Minnesota Department of Transportation

395 John Ireland Boulevard
Mail Stop 130
Saint Paul, MN 55155-1899

Phone: (651) 366-4791
Fax: (651) 284-0592
Dave.Seykora@state.mn.us

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Matthew Langan
State Permit Manager
Office of Energy Security
Minnesota Department of Commerce
85 7th Place East, Suite 500
St. Paul, MN 55101-2198

Re: CapX 2020 Hampton – Rochester – La Crosse Transmission Line Project
PUC Docket No. E002/TL-09-1448
OAH Docket No. 7-2500-20283-2

Dear Mr. Langan:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the Draft Environmental Impact Statement (DEIS) relating to the Application for a route permit filed by CapX2020 for its Hampton – La Crosse Transmission Line Project. Mn/DOT appreciates the opportunity to provide comments regarding the matters for which Mn/DOT has regulatory responsibility and other interests. Mn/DOT respectfully submits the following comments on some general matters that affect multiple portions of the DEIS as well as comments relating to some specific paragraphs of the DEIS.

General Comments

On May 20, 2010, Mn/DOT submitted a comment letter on the scope of the EIS. That letter contains a detailed discussion of Mn/DOT's Utility Accommodation Policy and how that policy is applied to requests for permits along trunk highway rights-of-way. Mn/DOT intends to submit its letter on EIS scoping into the record in this matter and also to participate in the public hearings and evidentiary hearings. Therefore, the matters already discussed in the letter on scoping will not be repeated here. It is important to bear in mind, however, that the methodology for evaluating permit applications described in the scoping letter will be followed when CapX2020 submits permit applications for specific locations.

Aviation

The DEIS notes in several sections where the proposed routes are close enough to airports to have a potential impact on aviation. The most significant impact to an airport open for public use is to the Stanton Airfield, which is discussed in sections 7.11.3 and 8.1.4.11. The Stanton Airfield is licensed by Mn/DOT's Office of Aeronautics, and its airspace must be protected to maintain its license. Mn/DOT's records reflect that the Stanton Airfield is not a commercial service airport.

The Stanton Airfield has two visual runways with required airspace protection for a 20:1 approach to maintain a license. The diagram enclosed as Attachment 1 depicts the airspace protection zones for the Stanton Airfield. The area inside the dashed line shows the FAA Part 77.25 horizontal surface, within which structures greater than 150 feet above the level of the runway are not permitted. The rings closer to the airfield depict locations along the 20:1 slope and representative heights of structures at those locations. For example, at the outermost of these rings, structures are limited to 100 feet in height. As the DEIS notes, proposed route alternatives 1B-005 and 1P-009 pass close enough to the east end of one of the Stanton Airfield runways as to present problems for safe operation of the airfield and continued licensing of that facility.

A filing with the Federal Aviation Administration (FAA) on FAA Form 7460-1 will be required. The DEIS should also indicate the Applicant's obligation to obtain all the required approvals from an aviation safety perspective. In addition to obtaining from the FAA a "Determination of Hazard" or "No Hazard", permits from either Mn/DOT or the local airport zoning authority are required. We are unable to determine from the DEIS whether all public airports within five miles of the project have been notified and given an opportunity to comment on compatibility of transmission lines with airport operations and land use compatibility.

Highway Impacts Associated with Construction of Transmission Lines

The DEIS discusses in section 7.11.1 the temporary impacts on the highway system caused by the construction of the transmission line. Based on recent discussions with CapX2020 about construction plans for the Hampton to La Crosse route, Mn/DOT believes that the description in the DEIS should be expanded to include additional information about the impact of transmission line construction on traffic flow along the Applicant Preferred Route.

In each location where a transmission line will cross a freeway or expressway, temporary traffic barriers will need to be installed to protect the area in the median where transmission line work will take place. This will likely require temporary lane closures in both directions on the highway. We understand that CapX2020 is considering the use of helicopters to facilitate stringing the wires on the transmission towers, and that the process would involve multiple pulling operations for each wire. Traffic on the highway will need to be slowed in both directions while these operations are taking place. It is anticipated that the work on each crossing will last for about a week.

