

Minneapolis
City of Lakes

Office of the Mayor

R. T. Rybak
Mayor

350 South 5th Street - Room 331
Minneapolis MN 55415-1393

Office 612 673-2100
Fax 612 673-2305
TTY 612 673-3187

August 6, 2013

Chair Susan Haigh
Metropolitan Council
390 North Robert Street
Saint Paul, MN 55101

Chair Susan Haigh,

As you know, I have been a champion of increased investment in transit generally and Southwest LRT in particular. I remain a strong supporter of Southwest LRT, but my constituents and I have serious concerns regarding tunnel options that must be fully addressed.

In addition to the inadequate accessibility of the West Lake Station design, the potential need for crash walls for freight trains and other issues raised by our technical staff, the following are concerns of equal or even greater weight to me:

1. **Connection to Future Midtown Rail.** When the County chose the Kenilworth alignment, that meant the dense and growing neighborhoods of south Minneapolis would not be served by Southwest LRT. Today, Minneapolis, Hennepin County and the Met Council are working together to bring rail transit to the Midtown Greenway and connect those neighborhoods in the future to the regional LRT network. That progress must not be undermined nor future expansion of this service curtailed. I understand that current plans for the shallow tunnel do not accommodate a double track connection of future Midtown Rail to Southwest LRT at the West Lake Street Station. These neighborhoods must not be denied access to the future transit system we are both working to build by decisions we make today.
2. **The Gap Between the Two Tunnels.** Some are assuming that Minneapolis residents who want to maintain the quiet of the parkland along Kenilworth should prefer the shallow tunnel to freight rail relocation because LRT, which is the far more frequent train compared to freight, would be the train that would go underground. I want to give Met Council the opportunity to demonstrate that is possible. I appreciate that your staff has been working very hard to address or mitigate the 1000 foot gap between the two shallow tunnels. That work must continue.
3. **Bicycle Trail.** Your staff has also reassured us that the bicycle trail can be rebuilt much as it is today. This bike trail is one of the most well-used in the entire region – by both urban and suburban commuters going to Downtown who would otherwise be adding cars to our congested roadways. This situation could improve if the construction is scheduled so that the trail is out of service for the shortest possible amount of time.

4. **Impact to the Lakes and Parkland.** Our City staff has been informed by Met Council staff that there may be both temporary and permanent impacts on our lakes, with water being drained out of the tunnels and into the sewer system. As Mayor of the City of Waters, this is a very serious concern, as are other impacts to the environment. It assumed by some that a shallow tunnel has a smaller long-term impact on the parkland and tree canopy than building LRT at grade. But that has not yet been demonstrated.
5. **A guarantee that what is planned will be built.** For Minneapolis and its citizens, the nightmare scenario is that as project costs are cut, we could end up with co-location of both trains at grade. We need a rock solid guarantee that will not happen. When the LPA was adopted, the City only agreed to support placing LRT on the Kenilworth Corridor on condition that the County's promise to not allow co-location with freight would be fulfilled. The history of this project raises concerns about the future.

As I understand it, a deep bore tunnel would largely take the first three of these issues off of the table. This should be taken into account.

We appreciate that addressing these complex issues will take time; we also appreciate that time is of the essence. We will do everything we can to help you complete this work by the end of the year, but our most important goal is that it be done right. I ask you to confer with your staff about the work necessary and how long it will take to provide full and responsible answers to these questions – both for the City and for the public.

