

From: [Dianne Desrosiers](#)
To: [swlrt](#)
Subject: Good afternoon,
Date: Thursday, May 12, 2016 3:10:39 PM

Ms. Nani Jacobson,

My name is Dianne Desrosiers and I am the Tribal Historic Preservation Officer for the Sisseton Wahpeton Oyate. I am requesting information regarding the Southwest Light Rail Transit (LRT) (METRO Green Line Extension) Project.

We are requesting additional information such as the project maps and cultural resource surveys. Once we have had opportunity to review the project information we will contact you. Thank you for your attention in this matter.

Dianne Desrosiers
Tribal Historic Preservation Officer
Sisseton Wahpeton Oyate
PO Box 907
Sisseton, SD 57262
(605) 698-3584 office

"Every part of this Earth is sacred to my people. We are part of the earth and it is part of us".-Chief Seattle, 1854

From: [Kromar, Karen \(MPCA\)](#)
To: [swlrt](#)
Subject: SWLRT Final EIS
Date: Tuesday, May 24, 2016 1:15:57 PM

Will you be sending CDs or hard copies to EQB mailing list? MPCA has received neither to date.

Thanks,

Karen

Karen Kromar
Planner Principal
MPCA – Environmental Review
651-757-2508

Metropolitan Council

MAY 31 2016

Received Chair's Office



Minnesota Senate

Senator D. Scott Dibble
651-296-4191
85 University Ave W
Saint Paul, Minnesota 55155
tinyurl.com/SenatorDibbleEmail

**Minnesota House
Of Representatives**

Representative Frank Hornstein
651-296-9281
100 Rev. Dr. Martin Luther King Jr. Blvd
Saint Paul, Minnesota 55155
rep.frank.hornstein@senate.mn

May 20, 2016

Adam Duininck, Chair
Metropolitan Council
390 N Robert St.
St. Paul MN 55101-1805

Carolyn Flowers, Administrator
Federal Transit Administration
1200 New Jersey Ave. SE
Washington DC 20590

Dear Chair Duininck and Administrator Flowers:

We are writing to request that the Federal Transit Administration and the Metropolitan Council extend the comment period on the Final Environmental Impact Statement for Southwest Light Rail Transit to 90 days from the current 30 days.

The FEIS runs about 17,000 pages, much of which is highly technical analysis. Many stakeholders with varying levels of expertise are interested in looking closely at the document and providing feedback.

It is important that this process be as fair and as transparent as possible to everyone who would like to provide input on this near final document. The FEIS will inform key decisions about this major infrastructure investment.

Thank you for your consideration.

Very truly yours,

Handwritten signature of D. Scott Dibble in black ink.

D. Scott Dibble
State Senator, District 61

Handwritten signature of Frank Hornstein in black ink.

Frank Hornstein
State Representative, District 61A

From: [Jacobson, Nani](#)
To: [swlrt](#)
Subject: FW: EPA 06/97/2016 letter re: SWLRT FEIS
Date: Wednesday, June 08, 2016 10:28:59 AM
Attachments: [EPA-SWLRT-FEISLtr-06-07-2016.pdf](#)

From: Laszewski, Virginia [mailto:Laszewski.Virginia@epa.gov]
Sent: Tuesday, June 07, 2016 3:46 PM
To: Marisol R. Simon (marisol.simon@dot.gov) <marisol.simon@dot.gov>; Fuhrmann, Mark <Mark.Fuhrmann@metrotransit.org>
Cc: Jacobson, Nani <Nani.Jacobson@metrotransit.org>; chad.konickson@usace.army.mil; peter_fasbender@fws.gov; Maya.Sarna@dot.gov; Reginald.Arkell@dot.gov
Subject: EPA 06/97/2016 letter re: SWLRT FEIS

Good Afternoon-

Please see attached file for a copy of EPA's letter regarding the Final EIS for the Southwest Green Line Light Rail Transit Extension Project. The signed/dated original letters are in the mail.
Thank you.

