONDS
	EXISTING SIGNAL
	PROPOSED SIGNAL
	WETLAND IMPACTS
	IMPACTED WETLAND BASINS
	PRELIMINARY CONSTRUCTION LIMITS
	NOISE MODEL MONITORING SITE
	NOISE RECEPTOR SITE
	SECONDARY INTERSECTION (3/4 ACCESS OR RIGHT IN - RIGHT OUT)



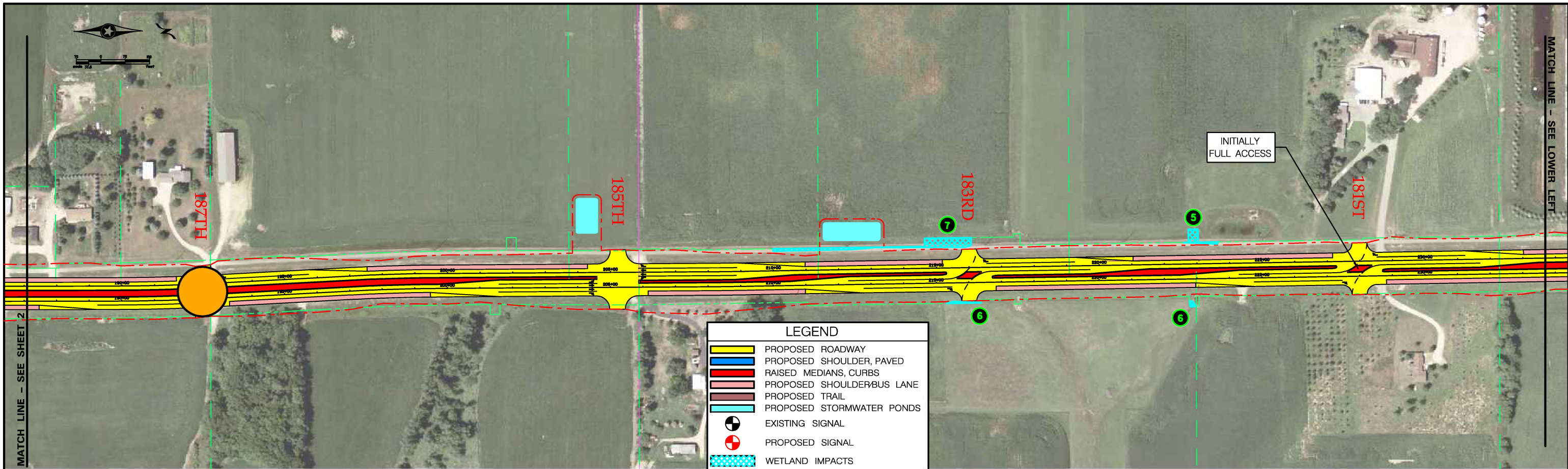
DAKOTA COUNTY, MN.
CEDAR AVENUE TRANSITWAY STUDY - EA UPDATE
 PREFERRED ALTERNATIVE

FIGURE 3A



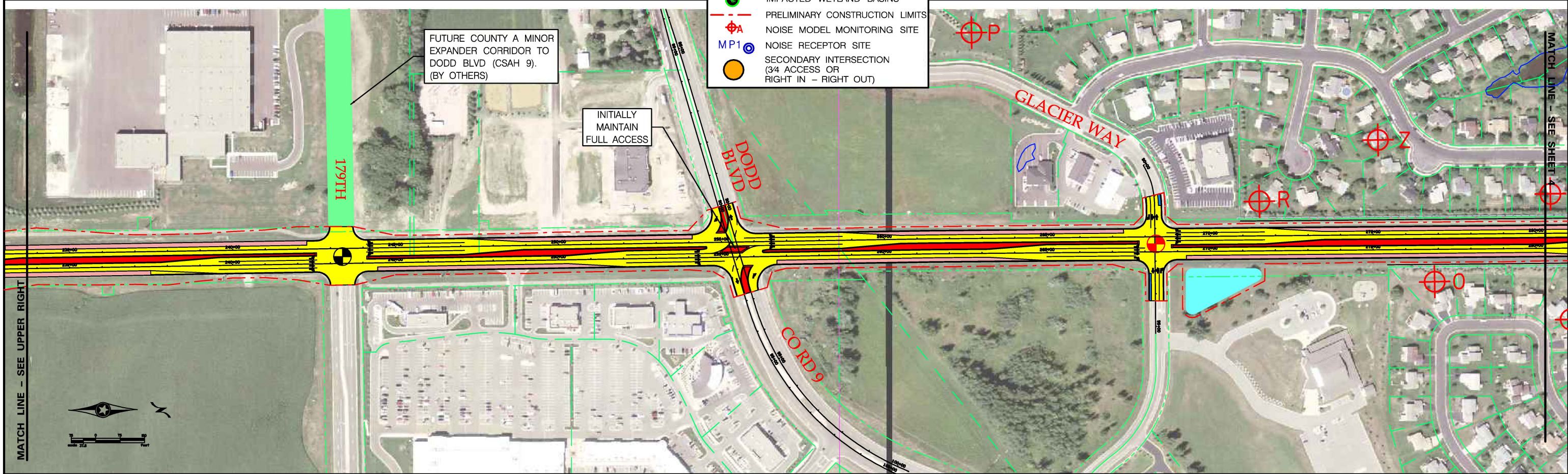
DAKOTA COUNTY, MN.
CEDAR AVENUE TRANSITWAY STUDY - EA UPDATE
 PREFERRED ALTERNATIVE

FIGURE 3B



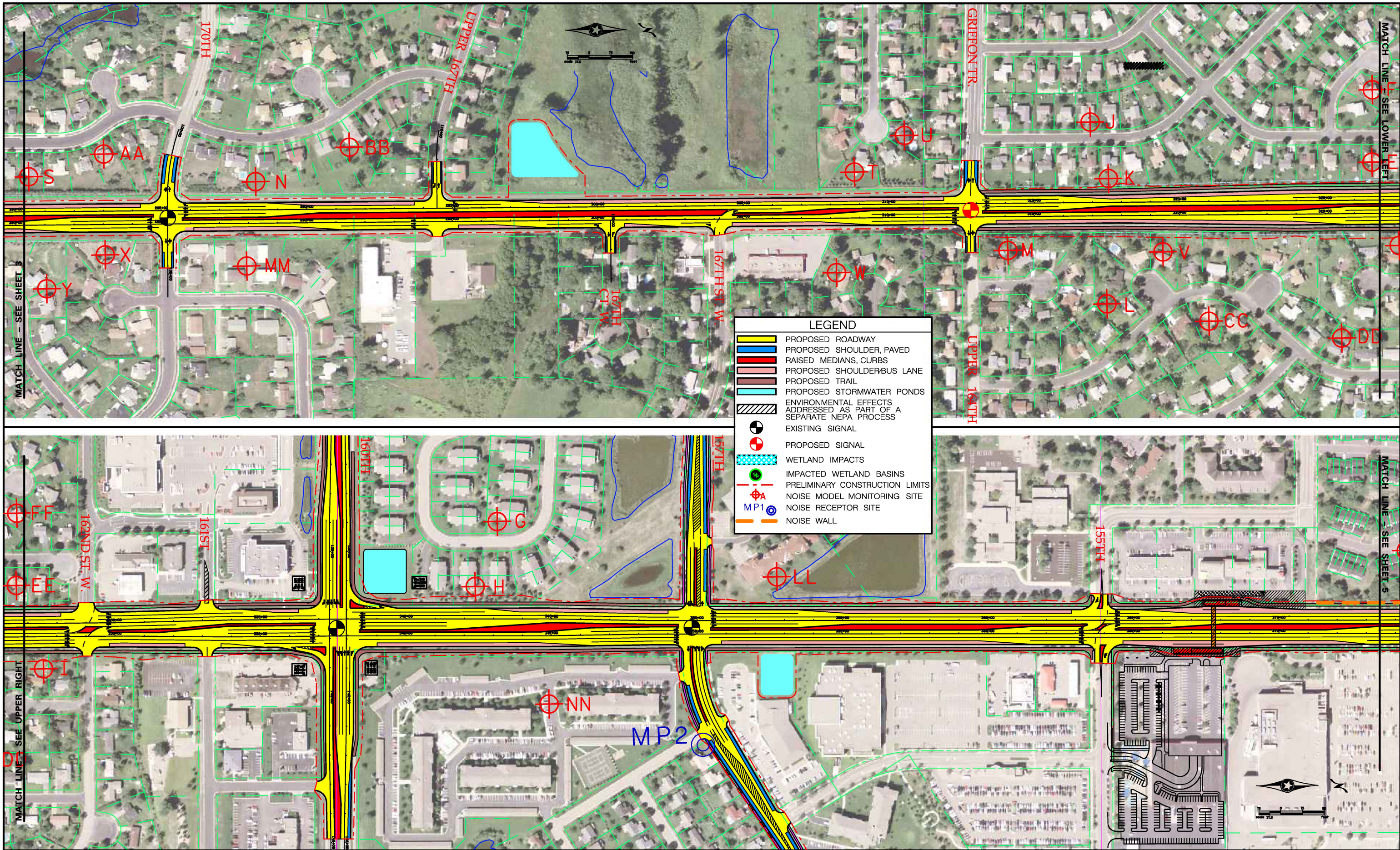
LEGEND

- PROPOSED ROADWAY
- PROPOSED SHOULDER, PAVED
- RAISED MEDIANS, CURBS
- PROPOSED SHOULDER/BUS LANE
- PROPOSED TRAIL
- PROPOSED STORMWATER PONDS
- EXISTING SIGNAL
- PROPOSED SIGNAL
- WETLAND IMPACTS
- IMPACTED WETLAND BASINS
- PRELIMINARY CONSTRUCTION LIMITS
- NOISE MODEL MONITORING SITE
- NOISE RECEPTOR SITE
- SECONDARY INTERSECTION (3/4 ACCESS OR RIGHT IN - RIGHT OUT)



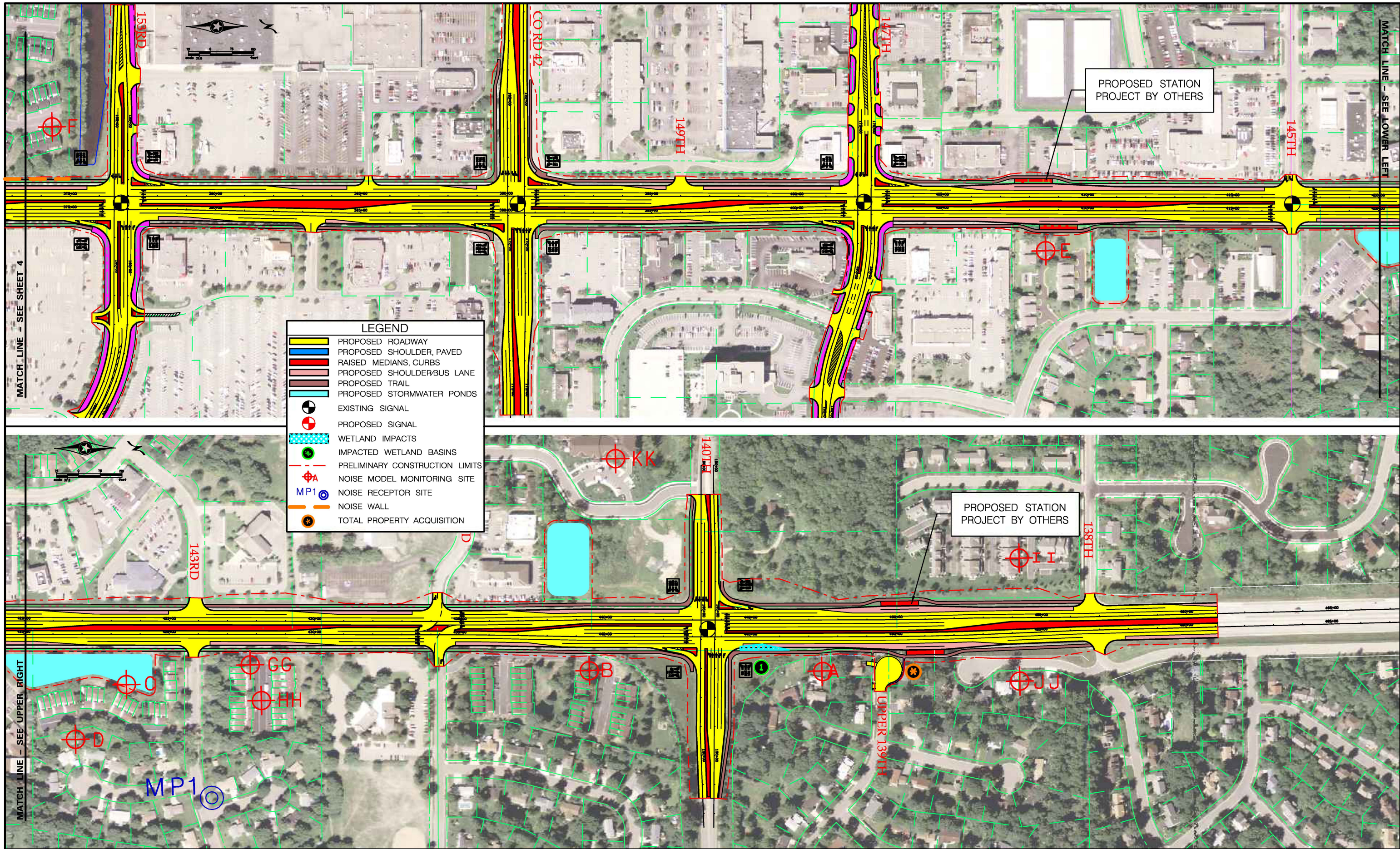
DAKOTA COUNTY, MN.
CEDAR AVENUE TRANSITWAY STUDY - EA UPDATE
 PREFERRED ALTERNATIVE

FIGURE 3C



DAKOTA COUNTY, MN.
 CEDAR AVENUE TRANSITWAY STUDY - EA UPDATE
 PREFERRED ALTERNATIVE

FIGURE 3D



LEGEND

- PROPOSED ROADWAY
- PROPOSED SHOULDER, PAVED
- RAISED MEDIANS, CURBS
- PROPOSED SHOULDER/BUS LANE
- PROPOSED TRAIL
- PROPOSED STORMWATER PONDS
- EXISTING SIGNAL
- PROPOSED SIGNAL
- WETLAND IMPACTS
- IMPACTED WETLAND BASINS
- PRELIMINARY CONSTRUCTION LIMITS
- NOISE MODEL MONITORING SITE
- NOISE RECEPTOR SITE
- NOISE WALL
- TOTAL PROPERTY ACQUISITION



DAKOTA COUNTY, MN.
CEDAR AVENUE TRANSITWAY STUDY - EA UPDATE
 PREFERRED ALTERNATIVE

FIGURE 3E

III. SOCIAL, ECONOMIC, AND ENVIRONMENTAL IMPACTS

The following summarizes new information/findings/determinations to the anticipated impacts not presented in the EA

A. RIGHT-OF-WAY

The modifications to the proposed project detailed in Section II., result in slight changes to the right-of-way impact estimates presented in the EA. The revised right-of-way impacts are provided below:

- Permanent acquisition: EA estimate = 4.6 acres from 94 parcels; Revised estimate = 4.9 acres from 134 parcels
- Temporary construction easements: EA estimate = 15 acres; Revised estimate = 15.6 acres
- Total parcel acquisition; EA estimate = 0 parcels; Revised estimate = one residential parcel. This parcel is located in the northeast quadrant of the Cedar Avenue/139th Street intersection (see Figure 8E).

B. EA MODIFICATIONS

Based on comments received during the 30-day comment period, a series of modifications were made to the EA text. The changes are provided below (highlighted in bold/italics):

- Page 3, Section II.B., third bullet:
Adjacent Land Use: A mix of commercial, office, retail, and **low**, medium and high density housing between 138th Street and Dodd Boulevard. Primarily agricultural and residential between Dodd Boulevard and County Highway 70.
- Page 21, Section B.1., second bullet under "Access Modifications":
 $\frac{3}{4}$ intersection at 142nd Street, 155th Street, **167th Street West**, Dodd Road/CR 9, and 200th Street.
- Page 33, Section V. B.:
Local: \$3,821,000 (**County and municipalities**)
- Page 43, "Contaminated Properties":
Since completing the Phase I ESA, the BP Gas Station ~~closed and the~~ site has been cleared under the supervision of the MPCA.
- Page 50, Item #14 – The text has been re-written in its entirety as follows:

Three locations within the construction limits are delineated as FEMA 100-year floodplains:

- *between Griffon Trail and 170th Street West*
- *between 205th Street West and 210th Street West*
- *between Lakeville Boulevard and 215th Street West*

The 100-year floodplain delineations shown in the figures in Appendix B are from the FEMA Flood Insurance Rate Maps (FIRMs) for the project corridor. The two maps in the appendix are from the City of Lakeville, MN (panel #270107 0007C and #270107 0002C). Within the City of Apple Valley, there are no FEMA delineated 100-year floodplains impacted by the project.

Throughout the corridor, there are also intermittent stream crossings on Cedar Avenue. Overall, impacts to any floodplains located along Cedar Avenue are very minor and are estimated to be less than 100 cubic yards of fill at any one crossing. Any work that is done below the base flood elevation (BFE) for all water Public Waters will need to meet floodplain management standards set by federal, state, and local agencies.

- Page 51, Item #17, Quality of Runoff, first paragraph:

The proposed storm water management system will be designed to meet the requirements of the Minnesota Pollution Control Agency (MPCA) National Pollutant Discharge Elimination System (NPDES) General Stormwater Permit for Construction Activity and the Vermillion River Watershed Joint Organization Standards and the *cities of Apple Valley* and Lakeville.

