

DRAFT - Memorandum

TO: Rethinking I-94 Project Office

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SUBJECT: Logical Termini and Independent Utility – MnDOT’s Rethinking Interstate 94 (I-94) Phase 2

Summary of Key Points

What are logical termini?

Logical termini for project development are defined as (1) rational end points for a transportation improvement, and (2) rational end points for a review of the environmental impacts.¹ Logical termini can be locations where there are major traffic generators or changes in traffic volumes, locations where there are major crossroads or system intersections, and/or locations where there are changes in population centers (going from an urbanized area to a suburban or rural area – not legal city/county/township boundaries).

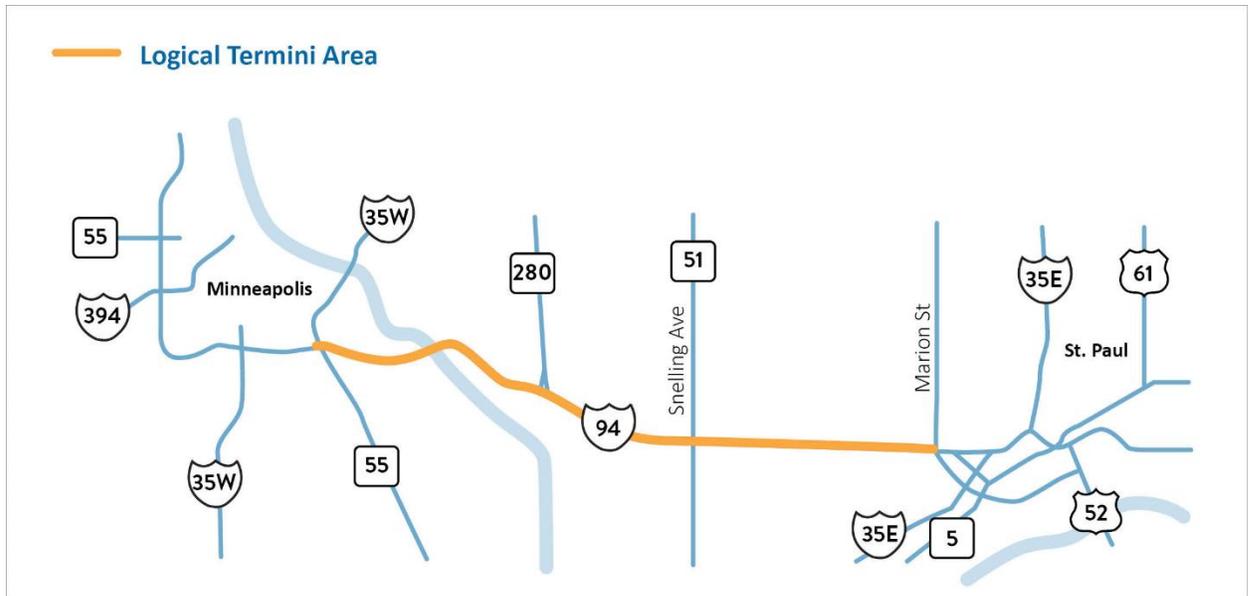
Why are they important?

The purpose of establishing logical termini is to ensure that project needs are addressed and to reduce the risk of unexpected effects. Additionally, they are intended to prevent segmentation which occurs when a need may extend beyond the project area but needs and environmental impacts are artificially targeted to a limited area to avoid application of National Environmental Policy Act (NEPA) requirements to some of the project’s segments.

¹ FHWA Environmental Review Toolkit, NEPA Implementation, The Development of Logical Project Termini. November 5, 1993. https://www.environment.fhwa.dot.gov/legislation/nepa/guidance_project_termini.aspx

What are the draft logical termini for Rethinking I-94 and why?

Proposed termini for the Rethinking I-94 Phase 2 program of projects include a western terminus at Hiawatha Avenue/TH 55 which is located near the east I-35W interchange and an eastern terminus at the Marion Street crossing of I-94 which is located near the west I-35E interchange. These termini establish the general limits of build alternatives that will be given detailed consideration in the environmental review process. The figure below shows the draft/preliminary logical termini.