Sincerely,



Mayor R.T. Rybak
City of Minneapolis

Cc:

Southwest Corridor Management Committee
Minneapolis City Council Members
Met Council Members Adam Duinick, Gary Cunningham & Jim Brimeyer
State Senator Scott Dibble
State Representative Frank Hornstein

Offered by: *Scott Vreeland*

Resolution 2013-282

Seconded by: *Anita Tabb*

Resolution 2013-282

Resolution Stating the Minneapolis Park & Recreation Board's Position on Project Design Alternatives Recently Developed in the Preliminary Engineering Phase of Southwest Light Rail Transitway Planning

Whereas, The Minneapolis Park and Recreation Board (MPRB) was created by the Minnesota Legislature in April 1883 and has the authority to manage and operate park lands;

Whereas, A prominent asset of the region owned, operated and maintained by the MPRB is the Minneapolis Chain of Lakes Regional Park, which experienced over 5.8 million park visits in 2012;

Whereas, The Minneapolis Chain of Lakes Regional Park includes Cedar Lake, Lake of the Isles, and the Kenilworth Channel, which are adjacent to and/or intersect with the Kenilworth Corridor proposed as the alignment for the Southwest Light Rail Transitway (SWLRT);

Whereas, The Minneapolis Chain of Lakes is designated under federal law a National Scenic Byway and is a portion of the Minneapolis Grand Rounds deemed eligible by the U.S. Department of the Interior under the Historic Preservation Act for nomination to the National Register of Historic Places;

Whereas, The MPRB has collaborated for over two decades with Hennepin County Regional Railroad Authority, City of Minneapolis and the general public in the design, construction, and maintenance of the Kenilworth Regional Trail, which coexists in a naturalized and peaceful setting with freight rail in the Kenilworth Corridor;

Whereas, The Kenilworth Regional Trail generated over 550,000 user visits in 2012 made up of commuter and recreational bikers, skaters, runners, and walkers;

Whereas, The MPRB has also collaborated for over two decades with Hennepin County Regional Railroad Authority, City of Minneapolis and the general public in the design, construction, and maintenance of the Cedar Lake Regional Trail, which connects to the Kenilworth Regional Trail;

Whereas, The Cedar Lake Regional Trail generated over 850,000 user visits in 2012;

Whereas, These two trail corridors provide a park experience and trail connectivity of immense value to the region;

Whereas, Through 2012, the MPRB convened a Community Advisory Committee (CAC) to study issues associated with adding light rail to the Kenilworth Corridor and develop responses to the Draft Environmental Impact Statement (DEIS) for the project;

Whereas, Recommendations of the CAC were approved by the Board of Commissioners on December 5, 2012 and submitted to the Hennepin County;

Whereas, Comments submitted by the MPRB include opposition to co-locating freight rail and light rail within the Kenilworth Corridor and as such, support for relocating freight rail out of the corridor as part of the SWLRT project;

Whereas, In the past several months, the Metropolitan Council has proposed new design alternatives for SWLRT that would keep freight rail in the corridor and place light rail in either a shallow or deep tunnel under the trail system;

Whereas, The shallow tunnel option proposes that light rail would return to grade in order to cross the Kenilworth Channel, a bucolic waterway connecting Cedar Lake and Lake of the Isles that is immensely popular for recreational canoeing, kayaking, snowshoeing and cross-country skiing;

Whereas, The at-grade crossing of the Kenilworth Channel creates a co-location scenario of the SWLRT with freight rail within the Kenilworth Corridor;

Whereas, The shallow tunnel option would be constructed by open trenching, essentially removing all existing vegetation within the current trail corridor;

Whereas, MPRB, SWLRT project office and City of Minneapolis staff have recently had significant conversations about the shallow tunnel option and specifically about the crossing of the Kenilworth Channel and vegetation removal;

Whereas, The shallow tunnel option would construct a significant amount of infrastructure directly adjacent to and over the Kenilworth Channel including concrete portals, safety fencing or walls and widened bridge decks as necessary to bring the light rail back to grade and over the Channel;

Whereas, After deliberating on the SWLRT options, the MPRB believes the shallow tunnel option as currently proposed will permanently damage the recreational, cultural, and aesthetic experience of MPRB parklands and assets at a particularly fragile and critical location that would be overwhelmed by the proposed co-location of light rail and freight rail infrastructure;

