

M E M O

To: Ben Bifoss, Tim Lodge, Russ Soyring
From: Chris Bzdok
Date: August 11, 2009
Re: Division Street

I wanted to let you know my concerns about MDOT's plan for Division Street in advance of next Monday's meeting, and am out of town this week. Feel free to include this in the packet if we are discussing Division Street at the next CC meeting.

The four scenarios MDOT has chosen to model are (1) existing conditions (4 lanes); (2) 3 lanes; (3) 5 lanes from 14th Street to roughly 8th Street; and (4) 5 lanes from 14th Street to Grandview Parkway. I was disappointed with MDOT's statements at the modeling meeting that they are not open to input on the four alternative scenarios they have chosen to model. I have a few specific questions I hope we can get answered.

1. The City and TALUS both voted to seek input from the Grand Vision corridors of significance design process before work was done to Division Street. I understand Division Street has been designated a corridor of significance. Shouldn't we model whatever scenario(s) the consultant comes up with for this corridor of significance? It seems we are acting independently of the Grand Vision process if we proceed with the scenarios above without knowing what the corridor of significance design recommendations are going to be.

2. Scenario 4, the 5 lanes all the way to the Parkway, would require condemnation of right-of-way from many residential and/or commercial properties in the City. I see no scenario where the CC would support that. The point of this whole thing was to reduce Division Street's impact on our neighborhoods – not to increase it. Therefore, isn't modeling 5 lanes all the way to the Bay a waste of public money?

3. Scenarios 3 and 4, the 5 lane options, require the use of City parkland. As someone from MDOT brought up at last week's meeting, in addition to a City vote, taking park land for a highway project invokes Section 4f of the federal transportation act. Section 4f says that park land may not be used if there is a feasible and prudent alternative, or something along those lines. Because existing conditions, or some improvements to existing conditions like crossings and reducing the design speed, are always going to be feasible, I cannot envision a scenario where we and MDOT could show that there is no feasible and prudent alternative. The MDOT official's answer at the meeting that – park land could be taken if the impact is minor and the City consents – was not consistent with the law as I understand it. The reason for asking this question now is to be sure that doing all this modeling for a 5 lane and having the public vote does not end up being a waste of time and money.

4. Also not consistent with the law as I understand it is MDOT's position that they cannot undertake the environmental assessment process under NEPA with a preferred alternative selected. I think we need to ask for their authority for that position.

5. Finally, the point of this process as I understood it was to implement the Grand Vision goals and to make Division Street more accessible to bikes and pedestrians, safer to cross, and more convenient to access Munson and the Commons. How is the process outlined by MDOT moving us in that direction?