Western Terminus – I-35W/TH 55

The western terminus for the Rethinking I-94 project is proposed just east of the I-35W interchange where Hiawatha Avenue/TH 55 splits from I-35W. This location was identified due to current investments and improvements and active construction west of the I-35W interchange. This location is also at a system to system connection, where travel patterns can split and change based on origins and destinations served.

Areas beyond where MnDOT is making investments on I-35W and its connections to I-94 include the Lowry Tunnel which is located west of I-35W. This location is one of the acknowledged bottlenecks within the corridor that will require substantial economic resources to address. Funding for improvements to this problem will be in the hundreds of millions of dollars and improvements have the potential for significant impacts to multiple social, economic and environmental resources. There is no funding identified for improvements to this bottleneck and the area is separated enough from the proposed logical termini to have its own independent utility and to warrant its own study and/or environmental process.

Eastern Terminus – Marion Street

The eastern terminus for the Rethinking I-94 project is proposed at Marion Street, the interchange just west of John Ireland Boulevard (the area east of John Ireland Boulevard identifies with the local term “the commons”). Extending the limits beyond this location brings in multiple system interactions and would expand the scope of the evaluation substantially. Terminating at Marion Street ends just prior to the system to system connections where the travel patterns split, and change based on origins and destinations served. Extending the termini to include the system to system connections has the potential to further expand the evaluation all the way through the commons area and up and down portions of I-35E, which would require substantial economic investment that has not been planned for or programmed and has its own independent utility so as to warrant its own study and/or environmental process.

Additionally, the logical termini encompass an area that has older and more deficient infrastructure, one of the primary needs of the project, than areas to the west and east of the termini. With its other investments, MnDOT has been upgrading roadway and bridge infrastructure east and west of the proposed termini.

Areas Beyond the Termini

The proposed logical termini do not include the connections that would be made into the two downtowns should a managed lane or other feasible alternative move forward for consideration. Those connections will be identified/refined as alternatives are further developed and studied and incorporated as part of the logical termini for the environmental documents.

Additionally, MnDOT recognizes the concerns put forward from partner agencies that MnDOT should not forget about or neglect areas to the west and east of the proposed logical termini that were a part of Rethinking I-94 Phase 1. MnDOT is committed to working with its partners to develop scopes of work for studying I-94 in greater detail from I-35W/TH 55 to the northern limits of the City of Minneapolis at Broadway Avenue, as well as from Marion Street to TH 61 in Saint Paul.

Introduction

In progressing Rethinking Interstate 94 (I-94) from Phase 1 to Phase 2, and in anticipating the development of a Tier 1 Environmental Impact Statement (EIS), draft limits of the project and study area have been identified to provide a framework for review of improvements and their associated environmental impacts.

This memo is intended to preliminarily define the logical limits of improvement and analysis areas. This memo will be distributed to cooperating and participating agencies and the public

for review and comment. It is possible that the logical termini could change as alternatives are developed. Should that happen, an updated memo will be provided that incorporates feedback.

MnDOT recognizes that information collected and analyzed as part of developing the project purpose and need will influence the logical termini and vice versa. Comments from the public and cooperating and participating agencies involved in reviewing the purpose and need document as part of the state and federal environmental processes (Scoping Document/Scoping Decision Document/Tier 1 EIS) may also result in changes to the logical termini as the project progresses. Should that happen, an updated memo will be provided.

The proposed logical termini do not include the connections that would need to be made into downtowns Minneapolis and Saint Paul should a managed lane alternative move forward for evaluation. That is intentional, the project will not pre-define what those connections will be. The alternatives analysis will have to evaluate what potential connections are feasible. That information will be used to further refine the logical termini at the western and eastern ends. If the termini need to be adjusted (out or in) based on identifying a viable alternative, they will be, and an updated memo will be provided.

This memo is broken into the following topic areas to help provide context for the logical termini discussion and to better understand the recommendations regarding the project's logical termini.