Whereas, The Board believes that short of dropping the light rail into a tunnel under the Kenilworth Channel, the mitigation measures that have been discussed by staff to bring the light rail to grade and over the channel will, themselves, have damaging impacts to MPRB parklands, assets and the surrounding landscape;

Whereas, Section 4(f)(1) of the Federal Transportation Act requires a finding of no feasible or prudent alternatives to the use of parks and historic sites before the Secretary of Transportation (Secretary) can approve the use of such property for transportation purposes and the attendant expenditure of federal transportation funds;

Whereas, Section 4(f)(2) of the Federal Transportation Act imposes a duty on the Secretary to utilize all possible planning at the earliest stages to minimize harms to parks and historic sites before the Secretary can approve a route;

Whereas, The Metropolitan Council is in the process of determining final locations;

Whereas, The current Kenilworth Corridor SWLRT alternatives are a recent occurrence and the impacts of which have not been fully evaluated in an Environmental Impact Statement;

Whereas, 23 CFR 771.35 of the Code of Federal Regulations require that any use of the lands from Section 4(f) property shall be evaluated early in the development of action when alternatives to the proposed action are under study;

Whereas, In 1997, the Minnesota Legislature enacted Minnesota Statutes §383B.81, the Hennepin County Environmental Response Fund, to help in part alleviate the problem created by the construction of Hiawatha Avenue/Highway 55 which severed existing east-west rail traffic for Twin City Western Railroad and necessitated the use of existing Hennepin County Regional Rail Authority tracks in the Kenilworth Corridor;

Whereas, Minn. Stat. §383B.81, subdivision 6, provided for the cleanup of the Golden Site property in St. Louis Park, then an EPA Superfund site;

Whereas, At the time of legislative funding, Hennepin County and local affected units of government understood that the cleanup of the Golden Site would be used to facilitate an alternative route for the Twin City Western Railroad northerly through St. Louis Park to accommodate future light rail through the Kenilworth Corridor; and

Whereas, Hennepin County kept its commitment to St. Louis Park to clean up the Golden Site and for nearly two decades, it has been contemplated that freight traffic would be relocated out of the Kenilworth Corridor in conjunction with SWLRT construction;

RESOLVED, That the Minneapolis Park & Recreation Board of Commissioners approve this resolution stating its position on project design alternatives recently developed in the preliminary engineering phase of Southwest Light Rail Transitway planning;

RESOLVED, That the Board states its position against co-location of LRT and Freight and for a preferred alternative, along with mitigation measures stated in MPRB's DEIS comments, as the relocation of freight traffic out of the Kenilworth Corridor to a corridor in St. Louis Park as originally contemplated when the Legislature and Hennepin County created the Hennepin County Environmental Response Fund;

RESOLVED, The Board would also support the current option described as the "deep tunnel" option that would keep SWLRT deep underground from the West Lake Station to roughly the Penn Station;

RESOLVED, That the Board opposes the option described as the "shallow tunnel" option.

RESOLVED, That the Board direct its attorneys and staff to use all options under the 4(f) provisions in the Federal Transportation Act to raise its objections and oppose SWLRT options except as described in this Resolution and exercise all rights the MPRB has under Federal laws to prevent a project of that nature from proceeding;

RESOLVED, That the Secretary of the Board transmit a copy of this resolution to the Metropolitan Council, Governor Mark Dayton, Minneapolis Legislators, Hennepin County Commissioners, the Minneapolis Mayor and City Council and other officials with interests in the SWLRT; and

RESOLVED, That the President of the Board and Secretary to the Board are authorized to take all necessary administrative actions to implement this resolution.

