

APPENDIX B

RESPONSES TO AGENCY COMMENTS RECEIVED

CITY OF MOORHEAD
SE MAIN AVENUE/20TH STREET/21ST STREET RAILROAD GRADE SEPARATION
SAFETY PROJECT
ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL ASSESSMENT WORKSHEET
RESPONSES TO WRITTEN AGENCY COMMENTS

Copies of the agency correspondence containing the following comments are located in Appendix A. The following comments have been summarized.

A. Written Agency Comments

1. Minnesota Pollution Control Agency (MPCA)

Comment: The MPCA has not reviewed the EA/EAW for this project. Therefore, the MPCA has no specific comments to provide the RGU. This decision not to review the EA/EAW does not constitute waiver by the MPCA of any pending permits required by the MPCA. Ultimately it is the responsibility of the project proposer to secure any required permits and to comply with any requisite permits conditions.

Response: Comment noted. Coordination with the MPCA will occur during the final design phase and permitting process.

2. Buffalo-Red River Watershed District (BRRWD)

Comment: The document acknowledges our concerns regarding surface water runoff, and the fact that approximately 15 acres of the area will need to be added to the benefit area for a number of local drainage systems, including Clay County Ditch No. 47 and possibly Clay County Ditch No. 41-Outlet Improvements.

Response: Comment noted. The City of Moorhead will continue to work with BRRWD to address the necessary requirements for adding the approximately 15 acres to the benefiting area for local drainage systems.

Comment: The BRRWD is listed on Page 63 of the report under Permits and Approval Requirements. We will work with the City of Moorhead when at the stage of development that plans are available to review for our required permit.

Response: Comment noted. Coordination with the BRRWD will occur during the final design phase and permitting process.

APPENDIX C

RESPONSE TO PUBLIC COMMENTS RECEIVED

CITY OF MOORHEAD
SE MAIN AVENUE/20TH STREET/21ST STREET RAILROAD GRADE SEPARATION
SAFETY PROJECT
ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL ASSESSMENT WORKSHEET
RESPONSES TO WRITTEN AND ORAL PUBLIC COMMENTS

Public comments submitted at the public hearing/open house and during the public comment period covered topics related to the topics of access, design, commercial impacts, noise, funding, drainage, and pedestrian and bicycle trails. Comments were received in two forms at the hearing. Oral statements were recorded by a court reporter present at the public hearing. Interested individuals were invited to submit written comments on forms provided at the public hearing. The public review period ended on August 2, 2006.

A total of four persons submitted oral statements at the public hearing on July 19, 2006 (see public hearing transcript, Appendix A). Fourteen persons submitted written comments (i.e., public hearing comment forms; letters; email) during the public review period.

Copies of the public hearing comment forms, letters, and emails containing the following comments are located in Appendix A. The following comments have been summarized.

A. Written Public Comments

1. Public Comment #1 (Judith Ary)

Comment: Is there any way the duration and intensity of [train] whistles can be reduced through the Morningside Addition, especially during the 11:00 p.m. to 5:00 a.m. time period?

Response: Comment noted. Burlington Northern-Santa Fe (BNSF) Officials at the public hearing for the proposed project noted that there are federal rules that regulate train whistle decibel levels and the time frame for which trains must be in compliance with this federal rule. Federal rules do allow trains to modify the time of day in which whistles are used.

2. Public Comment #2 (Chris Beimdiek-Stern)

Comment: Will any funding for this project be coming from surrounding area property taxes?

Response: No property taxes specifically collected from the areas surrounding the project corridor will be used to fund the proposed project.

3. Public Comment #3 (Jeannie Pruszinske)

Comment: Safety concerns with traffic and driveway access from 20th Street.

Response: The proposed project is designed consistent with State of Minnesota design guidelines and safety standards.

Comment: Concerns with accessibility to property and property value impacts (i.e., resale value of home).

Response: Reasonable and suitable access will be provided by the City with the proposed project. There is no accepted methodology for determining the indirect impacts of a roadway project on property values.

Comment: Concern for impacts to personal property and access to property during construction.

Response: The proposed project will result in temporary access restrictions during construction. Provisions to maintain access to individual properties along the project corridor will be determined during final design.

4. Public Comment #4 (Frankie Savage)

Comment: Concerns with bike path at 4th Avenue and 21st Street.