- Project background/context
- Federal regulations and principles
 - Logical termini
 - Independent utility
 - Consideration of alternatives for other reasonably foreseeable transportation improvements
- Statement of Goals
- Preliminary purpose and needs
- I-94 logical termini recommendations and rationale

Project Background and Context

In 2016 MnDOT began studying the I-94 corridor between Broadway Avenue in Minneapolis and Highway 61 in St. Paul. Studies related to infrastructure condition, multimodal facilities, connectivity² across the corridor, traffic, geometric deficiencies, demographics, etc. were completed and provided as part of documentation for Rethinking I-94 Phase 1. The area studied was approximately 15 miles long and extended beyond the “downtown” areas of both cities.

² Connectivity refers to the ease with which people can travel across the transportation system, allowing people to easily and safely get to where they want to go, using a range of available choices, including walking, bicycling, transit or driving (Source: *Measuring Multimodal Network Connectivity*, FHWA, February 2018).

The study area was initially chosen because it reflected the portions of the two cities most impacted by the freeway’s initial construction and contained areas of traffic congestion, safety concerns, and asset deterioration.³ This study area is shown in **Figure 1**.

The study area was divided into six smaller zones. The zones were identified based on anticipated future project limits, knowing that they could change, and that they were more manageable units for data collection, data analysis and more customized engagement activities. The six zones included:

- Zone 1: Broadway Avenue to I-35 W
- Zone 2: I-35W to Highway 280
- Zone 3: Highway 280 to Snelling Avenue
- Zone 4: Snelling Avenue to Marion Street
- Zone 5: Marion Street to Mounds Boulevard
- Zone 6: Mounds Boulevard to Highway 61

The 2016 study began the “Rethinking I-94” process. Rethinking I-94 began a two-year study to develop a vision for I-94 through public engagement, meetings with stakeholders, and coordination with partner agencies. The vision included a wide range of factors to improve the transportation corridor itself, as well as address broader community livability goals and objectives that prioritize the wellbeing of those that live, work and recreate near the corridor.

As part of the Rethinking I-94 process it was recognized that there were a number of community goals and concerns that MnDOT alone could not address or as an agency did not have the authority to address. Depending upon the goal/issue, MnDOT may fill one of three primary roles – leader, partner, or facilitator.⁴ **Figure 2** shows the roles and identifies example activities that fall under each role. It is anticipated that communities along the corridor, along with other state and local agencies would become partners or leaders in areas where MnDOT is a partner or facilitator.

³ Rethinking I-94 - Phase I Report, Minnesota Department of Transportation. August 1, 2018.

⁴ Rethinking I-94 - Phase I Report, Minnesota Department of Transportation. August 1, 2018.