Virginia Laszewski
OECA, NEPA Implementation Section
USEPA, Region 5
312/886-7501



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 07 2016

REPLY TO THE ATTENTION OF:
E-19J

Marisol R. Simon
Regional Administrator
Federal Transit Administration
200 West Adams Street, Suite 320
Chicago, Illinois 60606

Mark Fuhrmann
Program Director, Rail New Starts
Metropolitan Council
390 Roberts Street North
St. Paul, Minnesota 55101-1805

Re: Final Environmental Impact Statement – Southwest Green Line Light Rail
Transit (LRT) Extension (SWLRT), Hennepin County, Minnesota. CEQ # 20160100

Dear Ms. Simon and Mr. Fuhrmann:

The U.S. Environmental Protection Agency (EPA) reviewed the Federal Transit Administration's (FTA) May 2016, Final Environmental Impact Statement (FEIS) for the Metropolitan Council's (Council) Southwest Green Line Light Rail Transit (LRT) Extension (SWLRT) Project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The Southwest Light Rail Transit (LRT) (METRO Green Line Extension) Project is a proposed extension of the METRO Green Line (Central Corridor LRT), which would operate from downtown Minneapolis through the communities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, passing in close proximity to Edina.

The FEIS identified proposed Project includes both the Locally Preferred Alternative (LPA) (based on LRT 3A-1, co-location) and Locally Requested Capital Investments (LRCIs). The LPA is approximately 14.5 miles of new double track proposed as an extension of the METRO Green Line (Central Corridor LRT) that will allow for the co-location of freight rail and light rail in the Kenilworth Corridor (i.e., LRT 3A-1). The proposed alignment includes 16 new light rail stations (including the Eden Prairie Town Center Station that is deferred for construction at a later date), approximately 2,500 additional park-and-ride spaces, accommodations for passenger drop-off, and bicycle and pedestrian access, as well as new or restructured local bus route connection stations and one Operations & Maintenance Facility (OMF) located in the City of

Hopkins, Minnesota. The LRCIs include proposed projects related to roadway, streetscape/landscape/aesthetic improvements, pedestrian/bicycle improvements, utilities, and guideway profile to be funded by local jurisdictions.

EPA commented on the 2012 Draft EIS (DEIS), the 2015 Supplemental DEIS, and the January 2016 Amended Section 4(f) Evaluation regarding the SWLRT Project in letters dated December 27, 2012, July 16, 2015 and January 28, 2016, respectively. We rated the DEIS and SDEIS as Environmental Concerns – Insufficient Information (EC-2). Our comments and recommendations were to clarify the project purpose and need, and adequately analyze alternative impacts related to the OMF, aquatic resources, wetlands, water quality, wellhead protection, stormwater management, neighborhoods with environmental justice concerns, air quality, and noise. We also recommended undertaking an evaluation of a possible modification to DEIS Alternative LRT-3 to avoid impacts to a major wetland area.

Our review of the FEIS indicates that our earlier comments and recommendations have been satisfactorily addressed. Thank you. EPA has no further comments at this time. EPA requests one hard copy and 2 DVDs of the FTA Record of Decision, when it is available.

If you have any questions regarding this letter, please contact Virginia Laszewski of my staff at 312/886-7501 or at laszewski.virginia@epa.gov.

Sincerely,



Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Cc (email):

Nani Jacobson, Assistant Director, Environmental and Agreements, Metro Transit,
Southwest LRT Project, Nani.Jacobson@metrotransit.org.

Chad Konickson, Chief, Regulatory Branch, U.S. Army Corps of Engineers, St. Paul
District, MN, chad.konickson@usace.army.mil

Peter Fasbender, Field Office Supervisor, U.S Fish and Wildlife Service,
peter_fasbender@fws.gov

Maya Sama, FTA, Washington, DC, Maya.Sarna@dot.gov

Reginald Arkell, FTA, Chicago Office, Reginald.Arkell@dot.gov

From: [Jacobson, Nani](#)
To: [swlrt](#)
Subject: FW: DOI Letter: Southwest LRT FEIS
Date: Monday, June 13, 2016 2:29:03 PM
Attachments: [ER15-0311 FEIS DOI comment letter.pdf](#)

From: Braegelmann, Carol [mailto:carol_braegelmann@ios.doi.gov]
Sent: Monday, June 13, 2016 2:36 PM
To: Simon, Marisol (FTA)
Cc: Nicholas Chevance; Sarna, Maya (FTA)
Subject: DOI Letter: Southwest LRT FEIS

Dear Ms. Simon,

Attached is the Department of the Interior letter regarding the Final Environmental Impact Statement and Section 4(f) Evaluation for the Southwest Light Rail Transit (Metro Green Line Extension) in Hennepin County, MN. Please contact Nick Chevance at 402-661-1844 which any questions.