- Page 52, Item #17, Quantity of Runoff, first paragraph:

The project will result in a net increase in impervious area of approximately 22.5 acres. The storm water runoff from a 2-year, 24-hour rainfall event will result in an additional runoff volume of approximately 4.9 acre-feet. The Vermillion River Watershed Joint Powers Organization requires “Development that creates one acre or more of new impervious surface must incorporate volume control practices into the design sufficient to hold the runoff volume for the 2-year 24-hour storm at pre-development conditions.” Also the City of Lakeville has a non-degradation plan in place for infiltration requirements. Because of the increased storm water impacts from this project, Dakota County plans to utilize storm water management areas and infiltration measures to mitigate these impacts. ***Overall, impacts from storm water runoff will be mitigated using the most effective Best Management Practice (BMP). The Minnesota Stormwater Manual will be used to select the most appropriate BMP’s based on the ability to effectively treat and manage storm water runoff in accordance with regulatory agency requirements.*** Based on Dakota County Soil Survey, soils within the project area are generally good for infiltration.

- Page 58 – the following text is added after the final paragraph:

In addition to the traffic technical memoranda referenced above, the following additional memoranda were prepared as part of the traffic analysis process:

- *Right Turn Design Treatments at Signalized Intersections on Cedar Avenue with BRT Shoulder Running Operations, April 6, 2007*
- *Cedar Avenue Traffic Operations and Safety Analysis Technical Memorandum, September 17, 2008*
- *Right Turn Design Treatments at Signalized Intersections on Cedar Avenue – Cross Street Approaches, December 17, 2008*

These documents are available for review at the Dakota County Transportation Department office.

- Page 75, Item #27 – the following is added as the second paragraph to this section:

The Metropolitan Airports Commission (MAC) is considering the possibility of extending the runway at the Air Lake Airport in Lakeville. An option being considered is an eastward extension that would require realignment of a portion of Cedar Avenue. Dakota County will coordinate with MAC as potential extension plans are assessed.

- Page 75, Item #29, third and fourth bullets:

- The 147th Street Transit Station *Stop*
- The 140th Street Transit Station-*Stop*

- Page 91, Item #7, first sentence:

Dakota County has and will continue to work closely with the City of Apple Valley and the City of Lakeville to address concerns of some businesses adjacent to Cedar Avenue in terms of proposed access changes *and regarding the proposed transit station stops at 140th Street and 147th Street.*

IV. PROPOSED MITIGATION

The following summarizes changes to proposed mitigation.

A. RIGHT-OF-WAY

As noted in Section III., modifications to the proposed project have resulted in adding the total acquisition of a residential property. At the time of the EA, there were no total acquisitions of residential or commercial property. As a result, the appropriate mitigation language addressing the acquisition issue has been included below.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and 49 CFR Part 24 provides that assistance be granted to persons, businesses, farms, and non-profit organizations that are displaced by public improvements, such as the Cedar Avenue BRT Project.

Relocation assistance will be provided for persons displaced by the project without discrimination. Advisors are available to explain relocation details, policies, and procedures with potentially displaced individuals. The advisors will work with a displacee in locating comparable replacement property and will work directly with property occupants to assist with their specific relocation plans.

Residential displacees are entitled to advisory services and the reimbursement of some of the costs associated with relocation. These may include moving expenses, replacement housing costs, increased rental, or mortgage payments, closing costs, and other valid relocation costs.

In addition to advisory services, payment may be made for certain expenses pertaining to:

- Actual, reasonable, and necessary moving costs
- Loss of tangible personal property as a result of relocation or discontinuance of a business
- Reestablishment expenses (e.g., advertising, signage, utility hook-ups)
- Costs incurred in searching for a replacement site
- Fixed payment in lieu of moving and reestablishment costs

The replacement dwelling to which a displacee relocates must be "decent, safe, and sanitary", meaning it must meet all the minimum requirements established by federal regulations and conform to all housing and occupancy codes.

If necessary, Last Resort Housing provisions will be implemented to ensure comparable replacement housing is available to each displacee. These provisions may include increased replacement housing payments or other alternate methods based on reasonable costs.

B. NOISE

At the time the EA was published in November 2008, the noise analysis concluded there were noise impacts at several locations along the corridor and based on initial cost calculations and input from the directly affected residents, noise walls may be warranted at three locations (Segments 8, 10, and 15 as identified in the analysis). Since completing the EA, Dakota County conducted additional analysis to conclude whether noise walls would be constructed at any of the segments still under consideration.

The first additional step involved developing cost estimates for utility relocations that would be required to accommodate the three potential noise walls. The process is documented in the technical memorandum, Cedar Avenue Noise Wall – Utility Impacts dated December 3, 2008 (Appendix A). As a result of accounting for utility relocations directly attributable to constructing the proposed noise walls, Segment 15 was removed from further consideration because the cost-reasonableness factor when accounting for the utility costs exceeded the \$3,250 criteria.

After accounting for the utility costs, the next step in the process was to obtain more specific input from the directly affected residents adjacent to Segments 8 and 10. This step was intended to supplement the process conducted prior to publishing the November 2008 EA which resulted in a limited response from the Segment 8 and 10 residents. The process entailed sending a letter to each property owner providing an update on the noise analysis and the potential noise walls. The letter included an invitation for the recipients to contact Dakota County staff to assist in addressing any questions. Furthermore it included a reply form requesting that each property owner indicate whether they do, or do not, support constructing a noise wall along their property. Each form included the name and address of the property owner enabling the County to determine at which of the two potential wall segments they reside. Once the response deadline passed, the County tallied the number of “yes” and “no” responses for each wall segment.

The results of the process were as follows:

- Segment 8:
 - 10 residences received response forms;
 - 4 forms were returned as “no” votes;
 - 3 forms were returned as “yes” votes;
 - 1 form was returned as a “split” vote
 - 2 forms were not returned
- Segment 10:
 - 11 residences received response forms;
 - 6 forms were returned as “yes” votes;
 - 5 forms were not returned

Concurrent with collecting the resident input, it was determined through the continuing design process that a structural retaining wall would be required to support a noise wall at the Segment 8 location. In accounting for the incremental costs of the structural wall as opposed to a block retaining wall that would otherwise be pursued, the revised cost-reasonableness calculations for Segment 8 exceeded the \$3,250 maximum criteria.

Table 1 (attached) illustrates the net result of the revised noise wall assessment process detailed above. This table replaces Table 23 in the EA. In summary, the new analysis concludes that noise walls meet cost-reasonableness criteria in three locations (Segment 3, 7, and 10) as compared to the five locations indicated in the EA. However, as documented in the EA, noise walls were removed from consideration at Segments 3 and 7 in Lakeville because the community input process completed prior to publishing the EA concluded there was not majority support for those segments. As noted previously, in addition to no longer meeting the cost-effectiveness threshold, Segment 8 did not receive majority support from the directly affected residents.

In conclusion, Dakota County conducted an extensive noise impact and mitigation analysis process in accordance with guidance stipulated by FHWA and Mn/DOT's Office of State Aid. This guidance requires that consideration of noise walls as mitigation must address cost reasonableness and the views of the affected residents. After accounting for each of the steps prescribed in the guidance, it has been determined that Segment 10 is the only noise wall that met the cost-effectiveness criteria and received majority support from the directly affected residents. As a result, a noise wall will be constructed at Segment 10 as part of the preferred alternative.

**TABLE 1
Cedar Avenue Preliminary Design/EA Update
Traffic Noise Analysis - Wall Assessment Summary**

10/29/2009

	Barrier 1	Barrier 2	Barrier 3	Barrier 4	Barrier 5	Barrier 6	Barrier 7	Barrier 8	Barrier 9	Barrier 10	Barrier 11	Barrier 12	Barrier 13	Barrier 14	Barrier 15	
City Noise Barrier Resides	Lakeville	Lakeville	Lakeville	Lakeville	Lakeville	Lakeville	Lakeville	Apple Valley	Apple Valley	Apple Valley	Apple Valley	Apple Valley	Apple Valley	Apple Valley	Apple Valley	
Location	S of 170th E of Cedar	S of 170th W of Cedar	N of 170th W of Cedar	S of Griffon E of Cedar	S of Griffon W of Cedar	N of Griffon E of Cedar	N of Griffon W of Cedar	N of 160th W of Cedar	N of 157th W of Cedar	S of 153rd W of Cedar	N of 145th E of Cedar	N of 143rd E of Cedar	S of 140th E of Cedar	N of 140th E of Cedar	N of 139th E of Cedar	
Barrier Length	842'	1282'	608'	325'	376'	1310'	1316'	708'	616'	362'	400'	268'	655'	386'	601	
Is Barrier Feasible (Constructability)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	
Residences with noise >5dB increase over existing	0	0	0	0	0	0	0	0	0	0	0	0	NA	0	0	
Housing Density (if not more that 10 per half mile then not feasible)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NA	Yes	Yes	
Residences with noise >=69dB	6-Jan	10	7	0	0	1	3	9	8	10	0	7	NA	3	2	
Number of properties that benefit from noise barrier (minimum 5dB reduction, if <5db then 0)	20 foot	7	10	8	0	0	12	14	9	8	10	0	0	NA	5	9
	10 foot	0	3	7	0	0	7	12	9	0	0	0	0	NA	2	1
Cost/Residence of noise level reduction (if > \$3,250 then not reasonable)	20 foot	\$4,661	\$4,949	\$2,372	NA	\$10,846	\$3,575	\$2,741	\$4,877	\$3,849	\$2,980	NA	NA	NA	\$3,592	\$5,586
	10 foot	NA	\$7,723	\$1,908	NA	NA	\$5,284	\$3,122	\$6,310	NA	NA	NA	NA	NA	\$4,800	\$49,273
Estimated Barrier Cost (@\$15/per sq. ft. plus right-of-way)	20 foot	NA	NA	\$200,000	NA	NA	NA	\$450,000	\$302,000	NA	\$152,000	NA	NA	NA	NA	\$362,000
	10 foot	NA	NA	\$110,000	NA	NA	NA	\$250,000	\$196,000	NA	NA	NA	NA	NA	NA	\$272,000
Conclusion (Overall Evaluation for Barrier Placement)	20 foot	Not Cost Effective	Not Cost Effective	Feasible and Reasonable	Not Acoustically Effective	Not Cost Effective	Not Cost Effective	Feasible and Reasonable	Not Cost Effective	Not Cost Effective	Feasible and Reasonable	Not Acoustically Effective	Not Acoustically Effective	Not Feasible	Not Cost Effective	Not Cost Effective
	10 foot	Not Acoustically Effective	Not Cost Effective	Feasible and Reasonable	Not Acoustically Effective	Not Acoustically Effective	Not Cost Effective	Feasible and Reasonable	Not Cost Effective	Not Cost Effective	Not Acoustically Effective	Not Acoustically Effective	Not Acoustically Effective	Not Feasible	Not Cost Effective	Not Cost Effective
Support of Directly Affected Residents	NA	NA	No	NA	NA	NA	No	No	NA	Yes	NA	NA	NA	NA	NA	

V. ENVIRONMENTAL REVIEW PROCESS/PUBLIC HEARING REQUIREMENTS

Copies of the EA were mailed to all agencies listed on the Minnesota Environmental Quality Board (EQB) distribution list including local agencies and libraries. A copy of the EQB distribution list is provided in Appendix B. The state-mandated 30-day EA comment period began on November 17, 2008 and expired on December 17, 2008.

A public hearing/open house to receive comments on the proposed project, preferred alternative and EA was held as follows:

Thursday, December 4, 2008
4:30 – 7:30 p.m.
Dakota County Western Service Center
14955 Galaxie Avenue
Apple Valley, MN 55124

The Affidavit of Publication and Certificate of Compliance for the public hearing are included in Appendix C. Attendees at the public hearing were invited to provide comments through one of two ways: oral statements during the official hearing and via written comments.

- Oral Statements: Four oral statements were given at the public hearing. A copy of the transcript containing these comments is provided in Appendix D. The comments are addressed in Section V. B.
- Written Statements: Attendees were invited to submit written comments on cards provided at the public hearing or in letter form. Five written comment cards were received at the open house/public hearing.

Consistent with state and federal environmental review rules, substantive comments are responded to below. Written responses have been provided for comments pertaining to analysis conducted for and documented in the EA. A total of 22 comments letters, comment cards, e-mail, and oral statement (hearing transcript) were received during the EA comment period. These comments are summarized and addressed below. Specifically responses have been prepared for statements noting incorrect or unclear information or content requirements. Comments agreeing with the EA and/or project information, general opinions, statements of fact, or statements of preference were not formally responded to.

A. AGENCY COMMENTS AND RESPONSES

Copies of comments submitted by agencies are included on the following pages along with responses to comments. Comment letters were received from the following:

- Minnesota Department of Transportation
- Minnesota Department of Natural Resources
- Minnesota Pollution Control Agency
- Metropolitan Council
- City of Lakeville
- City of Apple Valley
- Apple Valley Chamber of Commerce

Minnesota Department of Transportation



Minnesota Department of Transportation

Metropolitan District
Waters Edge
1500 West County Road B-2
Roseville, MN 55113-3174

December 11, 2008

Kristine Elwood
Dakota County Transportation Department
14955 Galaxie Avenue, 3rd Floor
Apple Valley, MN 55124

Subject: Cedar Avenue Corridor Transitway EAW, Mn/DOT Review #EAW08-020
CR 23, South of TH 77, Between CR 38 and 225th Avenue
Apple Valley/Dakota County
Control Section 1929

Dear Ms. Elwood:

Thank you for the opportunity to review the draft Cedar Avenue Corridor Transitway Environmental Assessment Worksheet ("EAW"). Please note that Mn/DOT's review of this EAW does not constitute approval of a regional traffic analysis and is not a specific approval for access or new roadway improvements. As plans are refined, we would like the opportunity to meet with our partners and to review the updated information. Mn/DOT's staff has reviewed the document and has the following comments:

Water Resources:

The proposed project should not have much impact on Mn/DOT storm drainage systems, but, exact details must be provided to determine the full impact. If the transitway is extended to the north (on TH 77), there may be a large impact because of increased impervious surface. For questions concerning these issues, please contact Richard Cady, Mn/DOT Metro Water Resources Section, (651) 234-7524.

Permits:

Any use of or work within or affecting Mn/DOT right of way requires a permit. Permit forms are available from Mn/DOT's utility website at www.dot.state.mn.us/hec3sup/utility. Please include one 11 x 17 plan set and one full size plan set with each permit application. Please direct any questions regarding permit requirements to Buck Craig, Mn/DOT Metro Permits Section, at (651) 234-7911.

As a reminder, please address all initial future correspondence for development activity such as plats and site plans to:

Development Review Coordinator
Mn/DOT - Metro Division
Waters Edge
1500 West County Road B-2
Roseville, Minnesota 55113

Mn/DOT document submittal guidelines require either:

An equal opportunity employer

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Response 1: Continued coordination with Mn/DOT will occur throughout the final design phase of the project, which will better define the potential impacts on existing storm drainage systems.

Response 2: Dakota County will obtain all necessary permits for the project.

1. One (1) electronic pdf. version of the plans (the electronic version of the plan needs to be developed for 11" x 17" printable format with sufficient detail so that all features are legible);
2. Seven (7) sets of full size plans.

If submitting the plans electronically, please use the pdf. format. Mn/DOT can accept the plans via e-mail at metrodevreviews@dot.state.mn.us provided that each separate e-mail is less than 20 megabytes. Otherwise, the plans can be submitted on a compact disk.

This letter represents only the transportation concerns of Mn/DOT Metro Division. Other environmental issues raised by a wider Mn/DOT review may be forwarded to you in a separate letter. If you have any questions concerning this review, please feel free to contact me at (651) 234-7797.

Sincerely,



William Goff
Senior Planner

Cc: Philip Forst, FHWA
Thomas Lovelace, City of Apple Valley, MN

Copies sent via Groupwise:


Ann Braden, Metropolitan Council
Julie Lindquist, Dakota County
Sheila Kauppi, Mn/DOT Metro District – Traffic
Ken Johnson, Mn/DOT Metro District – Area Engineer
Richard Cady, Mn/DOT Metro District – Water Resources
Buck Craig, Mn/DOT Metro District – Permits
Tod Sherman, Mn/DOT Metro District – Program Management

Philip Forst, Area Engineer
FHWA
380 Jackson Street
Galtier Plaza, Suite 500
St. Paul, MN 55101-4802

Mr. Thomas Lovelace
City Planner
City of Apple Valley
7100 147th Street West
Apple Valley, MN 55124-9016

Response 3: Dakota County will continue to coordinate with Mn/DOT staff on all aspects of the project including plan submittals.

Minnesota Department of Natural Resources



"Elwood, Kristine"
<Kristine.Elwood@CO.DAKO
TA.MN.US>
12/16/2008 09:31 AM

To: <chinker@sehinc.com>
cc
bcc
Subject: FW: NotSelected

From: Seliga, Peggy **On Behalf Of** Hwy
Sent: Tuesday, December 16, 2008 9:25 AM
To: Elwood, Kristine
Subject: FW: NotSelected

From: wayne.barstad@dnr.state.mn.us [mailto:wayne.barstad@dnr.state.mn.us]
Sent: Tuesday, December 16, 2008 9:12 AM
To: Hwy
Subject: NotSelected

A user sent an email to this InBox from /Home/Departments/Transportation/Contact Us/Send us a question or comment..
Date/Time: 12/16/2008 09:12:00.