Figure 1 – Rethinking I-94 Phase 1 Study Area

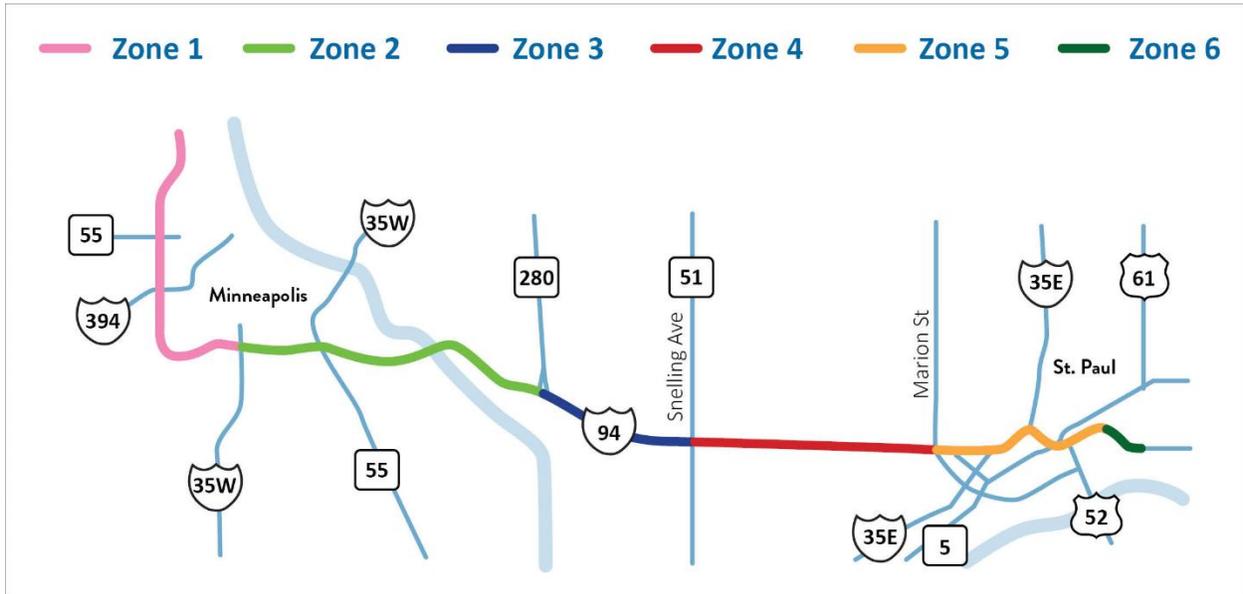


Figure 2 – MnDOT Roles



As the project has transitioned into Rethinking I-94 Phase 2 and is working to implement the vision established in Rethinking I-94 Phase 1, the focus of the work is taking two parallel paths. The first path is to begin the environmental documentation process which focuses on the transportation elements of the vision. The environmental process is prescriptive and must focus on the items associated with transportation improvements and mitigation associated with impacts to social, economic and environmental resources along the corridor as part of the transportation improvements. This does not mean that broader community goals and objectives are not addressed – transportation improvements can address broader community goals related to connectivity, access to jobs, support redevelopment efforts, etc.

The second part of the parallel path is to continue to advance the broader community goals and objectives where MnDOT is not the leader; much of that is associated with the Livability Framework established as part of Rethinking I-94 Phase 1. MnDOT is working with stakeholders, coordinating agencies and partner agencies to advance objectives beyond transportation. Efforts are underway to address goals associated with sense of place, economics, equity, connectivity, health and the environment. These efforts are just beginning, and more information will be available in the future as activities progress.

More details about Rethinking I-94 Phase 1 can be found on MnDOT's website.

<http://www.dot.state.mn.us/i-94minneapolis-stpaul/phase1.html>

Federal Regulations and Principles

FHWA outlines the three general principles of 23 CFR 771.111(f) required to frame a proposed project to ensure meaningful evaluation of alternatives and to avoid commitments to improvements before they are fully evaluated. These principles are as follows:

1. Connect logical termini and be of sufficient length to address environmental matters on a broad scope;
2. Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
3. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

Logical Termini

The purpose of establishing logical termini is to ensure that project needs are addressed and to reduce the risk of unexpected effects. Additionally, they are intended to prevent segmentation which occurs when a need may extend beyond the project area but needs and environmental impacts are artificially targeted to a limited area to avoid application of NEPA to some of the project's segments. Logical termini for project development are defined as (1) rational end

points for a transportation improvement, and (2) rational end points for a review of the environmental impacts.⁵

Oftentimes, the environmental impact evaluation will extend beyond what eventually becomes a part of the project area.

Logical termini can be locations where there are major traffic generators or changes in traffic volumes, locations where there are major crossroads or system intersections, and/or locations where there are changes in population centers (going from an urbanized area to a suburban or rural area – not legal city/county/township boundaries).

Establishing logical termini does not mean that the project area covers a single project; multiple projects may be covered within the termini and may be constructed in phases over time.

Independent Utility

An independent utility analysis focuses on whether a project is a “stand alone” project. That is, if no other project is contemplated, the project serves a distinct purpose and need. The Council on Environmental Quality (CEQ) regulations use the term “unconnected single actions” to describe this concept. According to 40 CFR 1508.25(a), if an action i) does not automatically trigger other actions potentially requiring an EIS, ii) is not an interdependent part of larger actions it depends for its justification, and iii) does not require prior or simultaneous actions to be taken for the action to proceed, then the action should be said to demonstrate “independent utility” and the scope of the environmental document should be for the direct, indirect, and cumulative impacts of the proposed action only.

The intent of independent utility is that a project must be able to provide a transportation benefit even if no other project is built in the area.

