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## Community-Preferred Alternative Analysis

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Bill Numbers: [SF 817](#), [HF 186](#)

### Policy Overview:

Minnesotan elected officials and the communities they represent have few meaningful ways to influence major highway infrastructure investments in their communities. Current structures allow for symbolic consultation rather than meaningful advisory power for elected officials to represent their constituents and local community needs.

Many of these highway projects, both past and present, [have displaced and segregated minority and low-income communities](#), contributing to economic, racial, and environmental inequality. Highway planners ignored the objections of impacted communities and bulldozed their neighborhoods.

Today, MnDOT is required to develop one or more design “alternatives” for major, federally-funded highway projects to fulfill requirements of the National Environmental Policy Act (NEPA) and the Minnesota Environmental Protection Act (MEPA). However, this requirement does not require MnDOT to select or even study solutions preferred by the communities directly affected by the project and the elected officials who represent them.

A current example is the [252/I-94 project](#), where MnDOT has continued to advance expansion options despite [abundant and long-standing opposition](#) from community members and elected officials at the local and state level, in particular from Brooklyn Center. This has resulted in a decade-long process to evaluate the future of the corridor that today faces headwinds that could cause the project’s failure, costing taxpayers time and money without making communities safer and easier to get around.

This provision will ensure elected officials can advocate for their communities, ensuring better highway project development and delivery. This is accomplished by:

- Requiring MnDOT to establish these Policy Advisory Committees (PACs) made up of local, county, and state officials representing areas impacted by large highway projects;
- Create bylaws for how they will function;
- And establish a meaningful advisory role for elected officials by requiring MnDOT receive a two-thirds affirmative vote before the commissioner can proceed with a preferred alternative.

The legislation carefully balances local control with regional transportation needs while maintaining technical and safety standards and the NEPA process. Rather than impeding project delivery, early community engagement through this formalized process would likely reduce delays and costs by addressing concerns upfront, preventing expensive modifications and legal challenges later. The bill's approach could also strengthen federal funding applications through improved community engagement, creating more predictable project timelines that benefit affected communities and the construction workforce.

### **Have other states pursued similar policies?**

Democrats in the Texas House of Representatives introduced [HB 5154](#) in 2023, a similar bill that would require TxDOT to study “an alternative design for the project that has been approved by a vote of the governing body of a municipality or county that represents an affected local community; and the negative impacts to an affected local community from previous transportation projects.” While Texas’s political context prevented this bill from passing, Minnesota legislators should pass such a law this session.

### **What does this bill mean for local control?**

This bill ensures that elected officials who represent impacted communities can utilize democratic accountability built into MnDOT’s structure to advocate for projects that better fit local needs and the regional and state needs more broadly.

### **Could the Community Preferred Alternatives Act be used to block positive projects?**

No, the Community Preferred Alternatives Act has been designed to protect local control on major projects without impacting potentially transformative complete streets or other multi-modal investments. The bill’s mechanisms only apply for projects that trigger the

NEPA process, meaning smaller complete streets projects or other investments would not apply for these measures.

**Will the Community Preferred Alternative Act delay projects or increase costs?**

MnDOT or corporate interest groups might argue that requiring PAC approval and mandatory study of community alternatives would extend project timelines and increase costs, and delay infrastructure investments.

However, early and robust community engagement and mandatory alternative studies could actually reduce overall project timelines and costs by identifying and addressing community concerns upfront. The current approach often leads to expensive delays and revisions when community opposition emerges later, as evidenced by the decade-long Rethinking I-94 project delay and the 252/ I-94 expansion project.

Rather than halting projects indefinitely, the PAC approval process is intended to give impacted communities a meaningful seat at the table to shape the final project outcome. Increasing collaboration and proactively identifying community-supported solutions prevents costly legal challenges and project modifications that could result in an EIS process failure or denial of municipal consent, costing taxpayers millions of dollars and without improving mobility for anyone.

**How would the Community Preferred Alternative Act impact union jobs?**

This would strengthen union jobs by creating more stable and predictable project timelines through early community buy-in, reducing costly delays and work stoppages often resulting from late-stage community opposition. The Act's emphasis on comprehensive project design could expand work opportunities across multiple trades, as community-preferred alternatives typically include diverse infrastructure elements beyond basic road construction. Additionally, projects with strong community support face fewer legal challenges and maintain more reliable funding streams, providing union workers with more secure, long-term employment opportunities in transportation infrastructure development and maintenance.