User comment: Attention: Kristine Elwood The Minnesota Department of Natural Resources has reviewed the EA/EAW for the Cedar Avenue Corridor Transitway. From a natural resources perspective, the documents appear to be complete and accurate. We have no comment. ...wb

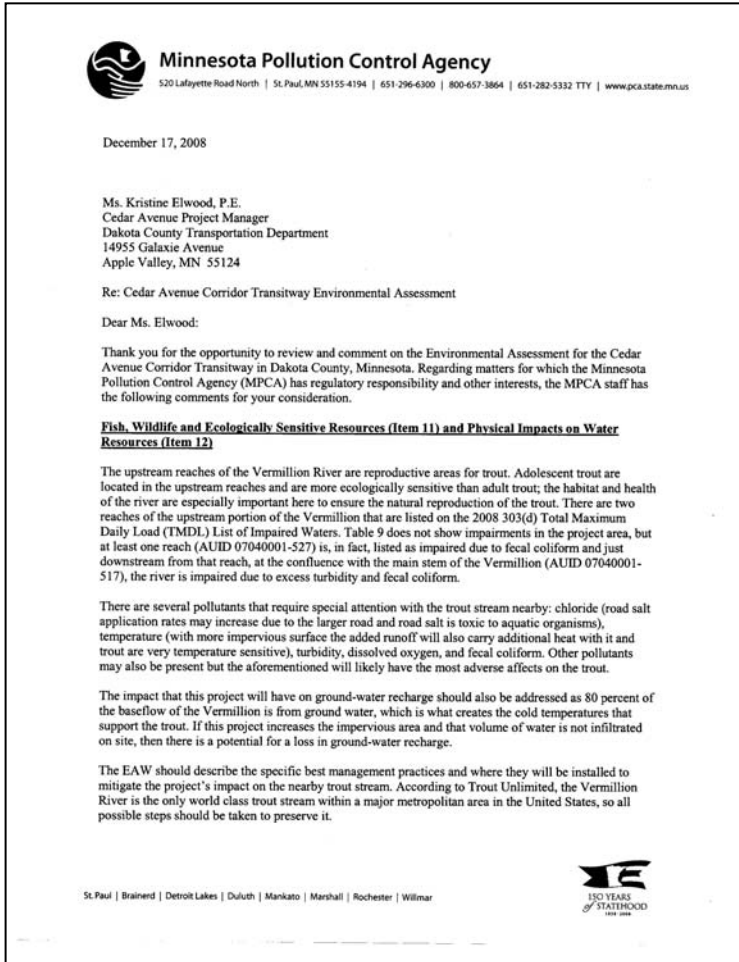
Name: Wayne Barstad
Email: wayne.barstad@dnr.state.mn.us
Phone: 651 259-5738

Remote IP: 156.98.115.84
Host: 156.98.115.84
Platform: Win2000
Browser: IE
Type: IE6
Version: 6.0

1

Response 1: Comment Noted.

Minnesota Pollution Control Agency



Response 1: It is recognized that that Vermillion River and its tributaries are an important natural resource, particularly as a designated trout stream, and protection of this resource is an important consideration in the design of the proposed roadway improvements.

Clarification of impaired waters within the project vicinity is appreciated, as these areas may require additional attention as the project design is finalized. Trout, the primary species of concern, are sensitive to pollutants, particularly chloride. They are also sensitive to thermal pollution, and their habitat can be altered due to increases in turbidity and sediment deposition. All of these stressors can be aggravated by roadways, as application of road salt in winter can elevate chloride concentrations, runoff from roadways in the summer can have elevated temperatures, and uncontrolled erosion during construction can lead to elevated sediment loading and turbidity. An increase in the amount of impervious surface from the proposed project has the potential to increase sediment and chemical loading within the Vermillion River and its tributaries.

In order to reduce or mitigate these potential impacts to water quality, the location and mechanism for treating surface water runoff must be carefully considered. The EA acknowledges that surface water treatment will be required to meet the enhanced technical requirements of the NPDES Stormwater Permit for construction activity since it will discharge to a Special Water. The EA also identifies potential storm water treatment areas. These locations were selected and sized based upon the drainage areas and

estimated treatment needs of the proposed project in an effort to demonstrate that treatment requirements can be achieved.

Final locations and details on storm water treatment areas will not be available until final design. The standards of the Vermillion River JPO to hold the runoff volume for the 2-year, 24 hour storm event will be required for each treatment basin. This requirement effectively allows for the capture of the “first flush”, which typically contains the greatest concentration of pollutants and the greatest thermal change. The City of Lakeville also requires that infiltration be a component of storm water treatment. Dakota County intends to incorporate infiltration into the storm water management plan for this project to the greatest extent feasible, with emphasis on infiltration within the subwatersheds directly draining to the Vermillion River and tributaries. Soils within the project area are generally conducive for infiltration. Infiltration is beneficial for trout as it contributes to groundwater recharge, and can reduce or eliminate thermal and chemical impacts.

It is anticipated that Best Management Practices specific to working in riparian corridors and trout streams will be incorporated into the project design. Specific BMPs, and where they would be used, have not been determined. The following are some potential practices that may be considered:

- Maintaining buffers along the stream corridor to minimize disturbance during construction.
- Increased erosion control during construction near sensitive resources.
- Creation of infiltration areas, or soil amendment to improve infiltration rates.
- Reducing clearing of trees and vegetation along the stream to preserve shading.
- Eliminating or reducing direct discharges into the main channel.
- Discharging from the deepest portions of the storm water pond rather than the surface.
- Incorporate trees into the storm water design to shade the surface of the pond and assist with cooling the water.
- Creation of bioretention areas within the project corridor either in conjunction with traditional ponds, or to treat smaller areas of impervious runoff.

Ms. Kristine Elwood, P.E.
December 17, 2008
Page 2

Solid Wastes, Hazardous Wastes, Storage Tanks (Item 20)

Re-use of materials such as uncontaminated concrete and asphalt (bituminous) should be in accordance with Minn. R. 7035.2860.

We appreciate the opportunity to review this project and look forward to receiving your responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our comments on the project's potential impacts to the Vermillion River, please contact Brooke Asleson at 651-757-2205. If you have any other questions concerning our review of this EAW, please contact me at 651-757-2328 or Karen Kromar at 651-757-2508.

Sincerely,



Jessica Ebertz
Environmental Review Coordinator
Environmental Review and Operations Section
Regional Division

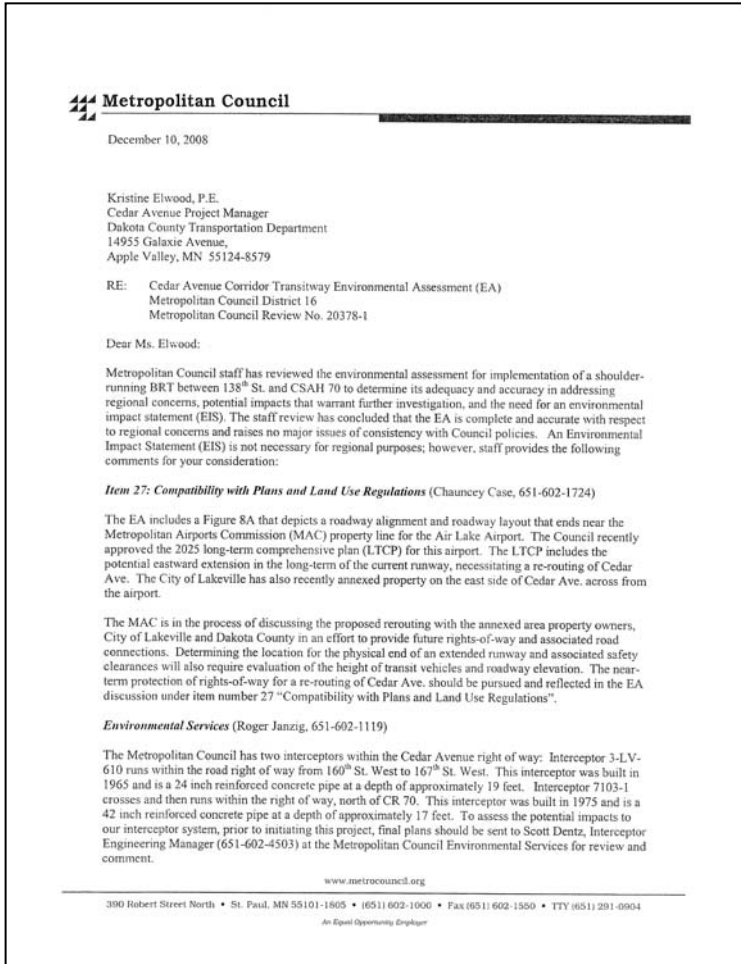
JE:mbo

cc: Craig Affeldt, MPCA, St. Paul
Brooke Asleson, MPCA, St. Paul
Karen Kromar, MPCA, St. Paul

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Response 2: Any reuse of materials will be in accordance with all applicable local, state, and/or federal rules and requirements.

Metropolitan Council



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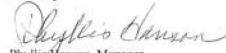
Response 1: As noted in Section III. C. of this EA Update, reference to the potential extension of the runway at the Air Lake Airport has been added to the “Compatibility with Plans and Land Use Regulations” section.

Response 2: Dakota County will coordinate with Metropolitan Council Environmental Services staff and provide final plans for review and comment.

Kristine Elwood
December 10, 2008
Page 2

If you have any questions or need further information, please contact Ann Braden, Principal Reviewer, at 651-602-1705.

Sincerely,

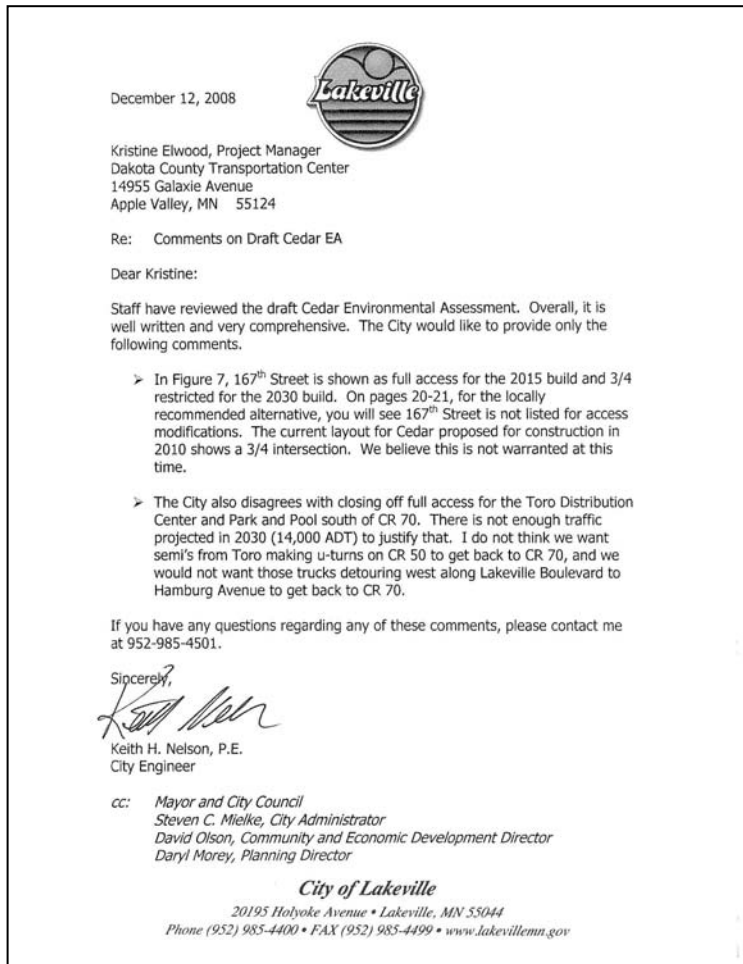


Phyllis Hanson, Manager
Local Planning Assistance

cc: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Ann Braden, Principal Reviewer
Patrick Boylan, Sector Rep
Cheryl Olsen, Reviews Coordinator

V:\REV\HWS\ca\minal\akota City 2008 EA cedar AV Corridor Transitway 20378-1.doc

City of Lakeville



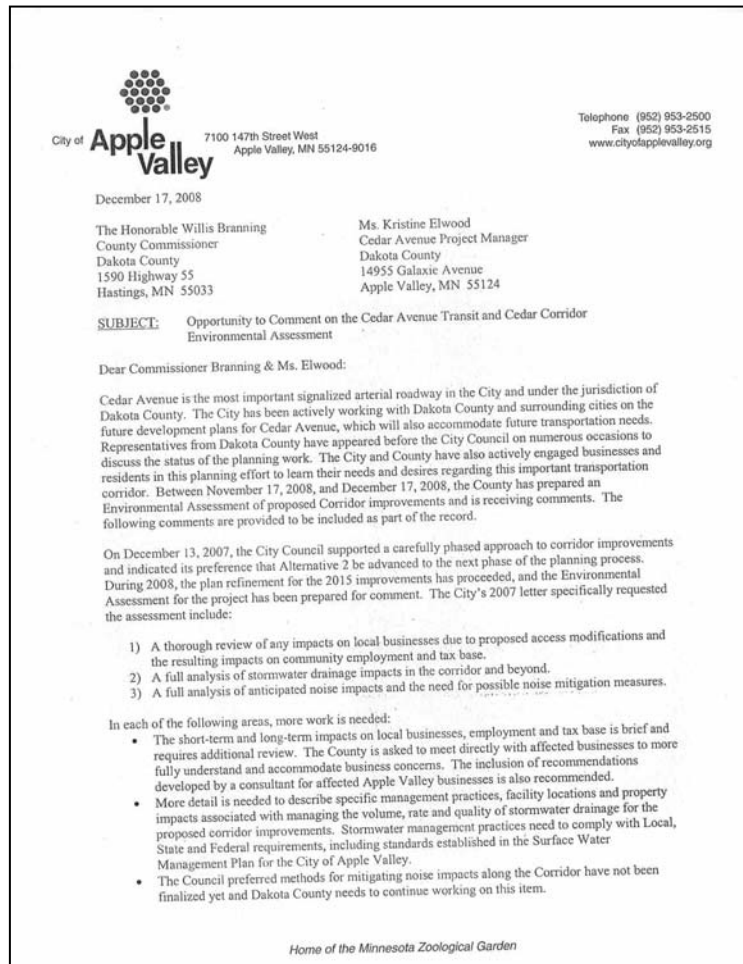
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Response 1: Figure 7 identifies 167th Street West as a ¾ access intersection in both the 2015 and 2030 plans depicted in the graphic. This is consistent with the layout provided on Figure 8D. As noted in Section III. C., 167th Street West has been added to the list of intersections converting to a ¾ access.

Response 2: As land development occurs throughout the referenced section of Lakeville, a local road network will be established to service the land uses and support Cedar Avenue. Ultimately, the local road network will provide options for truck traffic from the referenced site to access County Highway 70. In the interim, full access will be maintained until the supporting road system is developed or traffic conditions warrant a change.

City of Apple Valley



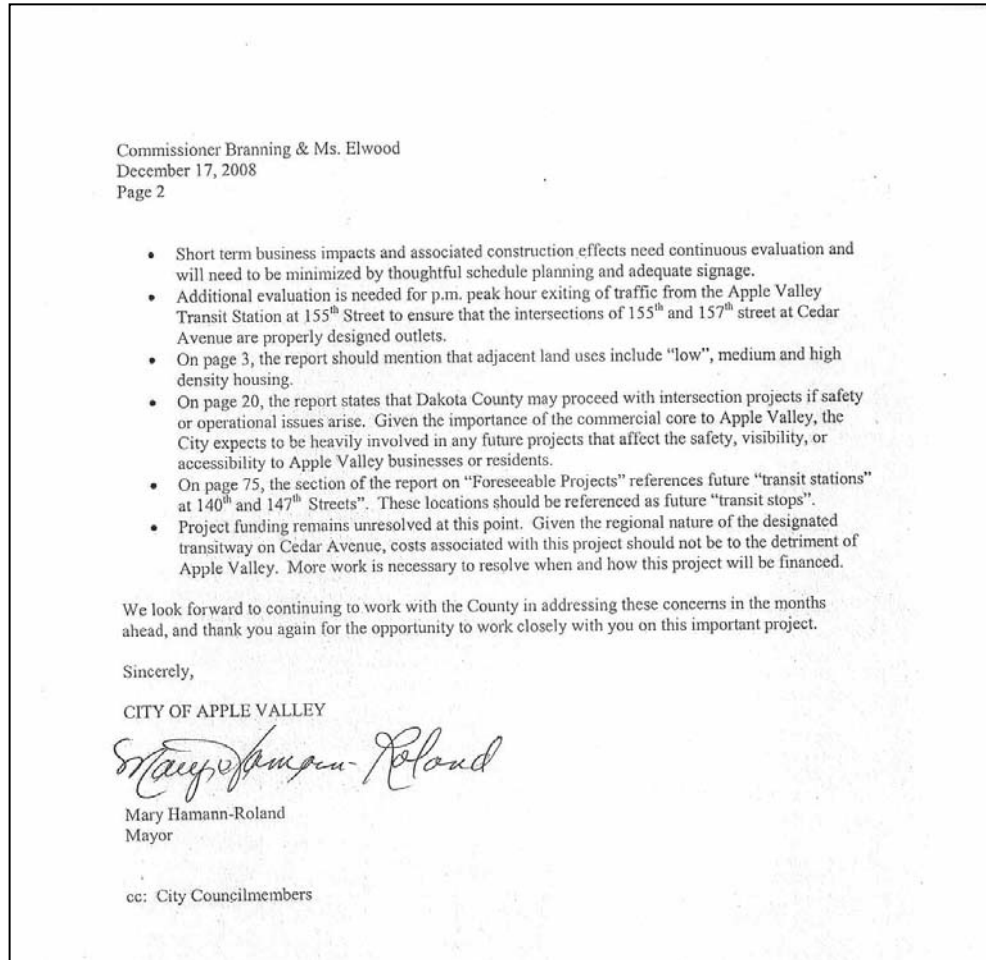
Response 1: As noted by City staff at the December 11, 2008 Council Workshop, there is very little data that assesses the longer term impacts of roadway changes to the adjacent businesses. In recognition of this, a special study was conducted for the Cedar Avenue corridor during the alternatives evaluation process to determine the potential for changes in accessibility to corridor businesses as a result of the proposed project. Pages 94-98 of the EA present the results of the Business Accessibility Assessment. The businesses included in the assessment were selected by staff from Apple Valley and Lakeville and reflect the range of business types and different locations in the corridor. The results of the quantitative analysis conclude the greatest adverse impact on accessibility for businesses in the corridor (defined as travel time to access the sites), is associated with doing nothing to address increasing congestion on Cedar Avenue. The locally recommended alternative analyzed in the EA introduces the least travel time increase of any scenario, including the No-Build option.

The County will continue to reach out to the business community through the final design process and work to address their concerns to the extent practical. The locally recommended alternative included in the EA is consistent with the key findings of the consultant retained by the Apple Valley businesses. Specifically, the planned improvements do not include a grade separation at Cedar Avenue and County Highway 42 and a full access signalized intersection to the City's 147th Street and 153rd Street Ring-Route is maintained as requested by the City.

Response 2: Stormwater design will be a critical component of the final design process which will be able to proceed after the City adopts the preliminary layout. The County will work closely with the City in

developing the final stormwater plans to minimize the amount of property acquisition and ensure that all applicable stormwater regulations are followed.

