

**Resolution to Approve the Physical Design Component  
of the Preliminary Design Plans for the Southwest Corridor Light Rail Project  
in the City of Minneapolis**

**Whereas**, the City of Minneapolis has been a strong advocate for increased investments in transit generally and for Southwest LRT in particular, and has been a reliable regional partner in advancing a multimodal transit system, and

**Whereas**, the City of Minneapolis has relied on other regional partners to work in a collaborative way to achieve a shared vision and is therefore extremely disappointed to be asked to approve a project which violates past commitments, and

**Location of Freight**

**Whereas**, when the Kenilworth Rail Corridor was acquired by the Hennepin County Regional Railroad Authority (“HCRRA”) in the late 1980s, the corridor was empty and not regularly in use by any railroad, and

**Whereas**, MNDOT needed to move freight rail out of the Midtown Corridor because the reconstruction of Highway 55 was going to sever the at-grade crossing of the highway. The government agencies involved had decided the solution was to relocate freight rail to the existing Minneapolis, Northfield and Southern Railway (“MN&S”) rail corridor in St. Louis Park. But before the project began, project engineers learned that the land under the planned connection to the freight reroute – the Golden Auto site in St. Louis Park – was contaminated and unfit for construction, and

**Whereas**, HCRRA then allowed Twin Cities & Western (“TC&W”) railroad to temporarily move its trains to the publicly-owned Kenilworth Corridor right-of-way in order to assist the Minnesota Department of Transportation (MNDOT) to meet deadlines to save federal funding for the reconstruction of Highway 55 in south Minneapolis, and

**Whereas**, the Kenilworth Corridor was only to be in use for a maximum of six years, thus allowing time for environmental cleanup at the Golden Auto site. HCRRA entered into an agreement with TC&W for relocation to the MN&S corridor after the clean-up, and

**Whereas**, Hennepin County’s promise to re-route freight before the corridor would be used for passenger transit service is summarized in its 2009 Freight Rail Study, and

**Whereas**, the State legislation providing substantial funding for soil remediation for the Golden Auto site required that MNDOT not disburse those funds until an agreement had been reached regarding the routing of freight. MNDOT failed to follow the law and gave the soil remediation funds to St Louis Park without a binding agreement from St. Louis Park regarding the rail routing. Laws of Minnesota, 1997, Ch. 231, Art. 16, Sec.23, and

**Whereas**, when planning for Southwest LRT began in earnest in the mid-2000s, TC&W trains continued to operate in the Kenilworth Corridor, as they were not moved to the MN&S pursuant to the earlier agreements and state law, and

## **Routing of LRT**

**Whereas**, decisions about light rail projects like Central LRT and Southwest LRT are driven by a need to adhere to the Federal Government's transit criteria or "funding formula," as the federal government provided 50% of the funding for Central and is anticipated to do the same for Southwest, and

**Whereas**, the decision about where to route the Southwest LRT line was made when the Bush-era transit funding formula was still in effect. That formula said that only new transit riders should count. If you were already a transit rider, you didn't count towards projected ridership. That formula was inherently biased against urban neighborhoods where lots of people already ride transit. That formula was inherently favorable to suburban areas where it is easier to find potential riders not currently taking transit. The Bush-era formula created an incentive for transit planners and policy-makers to avoid, rather than serve, dense neighborhoods where many people already take transit, and

## **Limitations of Kenilworth Alignment**

**Whereas**, the routing of Southwest LRT was not designed around serving disadvantaged populations or serving the greatest number of Minneapolis residents. It was designed to achieve the fastest route between suburban and downtown destinations, and

**Whereas**, when the City reluctantly agreed to proceed with Hennepin County's preferred alignment of Kenilworth, it did so with the express condition that the bicycle/pedestrian trail in the Kenilworth Corridor (the "Kenilworth Trail") would be preserved and with reassurance that long-standing promises to reroute freight would be kept, and

## **Serving the Communities Left Behind**

**Whereas**, following the selection of the Kenilworth Corridor as the Locally Preferred Alternative (LPA), the City redoubled its existing efforts to advance plans to provide rail service to the Nicollet Avenue corridor in the form of a more appropriately-sized Modern Streetcar and to provide rail service to the Midtown Greenway. These two corridors had been considered for Southwest LRT, but not selected, and

**Whereas**, the City appreciates Hennepin County's leadership in advancing Modern Streetcar on Nicollet by helping the City secure passage of a value capture tool and Metropolitan Council's leadership on advancing rail transit in the Midtown Greenway through its Alternatives Analysis, and

**Whereas**, the City also appreciates the support of both Hennepin County and the Metropolitan Council in their collaborative work with the City to jointly fund a study of the West Broadway corridor through North Minneapolis. This is a key step toward potentially expanding a Modern Streetcar to North Minneapolis, which would include an estimated 12-16 stops in North Minneapolis between Hennepin Ave and the City border in a full build out scenario, and