Independent utility does not preclude developing a program of projects tied under a broader environmental evaluation such as a Tier 1 EIS. Each of the projects developed as part of that program must be identified and developed with independent utility in mind. For example, if a spot improvement along a segment of I-94 is also dependent on reconfiguration of an interchange or vice-versa, the two actions would be required to be tied together as a project. When time for implementation of phases of the program occurs, each project that moves forward under the original Tier 1 EIS will be required to complete an updated environmental evaluation and show independent utility to be constructed. Future Tier 2 evaluation could result in multiple types of environmental documents, including additional EIS, Environmental Assessments (EA), or Categorical Exclusions (CatEx), depending on the nature and potential impacts of the individual projects proposed.

⁵ FHWA Environmental Review Toolkit, NEPA Implementation, The Development of Logical Project Termini. November 5, 1993. https://www.environment.fhwa.dot.gov/legislation/nepa/guidance_project_termini.aspx

Consideration of alternatives for other reasonably foreseeable transportation improvements

The intent of this principle is to ensure that whatever project or program of projects that move forward do not dictate or restrict what improvements or changes may be made in adjacent areas. For example, if a roadway is extended up to a wilderness area on both approaches to the site (for example building a roadway up to the south side of the site and a roadway up to the north side of the site and they align with one another) and the purpose and need is not to provide access to the wilderness area, it likely forces a roadway to continue through the wilderness area in the future if a north-south connection is “needed”. In the I-94 corridor, this would be akin to adding travel lanes to I-94 on both sides of the Lowry Tunnel, essentially forcing the widening of the tunnel.

Statement of Goals

Beyond the program of projects’ purpose, improvements will support broader community goals identified in Rethinking I-94 Phase 1, which include:

- Incorporate the livability framework through the process to identify opportunities for establishing a sense of place, community connections, economic opportunities, equity, safety, and a healthy environment for the communities that live, work and play there.⁶
- Develop and execute a community-based approach focused on reconnecting neighborhoods, revitalizing communities and ensuring residents have a meaningful voice in transportation decisions that affect their lives.

As a means of achieving these goals, individual projects will utilize context sensitive solutions (CSS) and performance based practical design principles. When applicable, the livability framework will be incorporated. Specifically, the criteria used to evaluate alternatives will incorporate applicable elements of the livability framework.

As part of the formal environmental process, MnDOT will engage communities and stakeholders on planning, preliminary engineering, and design and construction decisions. Some transportation improvements, by their nature, will address items within the livability framework. Transportation improvements will enhance neighborhood connections, making it easier to travel to, along and across the I-94 corridor. Projects will also enhance safety and mobility for people walking, biking, driving and using transit. Transportation projects may also present opportunities for aesthetics or treatments that enhance sense of place for the area. This will primarily occur during development of Tier 2 documents. The current process takes the project through the Tier 1 document. The Tier 1 document establishes a high-level corridor

⁶ Information about the Livability Framework developed as part of Rethinking I-94 Phase 1 are included in Section 2 – Rethinking MnDOT’s Role, page 12. The Rethinking I-94 Phase 1 Report is located here: <https://www.dot.state.mn.us/i-94minneapolis-stpaul/pdf/vision/phase-1-report.pdf>

vision with very limited design detail. Tier 2 documents have much more design detail because they select the actual design that will be built.

MnDOT will facilitate and participate in discussions with other agencies on matters that it cannot lead or partner on to help achieve the broader goals. In addition to leading transportation improvements, MnDOT will support efforts being led by community and agency partners to fully realize broader livability goals related to health and environment, economics, sense of place, safety, connectivity, equity and trust. These improvements, which will likely extend beyond transportation projects, are being pursued through a separate process from the formal environmental documentation. Partnering communities and agencies may consider using the livability framework to define and achieve the broader livability goals.

Preliminary Purpose and Needs

Rethinking I-94 Phase 2 is in the process of establishing the purpose and need documentation related to the corridor. Numerous studies were completed as part of Rethinking I-94 Phase 1 and efforts have been made to document existing conditions and deficiencies related to transportation within the I-94 corridor as part of Rethinking I-94 Phase 2. A purpose statement and list of needs (see following sub-sections) have been developed that addresses the information and input gathered to date.