Response 3: The County will continue to work closely with the City regarding noise mitigation issues during the final design process. The County concurs with the City's preferences for landscaping and privacy fencing rather than highway noise walls.



Response 4: The County is aware of the importance of thoughtful planning related to construction staging to minimize adverse impacts to corridor businesses during the construction period. The final design process includes a comprehensive public involvement component. Part of those efforts will include working closely with the City and the business community for input while preparing the construction staging plans for Cedar Avenue.

Response 5: Based on recent coordination between the County and City, the County has committed to providing dual left-turn lanes from westbound 157th Street to southbound Cedar Avenue to accommodate the traffic generated by the new Apple Valley Transit Station. The costs associated with these improvements will be included as part of the overall costs for the Cedar Avenue project.

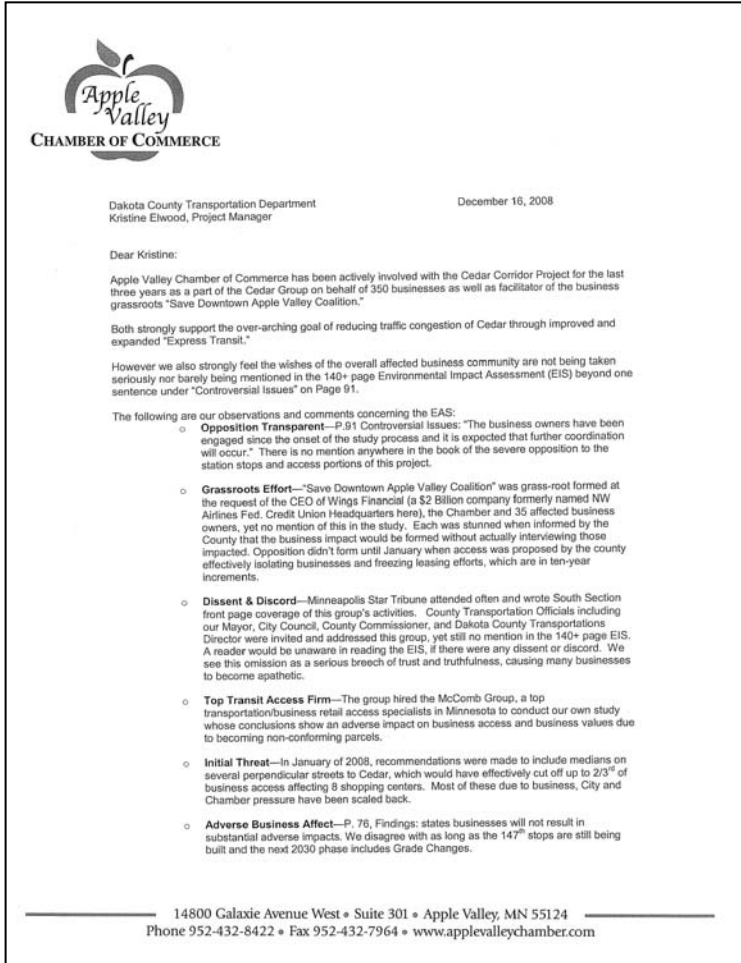
Response 6: The requested change has been incorporated into the EA Update report.

Response 7: Dakota County will continue to work closely with the City in developing and pursuing any potential future changes to Cedar Avenue that may be required to address specific safety and/or operational issues.

Response 8: The requested change has been incorporated into the EA Update report.

Response 9: Due to the regional nature of the corridor, the County has been successful in obtaining a substantial amount of federal, state, and regional funding for the proposed improvements. Additionally, no City cost participation has been required and will not be required for feasibility, preliminary engineering, and the final design costs. However, the corridor still serves local interests and will improve portions of local roadways as evidenced by retention of some access points. As construction and right-of-way costs are refined during final design, the County will work closely with the City to determine appropriate cost participation.

Apple Valley Chamber of Commerce



Response 1: The text on page 91 has been modified to include reference to concerns regarding proposed transit stops in Apple Valley. The proposed transit stops at 140th Street and 147th Street are being addressed as part of separate environmental review processes. The station stops are elements of the approved and adopted Cedar Avenue Alternatives Analysis Implementation Plan, adopted by the Cedar Group and the Dakota County Regional Railroad Authority. Following the Alternatives Analysis an Update and prioritization of the Initial Implementation Plan was completed in July 2005.

Since July 2005 when the Implementation Plan was completed there have been several changes, such as the UPA program, inclusion of Lakeville in the transit taxing district, and development of additional funding sources such as the Counties Transit Investment Board. Based on these developments, the County has identified the need to update the implementation plan in 2009. The Cedar Avenue Implementation Plan Update will include review of the station stops, updated ridership estimates, and a BRT operations plan. As stated previously, though not part of this EA, the 140th Street and 147th Street station stops are still part of the currently approved implementation plan and Cedar Avenue Transitway plan. In preparing the Update, the County is committed to continuing the extensive public involvement efforts which have defined the process to date.

Additionally, based on input from the City and business community the proposed project has been developed to maintain full access to 147th Street and 153rd Street. The changes in design and access along 147th Street and 153rd Street to/from the adjoining properties were developed with the County and City of Apple Valley. Specifically the closures of access points within turning radii of Cedar Avenue and

147th Street were requested by the County for safety reasons. The remainder of the roadway modifications were decisions made by the City of Apple Valley.

Response 2: Input from and continued coordination with the businesses along Cedar Avenue has been an essential part of the Cedar Avenue BRT Preliminary Design and Environmental Review process and has included dozens of meetings with business groups, individual business owners, as well as the broader public open house and informational meetings. The County is committed to continuing to engage the business community throughout the final design process.

Response 3: Efforts to coordinate with and reflect the perspectives of the business community are included at various locations in the EA to include Item 7 on page 91, Item 10 on pages 94-98, and Section VII. A. on pages 99-100. Input from the business community as well as other community groups and members played a substantial role throughout the alternatives evaluation process and the EA. Some of the groups involved included:

- General public through open houses
- Monthly public information meetings
- Apple Valley City Council and staff
- Apple Valley Chamber of Commerce
- Lakeville City Council and staff
- ISD 196
- 145th Street business group
- Save Downtown Apple Valley Group
- Business groups
- Local Advisory Group
- Individual property owner meetings

The resulting locally recommended alternative includes several elements that reflect input from these groups such as maintaining several access points, and delaying development of the 140th Street and 147th Street station until further study can be completed.

Response 4: Key findings in the McComb Group report include concern related to a new grade separation at County Highway 42 and reduction in access to/from the Apple Valley's Ring-Route. The locally recommended alternative in the EA does not include a grade separation at County Highway 42 and maintains the existing access to/from the City's Ring-Route.

Additionally, based on input from the City and business community the proposed project has been developed to maintain full access to 147th Street and 153rd Street. The changes in design and access along 147th Street and 153rd Street to/from the adjoining properties were developed with the County and City of Apple Valley. Specifically the closures of access points within turning radii of Cedar Avenue and 147th Street were requested by the County for safety reasons. The remainder of the roadway modifications were decisions made by the City of Apple Valley.

One of the goals of the Transitway project is to minimize direct impacts to adjoining properties. For those properties where some level of impact was unavoidable. The County recommends that the City consider a transit district overlay for those properties near Cedar Avenue. Upon completion of roadway final design, property impacts will be fully known and those issues that arise/vary from City Ordinance (perhaps setback and the location of property improvements, building and lot coverage, placement of signage, parking, etc.) can be accurately identified by the City. A process would be identified to then respond to those property by property impacts to minimize, as needed, a label of non-conforming.

Response 5: The potential grade separations along Cedar Avenue are part of a long range vision that may or may not be realized over time. There are no plans to pursue grade separations at this time. As noted previously, issues associated with the 147th Street station stop will be addressed in detail as part of the Cedar Avenue Implementation Plan Update.

<ul style="list-style-type: none"> o Blank Check—Page 20, the last two sentences of paragraph 3 seems to give the County a blank check to modify any intersection as they see fit without an EIS. We find this unsettling without requiring this process be repeated, as business needs at least certainty for ten-year increments at the minimum since most leases are 10+ years in length. Businesses are currently stating they are having great difficulty and losing potential leases due to this uncertainty. 	6
<ul style="list-style-type: none"> o Statement Before Businesses & Star Tribune—It was helpful for example when at one "Save Downtown Apple Valley" meeting with the Star Tribune and Sun Current present, Dakota County Transportation Director Mark Kretzbach agreed with businesses and the Chamber's demand that no grade changes be even planned for ten years unless requested by City Council. This is the certainty businesses need but that Page 20 "Blank Check" undermines. However this week's new plan for Cedar Board approval of a 2030 Vision Plan using Alternative 2 with Grade Changes again is causing distrust. 	7
<ul style="list-style-type: none"> o City's Written Position To Chamber—November 19th, 2008, the City of Apple Valley stated in writing at a Chamber luncheon they will keep business access open and agree with the Chamber for the first time in writing, that Cedar in Apple Valley must remain a signalized arterial that protects business access. 	
<ul style="list-style-type: none"> o County Attorney Ruling: Cannot Vote A Vision—P. 37 states : "A 2030 Vision has been identified for the corridor, which includes improvements beyond those covered by this EA, including access modifications and construction of grade-separated interchanges at 140th, County Rd. 42 and County Rd. 46." <ul style="list-style-type: none"> • We feel this is premature and is in direct opposition to a Dakota County Board's Attorney's ruling in February of 2008 in Hasting where after 1, Apple Valley Chamber President and our Apple Valley City Administrator testified, the County Attorney was asked by County Commissioner Tom Egan if the County could vote in the resolution before them that was a resolution for a 2030 Vision for Cedar. It was ruled the Commissioners could not because a vision is vague, lacked an EIS and cannot tie the hands of future Commissioners. Yet in the following bullet, the County is asking the Cedar Board to do the same thing. This is inconsistent. • As part of the Cedar Board, I received an attachment for the Dec. 17th Cedar Board Meeting stating that the County wants this Board to agree by consensus that: "Based on the factors listed below, it is recommended that Alternative 2 – 2030 be adopted as the long-range vision for Cedar Avenue Transitway, and Alternative 2 – 2015 be carried forward into the next phase of approvals pending any refinements that may be required based on comments received on the Environmental Assessment (EA) document." <p>We find it negligible that the Cedar Board is asked to endorse the 2030 Vision before the comment period for the 2015 Plan has even passed.</p> 	8
<ul style="list-style-type: none"> o Speculation—Page 39 matrix under indirect impacts implies "Improved Access" for businesses (which is untrue as stated above) and the short term affect of stimulating the local economy (contractors maybe but not Cedar businesses.) 	9
<ul style="list-style-type: none"> o Danger is 140th—Safety is everyone's concern, yet on P. 8, 2nd paragraph, all Apple Valley Cedar intersections are lumped together, yet the County's own data on the County website shows 140th as having 3-times the number of accidents as County Rd. 42. Therefore 140th should be the focus before County Rd. 42. 	10
<ul style="list-style-type: none"> o Mistake—P. 42 States BP at 167th is closed. This is still open but the BP in Apple Valley at 147th is closed. This needs to be corrected. 	11

Response 6: The potential for future improvements to Cedar Avenue is in reference to the County's role and responsibility in addressing safety issues on public roadways to protect the public safety and welfare. No changes beyond the proposed project are planned. Prior to proceeding with any additional changes, the County would work closely with the City to review options and develop recommended solutions. Depending on the significance of any future change, the appropriate formal environmental review process will be followed.

Response 7: As communicated to the City of Apple Valley and the Cedar Group. The locally recommended alternative in the EA does not include a grade separation at 140th Street, County Highway 42 or County Highway 46 at this time. The Dakota County 2025 Transportation Plan identifies deficient intersections on Cedar Avenue that may require improvements in the future.

Response 8: The 2030 Vision for Cedar Avenue is a long range concept of other potential changes to the corridor which may be required to maintain a reasonable level of mobility and safety. The County has no plans, funding, or desire to pursue additional changes to Cedar Avenue beyond the proposed project. Furthermore, future changes will not be pursued until the need is clear and the City is in agreement with further action.

Response 9: The induced development stated in Table 7 on page 39 refers to the potential for further development/redevelopment related to improved traffic circulation along the corridor due to the proposed project and in the areas of transit stations and stops as has been experienced with other BRT systems across the country.

Response 10: The latest crash data from the County for the three year period, 2005-2007, indicates 71 crashes at the 140th Street intersection and 64 crashes at County Highway 42. Given this and the substantial operational issues at each location, the County recognizes both 140th Street and County

Highway 42 as priorities along Cedar Avenue. Together they are part of a broader solution aimed at addressing the myriad of issues along Cedar Avenue.

Response 11: The statement on page 42 has been corrected to remove the reference that the station is closed; rather the contamination issues at the site have been addressed.

<p>Good Transit Intentions Disconnected To Goal The Chamber and the "Save Downtown Apple Valley Business Coalition" see a disconnect from the original premise of the Urban Partnership Agreement (UPA) <u>mandate which is to reduce congestion on Cedar</u>.</p> <ul style="list-style-type: none">We unanimously support the successful Express Transit and feel it should be expanded even further. The station stops however should be eliminated, especially now that the US Sec. of Transportation has allowed for 147th & 138th station stop funds can now be redirected in building the new three story parking ramp and the stops will be delayed one year and paid with local money. The amended UPA does not actually state they need to be built as a condition, thereby leaving their elimination desirable during this severe downturn. (see attachment)Express Riders think the new equipment will be used for the successful Express Service and are surprised to learn it will only go from stop to stop to Mall of America and back. Stops will be used little during morning or evening rush hours. Every business we speak with calls this a waste, is a non-efficient use of public tax dollars and feel few will make all those stops to Minneapolis or connect with light rail and all the subsequent station stops. <p>MNDOT Letter to US Secretary of Transportation (See attachment)—"We now realize that the proposed acceleration of two of the five BRT stations at 140th Street and 147th Street will add unnecessary costs to the overall project, create a disconnect in coordination of BRT projects, and not maximize the congestion reduction potential of UPA Funds. We are therefore proposing that these two stations be removed from the current UPA program. The stations will continue to move forward in design but would be built with local funds beginning in 2010."</p> <ul style="list-style-type: none">Later the letter states, "the estimated daily peak period boardings at the two station stops are <u>low</u> compared to the stations with park and rides. The primary benefit of these two station stops is <u>not peak period</u> congestion reduction, but rather accessibility and mobility during off-peak periods including <u>weekends</u>." <p>We are all for progress, understand future congestion and want an expanded Central Park and Ride station where Watson's was. We all agree the already very successful "Express Service" to downtown Minneapolis will reduce congestion but that the 147th and 138th station stops will not.</p> <ul style="list-style-type: none">Remove Station Stops—Station stops being planned at 147th and 138th are unnecessary and intrusive on businesses with no parking offered; parking enforcement will anger customers whom associate the ticket/line with the business, and with very few local residents nearby (especially at 147th where a major nursing home is mostly residents no longer independent). MVTA assurances are not comforting.City Council—The station stops not only do not accomplish the reduced congestion goal, but a letter from MNDOT to the US Secretary of Transportation agrees. Apple Valley City Council has stated at an emergency meeting two weeks ago concerning Cedar with the MET Council and County Commissioner Chair all present, how upset Apple Valley City Council is at the station stops.Key Issue Not Addressed is EAS—P. 94-95 mentions business owners and Chambers and that stakeholders have been engaged in identifying <u>key issues</u>, <u>yet our most important issue, removing the 147th stops and keeping grade changes out</u>, are still included in this document. Now the 2030 Plan reappears to the Cedar Board.Construction Expectation—P. 98 states the County will coordinate with affected business areas to develop a construction staging plan that minimizes adverse business accessibility. We expect our input in this next stage will be invited as we have clear ideas, our members expect us to represent them. We will introduce a successful current Business Directional Signage project in Ashland, WI.Initial Notification Weak—While not mentioned in the EAS, the process was suspect from the beginning as we were surprised at how few building owners were notified. Many businesses were notified but almost no owner of shopping centers were notified until we notified them ourselves, many out of town. Due diligence was not done concerning notification of stakeholders. Most have said there is little sensitivity to access, valuation, risk and the business model. Many building owners felt they were being avoided intentionally.	<p>12</p> <p>13</p> <p>14</p> <p>15</p>
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Response 12: As noted in Response 1, since July 2005 when the Implementation Plan was completed there have been several changes, such as the UPA program, inclusion of Lakeville in the transit taxing district, and development of additional funding sources such as the Counties Transit Investment Board. Based on these developments, the County has identified the need to update the implementation plan in 2009. The Cedar Avenue Implementation Plan Update will include review of the station stops, updated ridership estimates, and a BRT operations plan. As stated previously, though not part of this EA, the 140th Street and 147th Street station stops are still part of the currently approved implementation plan and Cedar Avenue Transitway plan. In preparing the Update, the County is committed to continuing the extensive public involvement efforts which have defined the process to date.


When completed the Cedar Avenue Transitway will include both express and station to station bus service each intended to address a different need. The express will be much like it is today with improved travel times and service reliability. The station to station service is focused on expanding transit service to residents in Dakota County and reducing reliance on the automobile for daily trips.

Response 13: The County recognizes the ridership generated from the 140th Street and 147th Street stops will be lower than the larger park and ride facilities. However the stops are an important part of the overall BRT system plan which focuses on enhanced transit services through increased frequency and improved accessibility. As noted previously, these station stops will be an important component of the Cedar Avenue Implementation Plan Update which will be conducted in 2009.

Response 14: The County is aware of the importance of thoughtful planning related to construction staging to minimize adverse impacts to corridor businesses during the construction period. The County

will work closely with the City and reach out to the business community for input while preparing the construction staging plans for Cedar Avenue.

Response 15: From the onset of the preliminary design and environmental review process in January 2006, the County has made public outreach the top priority. Over the past three years there have been dozens of meetings as well as press releases, newspaper articles, public meetings, newsletters, and web updates which have been focused on receiving comments, listening to the stakeholders and providing project information. Over 17,000 newsletters were mailed, emailed and hand delivered to businesses and residents within ½ mile of the project to encourage input and communication. This process had a significant influence on shaping the locally recommended alternative documented in the EA. The County will continue to reach out to the business community throughout the final design process.