Regards,
Carol Braegelmann

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Carol Braegelmann
Natural Resources Management Team Leader
Office of Environmental Policy and Compliance
Department of the Interior
carol_braegelmann@ios.doi.gov
phone: 202-208-6661



United States Department of the Interior

Office of the Secretary
Washington, D.C. 20240

JUN 13 2016

9043.1
PEP/NRM

ER-15/0311

Ms. Marisol Simon
Regional Administrator, Region 5
Federal Transit Administration
200 West Adams Street, Suite 320
Chicago, Illinois 60606

Dear Ms. Simon:

As requested, the Department of the Interior (Department) has reviewed the Final Environmental Impact Statement (EIS) and Section 4(f) Evaluation for the Southwest Light Rail Transit (Metro Green Line Extension), Hennepin County, Minnesota. The Department offers the following comments and recommendations for your consideration:

Section 4(f) Comments

This document considers effects to properties identified in the project study area as eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303 with regulations at 23 C.F.R. 771.135) associated with a 15-mile light rail transit (LRT) line in the Minneapolis/St. Paul region, the proposed Southwest Transitway (Project). The Federal Transit Administration (FTA), along with the Hennepin County Regional Railroad Authority (HCRRA) and the Metropolitan Council Regional Transit Board (RTB), have proposed the Project that connects downtown Minneapolis to the cities of St. Louis Park, Hopkins, Edina, Minnetonka, and Eden Prairie. A Draft Environmental Impact Statement (DEIS) for the Project was released in the late fall of 2012; the Department felt at that time the analysis in the Section 4(f) evaluation was too preliminary to be able to concur with any findings. A Supplemental Draft Environmental Impact Statement (SDEIS) was released in May of 2015, to address comments received on the DEIS and potential significant environmental effects from changes to the project not considered in the DEIS. The Department concurred with the preliminary determinations presented in the SDEIS, with the assumption there would be no subsequent changes to the preferred alternative or in the impacts to the eligible properties.

In the Final EIS, the FTA considered the impacts to several 4(f)-eligible resources; 14 were parks, open space, or recreation areas and 28 were historic properties either individually eligible for or listed on the National Register of Historic Places, or were contributing elements to historic districts. A few properties were eligible both as park/recreation and historic properties. After considering the changes to the preferred alternative and its impacts on these resources, the FTA has determined that of the 12 park properties, one property (Purgatory Creek Park) would be affected only temporarily by construction (no permanent use), and four properties (Kenilworth Channel/Lagoon, Byrn Mawr Meadows Park, the Opus Development Trail Network, and an

unnamed open space labelled "B") would have *de minimis* impacts; the rest of the eligible park properties would have no 4(f) use. Of the 28 eligible historic properties, the FTA made the determination the Project would have adverse effects on two properties (the Grand Rounds Historic District and Kenilworth Lagoon), and a *de minimis* effect on one property (the St. Paul, Minneapolis & Manitoba Railroad Historic District). In addition, two properties (the Minikahda Club and Cedar Lake Parkway/Grand Rounds Historic District) would be temporarily affected by construction activities, but no permanent use would occur.

The FTA has concluded that there are no feasible or prudent avoidance alternatives, other than the preferred alternative, that results in disturbances to 4(f) eligible properties. The Department concurs with the FTA determinations. We have no authority to agree or disagree with the determinations of *de minimis* impacts, but we would again state that those determinations appear to have been decided correctly. The Department would likely concur with the determination that all measures to minimize harm have been employed concerning the two historic resources that will be subject to 4(f) use. This concurrence assumes the FTA and the State Historic Preservation Officer, along with the Section 106 consulting parties, execute the agreement document that appears as final but not signed in the Final EIS. We will reserve our concurrence until we are provided a copy of the signed agreement.

The Department has a continuing interest in working with the FTA and the RTB to ensure impacts to resources of concern to the Department are adequately addressed. For issues concerning Section 4(f) resources, please contact Regional Environmental Coordinator Nick Chevance, Midwest Region, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102, telephone 402-661-1844.

We appreciate the opportunity to provide these comments.

Sincerely,

A handwritten signature in cursive script that reads "Mary Josie Blanchard".