In addition to such work at expressway crossing locations, we understand that the Applicant is considering the use of helicopters to facilitate stringing the wires for the entire project. The Applicant has also provided information about one of the methods for splicing wires together involves use of implosive charges. If the route and alignment ultimately selected runs parallel to a highway (and in particular US 52), these activities will take place over a substantial length of time in the immediate vicinity of a busy highway. Clearly, there is a substantial risk that drivers may be distracted by these activities, and therefore traffic flow would need to be carefully managed and monitored throughout the construction process.

Managing the traffic impacts of constructing a 345kV transmission line along an Interregional Corridor will require a significant amount of planning and coordination among many groups, including the Applicant, Mn/DOT, the State Highway Patrol, and local highway and law enforcement authorities. Activities to be addressed include determining a work schedule based on anticipated traffic loads, developing and implementing media alerts and

other communications plans, developing and implementing appropriate traffic control including barrier locations, fixed signs and variable message boards, implementing temporary rolling roadblocks for lane closures, and ensuring that contingency plans are in place.

With regard to the Monticello to St. Cloud route, the Applicant and Mn/DOT have initiated a cooperative planning process to manage the safe flow of traffic during the construction activities associated with that process. We anticipate that a similar traffic management plan would be required if the US 52 corridor is used in this route application.

The text of the DEIS should also be expanded to explain that amount and severity of the impact on traffic operations associated with construction of a high voltage transmission line will vary among the route options under consideration. In addition, the statements in the DEIS that the transportation related impacts of other routes will be similar to those of the Applicant Preferred Route should be corrected. Due to the greater complexities of high volume divided highways and the far greater traffic loads carried by Interregional Corridors such as US 52, the Applicant Preferred Route which runs generally along US 52 will have significantly greater impacts on highway traffic than Applicant's Alternative Route or other route options that run across or along lower volume roads.

In addition, the DEIS could be supplemented to include discussion of mitigation of the impacts on traffic associated with construction activities. The DEIS should include a paragraph indicating that the construction operations will have a significant impact on traffic operations and recommending that the Applicant be required to coordinate with Mn/DOT, local highway authorities, the State Patrol and other appropriate agencies and organizations regarding managing the safe flow of traffic throughout the construction process. It should also be clear that the Applicant should bear ultimate responsibility for the activities necessary to accommodate the construction of their project, including financial responsibility for costs that may be incurred such as rental of equipment or fees for temporary work (e.g., off-duty Highway Patrol officers supervising traffic control procedures) that the project may require.

Highway Crossings

The maps in Appendix A depict the boundaries of the proposed routes and a possible alignment within those proposed routes. In many locations where the proposed routes run parallel to a trunk highway, the alignment illustrated in the maps crosses over the highway and back again a significant number of times. This phenomenon can be seen on the Applicant Preferred Route as it follows along US 52. While individual highway crossings generally do not present insurmountable problems, a large number of crossings of the same highway can be problematic. This is especially true of high volume Interregional Corridors and freeways. First, the construction of a transmission line of this size is quite disruptive to traffic on such highways, and repeated crossings increases the difficulty of maintaining the safe flow of traffic while the transmission line is being built. Second, the presence of transmission lines on both sides of the highway acts as a significant constraint on the management and operation of the highway in the future. For example, at the point in the future when additional overpasses, interchanges or lanes need to be added, the options available would be constrained by the transmission line, and the cost incurred by the public to operate and maintain the highway will be increased. The DEIS should indicate that repeated highway crossings are very likely to cause the Trunk Highway Fund to incur significant additional costs in the future. Accordingly, when a route for the transmission line is selected, the applicant will need to work with Mn/DOT to minimize the number of times the alignment of the transmission line crosses the trunk highway(s).

Comments on Specific Paragraphs

Section 5.3.1. This section states that while structures are generally constructed at grade, for areas with more than 10 percent slope a working areas would have to be graded level or fill would be brought in to create working pads. This could affect Mn/DOT right-of-way in some areas, and each location where working pads may be necessary would need to be further evaluated through Mn/DOT's permitting process when specific pole locations are known.