<p>What We Want: We understand the tight construction timeline ahead this Spring.</p> <ul style="list-style-type: none">• We however request every effort be made to eliminate the 147th stops in particular, as the stops are unnecessary, will be underutilized, appear wasteful and not accomplish the goal of removing cars from Cedar during peak hours.• We urge new equipment be used for Express Service during peak hours.• We as well as the City of Apple Valley are in opposition to grade changes that would reduce business access and we both wish to retain a signalized arterial through Apple Valley. P. 17's funnel supports this position with the Dropped Concepts stating "No support for freeway option." Now the Grade changes reappear which is a "Freeway."• The actual amended UPA document returned from Washington actually states that only ONE STOP is required in Apple Valley. This signed UPA document which was amended on 10/14/08 overrides any letters or promises made by County officials.• More focus and weight given to alternative North/South road capacity outlets which effectively intercept eastbound traffic off of Cedar before it ever reaches downtown. (i.e. Pilot Knob, McAndrews, County 11 at McAndrews on ramp to 35-E or even entertaining another ramp off 35-E between Cliff and Cedar. We are looking for a "Strategic Holistic Approach" with better creativity and not relying on Cedar so much. <p>The 147th & 138 stops are not smart government nor the best use of taxpayer dollars (local, state or federal), business taxes or UPA & MN Legislature money. Money was awarded with the stated goal of removing cars from Cedar today and with transit that fits the corridor without social engineering.</p> <p>We feel the business community's concerns should be given equal weight to any local official's recommendation. All paychecks and taxes ultimately begin with business through jobs, payroll and an array of taxes. Clearly the business community wants some adjustments to the Cedar project and only then will offer our full support for Express and reasonable transit options that do not eliminate 30 years of business development.</p> <p>The City of Apple Valley seems to be listening to business concerns and we ask the county to have the same sensitivity to people's livelihoods, investments and family means.</p> <p>What is omitted in this document is as important as what is included.</p> <ul style="list-style-type: none">• Eliminate the stops, the grade changes and be more respectful of access. <p>We have the expectation this EAS will be updated to reflect our concerns. We also ask that the attached McComb Group study for the Save Downtown Apple Valley be reviewed and considered when planning for Cedar as well as updating this EAS.</p> <p>Sincerely,</p>  <p>Edward Keahey, President Apple Valley Chamber of Commerce</p> <p>Attachments: Letter from MNDOT to US Sec. of Transportation, Pages 1 & 2 of 5 UPA Agreement, Revised 10/14/08 P. 3 of 6 Memorandum from Save Downtown Apple Valley by McComb Group, Ltd.</p>	<p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
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Response 16: As noted in Response 1, since July 2005 when the Implementation Plan was completed there have been several changes, such as the UPA program, inclusion of Lakeville in the transit taxing district, and development of additional funding sources such as the Counties Transit Investment Board. Based on these developments, the County has identified the need to update the implementation plan in 2009. The Cedar Avenue Implementation Plan Update will include review of the station stops, updated ridership estimates, and a BRT operations plan. As stated previously, though not part of this EA, the 140th Street and 147th Street station stops are still part of the currently approved implementation plan and Cedar Avenue Transitway plan. In preparing the Update, the County is committed to continuing the extensive public involvement efforts which have defined the process to date.

Response 17: The comment is acknowledged; however the express service fleet is established and maintained by the MVTA.

Response 18: The 2030 Vision for Cedar Avenue is a long range concept of other potential changes to the corridor which may be required to maintain a reasonable level of mobility and safety. The Vision indicates Cedar Avenue would be maintained as a signalized arterial roadway with the potential for grade separations at select locations if warranted by traffic operations and safety and agreed to by the City of

Apple Valley. Currently, the County has no plans, funding, or desire to pursue additional changes to Cedar Avenue beyond those included as part of the locally recommended alternative described in the EA.

Response 19: The referenced UPA letter applies to the special funding which was assigned for the UPA program. These funds are no longer assigned to the proposed 140th Street and 147th Street station stops.

Response 20: Due to the high percentage (65%) of local trips that use Cedar Avenue the trips on Cedar have an origin or destination close to Cedar Avenue. The roadways identified in the comment are very important transportation corridors that primarily serve different travel sheds than Cedar Avenue. As a result, it is anticipated they will need to be improved by the year 2025 to address increasing travel demand irrespective of the improvements planned for Cedar Avenue.

Response 21: As noted in Response 1, since July 2005 when the Implementation Plan was completed there have been several changes, such as the UPA program, inclusion of Lakeville in the transit taxing district, and development of additional funding sources such as the Counties Transit Investment Board. Based on these developments, the County has identified the need to update the implementation plan in 2009. The Cedar Avenue Implementation Plan Update will include review of the station stops, updated ridership estimates, and a BRT operations plan. As stated previously, though not part of this EA, the 140th Street and 147th Street station stops are still part of the currently approved implementation plan and Cedar Avenue Transitway plan. In preparing the Update, the County is committed to continuing the extensive public involvement efforts which have defined the process to date.

Response 22: As previously noted, the business community has played an essential role in the development and refinement of the locally recommended alternative documented in the EA. The County will continue to work closely with the business community and City of Apple Valley throughout the final design process.

B. SUMMARY OF PUBLIC COMMENTS AND RESPONSES

This section responds to the comments received from businesses and residents during the 30-day comment period, including those comments provided in writing or orally at the December 4th Public Hearing. Copies of the comment letters and e-mails received are provided in Appendix E.

1. Paul Graffunder, 7525 W 147th Street, Apple Valley (letter)

Comment 1: Concerned with business impacts including loss of property through right-of-way acquisition, access closure, on-site circulation, and loss of parking.

Response 1: Dakota County has and will continue to work with impacted property owners to minimize adverse impacts on their properties. Any unavoidable impacts will be mitigated in accordance with federal and state rules.

Comment 2: Concerned with compensation for losses.

Response 2: In accordance with federal regulations, Dakota County will follow prescribed procedures for determining potential compensation for impacts associated with the proposed project. Specific compensation amounts will be determined in the final design process.

2. Time Square Shopping Center, 5005 Old Cedar Lake Road, St. Louis Park (letter)

Comment 1: Disagree with the 138th and 147th station stops with service to the Mall of America due to lack of parking spaces and few residents within walking distance.

Response 1: The proposed transit stops at 140th Street (138th Street) and 147th Street are being addressed as part of separate environmental review processes. The station stops are elements of the approved and adopted Cedar Avenue Alternatives Analysis Implementation Plan, adopted by the Cedar Group and the Dakota County Regional Railroad Authority. Following the Alternatives Analysis an Update and prioritization of the Initial Implementation Plan was completed in July 2005.

Since July 2005 when the Implementation Plan was completed there have been several changes, such as the UPA program, inclusion of Lakeville in the transit taxing district, and development of additional funding sources such as the Counties Transit Investment Board. Based on these developments, the County has identified the need to update the implementation plan in 2009. The Cedar Avenue Implementation Plan Update will include review of the station stops, updated ridership estimates, and a BRT

operations plan. As stated previously, though not part of this EA, the 140th Street and 147th Street station stops are still part of the currently approved implementation plan and Cedar Avenue Transitway plan.

Comment 2: Opposes grade separations and recommends that the adoption of Alternative 2 – 2030 be delayed and further study be considered.

Response 2: The 2030 Vision for Cedar Avenue is a long range concept of other potential changes to the corridor which may be required to maintain a reasonable level of mobility and safety. The locally recommended alternative in the EA does not include a grade separation at 140th Street, County Highway 42 or County Highway 46 at this time. The Dakota County 2025 Transportation Plan does identify deficient intersections on Cedar Avenue in the future that may require improvements in the future. Furthermore, future changes will not be pursued until the need is clear and the City is in agreement with further action.

3. Apple Valley Tire & Auto Service, Inc., 14580 Glenda Drive, Apple Valley (letter)

Comment 1: Concerned with loss of parking both on their property and on-street parking and loss of visibility due to the skyway.

Response 1: As noted above, the proposed 147th Street Transit Stop is part of a separate environmental review process. The County will be conducting further study regarding the exact location and configuration of the proposed stop in 2009. Efforts will be made to minimize the potential adverse effects of the station stop on adjacent properties and the County will continue to work with property owners throughout the process.

4. Robert Milis, 7915 Lower 139th Court W, Apple Valley (e-mail)

Comment 1: Opposes a transit stop at 140th Street and Cedar Avenue due to lack of parking, traffic concerns, and compatibility with adjacent residential developments.

Response 1: As noted above, the proposed 140th Street Transit Stop is part of a separate environmental review process. The County will be conducting further study regarding the exact location and configuration of the proposed stop in 2009. Efforts will be made to minimize the potential adverse effects of the station stop on adjacent properties and the County will continue to work with property owners throughout the process.

Comment 2: Questions the effectiveness of the proposed transit systems ability to improve traffic flow along Cedar and asks whether origin/destination surveys along Cedar Avenue have been conducted to identify potential transit ridership.

Response 2: The study process to date has included very detailed traffic and transit forecast modeling. The analysis indicates that BRT operations will increase the overall capacity of the corridor and will serve as a viable alternative for many commuters. No specific surveys have been conducted of commuters however; the modeling process does provide estimates of travel behavior and patterns that have led to the conclusion that BRT operations will provide measurable benefit.

Comment 3: Suggests capacity expansion along Cedar Avenue between I-35E and Diffley to reduce northbound traffic congestion.

Response 3: Concerns regarding the northbound lane drop on Cedar Avenue at 138th Street have been expressed by several individuals and agencies. The Minnesota Department of Transportation (Mn/DOT) will be conducted a study in 2009 to determine the most cost-effective approach for addressing this issue. Following completion of the study, funds will need to be identified to implement the preferred solution.

5. Steve Burk (e-mail)

Comment 1: Concerned with traffic flows on Glacier Way from the west due to commuters driving northbound on Dodd who want to go northbound on Cedar Avenue.

Response 1: The proposed changes to the Cedar Avenue/Dodd Boulevard intersection will not occur until after 179th Street has been constructed and, by design, replaces Dodd Boulevard as the primary east-west roadway in the area. 179th Street, rather than Glacier Way, will in turn become the primary route for eastbound traffic destined for northbound Cedar Avenue.

6. Nanette Eilers, 17100 Glencoe Avenue, Lakeville (e-mail)

Comment 1: Concerned with potential property impacts including loss of property through right-of-way acquisition, loss of vegetation, changes to the berming, impacts to fencing, changes in noise, and affects on drainage.

Response 1: The amount of new right-of-way required for the project will be refined and detailed in the final design process. The goal is to minimize, to the extent practical, new right-of-way acquisition. In those locations where right-of-way

acquisition is required, the County will be responsible for compensating any damages. In general, the County will replace any fencing or trees affected. The County will also attempt to replace any impacted berms, as space allows and will restore appropriate drainage patterns.

7. Unknown (comment card)

Comment 1: Supports a noise barrier north of 138th Street.

Response 1: The segment of Cedar Avenue north of 138th Street is beyond the project limits and under the jurisdiction of the Minnesota Department of Transportation. The County is not aware of any Mn/DOT plans to construct a noise barrier in the referenced location.

8. Binoy Panicker (comment card)

Comment 1: Supports the project.

Response 1: Comment Noted.

9. Dale Mrozinski, 13389 Georgia Circle (comment card)

Comment 1: Requests the 139th/Cedar Ave platform be covered and heated.

Response 1: The 140th Street Transit Stop is not part of this EA. However, plans for the Stop developed to date, call for the station platform to be covered and a portion to be heated. Design details for the station will be developed in 2009.

Comment 2: Supports noise walls north of upper 139th Street.

Response 2: The noise analysis included in the EA addressed potential noise walls along the east side of Cedar Avenue north of 139th Street. The analysis concluded that a noise wall in that location would not meet the cost-effectiveness criteria established by the Federal Highway Administration and Mn/DOT.

10. Unknown (comment card)

Comment 1: Supports the project.

Response 1: Comment Noted.

11. Patrick McNamara, 8680 Asatic Avenue, Inver Grove Heights (comment card)

Comment 1: Supports the project and requests sidewalks be improved around the stations.

Response 1: As noted previously, the transit stops are not part of this EA. However, the plans that have been developed to date

identify reconstructed trails designed to connect the station areas to the existing trail and sidewalk system.

12. Ron Kveton: Owner – Old Piper and Valley Park Mall (hearing transcript)

Comment 1: Concerned with business impacts and the removal of the left turn lane at 167th and Cedar Avenue.

Response 1: The proposed modifications to the Cedar Avenue/167th Street station are in response to the growth in traffic volumes and increasing safety concerns. Southbound traffic using 167th Street after the changes will be able to turn right onto Cedar Avenue and make a U-turn at the Griffon Trail intersection.

13. John Anderson (hearing transcript)

Comment 1: Concerned with business impacts resulting from right-of-way acquisition and changes in access.

Response 1: The referenced right-of-way impacts are associated with the new Apple Valley Transit Station platform on the west side of Cedar Avenue. This project is separate from the improvements being analyzed in this EA. Any property impacts associated with the station platform will need to be compensated in accordance with federal and state procedures. The referenced access closure is required to ensure safe bus operations in and around the station area.

14. Tim Silbernagel: representing Mount Olivet Assembly of God, Apple Valley (hearing transcript)

Comment 1: Requests confirmation that there would be no financial impact (assessments) to the Church from the City or County for any of the improvements.

Response 1: To date, there have been no property assessments for purposes of funding the proposed improvements. Specific funding details, to include possible cost-sharing by the City of Apple Valley, will be finalized during the final design process.

15. Gary Humphrey, 15835 Highland Point Court, Apple Valley (hearing transcript)

Comment 1: Suggests that through downtown Apple Valley that bus traffic (transit routes) should not be on Cedar Avenue, but rather utilize Pennock Avenue and Galaxie Avenue.

Response 1: Earlier studies have addressed the potential for Pennock and Galaxie Avenues to accommodate more of the through traffic currently using Cedar Avenue. Both roadways are important north-south collectors through Apple Valley. The

studies have concluded that these roadways are also facing congestion issues and are not able to accommodate a substantial amount of traffic from Cedar Avenue.

Comment 2: Concerned with business impacts resulting from transit stations and parking areas.

Response 2: The referenced 147th Street Transit Stop is being developed by the Minnesota Valley Transit Authority as part of a separate environmental review process. The County as well as the City of Apple Valley, has been and will continue to be very involved in that process. To date, no decisions have been made relative to acquiring any businesses to accommodate the development of the transit stop.

VI. RECOMMENDATION FOR FINDING OF NO SIGNIFICANT IMPACT

The proposed project includes the implementation of shoulder-running Bus rapid Transit (BRT) between 138th Street and County Highway 70 (a distance of approximately 7.7 miles, access modifications, and capacity expansion between 153rd Street and 160th Street, and right-of-way acquisition

The project was reviewed through the State Environmental Review Process of the Minnesota Environmental Quality Board (MEQB). Dakota County determined to voluntarily prepare an EAW. As a result, a combined federal EA/State EAW was prepared and authorized for distribution in November 2008.

Based on the documentation of impacts in the EA, the comments received in response to the public hearing and the public comment period, and the supplemental analysis summarized in this document, Dakota County issued a Negative Declaration on the need for the preparation of a state Environmental Impact Statement (EIS) (see Appendix F). Furthermore, Dakota County requests that the Federal Highway Administration prepare a Finding of No Significant Impact (FONSI) for this project.

VII. PROJECT MANAGER

Kristine Elwood
Dakota County Transportation Department
Project Manager
14955 Galaxie Avenue, 3rd floor
Apple Valley, MN 55124
952-891-7104

s:\ae\d\dakot(050200)environmental\ea update files\3-10-09 review draft ea update.doc

Appendix A

Cedar Avenue Noise Wall – Utility Impacts Memorandum



SEH MEMORANDUM

TO: Cedar Avenue Corridor Transitway – Project File

FROM: Karen Erickson, PE
Chris Hiniker, AICP

DATE: December 3, 2008

RE: Cedar Avenue Noise Wall - Utility Impacts
SEH No. A-DAKOT0502.00

This memorandum describes the process applied in determining the utility impact costs associated with the potential construction of Noise Wall segments 8, 10, & 15 identified in the Cedar Avenue BRT Environmental Assessment. The noise walls and utility impacts were discussed with Dakota County and the City of Apple Valley and their guidelines and assumptions were used to determine the estimated total cost of the impacts. The following guidelines and assumptions were used:

- City utilities (Sanitary Sewer, Watermain or Storm Sewer) should not cross directly underneath the noise walls. Noise Wall #8 and the 24” Sanitary Sewer line underneath is an exception.
- All existing utilities near the walls should be far enough away from them to allow for utility maintenance or replacement. A 1.5:1 slope for the trenches was used per the City of Apple Valley’s standards.
- Noise Wall removal and replacement → \$15/sf
- Watermain relocation → 16” watermain at \$60/ft and 6” watermain at \$35/ft
- Sanitary Sewer relocation → 12” pvc at \$40/ft and 8” pvc at \$35/ft.
- Overhead Power relocation (Sue Pairaso – Dakota Electric) → \$170,000 / mile OHP and \$350,000 buried power.