Mary Josie Blanchard
Acting Director, Office of Environmental
Policy and Compliance

cc: marisol.simon@dot.gov
Maya Sarna (maya.sarna@dot.gov)
NPS-MWR-PC (Chevance)

From: [Goodrich, John T.](#)
To: [swlrt](#)
Cc: [Anderson, Cynthia K.](#)
Subject: MPRB Comments on FEIS 20160613
Date: Monday, June 13, 2016 4:50:46 PM
Attachments: [061316 MPRB ltr to Nani Jacobson comments on FEIS 20160613.pdf](#)

Greetings,

The attached letter is sent on behalf of Liz Wielinski, president of the Minneapolis Park & Recreation Board.

John Goodrich
Executive Assistant/Office of the Superintendent
Minneapolis Park & Recreation Board
2117 West River Rd. N.
Minneapolis, MN 55411
612-230-6404 (office)
www.minneapolisparcs.org



**Minneapolis
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Superintendent
Jayne Miller

Secretary to the Board
Jennifer B. Ringold



VIA EMAIL TO: Email: SWLRT@metrotransit.org

13 June 2016

Ms. Nani Jacobson, Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

RE: **Comments regarding Final Environmental Impact Statement
Southwest Light Rail Transit Project (Metro Green Line
Extension)**

Dear Ms. Jacobson:

The Minneapolis Park & Recreation Board (“MPRB”) appreciates the continued opportunity to offer comments on the Southwest Light Rail Transit Project (“Project”) and on the Final Environmental Impact Statement for the Southwest Light Rail Transit Project (Green Line Extension). The MPRB acknowledges the significant efforts made by the Metropolitan Council (“Council”) to discuss impacts of the Project on park resources and its efforts work with the MPRB to frame resolution to issues during the several years of the Project. While this letter points to certain concerns, the MPRB looks forward to continued work with the Council aimed at bringing clarity and resolution to a range of Project issues related to impacts upon parklands under the jurisdiction of the MPRB.

In this letter, the MPRB points to several areas of the Project where it has been involved but where work remains to align Council efforts with outcomes expected by the MPRB.

Kenilworth Channel Bridges

The Council’s response to comments offered by the MPRB related to the Supplemental Draft Environmental Impact Statement is correct in that there was a process related to the design of bridges spanning the Kenilworth Channel and that the concept was approved by the MPRB’s Board of Commissioners. However, it was made clear by the Council that the concept presented to the MPRB did not include all details related to the bridge, including substantial features such as railings and slope treatments. In a Memorandum of Understanding (MOU) between the MPRB and the Council, it was stated that the MPRB would be involved in the design of the bridge. It is the understanding of the MPRB that the design of the bridges is not complete and that the MPRB will remain involved in the design of remaining details according to the terms of the MOU and a statement in response to comments offered by the MPRB related to the Supplemental Draft Environmental Impact Statement

indicating “The Council will continue to coordinate with MPRB to advance the design of the bridge for the Kenilworth Lagoon crossing.”

Kenilworth Corridor Landscape Design

The MPRB Board of Commissioners received a presentation of the proposed landscape design for the Kenilworth Corridor by the chair of the Kenilworth Corridor Landscape Design Committee. The recommendations offered by the committee suggest that management of a newly planted landscape is as important as the initial planting operation and that the success of the design depends on managing the new plantings through a period that might extend to five years following plant installation. This is a significant recommendation by the committee, but the MPRB does not see that level of commitment to replacing the removed Kenilworth Corridor vegetation in the Final Environmental Impact Statement.

In response to a comment offered by the MPRB related to the Supplemental Draft Environmental Impact Statement, it is suggested that “The Council will continue to work with the Kenilworth Landscape Design Committee” to “help ensure that landscape design will restore the natural setting while incorporating the regional trail system, light rail, and freight rail.” The MPRB anticipates continued discussions with the Council related to its role, if any, during post-planting management activities in the Kenilworth Corridor.

Detours during construction

The MPRB is one of several agencies responsible for the care of trails and bikeways that will be impacted by the construction of the Project. While the FEIS notes in several areas a commitment to maintaining pedestrian and bicycle connectivity during construction, there have been, to date, limited discussions of detours with the MPRB. Because trail users frequently access the MPRB’s website to view trail conditions, it is important that the MPRB be engaged in discussions of detours and be provided timely information regarding trail closures, durations, and details. The FEIS seems to commit to providing that information.