**Whereas**, these neighborhoods along Midtown, Nicollet and Broadway are crying out for improved transit and for the opportunity to be connected to the regional spine of Southwest LRT and without continued shared efforts by our partner agencies, Southwest LRT will not meet its full potential, and

## **Freight Challenges Will Be Ongoing**

**Whereas**, after the LPA decision the Metropolitan Council took over the project as lead agency and convened a Southwest Corridor Management Committee (CMC) to advise the Metropolitan Council on Southwest LRT, and

**Whereas**, coordination with and the cooperation of the railroads was identified at the CMC as a potential obstacle to progress of the project. The City's sole delegate at the CMC, Mayor Rybak, was reassured that the Metropolitan Council was going to be a tough negotiator with the railroads, and

**Whereas**, in late 2012, Hennepin County released the Draft Environmental Impact Statement (DEIS) for the Southwest LRT project. The City's official comments on the DEIS made it absolutely clear that its continued support for the Kenilworth LRT route was contingent upon implementing the freight relocation plan, and

**Whereas**, at the direction of the Federal Transit Administration ("FTA"), the DEIS included analysis of a scenario in which both freight and LRT would coexist at-grade in the Kenilworth corridor, a concept that had not advanced through the Alternatives Analysis process, or for which the project sponsor developed conceptual engineering drawings. Using layouts developed by the City of St. Louis Park, not the Southwest LRT Project Office or Hennepin County, the DEIS found that co-locating freight and LRT at-grade in the Kenilworth corridor would be detrimental to the environment, and recommended the LPA with freight re-routed as the option "that will cause the least damage to the biological and physical environment and that best protects, preserves, and enhances historic, cultural, and natural resources." Southwest Transitway DEIS, October 2012, pages 11-15, and

**Whereas**, tasked with belatedly addressing the freight issue, last summer the Metropolitan Council put forward three options, only one of which rerouted the freight as promised. This option included construction of a new rail right-of-way located on top of a two-story berm. It imposed surprising and, as it turned out later, unnecessary impacts to neighbors along the MN&S in St. Louis Park, including the removal of over 30 homes, and

**Whereas**, at the CMC, Mayor Rybak's vote was cast in favor of removing the most expensive option, a deep tunnel, from further consideration. This was done after the Mayor was assured that an independent freight expert would be hired by Metropolitan Council to look at all options for addressing the freight issue, and

**Whereas**, at Governor Dayton's direction, the Metropolitan Council developed a scope of work for the independent freight study. All the cities along the corridor including Minneapolis were able to provide input, and the scope of work was formally adopted by the CMC. As called for by Metropolitan Council staff, the scope of work explicitly identified the American Railway Engineering and Maintenance Right-of-Way (AREMA) standards as the design standard that the freight expert must meet for any proposed freight line, and

**Whereas**, TranSystems of Kansas City was hired to do the freight analysis and it developed the MN&S North solution which requires the taking of dramatically fewer homes and was significantly less expensive than the "two-story tall berm option" both in initial construction and from a long-term operating perspective. The TranSystems solution provided important benefits to St. Louis Park, and to the region described in the City of Minneapolis's May 7, 2014 Resolution, and

**Whereas**, unfortunately, Southwest Project staff reacted by undermining TranSystems design which met, and in some cases, exceeded the required AREMA standards according to the City's own consultant with substantial freight expertise. TranSystems was not invited to present their final report in person so they could answer questions about the report. When the City repeatedly asked Project staff to either confirm or deny that the TranSystems solution met the agreed-upon AREMA standard, Metropolitan Council staff repeatedly declined to answer the question. They simply indicated that the proposed solution was not acceptable to the railroads, and

### **Railroads and the Surface Transportation Board (STB)**

**Whereas**, in 1998 when MnDOT was moving freight from the Midtown Corridor to its temporary location in the Kenilworth corridor, TC&W signed a trackage rights agreement with HCRRA which owns the Kenilworth Corridor. The trackage rights agreement says TC&W would move out of the Kenilworth corridor when provided with another connection. TC&W signed another similar agreement in 2012, and

**Whereas**, if after approval by the Surface Transportation Board (STB), the Metropolitan Council were to build the TranSystems MN&S North solution, the conditions of these agreements will have been met and TC & W would be required to move, and

**Whereas**, while TC&W clearly opposed the re-route, the STB exists to resolve these kinds of disputes between railroads and local governments. Given that the reroute meets AREMA standards, coupled with the fact that the reroute is comparable in length and geometry to the existing Kenilworth route, the City agrees with the TranSystems principal who said that he could not find any reason why the STB would not approve the reroute, and