Applying these assumptions resulted in the following estimated costs for each wall segment:

- Wall 8 (NW quadrant of Cedar Avenue and County Highway 46) = \$42,000
- Wall 10 (SW quadrant of Cedar Avenue and 153rd Street) = \$20,000
- Wall 15 (SE quadrant of Cedar Avenue and 138th Street) = \$176,000

The documentation detailing the work which led to these cost estimates is attached to this memorandum.

kle

c:

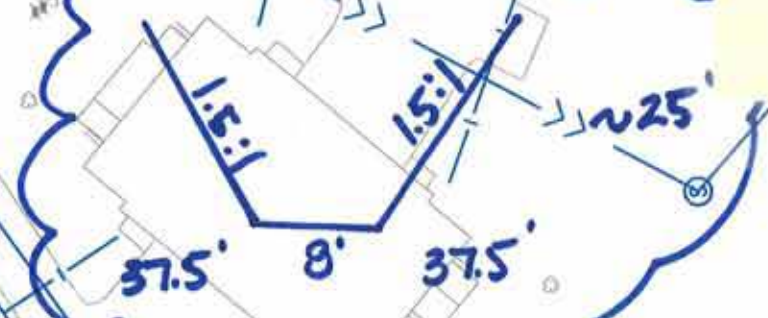
s:\ae\d\dakot\050200\noise\noise - utility pdf\noise wall - utility impact memo (first).doc

Noise Wall #8

- Remove Noise Wall → $136' \times \$6 = \816
(For the 24" RCP Sanitary Sewer Trench)
- Wood Noise Attenuator Wall → $(136' \times 20') \times \$15/\text{sf} = \$40,800$
(For the 24" RCP Sanitary Sewer Trench)

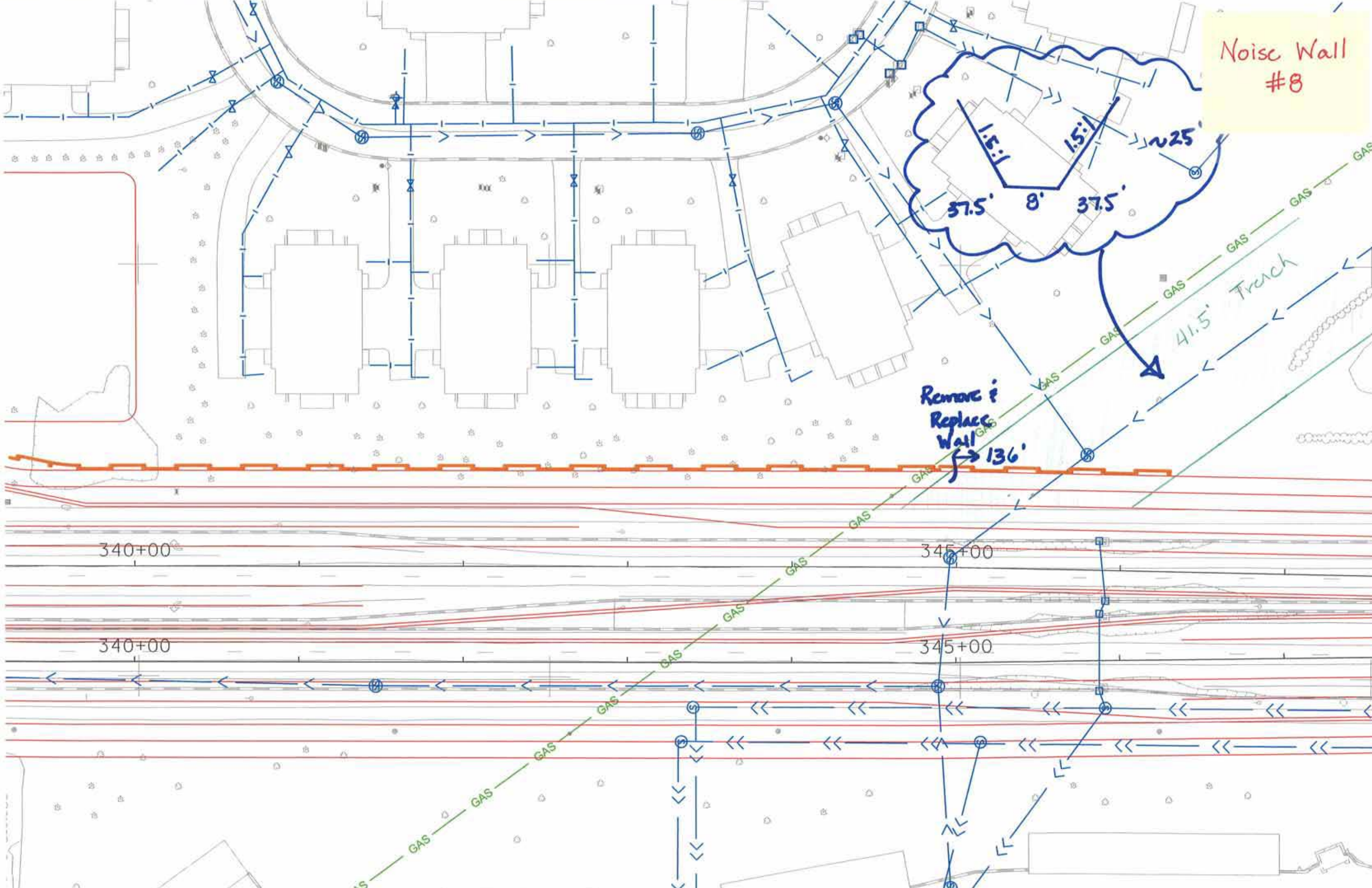
Total → \$41,616

Noise Wall #8



Remove & Replace Wall
136'

41.5' Trach

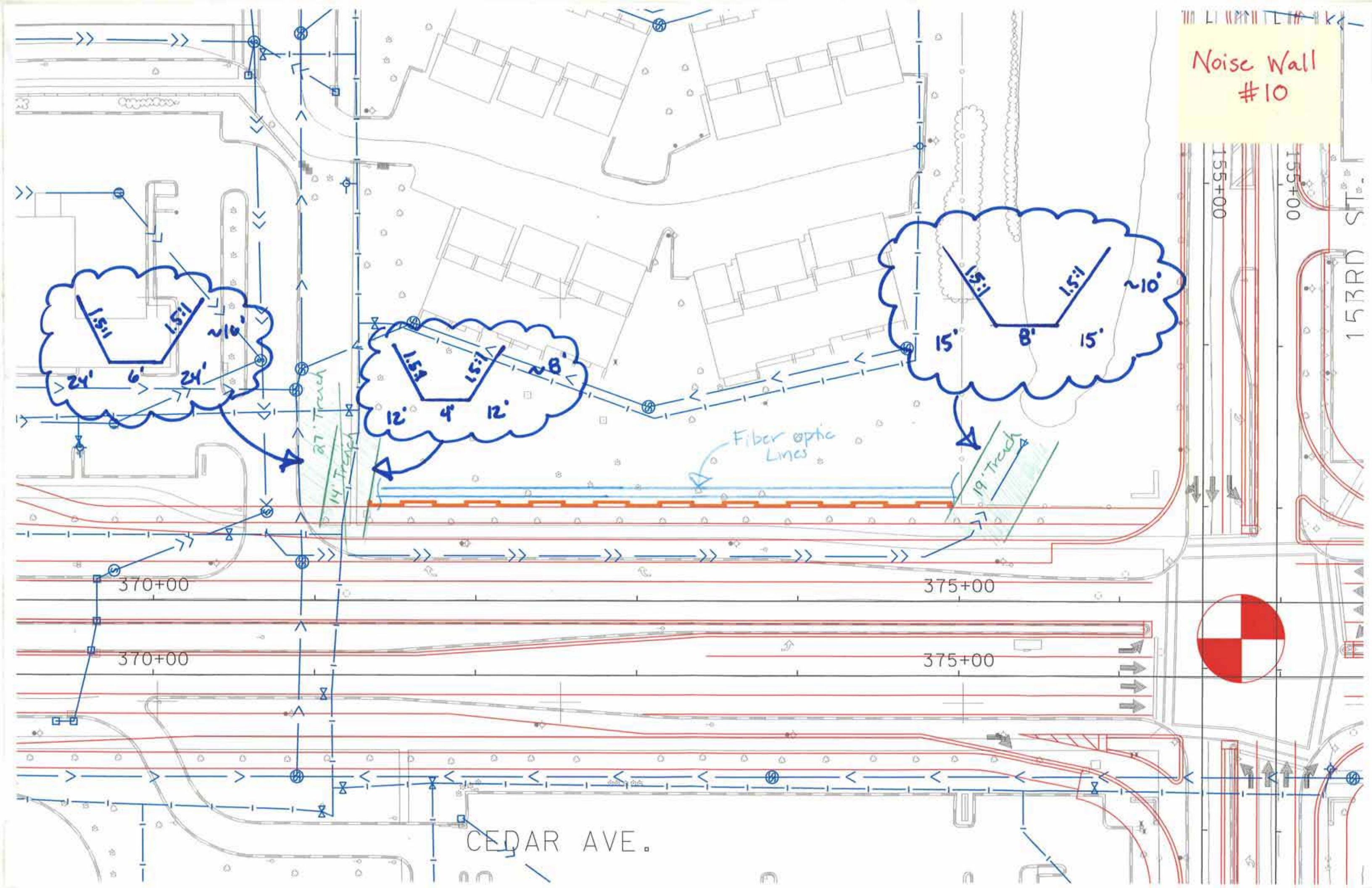


Noise Wall #10

- Relocate Fiber Optic Lines → \$20,000
- Trench widths for the Watermain, Sanitary Sewer, and Storm Sewer lines near Noise Wall #10 were checked and the noise wall will not be affected if utility work is needed.

Total → \$20,000

Noise Wall #10



CEDAR AVE.

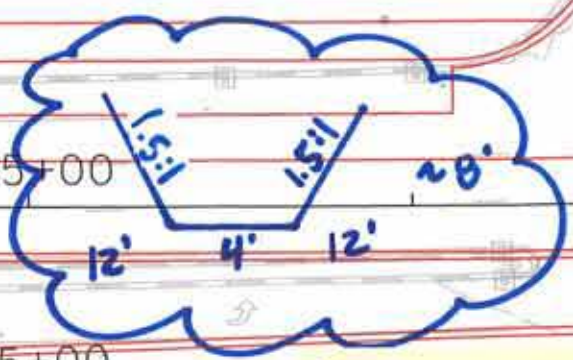
153RD ST.

Noise Wall #15

- Relocate Overhead Power → 700' x (1 mi/5280') x \$170,000 = \$22,538
- Reroute 12" PVC Sanitary Sewer → 852' x \$40/ft = \$34,080
- Reroute 6" Watermain → 240' x \$35/ft = \$8,400
- Remove & Replace Wood Noise Attenuator Wall → (32' x 20') x \$15/sf = \$9,600
(For trench width for parallel watermain)
- Reconstruct of cul-de-sac / Frontage Rd → 14,443 sf x \$7/sf = \$101,101

Total → \$175,719

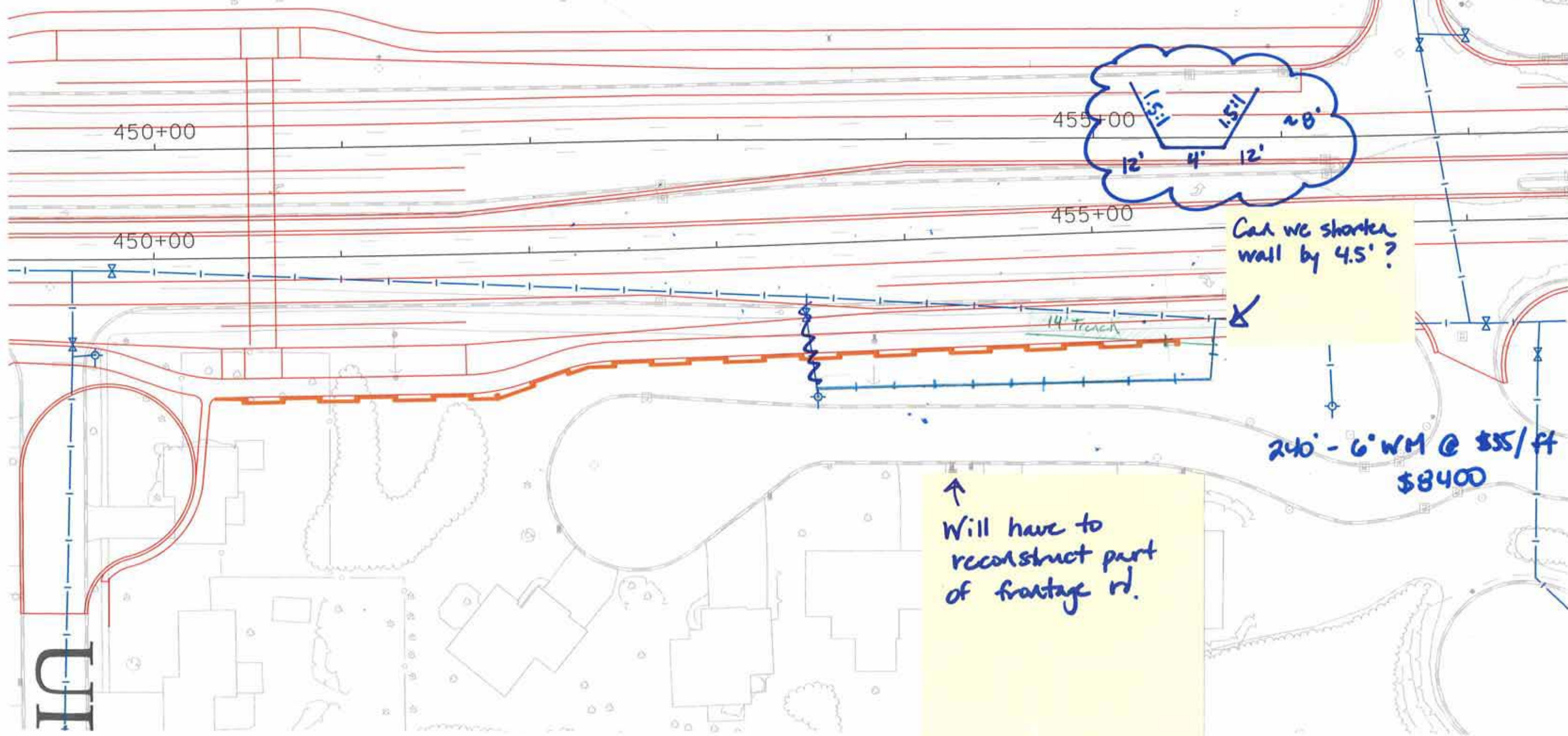
Noise Wall #15



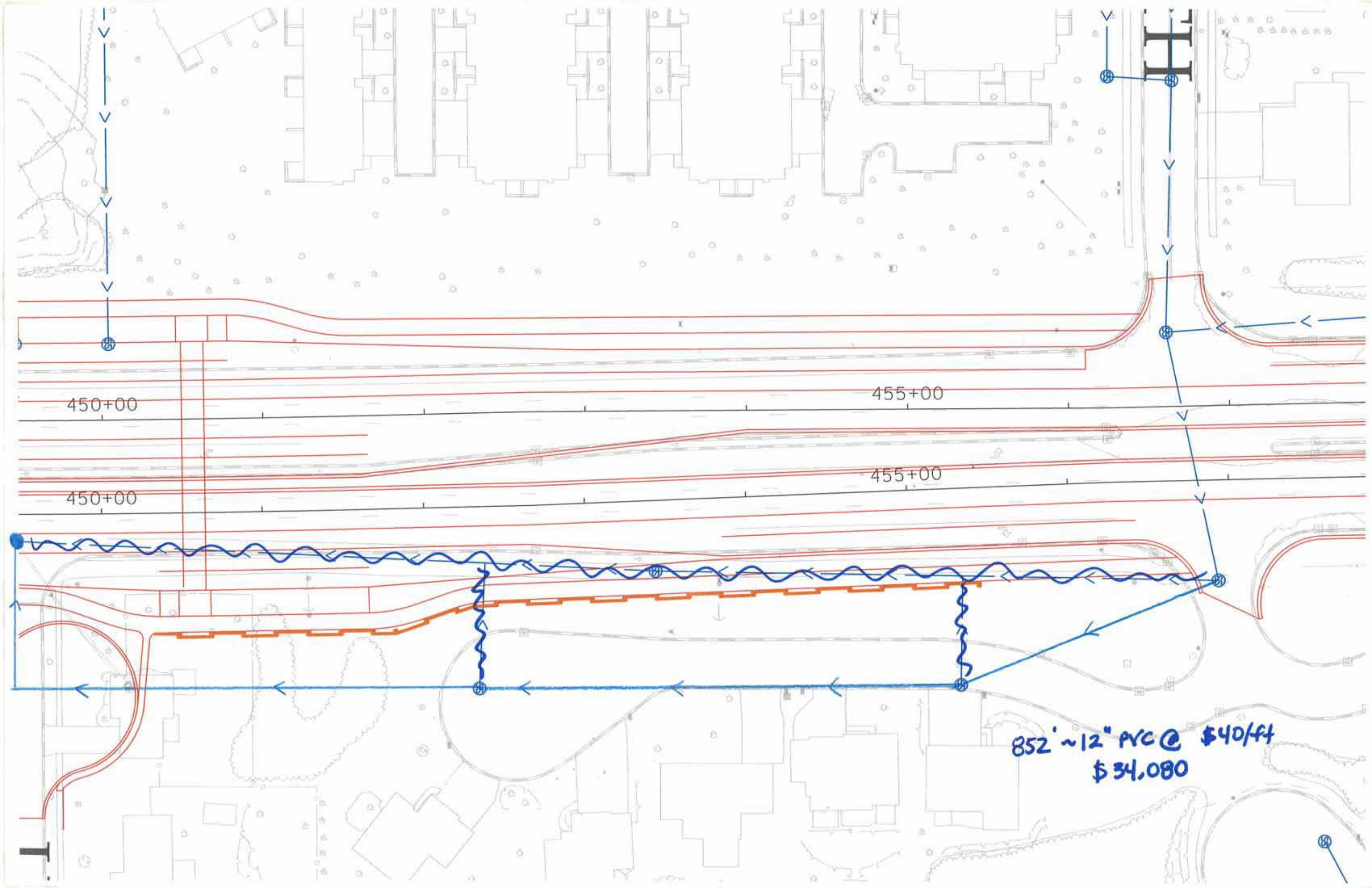
Can we shorten wall by 4.5'?

240' - 6" WM @ \$55/ft
\$8400

↑
Will have to reconstruct part of frontage rd.