Continuation of freight rail operations in the Kenilworth Corridor

While the MPRB remains supportive of the Project and has been involved in efforts related to defining the future of the Kenilworth Corridor, the FEIS response to concerns about co-location do not fully address the concerns of perpetuating freight rail in the corridor. It seems the FEIS is suggesting the Project is not controlling the future of freight rail, yet the LPA, which the MPRB understood to be the basis for preliminary engineering, did not include freight rail in the Kenilworth Corridor. Because freight rail will become a fixed element of the corridor under the Project, it remains reasonable to presume its presence as a new condition that should be additive when considering the introduction of light rail transit to the corridor.

The MPRB appreciates the safety measures proposed for the Project, but contends the need for intrusion detection and what the FEIS suggests are commonly referred to as “crash walls” only reinforce concerns related to corridor safety. While the MPRB understands the need to adhere to design criteria, the suggestion that intrusion detection and crash walls may be needed does not suggest a safe condition related to the combination of freight rail and light rail operations.

Cultural resources and visual quality

The response to comments from the MPRB related to the Grand Rounds Historic District notes that a Construction Protection Plan will be prepared detailing measures to be implemented during Project construction to avoid adverse effects. The MPRB expects the CPP will be made a part of any permit issued related to work on park lands, so review with the MPRB prior to finalizing the CPP is recommended.

Preparation of guidance for future preservation activities under a Grand Rounds Historic District: Canal System plan is appreciated. The MPRB looks forward to finalization of the Memorandum of Agreement so this work might be initiated as quickly as practicable.

The MPRB remains concerned about changes to viewsheds related to the Grand Rounds. The MPRB contends that comments suggested by the Council that establish the character of views with the most vivid feature being the “dense massing of trees bordering the corridor” will be substantively changed by the construction of the Project, and while new planting is planned, it will be years before those plantings achieve a condition matching the Council’s description of a dense massing. However, mitigation measures described in 3.7.4 could be pursued for all viewsheds addressed in the visual quality assessment to address the shortcoming, not merely those where the rating is described as having Substantial or Moderate impacts. It would be desirable to retain as much existing vegetation as practicable, not merely what is appropriate, using the methods described by the Council in the FEIS to do so. Suggestions to restore and replant cleared areas in a timely manner, place new and replacement trees to provide maximum screening of views to and from all viewpoints considered, create landscape plans to partially screen retaining walls, elevated structures, and LRT infrastructure are all appropriate responses to the disturbance of an existing landscape characterized by the Council in its visual quality assessment as achieving vividness through an existing dense massing of trees.

The MPRB understands the Project will result in extensive tree clearing the Kenilworth Corridor, not only related to bridges crossing the channel but throughout the corridor. Replacement plantings will be achieved following a plan created under the guidance of a Kenilworth Landscape Design Committee, but significant aspects of the committee’s recommendations have yet to be confirmed, particularly related to management of a newly planted landscape. Because the visual quality directions are so dependent on the success of the proposed landscape, management of the new plantings is a critical concern—one that is not addressed in the FEIS.

The work of the Kenilworth Landscape Design Committee does not address structures, where a significant change in the landscape occurs. The corridor is generally considered by the public to exist in a natural condition. The introduction of LRT to the corridor will result in features such as “crash walls” and, more significantly, a tunnel portal that significantly change the character of the corridor. The views of dense massings of trees will be replaced by expanses of concrete, with some walls being hundreds of feet in length and more than 12 feet tall. As evidenced by depictions of the westerly tunnel portal, the view for Kenilworth Corridor trail users will focus on an extended and unbroken concrete wall, lacking the vividness achieved by the dense massing of trees in the extant condition. Where trees bordering the corridor are noted in the visual quality assessment as the “most memorable element,” the most memorable element with implementation of the Project will likely be the tunnel portal—a change which the MPRB and

trail users consider to be a substantial change from every viewpoint. It is the MPRB's view that the design of those structures fails to reflect the existing character of the corridor and that work remains to ensure expanses of concrete achieve a vividness reflecting the dense massing of trees that create the corridor's "most memorable element."

3.9.5.2, Public Waters and Surface Water Quality; C. Short-term Impacts on Public Waters and Surface Water Quality

The MPRB previously noted concerns relative to stormwater runoff during construction and, in particular, leaching from curing concrete into public waters. By indicating a Storm Water Pollution Prevention Plan will be prepared for the Project, it is understood by the MPRB that concerns related to "Construction over public waters may directly contribute pollutants" will be addressed by the SWPPP or Project plans intended to direct activities during construction of the Project, and that the period of time required for curing of concrete that may leach and impact public waters will be addressed by the SWPPP or other Project plans.