Purpose

Phase 1 of Rethinking I-94 included efforts by MnDOT and its partners to identify issues to the regional freeway infrastructure, supporting local and regional transportation network, and investments supportive of reconnecting neighborhoods and revitalizing communities located along I-94 between downtown Minneapolis and Saint Paul.⁷ Building on the outreach efforts previously initiated with more detailed data, a clearer purpose emerged regarding transportation needs. Projects within the Rethinking I-94 program will accomplish the following:

- Improve asset conditions of I-94 bridges, pavement and supporting infrastructure (e.g., walls, drainage, etc.).
- Enhance safety for people and goods on, along, and across the I-94 corridor.
- Improve mobility for people and goods on, along, and across the I-94 corridor.

Needs

This section lists the transportation needs in the program area. The needs are split into two subcategories, primary needs and secondary needs. Primary needs are the main transportation problems (why MnDOT is proposing a program of projects). Secondary needs are other

⁷ For more information, please visit MnDOT's Rethinking I-94 Phase 1 Study webpage at: <http://www.dot.state.mn.us/i-94minneapolis-stpaul/phase1.html>

opportunities for improvement that should be addressed as part of the program of projects but are not the driving force behind the projects. They are all problems to be addressed by the program of projects. Primary and secondary needs are listed below:

<u>Primary Needs</u>
Pavement condition
Bridge condition
Retaining wall condition
Safety
Mobility

<u>Secondary Needs</u>
Walkability and bikeability
Safety on intersecting streets
Drainage infrastructure condition
Noise wall condition
Drainage capacity

I-94 Logical Termini Recommendations and Rationale

Proposed termini for the Rethinking I-94 Phase 2 program of projects include a western terminus at Hiawatha Avenue/TH 55 which is located near the east I-35W interchange and an eastern terminus at the Marion Street crossing of I-94 which is located near the west I-35E interchange. These termini establish the general limits of build alternatives that will be given detailed consideration in the environmental review process. The proposed termini encompass portions of Zones 2, 3 and 4 that were identified in Rethinking I-94 Phase 1. The zones include:

- Zone 2: I-35W/TH 55 to Highway 280
- Zone 3: Highway 280 to Snelling Avenue
- Zone 4: Snelling Avenue to Marion Street

Based on information from the Rethinking I-94 Phase 1 study in the Geometric and Traffic Conditions Summary, and the draft traffic memo for Rethinking I-94 Phase 2, many of the trips in the Rethinking I-94 study area originate or end in the neighborhoods along the corridor. Many vehicles using I-94 and its associated on/off ramps are located within Zones 2, 3, and 4. Only a small percentage of trips are “through” trips that begin and end west of downtown Minneapolis and east of downtown St. Paul and less than one percent of all study area trips pass from Broadway Avenue to Highway 61 along I-94. Additionally, the logical termini encompass an area that has older and more deficient infrastructure than areas to the west and east of the termini. With its other investments, MnDOT has been upgrading much of the roadway and bridge infrastructure east and west of the proposed termini. From a project development and environmental analysis standpoint, the project termini represent rational end points for a transportation improvement given the identified preliminary project purpose and needs and the ability to evaluate potential environmental impacts.

Studies included in the environmental documents (traffic, infrastructure condition, social, economic and environmental impacts) will extend beyond these limits to ensure that all resources and needs are properly addressed.

Recognizing that potential improvements within the zones could include modifying or eliminating interchanges along the corridor or adding new crossing locations for non-motorized modes of travel, it is proposed that approximately a 1,000-foot to quarter mile buffer on either side of the corridor be considered as part of the logical termini for areas north and south of the corridor. Studying and evaluating areas within this distance address influence and impact areas of potential project improvements. This distance may need to be adjusted on a case-by-case basis but is proposed as a starting point for evaluation.

MnDOT recognizes the concerns put forward from partner agencies that MnDOT should not forget about or neglect areas to the west and east of the proposed logical termini that were a part of Rethinking I-94 Phase 1. MnDOT is committed to working with its partners to develop scopes of work for studying I-94 in greater detail from I-35W/TH 55 to the northern limits of the City of Minneapolis at Broadway Avenue, as well as from Marion Street to TH 61 in Saint Paul.

