

March 15, 2013

Mr. John McCarthy  
Streets and Utilities Task Force  
Office of Financial Services  
St. Paul, MN 55102

Dear Mr. McCarthy,

The Ayd Mill Road North End Study is too narrow in its scope and does not meet the rigors of a Supplemental Environmental Impact Statement (S-EIS). It should therefore be dismissed as an acceptable process used to reach a new Record of Decision for the Ayd Mill Redevelopment Project.

The Final-EIS, which was conducted unilaterally by the Kelly Administration and resulted in the Four-Lane Record of Decision, has been thoroughly discredited. It denied meaningful citizen participation by failing to reconvene the Ayd Mill Road Task Force as had been promised at the end of the Draft Phase. It failed in its requirement to study future transit improvements including CP/Merriam Park Commuter Rail and the proposed bus network recommended in the Central Corridor EIS. It treated the north end of the project, which includes University Avenue from Fairview to Victoria, as a “fully developed area” even while other City planning documents noted numerous “vacancies and blighted areas” that were/are intended to be redeveloped at greater-than-existing densities. It violated the written assurance given to the public that “Ayd Mill Road should not be connected at the south unless adequate improvements are determined and made to the existing street system at the north to accommodate the concentration of traffic that a southern connection would produce.” More importantly, that south connection, which opened on June 12, 2002, was a violation of MN Statute 116D.04 which prohibits commencement of a project prior to completion of the EIS (June 2005) and Environmental Quality Board Rule 4410.3100 which prohibits any action by the Responsible Government Unit (RGU) that would prejudice the ultimate decision on the project prior to completion of the EIS.

On March 25, 2005, City Council President Kathy Lantry wrote:

*The City Council passed a resolution in 2000 which was based on the work of the Ayd Mill Road Task Force and the input we received from interested parties throughout the city. As far as the Council is concerned, this [the Two-Lane Extended to St. Anthony] remains the city's official policy on Ayd Mill Road.*

*Unfortunately, Mayor Kelly has chosen to ignore this resolution and to study a vastly different configuration. The Council has no legal authority to prevent him from this course of action. However, the Council is under no obligation to proceed forward with the results of this study.*

*...the City has far more pressing priorities than to spend \$44 million on this stretch of roadway. If the City has \$44 million to spend on transportation projects, we [the City Council] agree that those resources would be far better spent developing the Central Corridor and other transit options.*

In 2005, candidate for mayor Chris Coleman wrote:

*As you know, my position on Ayd Mill Road is clear. I support the compromise two-lane parkway plan (Council File #00-349) passed by the City Council on April 12, 2000. Just to be clear, I do not support a four-lane highway or Mayor Kelly's proposed \$45 million connection to I-94 on the north end of Ayd Mill Road.*

*Connecting I-35E and I-94 will not solve our traffic problems. Engineering studies show the very costly measure will not divert traffic from our neighborhoods and shifting the problem from one neighborhood to another is not the answer. The answer is investing in our transportation system. As mayor, I will build consensus to achieve our vision of St. Paul as a regional transit hub [and] support a strong bus system...*

There is citywide consensus on the need for an S-EIS. On December 8, 2008, the Union Park District Council recommended that the City reconvene its Ayd Mill Road Task Force to serve concurrently with the conduct of the S-EIS. The City Council has twice called for an S-EIS (Council Files 07-1011 and 09-878). Ayd Mill is a recommended project in Comprehensive Plan but is “subject to a Supplemental Environmental Impact Statement (EIS) process involving a community task force”.

An EIS process places binding legal requirements on the Responsible Government Unit (RGU) to insure a fair, open, and transparent process. There must be notification in the Environmental Quality Board (EQB) Monitor, a public hearing, a 30 day comment/waiting period, and response to substantive comments. The Ayd Mill Road North End Study offers no such assurance.

The primary purpose of the Final EIS was to “document and evaluate the Preferred Alternative”. It failed in that most basic purpose. Instead of studying the City of St. Paul's legitimately selected Preferred Alternative (the Two-Lane Extended to St. Anthony) it studied the personal preference of Mayor Kelly (the Four-Lane Extended to St. Anthony). The purpose of the S-EIS must therefore be to rectify that failure by fully developing a plan for the Two-Lane and demonstrating that it best satisfies the objectives of the project by contrasting its benefits and shortcomings with those alternatives not selected as preferred. Those include the Linear Park, the No-Build, and the Transportation Systems Management/Travel Demand Management (TSM/TDM) alternatives, all of which have no connection at either the north or south end.

The scope of the Ayd Mill North End Study is too narrow. It appears to be solely focused on a road building solutions. This contradicts the historic positions of District 13 Councils, all of which have rejected connections to both I-94 and I-35E. Indeed the Merriam Park and Snell/Ham Community Plans still recommend the No-Build and Linear Park Alternatives respectively. It also disregards several recommendations from a District 13 Ayd Mill Issues Resolution passed in March of 2010 which include:

- Examine best case scenarios for transit and land use and the degree to which the implementation of the various alternatives would satisfy the project objectives.
- Examine the likelihood that the various build alternatives will expand to an expressway configuration (bridged ramps at I-94) and the appropriateness of presenting expressway traffic projections.
- Assess and document the existence of public support for the continued connection of AMR to I-35E.
- Explore and evaluate the impacts (traffic volume, safety, noise, and air quality) and methods for mitigation of all hardships related to the connection of AMR to I-35E.
- Publish and evaluate the data collected during the 18 month extension of the field test (June 6,

2003 – December 6, 2004).

While the North End Study states a desire to engage all stakeholders, its narrow focus precludes those who believe further road building is counterproductive to the City's goals of reducing automobile dependency and protecting the environment.

Finally, any study conducted under the auspices of the Union Park District Council with its current leadership is problematic. There are many people in the district who will no longer engage with the council for its recent history of violations of bylaws, written policies, and established procedure. The council leadership is opaque in its activities and voting procedures, has denied residents their right to speak at meetings, withheld letters written by residents to the board, and engaged in ad hominem attacks on dissenting members. Their conduct has resulted in lost foundation funding and formal complaints filed with the City of St. Paul. While the City has no authority in the management, administration, or oversight of the UPDC, it has expressed an expectation that the UPDC address these issues in its Semi Annual Report as part of its funding agreement with the City. The UPDC has thus far failed to do so.

Sincerely,  
Mike Madden