Vote:

Commissioner	Aye	Nay	Abstain	Absent
Bourn			X	
Erwin	X			
Fine		X		
Kummer	X			
Olson				X
Tabb	X			
Vreeland	X			
Wielinski	X			
Young	X			

Adopted by the Minneapolis Park and Recreation Board
In formal meeting assembled on August 21, 2013

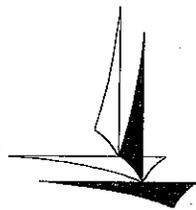
Approved:



R.T. Rybak, Mayor


John Erwin, President

Julia M. Wiseman, Secretary



Minneapolis
City of Lakes

Office of the Mayor

R.T. Rybak
Mayor

350 South 5th Street – Room 331
Minneapolis MN 55415-1393

Office 612 673-2100
Fax 612 673-2305
TTY 612 673-3187

September 20, 2013

Chair Susan Haigh
Metropolitan Council
390 North Robert Street
Saint Paul, MN 55101

Re: Southwest Corridor Freight Study

Chair Susan Haigh,

As the Metropolitan Council nears a decision on the scope and budget for Southwest LRT, it is imperative that we take a harder look at the freight relocation options that the railroads have previously dismissed. I appreciate your commitment to conducting an independent review of freight re-location options as requested by Hennepin County. It is my understanding that the firm you have hired specializes in railroad engineering. As your staff works with this firm to define a scope of work for the study, I ask that they consider a number of technical and financial questions that will help guide policy discussions in the coming weeks.

1) Re-evaluate Previous Design Assumptions

The City of Minneapolis agreed to support the locally preferred alternative in 2010 based on a number of conditions, including re-locating freight out of the Kenilworth Corridor. Based on meetings with your design team, our staff was pleased to hear that the project office intends to ask the railroad engineering consultant to re-evaluate the modified DEIS alignment along the MN&S Corridor in addition to the Brunswick alternatives as part of the work scope.

The City of Minneapolis recognizes that there are technical challenges with the original DEIS freight connection pertaining to the combination of tight horizontal curves, reverse curves, and vertical curves that inhibit longer trains from traveling at higher speeds.

- A. Assuming a 10 mph train operating speed, what is the maximum length of train that can operate safely through this connection?
- B. Are there ways to mitigate tight curves by improving track condition, adding extra locomotives, using distributed power, or by super-elevating (tilting) the tracks?
- C. Has the project office calculated capital and operational costs to mitigate these curves?



www.ci.minneapolis.mn.us

Affirmative Action Employer

2) Clarify Guidelines and Exceptions

American Railway Engineering and Maintenance Right-of-Way (AREMA) guidelines and best practices have been consistently cited throughout the preliminary design process.

- A. Are there opportunities on any of the alignments to safely pursue design variances?
- B. Are there examples of similar situations across the United States where variances or exceptions to the AREMA guidelines have been successfully implemented by railroads?

3) Re-explore Alternative Routes

Given the significant community and financial impacts of both the Kenilworth Shallow LRT Tunnel Co-Location option and the Brunswick Central Freight Re-Location option, it is imperative that we take a harder look at the freight re-location options that have been previously dismissed by the railroads. With respect to other possible freight routes, it is my understanding that your staff met with the railroad this past spring to explore whether several alternative routes would be acceptable and that the railroad dismissed these alternatives. What is "unacceptable" to the railroads from a business perspective may actually be "workable" from a technical perspective. This distinction needs to be better understood and documented.

- A. Which previous re-location alignment options were dismissed because of technical fatal flaws, and which re-location options were dismissed because there was a financial impact to the railroads?
- B. The rail re-route through Granite Falls and the southerly MN&S connection to the Union Pacific Tracks in Scott County appear to be technically workable. Has the project office calculated the capital and operational costs needed to make these routes acceptable to the railroad?

4) Compare Capital and Operational Costs

Given the number of alternatives considered in the recent past and the complexity of the differences among them, it can be difficult for policymakers and the public to understand the tradeoffs, including cost differences. I suggest that the consultants or the project office prepare a matrix or table addressing the following question:

- A. How do the capital and operational costs of technically feasible alternative freight routes and the modified DEIS route compare to the two remaining options, the Shallow Tunnel and Brunswick Central Option?