Section 7.11.1. This section contains the statement: "Visual simulations of the proposed transmission line structures as they would be seen from the perspective of a traveler along the Great River Road are being prepared and will be submitted for the record." It is important that any simulations of the impact of the transmission line include a realistic depiction of the vegetation that the applicant will remove around its power line. Merely superimposing the transmission line structures on a single photo from a single vantage point provides an incomplete representation of the impact the transmission line will have on a scenic byway such as the Great River Road. To have probative value, the visual simulation should be sufficiently comprehensive to provide a full representation of what the full impact of the transmission line will be. In addition, the Applicant should be required to take steps to mitigate the impact of the removal of vegetation along the Great River Road.

Section 8.1.4.3 – This section of the DEIS reviews pinch points along the proposed routes. Some of the pinch points have the potential to affect Mn/DOT right-of-way. An additional pinch point that should be included is along US 52 south of MN 57 and north of CR 50. A house is located near the highway right-of-way on the west side of US 52 where the transmission line is proposed to be located.

Section 8.1.4.11 and Map 8.1-26 – Map 8.1-26 shows areas where the right-of-way for the proposed route alternatives would "share" right-of-way with existing transportation, transmission line, or pipeline infrastructure. With respect to trunk highways, the word "share" in this context should be understood to mean that the transmission line would occupy a portion of the trunk highway right-of-way. Route 1P follows US 52 for about 27 miles and thus presents a right-of-way impact and requires coordination with future Mn/DOT projects. Map 8.1-26 identifies locations along US 52 where future projects such as interchanges or grade separations have been identified and are under consideration. The DEIS discusses that the applicants are requesting a wider route to accommodate future right-of-way options to avoid conflicts with Mn/DOT plans for the following projects:

- interchange at CR 47 near Hampton;
- potential railroad overpass 0.3 miles north of intersection of 295th Street and US 52;
- interchange at CR 24 south of Cannon Falls;
- interchange at CR 1 and / or CR 9; and
- interchange at CR 86 north of Cannon Falls.

Additional locations listed on Map 8.1-26 but not discussed in the text include potential interchanges or overpasses at MN 57, CR 50, and CR 7. The width of the Applicant's proposed route should also be wide enough in these locations to accommodate future highway projects in these locations.

In addition to the future projects such as interchanges, the future work to US 52 is likely to involve adjustments to local roads associated with those projects as well as addition of features

such as frontage roads. These would also require consideration when evaluating placement of transmission lines along US 52. Thus, additional coordination between the Applicant and Mn/DOT will be needed to fully accommodate these future road improvements if the Applicant's preferred route is selected.

Section 8.1.4.11 states that most portions of rural US 52 are constructed on approximately 280 feet of right-of-way, and also that the Applicant has proposed that 70 feet of the transmission line right-of-way overlap the highway right-of-way. It is important to note that the width of the highway right-of-way is not uniform and may vary in width along any highway. Also, 70 feet of occupation of the highway right-of-way implies a pole placement approximately 5 feet outside the right-of-way boundary line. As Mn/DOT noted in its letter on the scoping of the DEIS, US 52 is a four-lane divided highway that carries a high volume of vehicle traffic daily. US 52 has been designated as a high priority Interregional Corridor and the vision for US 52 is to develop it as a fully access controlled freeway facility. Therefore, Mn/DOT's intent is to apply freeway standards to any permit applications by the Applicant, including the restriction on static occupation of the highway right of way. This would imply a pole position approximately 25 feet outside the right-of-way boundary line.