Additionally, other kinds of investments better suited to local and regional mobility needs will be prioritized, creating more opportunities for Union Jobs elsewhere.

**Does the Community Preferred Alternatives Act reduce state authority in transportation planning?**

MnDOT and the FHWA would continue to be the primary decision makers for major highway projects. However, a preferred alternative cannot be selected without a two-thirds affirmative vote from the Policy Advisory Committee (PAC).

This legislation enhances the effectiveness of MnDOT's project development process by providing a structured framework for community input. The bill creates a more predictable process for gathering and incorporating local feedback. It provides new guidelines and steps to ensure the project outcome is supported by communities and officials who represent them, strengthening MnDOT's ability to deliver successful projects. Historical evidence shows that projects implemented without meaningful community input often fail to meet their objectives and require costly modifications to mitigate community harms.

### **How would regional transportation planning efforts be impacted?**

Critics might argue that giving impacted communities too much power could hamper effective regional transportation planning, particularly in metropolitan areas where transportation needs often transcend municipal boundaries.

However, community-preferred alternatives would better serve regional transportation needs because local officials and residents understand the nuanced ways people move through their communities. The bill ensures that local perspectives are thoroughly studied alongside other alternatives. Furthermore, it provides an important guardrail against projects that are not supported by the communities that will be impacted. This comprehensive approach leads to more collaborative and effective regional transportation planning.

### **How would the Community Preferred Alternative Act impact federal highway planning and funding processes?**

This law will not change or conflict with the NEPA process or the commissioner's ability to conduct evaluation processes and create design alternatives. This provision creates key process steps that need to be met before the commissioner selects a preferred alternative and will lead to better project outcomes by creating collaboration between the commissioner and elected officials. The Commissioner maintains technical authority to develop alternatives and will ultimately select a preferred alternative.

However, before the commissioner can select a preferred alternative, the Policy Advisory Committee must approve the alternative by a 2/3rds majority vote, adding an additional process step while maintaining the Commissioner's authority. Beyond what is defined in the NEPA process, MnDOT has significant autonomy in deciding how community engagement and elected officials' engagement works.

Today, PACs are convened at the discretion of MnDOT, leaving procedural questions in a grey area. To address this, the community preferred alternatives provision also adds bylaws for when these committees should be formed (when the NEPA process is triggered) and creates bylaws to ensure they operate efficiently.

Together, enhancing the structure and studying community-preferred alternatives will strengthen federal funding applications by demonstrating robust community engagement and environmental justice considerations - both key priorities in the NEPA process. Projects with strong community support are more likely to secure and maintain funding due to reduced risk of costly opposition and delays after selecting alternatives.

### **How is this process different from the Municipal Consent Process?**

[Municipal consent](#) is a state required legal process where local governments are asked to grant approval for trunk highway projects that expand existing right-of-way, alter access, or increase or decrease capacity through the local jurisdictions. Many highway projects are exempt from municipal consent, including the expansion of high occupancy vehicles (HOV) lanes, and projects that maintain the same right-of-way footprint.

Municipal consent typically occurs near the end of the project development process, after significant time and resources have been spent developing the project design. Denying municipal consent is considered a last resort if local governments still haven't been heard through the public process and are unhappy with the design outcomes, even if millions of dollars have already been spent on the project.

The community preferred alternative provision would increase the odds of successful municipal consent proceedings by giving municipal governments, via the policy advisory committee, a more meaningful channel to advise on the project early in the process, helping to manage issues before they arise, leading to better project outcomes and avoiding costly delays or modifications if municipal consent is denied.

**Summary and Key Takeaways**

The Community-Preferred Alternative Act aims to transform how transportation infrastructure projects are developed in Minnesota by requiring MnDOT to study community-proposed alternatives and obtain Policy Advisory Committee approval before proceeding with major projects.

The legislation carefully balances local control with regional transportation needs while maintaining technical and safety standards and the NEPA process. Rather than impeding project delivery, early community engagement through this formalized process would reduce delays and costs by addressing concerns upfront, preventing expensive modifications and legal challenges later. The bill's approach will also strengthen federal funding applications through improved community engagement, while creating more predictable project timelines that benefit both affected communities and union jobs in the construction workforce.

**For more questions, please contact:**

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National Environmental Policy Act (NEPA): National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-4370h.

Minnesota Environmental Policy Act (MEPA): Minnesota Environmental Policy Act, Minn. Stat. §§ 116D.01-116D.11.