**Whereas**, of the government agencies represented at the CMC, only the City of Minneapolis, was willing to re-route freight out of the corridor by going to the STB. Mayor Hodges was outvoted at the CMC by all the cities along the corridor as well as Hennepin County and Metropolitan Council representatives. Opponents of rerouting the freight expressed concern that opposition to the freight re-route by TC&W at the STB would result in unacceptable delays, even if it were ultimately approved, and

**Whereas**, since the TranSystems report is still unrefuted by any credible source, the City does not concede that Freight could not be re-routed safely from the corridor. Nonetheless, the City must react to the region's unwillingness to take a possible re-route to the STB, and

**Whereas**, there were serious mistakes made during the development of this project: failing to secure a binding agreement with St Louis Park, failing to secure a binding agreement with the railroads, failing to follow up with MNDOT to ensure they were following the law requiring a binding agreement before disbursing funds for the Golden Auto site, failing to design a new version of a freight reroute to reflect changes in industry practice, failing to hire an independent engineering firm like TranSystems years earlier, and when a new viable reroute was finally identified, an unwillingness to bring that plan to the STB for approval, and

**Whereas**, these mistakes were not made by the City and cannot be corrected by the City, but the City can do everything in its power to avoid repeating these mistakes and therefore has secured written, binding agreements on critical issues with the responsible government agencies, and

**Whereas**, nonetheless the City has entered into a Memorandum of Understanding with the Metropolitan Council regarding property ownership in the Kenilworth Corridor, and

**Whereas**, the City has entered into a Memorandum of Understanding with Hennepin County regarding property ownership in the Kenilworth Corridor, and

**Whereas**, the City has entered into a Memorandum of Understanding with the Metropolitan Council regarding design of the Southwest LRT in Minneapolis and the stations in Minneapolis, and

**Whereas**, the Memoranda of Understanding for Southwest LRT reached by the City could not address, and are not expected to address, every possible issue which will affect residents quality of life or their experience of Southwest LRT, and ongoing work will be required at each stage of project development, and

**Whereas**, the City of Minneapolis considers the pedestrian access and other project components from the resubmitted municipal consent package that are described in the Design Memorandum of Understanding to be necessary mitigations for both the alignment choice and the unexpected and unwelcome presence of freight rail in the Kenilworth Corridor, and

**Whereas**, the City of Minneapolis considers the Memoranda of Understanding with the Metropolitan Council and Hennepin County to be important, though limited, assurances regarding future property ownership in the Kenilworth Corridor, and

**Whereas**, without such agreements, the City of Minneapolis would not approve the physical design component of the Preliminary Design Plan for Southwest LRT, and

### **Benefits to the Region and Minneapolis**

**Whereas**, while the routing-specific and station-specific benefits of Southwest LRT to advancing equity and to serving Minneapolis neighborhoods, have been exaggerated, Southwest LRT will nonetheless benefit equity by significant overall improvement of the regional transit system, and

**Whereas**, while Southwest LRT was not designed around serving disadvantaged populations or serving dense urban neighborhoods, Central LRT was designed around those goals. Central LRT serves, rather than avoids, dense Minneapolis neighborhoods. Central LRT was built on a city street with accessible, easy-to-find stations and ample room for development and job growth. These qualities of Central LRT are critically important because Southwest and Central will be one single “interlined” train. For example, riders will be able to get on in West Bank and get off in Hopkins without changing trains. This is referred to as a “one seat ride,” and

**Whereas**, both Hiawatha LRT (Blue Line) and Central LRT (Green Line) have exceeded ridership projections, and Southwest LRT, largely on the basis on its suburban ridership, still has the potential to be a successful project with ridership projected at 30,000 every weekday by 2030, and

**Whereas**, bringing people into downtown Minneapolis by transit, and not by automobile, will benefit Downtown Minneapolis, and is consistent with the City’s plans, including Access Minneapolis – the City’s Ten Year Transportation Action Plan, and

**Whereas**, residents of Minneapolis are disproportionately affected by regional air pollution and increasing overall regional transit ridership will help fight global climate change and improve regional air quality.

**THEREFORE, BE IT RESOLVED**, that the City of Minneapolis approves the physical design component of the preliminary design plans for the Southwest Corridor Light Rail Project that were submitted to the City by the Metropolitan Council in order to fulfill the requirements of Minnesota Statutes, Section 473.3994, Subd. 3, and

**BE IT FURTHER RESOLVED**, that the City of Minneapolis requests that the Metropolitan Council communicate with TC&W and seek the cooperation of TC&W in developing a "Good Neighbor Agreement" that will include a promise to maintain the current speed limit for freight in the corridor and approximately the same freight mix as currently exists, and

**BE IT FURTHER RESOLVED**, that the City of Minneapolis requests Metropolitan Council respect the residential and/or park-like nature of the 21<sup>st</sup> Street and Penn Ave Station Areas and agree to avoid unnecessary discretionary noise pollution, including not ringing bells as trains approach these stations.