Western Terminus – I-35W/TH 55

The western terminus for the Rethinking I-94 project is proposed just east of the I-35W interchange where Hiawatha Avenue/TH 55 splits from I-35W. This location was identified as the western terminus due to current investments and improvements and active construction west of the I-35W interchange. MnDOT is making substantial investments and improvements on I-35W through this area as well as infrastructure and mobility improvements on I-94 in the vicinity. This location is also at a system to system connection, where travel patterns can split, and change based on origins and destinations served.

Areas beyond where MnDOT is making investments on I-35W and its connections to I-94 include the Lowry Tunnel which is located west of I-35W. This location is one of the acknowledged bottlenecks within the corridor that will require substantial economic resources to address. Funding to address problems in this area will be in the hundreds of millions of dollars and improvements have the potential for significant impacts to multiple social, economic and environmental resources. There is no funding identified for improvements to this bottleneck and the area is separated enough from the proposed Rethinking I-94 Phase 2 logical termini to have its own independent utility and to warrant its own study and/or environmental process. Additionally, the improvements within the proposed Rethinking I-94 Phase 2 logical termini have their own independent utility and should not force a specific/particular improvement to the Lowry Tunnel.

Therefore, it was concluded that the western terminus of the Rethinking I-94 project not include the area beyond the I-35W/TH 55 interchange. If any proposed improvements would

force a specific/particular improvement to the Lowry Tunnel or beyond, logical termini would be revisited.

Eastern Terminus – Marion Street/I-35E

The eastern terminus for the Rethinking I-94 project is proposed at Marion Street, the interchange just west of John Ireland Boulevard (the area east of John Ireland Boulevard identifies with the local term “the commons”). Extending the limits beyond this location brings in multiple system interactions and would expand the scope of the evaluation substantially. Terminating at Marion Street ends just prior to the system to system connections where the travel patterns split and change based on origins and destinations served.

Unlike the western end of the corridor, MnDOT does not have any planned or programmed improvements for system to system connections in the eastern end of the corridor. Extending the termini to include the system to system connections has the potential to further expand the evaluation all the way through the commons area and up and down portions of I-35E, which would require substantial economic investment that has not been planned for or programmed. Additional environmental impacts to social, economic and environmental resources would also be encountered and would have the potential to result in significant impacts.

Stopping the project limits at Marion Street would result in independent utility from system to system improvements and areas to the east of the system to system connections. It also allows for the opportunity to ensure that alternatives for future consideration at the system to system connections are not forced to a single alternative.

Conclusion

The western and eastern termini selected for the I-94 Improvements are shown in **Figure 3**. The project termini represent rational end points for transportation improvements, and the study area accommodates a fair and unbiased evaluation of environmental impacts for highway, transit, freight, and pedestrian and bicycle improvements. Improvements made as part of Rethinking I-94 Phase 2 can function as stand-alone improvements without forcing the need for other improvements. The needs highlighted in this memorandum are specific to Rethinking I-94 Phase 2 and are anticipated to be a reasonable expenditure even if no additional transportation improvements are made in the area. The improvements to other facilities do not restrict consideration of alternatives for improvements to I-94 and its connections in the study area.

The termini for this project are logical and have been selected in accordance with FHWA Technical Guidelines for termini development. The proposed termini allow for the evaluation of project alternatives that: 1) would function independently of and not force the need for other transportation improvements, 2) would not restrict the consideration of project alternatives that avoid significant environmental resources (such as Mississippi River), and 3) would allow for consideration of environmental issues on a broad scope so the project would not force improvements in areas where environmental issues and considerations would be greater. As

such, Rethinking I-94 has logical termini and independent utility in accordance with 23 CFR 771.111(f).

As needs related to connectivity and traffic are further evaluated and documented, it is possible that the termini will be adjusted. If warranted, this memo will be updated to reflect modifications based upon needs identified through technical analyses or stakeholder input.

Figure 3 – Project Termini