Response: A traffic signal is anticipated at the 21st Street/4th Avenue intersection that will provide for pedestrian crossings of 4th Avenue. The island at the southeast quadrant of the 21st Street/4th Avenue intersection can act as a refuge for pedestrians by providing a safe location while waiting to cross the street. Options to protect pedestrians by controlling the free right turn at this intersection using a traffic signal will be explored during final design.

5. Public Comment #5 (Scott Swedberg)

Comment: Who made the decision to install this grade separation? Will there be a vote on the proposal?

Response: The City of Moorhead (City) and the Fargo-Moorhead Metropolitan Council of Governments have identified the need for improvements at the SE Main Avenue/20th Street/21st Street intersection to address traffic delays caused by train operations and to improve safety and reduce train-vehicle, train-school bus, and train-pedestrian conflicts. This need is identified in several planning documents approved by the City and Council of Governments, including: Study of 34th Street/I-94 Interchange and Railroad Relocation Alternatives, adopted by the City of Moorhead in 2000; the Fargo-Moorhead Area Short and Long Range Transportation Plan (2004-2030); the City of Moorhead 2006-2010 Transportation Capital Improvement Plan (CIP); the Fargo-Moorhead Council of Governments 2005-2007 Transportation Improvement Program (TIP); and the 2007-2010 Fargo-Moorhead Council of Governments TIP.

There is no public vote on the proposed project.

Comment: Have alternative underpasses, such as 8th, 11th, or 14th Streets, been looked at?

Response: Underpasses at 8th Street, 11th Street, and 14th Street in downtown Moorhead would not address the purpose and need of this project to improve operations and safety at the SE Main Avenue/20th Street/21st Street intersection. Trains traveling between the BNSF Moorhead Subdivision and BNSF Main Line (i.e., Dilworth yards) must travel west of the Main Line/Subdivision junction, stop, and push back into either the BNSF Moorhead Subdivision or the Main Line tracks. This movement contributes to the poor traffic operations at downtown intersections at 8th Street, 11th Street, and 14th Street. The railroad wye will address this problem by eliminating this train movement.

The City is studying the possibility for a future project at 11th Street.

Comment: What about moving the tracks south of Moorhead to a different route? Possibly into Dilworth? Maybe the OTV Railroad could join the BNSF Moorhead Subdivision south of town with an underpass at 6th Avenue, 12th Avenue, or into the industrial park.

Response: Alternatives for relocating the OTV Railroad tracks were evaluated in year 2000 as part of the 34th Street and I-94 Interchange and Railroad Relocation Alternatives study. These alternatives included relocating the OTV tracks east of Moorhead, and relocating the OTV tracks to join the BNSF Moorhead Subdivision tracks south of Moorhead. The relocation of the OTV tracks was not considered feasible because of negative environmental and agricultural impacts to farms and rural residential areas in Moorhead Township, right of way impacts, and impacts for economic development opportunities at MCCARA Industrial Park.

Comment: I think the railroad wye is good, but the overpass is in the wrong location.

Response: Comment noted. Refer to the response to the comment above regarding alternative underpass locations.

6. Public Comment #6 (Lori DeKeyser)

Comment: After hearing the details of the project, I am very concerned about how this will impact access to his [Mr. John Lynn] property, which in turn likely will impact his sales and profitability. A car wash business needs easy access and limiting the access to his property will be devastating to his business.

Response: Reasonable and suitable access to commercial properties at the northeast quadrant of the SE Main Avenue/20th Street/21st Street will be provided with the proposed project.

Comment: It appears to me from the maps that this project not only limits his [Mr. John Lynn] access, but may landlock his property, since the only access points are through one of the neighboring lots.

Response: Comment noted. Driveway access from 21st Street to commercial properties at the northeast quadrant of the SE Main Avenue/20th Street/21st Street intersection will be removed to accommodate the grade separation.

Access to commercial properties at the northeast quadrant of the SE Main Avenue/20th Street/21st Street intersection will be provided by a backage road from 4th Avenue South. A cross access easement is anticipated from this backage road to a frontage road connecting these commercial parcels. This frontage road will be located at approximately the location of the existing 21st Street alignment.

7. Public Comment #7 (David A. Edquist)

Comment: While we understand the need for the proposed road changes, we believe the plan as proposed will have a severe negative impact on our business and the value of our property. In addition to the financial impact, we object to the aspect of the plan which has neighboring businesses gaining access [to] their property across our property.

