

To: Honorable Mayor and City Council  
Heidi Nelson, City Administrator

From: Ken Ashfeld, Director of Public Work/City Engineer

Date: March 31, 2022

Subject: TH 610/Rush Creek Boulevard Noise Analysis  
April 4, 2022 Work Session

Attached is a staff report from John Hagen, Transportation Operations Engineer, providing information and serving as the basis of discussion at the April 4 work session devoted to the topic of mitigating noise impacts from the TH 610 project. John's memo is very detailed and he will be available at the work session to discuss the topic and answer any questions that you may have. The intent of this cover memo is to "cut to the chase" and present some options for you to consider.

By federal definition, there are 17 areas that have receptor impacts that need to be evaluated. Of those 17 areas, 14 consist of noise impacts to trails only; with no impacts or benefits to properties or residents. There is a voting process for advancing noise walls to the design development phase. The vote assignments are to owners and operators of an impacted facility together with residents and land owners of impacted residential properties. Without getting into the details of how the votes are assigned, the attached staff report identifies the voters and the number of votes assigned. It is recommended that the 14 walls that have no impacts or benefits to properties or residents be dispensed with by a negative vote from the Council with no further consideration given.

That leaves three walls to deal with and here is where it gets to be a "cause and effect" approach. Admittedly, the process is not always perfect and MnDOT is planning to use this project as a case study to change the process. However, that will take a very long time and we can only deal with the regulations as they are today. In the case, where a potential wall has benefit beyond that of the impacted

receptor, in this case the wall would benefit homes, those homes and or HOA property get to vote. You may be wondering why; if the wall is being considered due to impacts to the trail, why would the residential property get votes. I can only surmise that the regulations consider that there may be residential opposition to the placement of a wall as well as those that would support.

In any event, the most westerly wall, that being A1-2, is considered as a result of impacts to homes and it is advisable in this location to construct the wall (11' high) on the house side of the trail. Consequently, the trail has no benefit and the City has no votes. In this case there is nothing more for the Council to consider.

The main discussion topic is walls E2 and F, in the vicinity of the Northglen Carriage Homes HOA, where there are no federal defined noise impacts to residents but since they benefit by less noise, they and the HOA get votes. The wall in this case would be 7' high in that it only has to benefit the trail and consequently has some benefit to the homes. Since Hennepin County is the owner of the right of way and the City is the operator of the trail, we collectively have 12 votes on wall E2 and 30 votes for wall F. As a comparison, the residents have 42 and 86 votes, respectively. My first reaction is to recommend that the City not vote in that there most likely is not a way to override the resident vote and a negative City vote would not look good. On the other hand, the HOA board has been tracking the progress on the noise analysis and have expressed their interest in the wall and that the wall be placed between the homes and the trail (see attached email from Brian Sneltsjes). That is not an option as the wall needs to protect the trail and the placement of the wall will result in the trail being closer to the homes and the loss of vegetation and trees. Furthermore, the HOA board has requested that the City not vote and allow the issue to be a resident decision. I cannot speculate how the resident vote will go in that if you lived in the first tier of homes and end up with the trail closer to you and the loss of trees and vegetation, only to be staring at a wall, you may have a different idea than those further interior homes, or the HOA board for that matter. If the vote for the wall E2 and/or wall F failed, our money would be better spent providing additional vegetation than the initial cost and maintenance of the walls. However, it would go against the federal mandated process to try and

influence the vote. Nonetheless, it would not serve our residents to not clearly define the positive and negative results of their votes. Upon determining that a wall meets the cost/benefit test, the cost of the walls is not supposed to be a factor in the decision making process but I feel compelled to tell you that we are estimating the cost at \$0.75M for these three areas.