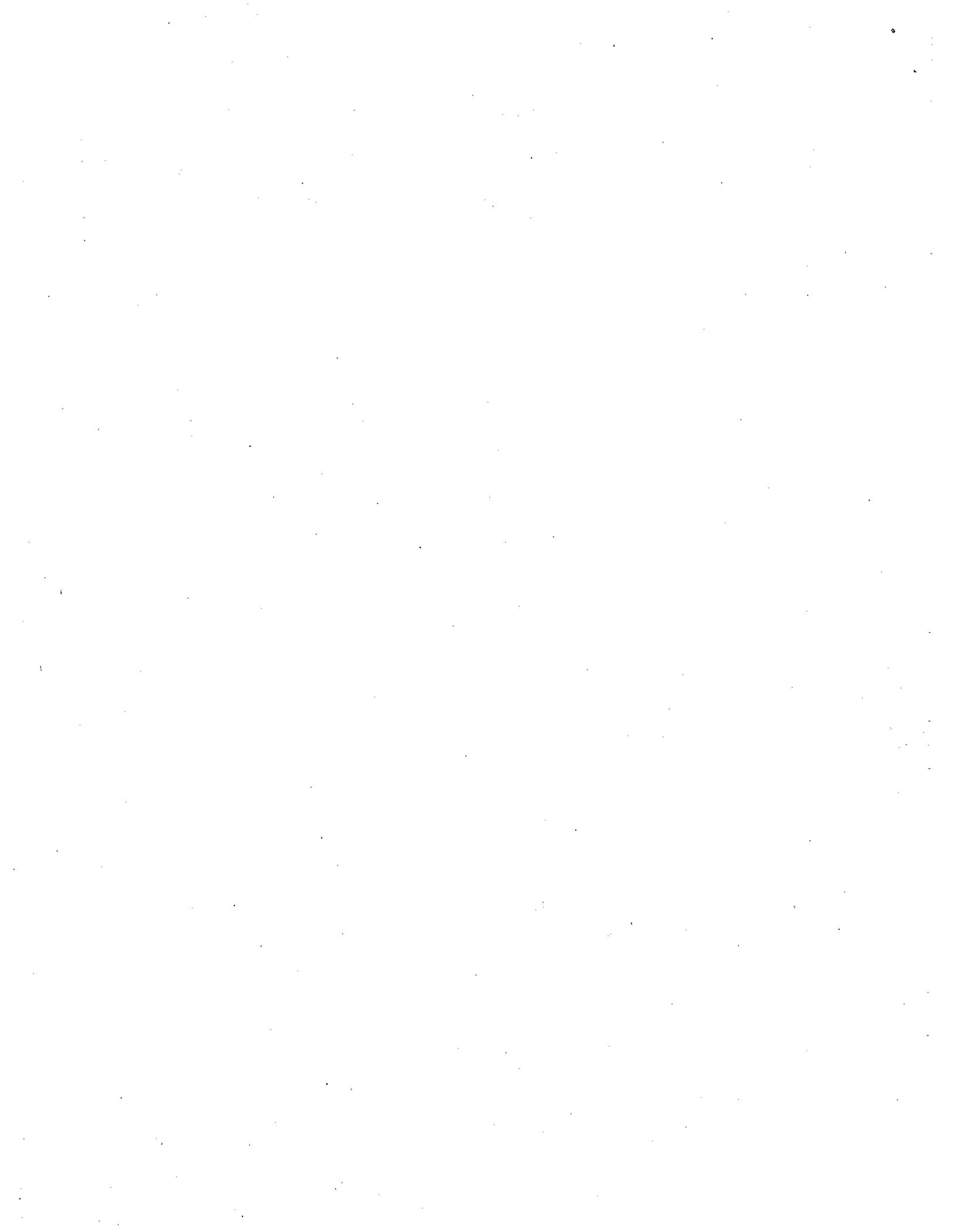
The City of Minneapolis continues to believe that bringing LRT service to the Southwest Corridor would be of great benefit to the region if we can find a responsible way to deal with the freight rail problem. While further work is done to refine the shallow tunnels option, we must also negotiate with the railroads to develop and refine a less costly re-location option that has less impact to both Minneapolis and St. Louis Park. It is my hope that negotiations with the railroad will result in a win-win for all parties involved.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Rybak', written over a large, loopy flourish.

