



MIDTOWN GREENWAY

APPENDIX C

Role of National Park Service in Project Review

INTRODUCTION

The National Park Service (NPS) reviews federal, state, and local actions within the Mississippi National River and Recreation Area (MNRRA) corridor for consistency with the purposes of the park and the policies of the MNRRA Comprehensive Management Plan (CMP), pursuant to Public Law 100-696. Proposed actions associated with a new or modified Mississippi River crossing may be subject to NPS review under Section 705(d) of the Act. In addition, if future project implementation requires a federal permit, funding, or other federal approval, consultation with the NPS may also be required under Section 704(b).

Any proposal involving a new or modified river crossing associated with the Midtown Greenway Trail Expansion would be evaluated through the CMP Site Development Policy 11 decision-making process. Through this process, project sponsors must demonstrate that feasible and prudent alternatives— including improvements to existing crossings, intermodal transportation strategies, or development within an existing crossing corridor— have been adequately considered. While completion of the Policy 11 review process may result in a determination that a proposed crossing is compatible with the CMP, such a determination is not guaranteed and will depend on the specific design, location, and demonstrated need for the crossing.

Consistent with CMP Policy 11's preference to avoid the creation of new river crossing corridors where feasible, the NPS encourages continued evaluation of alternatives that utilize or expand the capacity of the existing railroad crossing corridor. Concepts that combine a trail crossing with the existing Short Line rail bridge may reduce impacts to scenic views and other protected river resources.

MNRRRA Comprehensive Management Plan Site Development Policy 11 Guidance:

General Background

Public Law 100-696 established the Mississippi National River and Recreation Area (MNRRRA) in November of 1988 and, in establishing the park, created multiple requirements for the National Park Service (NPS) to review local, state, and federal actions within the park administrative boundaries for compliance with the MNRRRA Comprehensive Management Plan (CMP).

As outlined in Section 4 of [Subchapter CXI of US Code 16](#), the NPS shall:

"review all relevant local plans, laws and ordinances to determine whether they substantially conform to [the plan](#). . . . Additionally, the Secretary shall in consultation with the State and its political subdivisions determine the adequacy of enforcement of such plans, laws, and ordinances, including review of building permits and zoning variances granted by local governments, and amendments to local laws and ordinances."

Actions that are reviewed, found non-conforming, and are undertaken without recommended modifications may subject the local or state government unit to repay previous NPS grant funds, make them ineligible for future NPS grants, and, in extreme cases, result in federal acquisition of the land where the action will take place.

Site Development Policy 11

The CMP outlines a specific policy regarding the development of new river crossings:

If it becomes necessary to increase river crossing capacity, the order of preference will be first to expand the capacity of an existing bridge, second to add a parallel structure, and third to establish a new corridor. Development of a new crossing corridor will occur only when no feasible and prudent alternative (including consideration for a greater reliance on interpositional transportation) exists and only if the crossing is included in approved regional transportation plans. This includes the Major River Crossing Study prepared by the Metropolitan Council.

Guidance for development of new river crossings

The following steps outline the necessary tests that a proposed new river crossing must meet to comply with the CMP. River crossings of any type are impactful to multiple protected river resources, and the goal of Policy 11 is to avoid these impacts by not increasing the number of river crossings and minimizing their impact when a new river crossing is required. **If an alternative that does not involve a new river crossing is [feasible and prudent](#), it must be selected.** If a new structure is developed, either in a new or existing crossing corridor, it must utilize [avoidance and minimization](#) to reduce its impact on protected resources, including viewsheds and watercraft use.

Policy #11 does not apply to the reconstruction of crossings when the replacement structure occurs within 500 feet of the existing structure's footprint on either side and the existing structure is completely removed.

Policy 11 Determination Process

Applicants must successfully complete each step below before advancing to the next step. See Policy 11 Decision Tree on page 4 for visual explanation of the process.

1. The applicant must prove that existing river crossings create a significant hazard or disruption to the traveling public. This can be shown by using a Level of Service (LOS) analysis or a similar metric that is based on recent data and forecasted trends. LOS grades of A-E are seen as acceptable, and F is seen as unacceptable. The analysis must be data-driven and not speculative or based on anecdotal findings.
2. The applicant must prove that there are no feasible and prudent intermodal transportation (combining two or more modes of transportation) strategies that could bring LOS to an acceptable level.
3. The applicant must prove that there are no feasible and prudent improvements at existing crossings that could bring LOS to an acceptable level.
4. The applicant must prove that building a parallel structure to an existing crossing is not a feasible or prudent alternative.
 - a. A parallel structure is defined as a crossing that runs parallel to an existing transportation crossing (bike, ped, vehicular, train, transit). The parallel structure must be built entirely within the crossing corridor. If specific site conditions warrant shoreline support elements, such as wing walls, they may partially extend past the corridor. The crossing corridor is defined as the existing structure with a buffer of the width of the existing structure footprint plus 50 feet. The existing structure footprint is the furthest extent of the bridge's critical structure including deck, piers, headers, and other elements required for the crossing to support itself. The existing structure footprint does not include elements that are primarily under the ordinary high watermark, used to impact the shoreline, purely aesthetic, used to control water flows, or function to guide watercraft.
 - i. Example: In 2000, the Hwy 610 crossing was expanded by building a parallel structure (fig. 1). The existing structure width was approximately 68 feet, making the crossing corridor 118 feet on either side of the existing bridge. The parallel bridge was built 9 feet from the existing bridge, was 16 feet larger than the existing structure, and was entirely within the crossing corridor.



Figure 1 Hwy 610 Crossing Buffer, illustration only -- not to exact scale.

5. If the NPS concurs that improving existing crossings, building a new parallel structure, or using interpositional transportation is not feasible or prudent and that current transportation conditions are at or forecasted to be LOS grade F -- the development of a new river crossing may be compliant with MNRRA rules when included in an approved regional transportation plan (Metropolitan Council approval).

Policy 11 Decision Tree