Response: Comment noted. The City will continue to work with Holiday Stores to address their concerns regarding cross easement access between the backage and frontage road as described in public comment #6.

8. Public Comment #8 (Ron Frannea)

Comment: I really hope there will be proper left and right hand turn lanes onto 6th Avenue, 9th Avenue, and 12th Avenue.

Response: A minimum of a shared right-turn/through lane and a shared left-turn/through lane will be provided on 20th Street at the 6th Avenue intersection. A dedicated right-turn lane at 6th Avenue will be evaluated during final design.

9th Avenue and 12th Avenue are located outside of the project area.

Comment: I would really like to make sure that there is going to be an excellent view of oncoming traffic as one is trying to leave 6th Avenue onto 20th Street, whether turning left or right.

Response: Sight distances for drivers exiting 6th Avenue onto 20th Street will be consistent with relevant State of Minnesota design criteria.

Comment: On Interstate 94, in an effort to reduce the noise from the road, those very tall sound barrier fences were put in place. I wonder if it would be a good idea to have something like that put along the train tracks where possible to cut down on whistle noise outside the whistle-free zones, and to reduce the dull, thudding sound of the locomotive engines powering through, and even track noise.

Response: Construction of the grade separation will eliminate train whistles at the SE Main Avenue/20th Street/21st Street intersection. Noise barriers along the railroad tracks within the project area are not under consideration as part of the proposed project.

Comment: It seems the whistles are getting worse and worse, depending upon the engineer of a given train. Could something be done in a communication with BNSF to get them to have their engineers not lean on the horn all the way through town?

Response: Comment noted. Please refer to the response to Public Comment #1.

9. Public Comment #9 (Bryan Hildreth)

Comment: I am concerned with what a retaining wall would do to the value of our property.

Response: Comment noted. The retaining wall was incorporated into the project design to reduce the number of residential relocations associated with the project. Please refer to the response below regarding relocation of low income households for additional discussion of the purpose of the proposed retaining wall.

All right of way acquisition necessary to accommodate the project will be in accordance with applicable Federal and State law.

Comment: All of our tenants have prepared for this so the government wouldn't be doing them a favor by saving the property for them to live there.

Response: Comment noted. Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations", dated February 1, 1994, requires that environmental justice be addressed (to the greatest extent practicable and permitted by law) in all federal planning and programming activities. The purpose of Executive Order 12898 is to identify, address and avoid disproportionately high and adverse human health or environmental effects of programs, policies and activities on minority populations and low-income populations. Because the proposed project will receive Federal

funding, it is considered a Federal project for the purpose of compliance with this Executive Order.

Low-income households are disproportionately represented among households that will be acquired and residents relocated to accommodate the proposed project. Subsequently, design measures, such as the retaining wall at SE Main Avenue and 20th Street, were evaluated to avoid or reduce the relocation of low-income households. The retaining wall was identified as a practicable alternative to avoid adverse impacts to low income households associated with construction of the proposed project.

10. Public Comment #10 (Karn Jilek and John B. Olstad)

Comment: This project removes all access to our business. In addition, it removes all visibility from the main road.

Response: The proposed project will result in changes in local access; however, the project will not remove all access to any businesses within the project area. The City is required to provide reasonable and suitable access with the proposed project.

The purpose and need of the proposed project is to address safety and traffic operations at the SE Main Avenue/20th Street/21st Street intersection. Construction of a grade-separated intersection will eliminate vehicle/train and pedestrian/train conflicts at this intersection. While a grade separated intersection may reduce visibility to adjacent properties to some degree depending upon location and viewpoint, these impacts must be balanced against the purpose and need for the proposed project.

Comment: The City has an obligation to consider the entire impact of the project, not just whether they need to acquire right of way.

Response: Impacts of the proposed project were evaluated in the Environmental Assessment/Environmental Assessment Worksheet consistent with State and Federal requirements.

11. Public Comment #11 (John Lynn)

Comment: Concern about the impacts (i.e., access; visibility) of the proposed projects to business.

Response: Comment noted. Please refer to the response to public comment #6 and public comment #10.

12. Public Comment #12 (Angela MacAdams)

Comment: When the plans were presented to the public two years ago, Morningside was included in all of them as a property that would be acquired. The City then notified our tenants by letter over a year ago that they would need to move.