UI



450+00

455+00

450+00

455+00

852' ~12" PVC @ \$40/ft
\$34,080

Appendix B

EQB Distribution List

TOM LAWELL
APPLE VALLEY CITY ADMINISTRATOR
APPLE VALLEY MUNICIPAL CENTER
7100 WEST 147TH STREET
APPLE VALLEY, MN 55124

2HC
1CD

JENNIE ROSS
MN/DOT OES
MS 620
395 JOHN IRELAND BOULEVARD
ST PAUL MN 55155

1HC
1CD

KRISTINE ELWOOD
DAKOTA COUNTY
TRANSPORTATION DEPARTMENT
14955 GALAXIE AVENUE
APPLE VALLEY, MN 55124

5HC
1CD

COLLEEN VANWAGNER
METRO DISTRICT STATE AID
MS 050
1500 WEST COUNTY ROAD B2
ROSEVILLE, MN 55113

2HC
1CD

LYNNETTE ROSHELL
MNDOT STATE AID
MS 500
395 JOHN IRELAND BOULEVARD
ST PAUL MN 55155

2HC
1CD

PHIL FORST
FHWA
GALTIER PLAZA, SUITE 500
380 JACKSON STREET
ST PAUL MN 55101

1HC
1CD

MINNEAPOLIS PUBLIC LIBRARY
ATTN: HELEN BURKE
GOVERNMENT DOCUMENTS
300 NICOLLET MALL
MINNEAPOLIS MN 55401-1992

1HC

GALAXIE LIBRARY
14955 GALAXIE AVENUE
APPLE VALLEY, MN 55124

1HC

WESCOTT LIBRARY
1340 WESCOTT ROAD
EAGAN, MN 55123-1029

1HC

DAKOTA COUNTY SOIL AND WATER
CONSERVATION DISTRICT
4100 220TH STREET WEST
SUITE 102
FARMINGTON, MN 55024

1HC

STATE ARCHAEOLOGIST
FORT SNELLING HISTORY CENTER
ST PAUL MN 55111

1HC

JON LARSEN
ENVIRONMENTAL QUALITY BOARD
ENVIRONMENTAL REVIEW PROGRAM
ROOM 300
658 CEDAR STREET
ST PAUL MN 55155

1HC

TRAVIS GERMUNDSON
BOARD OF WATER & SOIL RESOURCES
520 LAFAYETTE ROAD
ST PAUL MN 55155

1HC

BECKY BALK
MN DEPARTMENT OF AGRICULTURE
625 NORTH ROBERT STREET
ST PAUL MN 55155

1HC

MINNESOTA DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH DIVISION
625 NORTH ROBERT STREET
ST PAUL MN 55155

1HC

SUSAN MEDHAUG
MN DEPARTMENT OF COMMERCE
85 SEVENTH PLACE E, SUITE 500
ST PAUL MN 55101

1HC

STEVE COLVIN
MN DEPT OF NATURAL RESOURCES
ENVIRONMENTAL REVIEW UNIT
500 LAFAYETTE ROAD
ST PAUL MN 55155

2HC
1CD

MINNESOTA HISTORICAL SOCIETY
345 KELLOGG BLVD W
ST PAUL MN 55102

1HC

CRAIG AFFELDT
MN POLLUTION CONTROL AGENCY
ENVIRONMENTAL REVIEW UNIT – 4TH
FLOOR
520 LAFAYETTE RD
ST PAUL MN 55155

2HC
1CD

TAMARA CAMERON
US ARMY CORPS OF ENGINEERS
REGULATORY FUNCTIONS BRANCH
190 FIFTH ST E
ST PAUL MN 55101

1HC

KENNETH WESTLAKE
EPA
ENVIRONMENTAL PLANNING AND
EVALUATION UNIT
77 W JACKSON BLVD
CHICAGO IL 60604-3590

1HC

US FISH AND WILDLIFE SERVICE
TWIN CITIES FIELD OFFICE E S
4101 E 80TH ST
BLOOMINGTON MN 55425-1665

1HC

INDIAN AFFAIRS COUNCIL
161 ST ANTHONY, SUITE 924
ST PAUL MN 55103

1HC

HERITAGE LIBRARY
20085 HERITAGE DRIVE
LAKEVILLE, MN 55044

1HC

STEVEN MIELKE
LAKEVILLE CITY ADMINISTRATOR
CITY HALL
20195 HOLYOKE AVENUE
LAKEVILLE, MN 55044

2HC
1CD

BEVERLEY MILLER
EXECUTIVE DIRECTOR
MINNESOTA VALLEY TRANSIT AUTHORITY

100 EAST HIGHWAY 13
BURNSVILLE, MN 55337

1HC

CONNIE KOZLAK
METROPOLITAN COUNCIL
390 ROBERT STREET NORTH
ST. PAUL, MN 55101-1805

1HC

CRAIG LAMOTHE
560 SIXTH AVENUE NORTH
MINNEAPOLIS, MN 55411-4398

1HC

LINDA GONDRINGER
RICHARDSON, RICHTER & ASSOCIATES
477 SELBY AVENUE
ST. PAUL, MN 55102

1HC

STEPHANIE EILER
CH2MHILL
1295 NORTHLAND DRIVE
SUITE 200
MENDOTA HEIGHTS, MN 55120

1HC

REVIEW COORDINATOR
LOCAL PLANNING ASSISTANCE
METROPOLITAN COUNCIL
390 ROBERT STREET NORTH
ST. PAUL, MN 55101-1805

5HC

Appendix C

Affidavit of Publication

Public Hearing Certificate of Compliance

Rosemount Town Pages

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
)SS.
 COUNTY OF DAKOTA)

Chad Hjellming being duly sworn, on oath says that he is an authorized agent and employee of the publisher of the newspaper, known as *The Rosemount Town Pages*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statutes 311A.02, 331A.07 and other applicable laws, as amended.

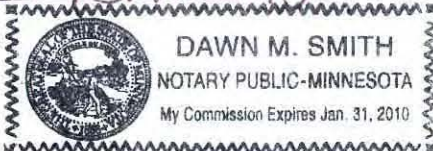
(B) The printed Notice of Public Hearing - Cedar Avenue Corridor Transit Way

which is attached was cut from the columns of said newspaper, and was printed and published once each week for one successive weeks; its was first published on Friday, the 21st day of November 2008 and was thereafter printed and published on every Friday, to and including Friday, the _____ day of _____, 2008; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

By: Chad Hjellming

Subscribed and sworn to before me on this 21st day of November, 2008.

Dawn Smith
 Notary Public

 DAWN M. SMITH
 NOTARY PUBLIC-MINNESOTA
 My Commission Expires Jan. 31, 2010

AFFIDAVIT

FEES:	Order#
First Insertion:	<u>11/21/08</u>
File#	<u>20524133</u>
<u>9</u> inches, @\$ <u>3.76</u> /in=	<u>33.84</u>
Additional Insertions:	
_____ inches, @\$ _____/in=	
Affidavit fee \$	
Total \$	<u>33.84</u>

**DAKOTA COUNTY REGIONAL RAILROAD AUTHORITY
 NOTICE OF PUBLIC HEARING FOR CEDAR AVENUE CORRIDOR TRANSITWAY ENVIRONMENTAL ASSESSMENT**

Thursday, December 4, 2008
 4:30 – 7:30p.m.
 Dakota County Western Service Center Atrium
 14955 Galaxie Avenue
 Apple Valley, MN 55124

Opportunity for Public Comment on the proposed Cedar Avenue Corridor Transitway Environmental Assessment

The Dakota County Regional Railroad Authority has released the Cedar Avenue Corridor Transitway Environmental Assessment (EA) for public comment. The project area includes the portion of Cedar Avenue from 138th Street in Apple Valley to County Highway 70 in Lakeville, Minnesota. Improvements outlined for the project area include the widening of shoulders to accommodate bus rapid transit (BRT) service, transit stations and stops, park and ride lots, pedestrian and bicycle facilities, and highway improvements.

A public hearing will be held on Thursday, December 4, 2008 from 4:30 to 7:30 p.m. at the Dakota County Western Service Center Atrium, located at 14955 Galaxie Avenue in Apple Valley, MN. An open house will also be held concurrently with the public hearing.

The purpose of the public hearing is to inform the public about the results of the Environmental Assessment (EA), and encourage the public to comment and ask questions. The Environmental Assessment (EA) and other project documents, as well as written views received from local, state, and federal agencies, will be available for public inspection.

Copies of the Environmental Assessment (EA) are also available for public viewing and copying on the project website at www.dakotacounty.us, search "Cedar Avenue", and during business hours at the following locations:

Dakota County Western Service Center
 Transportation Department
 3rd Floor, Room 335
 14955 Galaxie Avenue
 Apple Valley, MN 55124

Wescott Library
 1340 Wescott Road
 Eagan MN 55123-1029

Heritage Library
 20085 Heritage Dr
 Lakeville, MN 55044

Written comments can be mailed, prior to the close of the public comment period on December 17, 2008, to Kristine V. Elwood, Cedar Avenue Project Manager, at Dakota County Transportation Department, 3rd Floor, Room 335, 14955 Galaxie Avenue, Apple Valley, MN, 55124. Comments received by December 17, 2008 will be considered when making future project related decisions.

The above referenced document is available in alternative formats to individuals with disabilities by calling the Project Manager at 952-891-7104, or to individuals who are hearing or speech impaired by calling the Minnesota Relay Service at 1-800-627-3529. Individuals with a disability who need a reasonable accommodation to participate in this public hearing should contact the Project Manager at least five days before the public hearing at the phone number listed above or through the Minnesota Relay Service at 1-800-627-3529. 11/21

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

..... CERTIFICATE OF COMPLIANCE.....

MINNESOTA PROJECT NO. ___ STATE PROJECT NO. 19-623-23; 19-623-24; 19-623-25; 19-596-06; 19-596-05

TRUNK HIGHWAY NO. _____ OR LOCAL AGENCY ROUTE NO. CSAH 23
(CSAH, MSAS)

Being that section of highway between: 138th Street in Apple Valley and County Highway 70 in Lakeville, Dakota County, Minnesota.

In conformance with the requirements of SECTION 128, TITLE 23, UNITED STATES CODE, the undersigned does hereby certify that

_____ the public has been afforded an opportunity for a public hearing, or

X a public hearing was held

and that consideration has been given to the social and economic effects of the project, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community.

The public was advised of the

_____ objectives of such a hearing, the procedures for requesting a hearing, the deadline for the submission of such a request, or

X time, place, and objectives of the hearing

by notices published in news media having a general circulation within the area of said project. Affidavit(s) of such publication is (are) enclosed herewith.

_____ The deadline date for the submission of a request for a hearing was _____ 200_, or

X The hearing was held on December 4, 2008 in the City of Apple Valley, MN.
(City, Township, Other)

Signed _____ this _____ day of _____ 200_
Mn/DOT District Engineer

OR

Signed Mark J. Krueh this 30 day of December 2008
Local Agency Title: County Engineer

Appendix D

Public Hearing Transcript

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CEDAR AVENUE CORRIDOR TRANSITWAY HEARING

14955 GALAXIE AVENUE

APPLE VALLEY, MINNESOTA

DECEMBER 4, 2008

4:30 to 7:30 p.m.

1

2

P R O C E E D I N G S

3

4

Whereupon, the personal comments of the following
people was commenced at 4:30 p.m. as follows:

5

6

7

MR. RON KVETON: I own Ole Piper and

8

Valley Park Mall on 167th and Cedar. The proposal is

9

taking away my left-hand turn lane, which I think will

10

have an effect on my business for people leaving.

11

What scares me is trying to show people how to go back

12

in Valley Park from multiple streets to find Cedar

13

Avenue again, and seeing other businesses about go

14

this over the years, I believe my business would lose

15

business. That's about it. Okay.

16

17

MR. JOHN ANDERSON: So do you need my

18

name in this process? I'm John Anderson, and I

19

represent the partnership that owns the property in

20

which the Jiffy Lube operates just between 153rd and

21

155th on the west side of Cedar Avenue. The right of

22

way is going to be acquired and also the access coming

23

into this property, as well as the other properties,

24

and businesses that operate just to the south of me in

25

the same building are going to be severely impacted by

1 the design presently being featured that closes that
2 access. We would like to see that access left open.
3 I cannot understand why it cannot be left open as it
4 would create severe damages to the businesses by
5 losing that access thus impacting the acquisition
6 costs and all the negatives that go with that timing
7 as well. At this date, we have not received any
8 information about a proposed price for the taking for
9 what is proposed or for the proposed taking, as I
10 would say. One of the things that concerns us is you
11 look at the comments that the public have made, at
12 least in the information we see in the displays today.
13 The third concern is consideration for residential and
14 business access. The loss of this access certainly
15 does not provide that consideration. I can be
16 contacted at 952-944-1317. I have had conversations
17 with Mr. Sass and Mr. Howard from Dakota County, and
18 they've informed me that the process had been handed
19 off the Metro Transit District and we would be hearing
20 from them. We have not as yet, and that concerns me.

21

22 MR. TIM SILBERNAGEL: So my name is Tim
23 Silbernagel representing Mount Olivet Assembly of God
24 in Apple Valley, Minnesota. I want to confirm that
25 the church would not receive any assessment of

1 improvements from the City or County for the new
2 project. So our understanding is all funds would come
3 from the greater county or city taxes. We would like
4 to be informed of any of that, information changes and
5 have the meetings -- all meetings be sent to the
6 church; that way, we can be in attendance if we so
7 desire. I think that is it. So this would confirm
8 that there would be no financial impact or cost to
9 Mount Olivet Assembly of God.

10

11 MR. GARY HUMPHREY: Well, my name is
12 Gary Humphrey, 15835 Highland Point Court, Apple
13 Valley, Minnesota. I am -- I was a former mayor of
14 Apple Valley for two years, city council for 14 years,
15 Apple Valley Planning Commission for six years dating
16 back to 1975. 1976, when we passed the first
17 comprehensive plan for Apple Valley, we included
18 Pennock and Galaxie so-called ring route at the Cedar
19 Avenue corridor. In the last plans for the last seven
20 years, that seems to have been forgotten and not
21 included in the Pennock -- or I mean the Cedar Avenue
22 corridor plans, but the City was designed to help
23 alleviate traffic with those two corridors. I think
24 that's particularly important as far as transit guys,
25 and I assume that, for the next 20 years anyway, we're

1 going to be looking at rubber tire transit as far as
2 transit goes. I spent a year and a half as a board
3 member representing this region on the Metro Transit
4 Board, which is been disbanded. I spent seven years
5 as a representative for this region on the Metro
6 Transit Advisory Board. I feel strongly that we need
7 to include those, particularly when it comes to
8 transit by use of the Galaxie corridor all the way up
9 to McAndrews. We could enhance service to the zoo and
10 use much of the zoo parking lot areas and perhaps even
11 improve them and use them for a park-and-ride area.
12 They have a large area that's not heavily used,
13 particularly during the week, that kind of thing. I
14 also feel strongly that the bus traffic, transit
15 traffic, should not be on the Cedar Avenue corridor --
16 Cedar -- excuse me, on Cedar Avenue but on Pennock and
17 Galaxie as much as possible and leave Cedar Avenue
18 through the downtown Apple Valley area open for car
19 and truck traffic. There are also alternate sites at
20 147th, 148th, and Galaxie where the City owns a large
21 ponding facility, but it could be decked and used as a
22 park-and-ride area. Tearing out businesses on 147th
23 to put transit ride there would only snarl up the
24 parking lots of the businesses within the downtown
25 area, and I don't think that that's a reasonable

1 thing. I also own a building on 143rd just behind
2 Wells Fargo, so I am a businessman that's also
3 interested in that entire thing. That is it.

4 (Whereupon, the personal comments
5 portion of the hearing was concluded at 7:34 p.m.)

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1 STATE OF MINNESOTA)
)ss. CERTIFICATE
2 COUNTY OF RAMSEY)

3 BE IT KNOWN that I, Jenelle Lundgren, took the
4 foregoing on the 4th day of December, 2008, at Apple
Valley, Minnesota;

5 That I was then and there a Notary Public in and
6 for the County of Ramsey, State of Minnesota, and that
7 by virtue thereof I was authorized to administer an
oath;

8 That the testimony of said parties was recorded
9 in stenotype by myself and reduced to print by means
10 of Computer-Assisted Transcription under my direction,
and that the deposition is a true record of the
testimony given by the witness to the best of my
ability;

11 That I am not related to any of the parties
12 hereto nor interested in the outcome of the action.

13 Dated this 12th day of December, 2008.

14
15 JENELLE LUNDGREN
16 Notary Public
17 Ramsey County, Minnesota
My commission expires
01-31-2013

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19
20
21
22
23
24
25

Appendix E

Public Comments

Paul R. Graffunder
7525 W. 147th St.
Apple Valley, MN
55124

December 16, 2008

Dakota County Transportation Dept.
Kristine Elwood, Project Manager
14955 Galaxie Avenue 3rd Floor
Apple Valley, MN 55124

Hand Delivered on December 17, 2008

Dear Ms. Elwood,

I am writing to express my concerns and disappointment about your plans and actions on the Cedar Avenue Transitway.

As you are well aware the last plan you reviewed with me will close my most important entrance and exit of my service station property. You have also led me to believe that you plan to eliminate a significant portion of the on site parking which is now located within my property. You personally told me that you and your staff believe that these changes should not materially affect this business. I want to make very clear to you and anyone else involved in this project that your plans will most certainly affect this business, business value, property value and the future viability of the business.

You yourself had a traffic flow study conducted which by your own admission you failed to carry out properly. I did my own which you have a copy of. The study could be repeated any day of the week or month and would have a similar result. You know just by standing and watching the cars enter and leave my site that more than 70% of the cars entering use the cut that you propose to eliminate. You also can not come up with a reasonable traffic flow plan around my fuel pumps if you eliminate this access.

The most disturbing aspect of your whole project as admitted by your staff is there has been no consideration given in your budget to compensate landowners or tenants for their losses. I have owned a business on this corner since January of 1981. I do not have a government pension to fall on. What I have is what I have built, the goodwill of the business and the value of the land. I am now fifty years old and would have a very difficult time relocating and rebuilding a business of this type. I still need income from this site, and your proposed changes would be a certain slow death to the viability of the business concern that currently occupies this space.

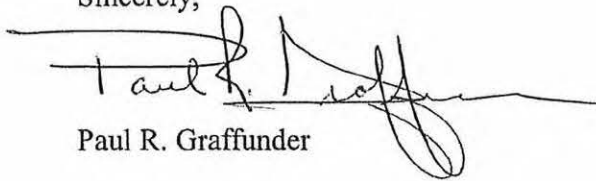
I again would ask you to not make changes to my property that would negatively affect

my livelihood. I would ask you to consider the necessity of your proposed project, not just that some money is available and you need to spend it. I would ask you to make roadway changes and construct buildings on properties that do not contain an operating business or do them on a property that is for sale.