Section 8.2.4.11. Mn/DOT has a design build project on US 52 south of Pine Island for a new interchange, realignment of existing county roads, and addition of frontage roads. Known as the Elk Run project, construction on this interchange is currently underway. Although an information box for the Elk Run interchange is indicated on Map 8.2-22, the location is incorrectly identified, and this project is not mentioned in the text of the DEIS. In addition, this project is not reflected in the maps in Appendix A. The extent and impact of the Elk Run interchange project on possible transmission line routes cannot be fully addressed unless the full footprint of the Elk Run project is shown on all relevant maps. It appears that number of the alignments (e.g., 2P, 2B-001, 2C3-001-2, 2C3-005-2, 2C3-006-2, 2C3-007-2, and 2C3-008-2) would be within or near the Elk Run interchange project. The affected alignments should be reviewed for impact associated with the Elk Run interchange project. The alternatives for Segment 3 (2C3) should also be reviewed for potential impact in this area.

On page 133, the DEIS states, "Based on consultation with DOT, the 2P and 2A route alternatives are not expected to impact roadway expansion plans on US Hwy 52." The lack of discussion of the Elk Run project leads us to believe that the DEIS has not fully assessed the impacts of highway changes with respect to proposed routes 2P, 2B-001, 2C3-001-2, 2C3-005-2, 2C3-006-2, 2C3-007-2, and 2C3-008-2. This should be addressed in the EIS.

Map 8.2-22 and Map 2.6-02. Both of these maps appear to have incorrect labels for route alternative 2B-001. This segment is identified as 2A-002 and should be corrected.

Map 8.2-22. Map 8.2-22 shows highway right-of-way sharing along US 52 through the Elk Run interchange project and continuing south and east through Oronoco to the north side of Rochester. However, none of the route alternatives in the DEIS appear to include this portion of US 52. The indication of a route along US 52 in this area appears to be an oversight that should be revised.

Section 8.3.4.11. The discussion in this section should be supplemented to include additional information of the impact of the transmission line on highways such as route option 3B-003, with would run parallel to MN 42. In particular, for a couple miles immediately west of US 61, MN 42 follows a winding route through steep, heavily wooded terrain. There are steep banks on both sides of the highway, and it appears likely that working pads of the type

described in Section 5.3.1 would be required. The construction activity and the removal of vegetation alongside the highway would require careful evaluation of the potential for erosion of the highway right-of-way, slope failures, proper water drainage, and the potential for rockfall onto the highway. Experience has shown that the steep bluff areas above US 61 are prone to mud slides after heavy rains, especially in locations where significant amounts of vegetation have been removed.

Section 8.3.4.12. The discussion of mitigation in this section states "Because all route alternatives in this segment would cross the Great River Road National Scenic Byway, visual impacts to this recreation area would be similar across route alternatives." It then points out that the visual impacts are not similar across route alternatives because routes 3P-Kellogg and 3A-Kellogg would also run parallel to the scenic byway for approximately 1.3 to 1.5 miles. The DEIS should state that routes 3P and 3A, which follow the existing transmission line crossing the scenic byway, have the least impact, while routes 3B-003, 3P-Kellogg and 3A-Kellogg would have greater adverse impact on the Great River Road National Scenic Byway. This section of the DEIS does not indicate how much vegetation removal would be required by the various route options along US 61, and it fails to discuss mitigation for tree clearing.

Mn/DOT has a continuing interest in working with the OES to ensure that possible impacts to highways, airports, waterways, rail lines and the environmentally significant areas of highway right of way are adequately addressed. We appreciate the opportunity to provide these comments. Please feel free to contact me if you have any questions regarding the information provided.

Sincerely,

David G. Seykora

David G. Seykora
Office of the Chief Counsel

Enclosure

cc: Deborah R. Pile, OES
Karen Hammel, OAG
Lisa Agrimonti, CapX2020
Carol Overland, NoCapX2020/U-CAN
Jon Chiglo, Mn/DOT
Val Svensson, Mn/DOT
Greg Paulson– Mn/DOT District 6
Thomas O'Keefe – Mn/DOT Metro District

Stanton Airfield

Field Elevation: 920'
Federal Airspace Protection
20:1 Slope

Horizontal Distance From Runway End

- 2000 ft
- 1500 ft
- 1000 ft
- 750 ft
- 500 ft

0 1,250 2,500 Feet