Mayor R.T. Rybak
City of Minneapolis

CC: Governor Mark Dayton
Senator Amy Klobuchar
Senator Al Franken
Congressman Keith Ellison
State Senator Scott Dibble
State Representative Frank Hornstein
Met Council Members Adam Duininck, Gary Cunningham & Jim Brimeyer
Minneapolis City Council
Minneapolis Park and Recreation Board
Southwest Corridor Management Committee



**Minnesota Senate
Minnesota House
of Representatives**

State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd
St. Paul, MN 55155



Senator D. Scott Dibble
651-296-4191
sen.scott.dibble@senate.mn

Representative Frank Hornstein
651-296-9281
rep.frank.hornstein@house.mn

September 26, 2013

Susan Haigh, Chair
Metropolitan Council
390 North Robert Street
Saint Paul, MN 55101

Dear Chair Haigh:

We learned that you communicated at the Southwest LRT Corridor Management Committee's meeting yesterday that you are declining to make any attempt to hire a different consultant to assist our region in examining ideas or options in solving the challenges with co-location of LRT and freight rail in the Kenilworth Corridor. This comes after the initial consultant under consideration stated that it has a conflict of interest in light of its relationship to the railroad industry.

We further understand that the rationale you have given is that a "good faith effort" to examine new ideas and options was attempted and failed. Another reason cited by the Met Council is that the consultant who opted out, citing a conflict of interest, owing its allegiance to freight rail interests, registered an opinion that the best choice had already been made.

We take strong issue with both assertions.

We disagree and challenge your characterization that the Met Council has made a "good faith effort" to examine alternative freight options. In fact, your actions yesterday reverse a commitment you made to us and other stakeholders to go back to the drawing board on the freight rail question.

We are particularly concerned by the Met Council's justification to drop examination of alternative freight rail alignments by citing an off the record opinion from TTCI. TTCI has little familiarity with the particular circumstances of this very complicated situation, is not under contract, and did not even begin its examination. Further, that source itself stated that it is incapable of rendering an unbiased, objective point of view – taking themselves out of consideration for the very task of giving advice.

We are deeply troubled by the Met Council's about face on a serious study of alternatives to co-location of freight rail and LRT in the Kenilworth Corridor. The City of Minneapolis, through a

letter dated September 20 from Mayor Rybak and with its active participation in the Corridor Management Committee, has made concerns with co-location abundantly clear and stated the depth and breadth of the issue that should be addressed by a study of freight rail routing options. The Mayor also suggested innovative ideas that might get everyone to a mutually beneficial resolution. It is simply wrong to summarily ignore those concerns and proceed with your current timeline for decision making on freight rail issues.

We reiterate the sentiments of our previous communication to you. Failure to fully address impacts and alternatives or not allow for thorough and valid input by the public and the City of Minneapolis will result in significant delays and may very seriously imperil SWLRT. No decision should be made until the questions are answered and these issues are resolved.

We urge you in the strongest terms possible to postpone the scheduled votes on October 2 and October 9 and delay any decision on freight rail options until a new consultant is hired and has properly vetted all options.

Sincerely,



D. Scott Dibble, Chair
Senate Transportation & Public Safety Committee
State Senator, District 61



Frank Hornstein, Chair
House Transportation Finance Committee
State Representative, District 61A

cc: Governor Mark Dayton
Mayor R.T. Rybak
Commissioner Peter McLaughlin, Chair, Counties Transit Improvement Board
Commissioner Gail Dorfman
Council Member Lisa Goodman
Met Council Members Adam Duinick, Gary Cunningham, & Jim Brimeyer
Southwest Corridor Management Committee