If you and others deem that this project is truly important enough that you need to destroy living breathing entities such as mine I would hope and pray that you would save enough money in you project budget to justly compensate us for our losses and loss of our jobs.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul R. Graffunder", written over a horizontal line. The signature is stylized and cursive.

Paul R. Graffunder

**Time Square Shopping Center
5005 Old Cedar Lake Road
St. Louis Park, MN 55416
952-374-1555**

Dakota County Transportation Dept.
Kristine Elwood, Project Manager
14955 Galaxie Ave, 3rd Floor
Apple Valley, MN 55124

December 15, 2008

Dear Ms. Elwood,

Pursuant to our several meetings regarding the Cedar Avenue Corridor Project, I was surprised to see very little discussion in the Environment Assessment Study regarding impacts to the Downtown Apple Valley Business Community. You are aware that the "Save Downtown Apple Valley Committee" was established specifically to address the concerns set forth below and we respectfully request you amend the Environment Assessment Study accordingly.

1. Disconnect between Express (Park and Ride) and 147th & 138th stops.

As you know, the express park and ride service is a huge success and continues to grow exponentially. It is our position that the 138th & 147th station stops with service to the Mall of America and back is a total waste of tax payer money.

Without parking spaces at those stops and few residents within walking distance, the new BRT will be empty and the express buses will continue to be packed.

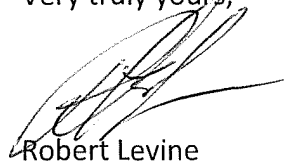
2. Adoption of Alternate 2 – 2030.

It is my understanding that the County wants the Cedar Board to adopt Alternate 2 -2030 as the long range vision for the Cedar Avenue Transitway. As you know, this Plan calls for grade changes at Cedar Avenue at 140th Street, County Road 42 and 160th Street. The prime goal of the Save Downtown Apple Valley Committee is to preserve access to downtown business and not create a freeway. With the recommendation of adoption of Alternate 2 – 2030, the County continues to ignore the wishes of the business community. Mark Kredsback, Dakota County Planning Director specifically told our group, including reporters from the Star Tribune, that any contemplation of grade separation would not be considered for at least 10 years. We hope that his representations were not misleading or false. In addition, all of your traffic studies were based on traffic counts prior to the increase in gasoline prices and subsequent changes in driving habits and

patterns. We strongly recommend that adoption of Alternate 2 – 2030 be delayed and further study be considered.

Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Levine', with a long horizontal flourish extending to the right.

Robert Levine

Owner, Time Square Shopping Center
Since 1968

cc: Edward Kearney, President Apple Valley Chamber of Commerce
Tom Lewell, City Administrator
Mary Hamann-Roland, Mayor

APPLE VALLEY TIRE & AUTO SERVICE, INC.

14580 GLENDA DRIVE • APPLE VALLEY, MN 55124
TELEPHONE (952) 432-3262



December 17, 2008

Dear Kristine,

I wanted to go on record to voice my concerns regarding the proposed bus transit stop that may be constructed on my property. We've had many conversations regarding my concerns on the impact this will have on my business. Once again here are my main objections:

* I would loose at least 8 parking spots, not to mention the garbage and tire storage area.

*In all likelihood some bus riders would park in my lot or at least the street in front of my business, taking away some more parking.

*There would be increased risk to my property and my customers with bus riders walking thru my parking lot to get to the bus.

*Most important would be the loss of visibility by people driving down Cedar Ave. with a 130 foot long building and skyway on my property.

These factors would put me out of business, as confirmed by a study conducted by The McComb Group.

Sincerely,

Robert Ullrich
Owner – Apple Valley Tire & Auto



"Elwood, Kristine"
<Kristine.Elwood@CO.DAKO
TA.MN.US>

12/08/2008 09:10 AM

To <chiniker@sehinc.com>,
<lgondringer@richardsonrichter.com>

cc

bcc

Subject FW: Cedar Avenue Project

Comments for the EA.

From: Robert_J_Milis@bluecrossmn.com [mailto:Robert_J_Milis@bluecrossmn.com]

Sent: Friday, December 05, 2008 12:23 PM

To: Elwood, Kristine

Subject: Cedar Avenue Project

Kristine -- I would like to provide comments about the proposed bus rapid transit system along Cedar Avenue in Dakota County and Cedar Avenue traffic in general. I reside at 7915 Lower 139th Court West, Apple Valley, which is close to 140th Street and Cedar. Here are my points:

(1) Any transit stop at 140th and Cedar seems ill advised. There is no current parking and no easy access to that intersection. It appears that very few people would be able to walk to that location. If there is an intent to develop parking spaces there, it likely would add to the traffic flow problems already present along Pennock Avenue, and any parking lot of any size would be a significant detriment and eyesore for the adjacent neighborhood of single family homes. Rather, parking and access should be concentrated at locations where commercial development and/or parking already exists -- such as at the planned locations immediately to the south on Cedar. It simply doesn't seem reasonable to expect that a 140th Street site would add to the ridership when another stop is planned only a couple of blocks to the south. The neighbors in the Timberwick development near 140th Street are unanimously opposed to a transit stop at 140th Street.

(2) Realistically, a bus transit system will likely do little to improve traffic flow along Cedar. Unless people are going to the Mall of America or downtown Minneapolis, I would expect few would see the convenience of taking a bus when they want to go to other locations, such as any of the many businesses along I-494 or the west metro in general. It would be very helpful for you to know where the car traffic on Cedar goes, so that you can better identify what the potential bus ridership will be. Have any surveys been done of Cedar Avenue commuters to determine if they would actually ride the bus?

(3) The most immediate effective and immediate remedy for improving traffic flow along Cedar Avenue is to expand the two lane stretch of highway to three lanes between I-35E and Diffley. It's not a coincidence that the southbound traffic along that stretch of Cedar very seldom experiences congestion. However, the northbound traffic is typically very congested every weekday morning, in large part because of the poor design of Cedar Avenue that reduces a three lane road to two lanes. It appears that the general design of the roadway would accommodate three northbound lanes all the way through Apple Valley and Eagan. This should be the immediate priority.

Thank you for your attention.

Robert J. Milis
7915 Lower 139th Court West
Apple Valley, MN 55124
651-662-8029 (b), 952-431-2914 (home)



"Elwood, Kristine"
<Kristine.Elwood@CO.DAKO
TA.MN.US>

12/12/2008 10:44 AM

To <chiniker@sehinc.com>,
<lgondringer@richardsonrichter.com>

cc

bcc

Subject FW: Proposed changes to Cedar Ave. & Dodd Blvd.
intersection in Lakeville

Comments for EA

From: Steve Burk [mailto:skb.burk@gmail.com]

Sent: Thursday, December 11, 2008 5:21 PM

To: Elwood, Kristine

Subject: Proposed changes to Cedar Ave. & Dodd Blvd. intersection in Lakeville

Hi Kristine, I left you a voice mail on this topic as well.

I am concerned that traffic flow patterns under the proposal will create undesirable traffic levels on Glacier Way from the west due to commuters driving northbound on Dodd who want to go northbound on Cedar Ave. Why restrict the major intersections which already have semaphores and push traffic onto smaller residential streets such as Glacier Ave. and 175th St. which connects to Glacier?

Sincerely,

Steve Burk

Work Ph. 612-726-4196



"Elwood, Kristine"
<Kristine.Elwood@CO.DAKO
TA.MN.US>
12/05/2008 11:47 AM

To <chiniker@sehinc.com>,
<lgondringer@richardsonrichter.com>
cc
bcc

Subject FW: Cedar Avenue BRT Project

Comments from last night

From: Nanette Eilers [mailto:NEilers@ck-law.com]
Sent: Friday, December 05, 2008 8:25 AM
To: Elwood, Kristine
Subject: Cedar Avenue BRT Project

Ms. Elwood:

My name is Nanette Eilers, my husband is Brent Eilers. We own a home at 17100 Glencoe Avenue in Lakeville. Last night we attended the open house at the Dakota County Western Service Center.

First, I would like to say that we both understand the necessity for such a project. There's no doubt that something needs to be done to ease congestion and improve the traffic flow on Cedar Avenue.

However, as homeowners whose rear yard backs up to Cedar Avenue, we are concerned about the affect this project will have on our property. In looking at the plans, there is no doubt in our minds that we will lose some of our property. However, when we inquired about this, we received three different answers from three different people. We found this very disconcerting.

Our rear yard has chain link fence on the north and south sides and the wood fence on the east side runs parallel to Cedar Avenue. Several 19 year old pine trees line the wood fence. The back 20+ feet of our yard is a large hill or berm.

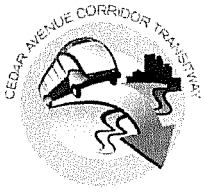
While we're not engineers, it appears to us that we could lose up to 10 feet of our rear yard. This means we would lose our fence and the pine trees. The chainlink fence and berm would also be affected. The wood fence, trees and berm all help absorb the traffic noise from Cedar Avenue.

What we want to know is if the County has to acquire a portion of our property for this project, what are the relandscaping plans, etc? Will the wood fence and trees be replaced? Will our chainlink fence be adjusted to fit properly? If a portion of the berm is taken and the grading is changed, how will it affect noise levels, drainage, etc.?

A response to these questions would be appreciated. Our sincere hope is that this project will not have a detrimental effect on our quality of life or our property value.

Thank you for your time.

Nanette Eilers
H: 952-431-6394



WE WANT TO HEAR FROM YOU!
CEDAR AVENUE CORRIDOR TRANSITWAY
OPEN HOUSE AND PUBLIC HEARING ON THE
ENVIRONMENTAL ASSESSMENT
DECEMBER 4, 2008



1. Tell us what you think about the transitway plan and Environmental Assessment for the Cedar Avenue Corridor Transitway.

Would like noise barrier North of 138th St

2. OPTIONAL: If you would like to receive a response to your comments, please include your contact information below.

Name: _____ Address: _____

Phone: _____ Email: _____

The public comment period on the Environmental Assessment ends on December 17, 2008. All comments will be considered by the Dakota County Regional Railroad Authority as the project moves to the final design phase. Thank you for your comments!



WE WANT TO HEAR FROM YOU!
CEDAR AVENUE CORRIDOR TRANSITWAY
OPEN HOUSE AND PUBLIC HEARING ON THE
ENVIRONMENTAL ASSESSMENT
DECEMBER 4, 2008



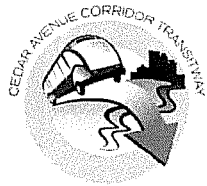
1. Tell us what you think about the transitway plan and Environmental Assessment for the Cedar Avenue Corridor Transitway.

EXCELLENT CONCEPT AND TOTALLY WORTH THE
FUNDING — THIS COULD BE A LEADER FOR
BRT CONCEPTS IN THE NATION —

2. OPTIONAL: If you would like to receive a response to your comments, please include your contact information below.

Name: BINOY PANICKER Address: CPED - CITY OF MPES
Phone: 612 673-3513 Email: binoy.panicker@ci.minneapolis.mn.us

The public comment period on the Environmental Assessment ends on December 17, 2008. All comments will be considered by the Dakota County Regional Railroad Authority as the project moves to the final design phase. Thank you for your comments!



WE WANT TO HEAR FROM YOU!
CEDAR AVENUE CORRIDOR TRANSITWAY
OPEN HOUSE AND PUBLIC HEARING ON THE
ENVIRONMENTAL ASSESSMENT
DECEMBER 4, 2008



1. Tell us what you think about the transitway plan and Environmental Assessment for the Cedar Avenue Corridor Transitway.

Thank you for managing this plan so well.
The 139th & Cedar ^{bus} platform is appreciated. Can it be covered/heated?
Please provide for noise walls north of
upper 139th Street. As vehicles accelerate
north to Hwy 77 the noise continues to
increase. Noise pollution issue s/b addressed.
I am proud to be "green" Monday - Friday Year-round.

2. OPTIONAL! If you would like to receive a response to your comments, please include your contact information below.

Name: Dale Mrozinski Address: 13389 Georgia Circle
Phone: 651-293-4358 (Daytime) Email: dale.mrozinski@ecolab.com

The public comment period on the Environmental Assessment ends on December 17, 2008. All comments will be considered by the Dakota County Regional Railroad Authority as the project moves to the final design phase. Thank you for your comments!



WE WANT TO HEAR FROM YOU!
CEDAR AVENUE CORRIDOR TRANSITWAY
OPEN HOUSE AND PUBLIC HEARING ON THE
ENVIRONMENTAL ASSESSMENT
DECEMBER 4, 2008



1. Tell us what you think about the transitway plan and Environmental Assessment for the Cedar Avenue Corridor Transitway.

The plan is great. It will make it much easier to get to Apple Valley. I am tired of driving in/on cedar area. Lets get this going. I like the design of the new Apple Valley transit station too.

2. OPTIONAL: If you would like to receive a response to your comments, please include your contact information below.

Name: _____ Address: _____

Phone: _____ Email: _____

The public comment period on the Environmental Assessment ends on December 17, 2008. All comments will be considered by the Dakota County Regional Railroad Authority as the project moves to the final design phase. Thank you for your comments!



WE WANT TO HEAR FROM YOU!
CEDAR AVENUE CORRIDOR TRANSITWAY
OPEN HOUSE AND PUBLIC HEARING ON THE
ENVIRONMENTAL ASSESSMENT
DECEMBER 4, 2008



1. Tell us what you think about the transitway plan and Environmental Assessment for the Cedar Avenue Corridor Transitway.

I have studied the Environmental Assessment. I endorse the transitway plan and highway improvements. Doing nothing is not an option. Please improve the sidewalks around the stations.

2. OPTIONAL: If you would like to receive a response to your comments, please include your contact information below.

Name: Patrick McNamara Address: 8680 Asiatic Ave. Inver Grove Hts, MN
Phone: 651-405-081 Email: _____

The public comment period on the Environmental Assessment ends on December 17, 2008. All comments will be considered by the Dakota County Regional Railroad Authority as the project moves to the final design phase. Thank you for your comments!

Appendix F

Dakota County Board of Commissioners Negative Declaration Resolution

**BOARD OF COUNTY COMMISSIONERS
DAKOTA COUNTY, MINNESOTA**

March 17, 2009

Resolution No. 09-118

Motion by Commissioner Egan

Second by Commissioner Krause

**Authorization To Distribute Negative Declaration On Need For Environmental Impact Statement For
County State Aid Highway 23, Cedar Avenue Corridor Transitway In Cities Of Apple Valley And Lakeville**

WHEREAS, the County of Dakota is the Responsible Governmental Unit for environmental review of the County State Aid Highway (CSAH) 23 Cedar Avenue Corridor Transitway project; and

WHEREAS, preparation of an Environmental Assessment Worksheet is mandatory pursuant to Minnesota Rules 4410.4300, Subpart 22(B): construction of additional travel lanes on an existing road for a length of one or more miles; and

WHEREAS, the County of Dakota undertook an environmental review process to determine if the CSAH 23 Cedar Avenue Corridor Transitway project has the potential for significant environmental effects, and prepared the Cedar Avenue Corridor Transitway Environmental Assessment (EA) that constitutes an Environmental Assessment pursuant to 42 USC 4321 et seq. and also an Environmental Assessment Worksheet pursuant to Minn. Stat. Ch. 116D; and

WHEREAS, the availability of the EA was officially noticed on November 17, 2008, in the EQB Monitor, a public hearing on the contents of the EA was held on December 4, 2008, at the Dakota County Western Services Center, comments on the EA were received through December 17, 2008; and

WHEREAS, staff have reviewed all of the comments made at the public hearing and received during the comment period, all of which are included in the Environmental Assessment Update; and

WHEREAS, no federal or state or local agencies that submitted comments requested that an Environmental Impact Statement be prepared for the CSAH 23 Cedar Avenue Corridor Transitway project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby makes the following specific findings of fact:

1. The County of Dakota is the Responsible Governmental Unit for preparation of environmental review of the project.
2. A combined federal Environmental Assessment (EA) and state Environmental Assessment Worksheet (EAW) was prepared and distributed the State of Minnesota Environmental Quality Board Environmental Review Program Distribution List on November 17, 2008.
3. A public hearing on the combined EA/EAW was held on December 4, 2008, and the comment period for the document ended on December 17, 2008.
4. Dakota County staff has reviewed the comments received.
5. In considering the type, extent, and reversibility of the environmental effects of the project, there will be no significant environmental effects resulting from the proposed CSAH 23 Cedar Avenue Corridor Transitway project, as proposed.
6. The extent to which the environmental effects of the project are subject to mitigation by ongoing public regulatory authority indicates that this project does not have the potential for significant environmental effects.

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby concludes that, based upon the information gathered during the environmental review process and all of the comments received with respect to the EA/EAW, an Environmental Impact Statement is not needed for the CSAH 23 Cedar Avenue Corridor Transitway project, as currently proposed; and

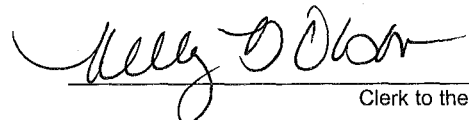
BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the distribution of a negative declaration on the need for an EIS to all parties included in the EAW distribution list and to all persons that commented in writing during the 30-day review period.

STATE OF MINNESOTA
County of Dakota

	YES		NO
Harris	<u> X </u>	Harris	<u> </u>
Gaylord	<u> X </u>	Gaylord	<u> </u>
Egan	<u> X </u>	Egan	<u> </u>
Schouweiler	<u> X </u>	Schouweiler	<u> </u>
Workman	<u> X </u>	Workman	<u> </u>
Krause	<u> X </u>	Krause	<u> </u>
Branning	<u> X </u>	Branning	<u> </u>

I, Kelly Olson, Clerk to the Board of the County of Dakota, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Dakota County, Minnesota, at their session held on the 17th day of March 2009, now on file in the County Administration Department, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal of Dakota County this 20th day of March 2009.


Clerk to the Board