Response: Plans presented at previous public information meetings were preliminary and subject to change. During the project development process, steps were taken to avoid and minimize relocations of low-income residents in the project area, consistent with Federal rules. Part of the project development process included communication with residents in project area, through public information meetings and mailings, to obtain their input on the effects of the project.

Comment: Morningside has been grouped together with Greenwood trailer park, however the difference is that Morningside is situated directly next to the underpass where much construction is necessary. Morningside will be extremely adversely affected by this plan.

Response: Comment noted. The proposed project has been designed to minimize impacts to adjacent properties while also addressing the project purpose and need. Additional efforts will be considered during final design to minimize impacts to adjacent properties.

Comment: As it is now, the storefront has great exposure to two busy roads in Moorhead, both 20th Street and Main Avenue. There is a driveway directly in front of the building so customers have access to the store. In the rear of the building, there are two separate driveways for tenant access to their residence. This has worked well to limit traffic back by the apartments and provide easy, separate access to the business portion of the building. With the plan as it is, the front access will be eliminated and customers will have to access the store from the rear. This will place more drive-through traffic through our parking lot, which would be a nuisance to the apartment tenants.

Response: Comment noted. Reasonable and suitable access will be provided with the proposed project.

Comment: Another question I have is that of safety. There are some young children who live in the building. How safe is it to have a grade that close to the building where they would be outside playing? With that in mind and the increase in traffic through the parking lot, what kind of safety liability would there be and who is responsible?

Response: Railings will be provided along the retaining wall system consistent with State design guidelines and City codes.

13. Public Comment #13 (Jay Titus)

Comment: I am requesting that a U-turn be allowed at the corner of 21 Street and 4 Avenue South when traveling in the southbound lanes on 21 Street. This is essential to Domino's delivery business having access to the north without traveling through the pump lanes of the Stop and Go.

Response: A U-turn at this intersection will be evaluated during signal system and final design.

14. Public Comment #14 (Mike Young)

Comment: The one thing I would like to see addressed is the intersection at 4th Avenue South and 34th Street South. There needs to be a temporary stop light at this intersection (if not a permanent one). This intersection can be very busy at times now. When 34th Street is busy it is very hard to turn left from eastbound 4th Avenue South to northbound 34th Street. I believe that this intersection will become a major alternative route.

Response: Comment noted. Detour routes during construction of the SE Main Avenue/20th Street/21st Street intersection will be determined during final design. Traffic controls necessary during the construction period will also be considered.

Comment: Golfers at the Meadows often cross 34th Street South instead of using the tunnel or cross 4th Avenue South without looking for cars. They need to be protected somehow. Either by requiring them to use the tunnels during construction period or giving them protected crosswalks.

Response: Comment noted. Facilities are currently in place for crossings of 34th Street and 4th Avenue. Other facilities such as protected crosswalks will not be provided during construction of the proposed project.

B. Verbal Public Comments

Copies of the public hearing transcript containing the following comments are located in Appendix A. The following comments have been summarized.

1. Verbal Public Comment #1 (Frankie Savage)

Comment: The 4th Avenue pedestrian walkway. Looks like you could get caught on the island. There is traffic from three directions and the signal is short at these crossings.

Response: Comment noted. Please refer to the response to public comment #3.

2. Verbal Public Comment #2 (Judy Ary)

Comment: Are there some regulations, or is there some way that the noise of the trains, from 11 o'clock at night until 5:00 in the morning every 15 minutes, is there a way that the decibel could be reduced?

Response: Comment noted. Please refer to the response to public comment #1.

3. Verbal Public Comment #3 (Sharon Byerken)

Comment: Is there a chance some of the need for train whistles will be completely eliminated with the new bridges?

Response: Comment noted. Burlington Northern-Santa Fe (BNSF) Officials at the public hearing noted that there will be no whistle blowing at grade separations.

4. Verbal Public Comment #4 (Barry Chanard)

Comment: General comment regarding drainage, stormwater runoff, and the potential for flooding of adjacent residential properties with construction of the grade separation.

Response: The drainage systems and pump systems will be designed to relevant State design criteria to manage drainage and stormwater runoff.

5. Verbal Public Comment #5 (Karn Jilek)

Comment: Request for a copy of the project layout at the public hearing.

Response: A copy of the project layout, in Adobe Acrobat format, was provided by email on July 26, 2006.