6.6.1.13, Cedar Lake Park – Temporary Occupancy Exception; A. Property Description

This section notes Cedar Lake Park is a regional park. Cedar Lake Park is not a regional park, but is part of the Minneapolis Chain of Lakes Regional Park.

6.6.1.13, Cedar Lake Park – Temporary Occupancy Exception; C. Determination of Temporary Occupancy Exception; Cedar Lake Junction

The trail intersection at the Cedar Lake Trail and the Kenilworth Trail has fairly described in the FEIS. However, the MPRB remains concerned for the safety of the more than 400,000 annual trail users. The plans describe a way for trail users to negotiate past freight rail and LRT, but the frequency of LRT vehicles at the intersection is a new condition that will not be familiar to trail users. The Council notes in response to comments submitted by the MPRB that a 30 percent of design version of the crossing is included in Appendix G. The MPRB has reviewed the drawings, which provide more detail than those previously provided, along with other information included in Appendix G. We note the response to MPRB comments suggests the "design details of pedestrian and bicycle safety features will be made during Engineering and finalized prior to construction" and look forward to the opportunity to review those details and the ways in which the crossing will reflect current industry standards for trails carrying volumes noted for the Cedar Lake Trail and counts by the Council that reflect the need for 30 to 40 bicyclists in a queue for a freight train passage, a quantity which is likely to increase due to the continued popularity of the Cedar Lake Trail.

6.6.1.14, Bryn Mawr Meadows – De Minimis Determination; A. Section 4(f) Property Description

This section notes Bryn Mawr Meadows Park is a regional Park. Bryn Mawr Meadows is not a regional park, but is part of the MPRB's neighborhood park system

6.6.1.14, Bryn Mawr Meadows – De Minimis Determination; B. Determination of Permanent Section 4(f) Use

The FEIS states "The current design of the new bridge has been prepared based on the Council's Visual Quality Guidelines for Key Structures (Council, 2015), which was developed in coordination with staff from local jurisdictions affected by the Project's proposed key

structures.” The MPRB is not one of those local jurisdictions that were involved in discussions regarding the design of key structures. The alignment of trails within the park has been discussed with the MPRB but no approvals have been extended, as the park will be the subject of master planning during 2017. The MPRB views this bridge as a significant visual feature that extends partially onto parkland. The MPRB looks forward to review the design of the bridge and its relation to Bryn Mawr Meadows Park and the potential for its design to be adjusted to reflect its more local context, as indicated in the FEIS.

As stated at the outset of this letter, the MPRB appreciates the continued opportunity to provide input to the Council aimed at delivering the best possible project for park and transit users.

Sincerely,

A handwritten signature in black ink, appearing to read 'Liz Wielinski', with a long horizontal line extending to the right.

Liz Wielinski, President
Minneapolis Park & Recreation Board

From: [Frank Hornstein](#)
To: [swlrt](#)
Subject: EIS Comments
Date: Monday, June 13, 2016 4:51:39 PM
Attachments: [SWLRT EIS Coments.pdf](#)

Hello,

Please see the attached letters for comments on the adequacy of the Final EIS. If you have any questions or concerns please let me know.

Best,

Frank Hornstein

Frank Hornstein

State Representative (61A)
243 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, MN 55155
Phone: 651.296.9281
www.house.mn/61a

Lilly Melander, Legislative Assistant
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Minnesota House of Representatives

100 Rev. Dr. Martin Luther King Jr. Blvd
Saint Paul, Minnesota 55155



Minnesota Senate

75 Rev. Dr. Martin Luther King Jr. Blvd
Saint Paul, Minnesota 55155

June 13, 2016

Ms. Nani Jacobson, Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson,

We are writing to express our serious concerns with the freight rail safety sections of the Final Environmental Impact Statement (FEIS) for the Southwest Light Rail project.

Over the past three years we have championed legislation to address safety issues regarding the transportation of crude oil and ethanol in Minnesota. There are specific challenges with hauling ethanol through the Kenilworth corridor and downtown Minneapolis. Our concerns are informed by the particular risks and consequences of transporting these materials in a densely populated area that is colocated with light rail.

Rather than address ways in which the risks associated with colocation can be identified and managed, the FEIS reads like an advocacy document for the freight rail industry, with a clear focus on addressing the needs of the railroads utilizing the corridor.

For example, the FEIS states, *“Moving freight via rail is especially important in moving bulk commodities, such as minerals and agricultural products that help drive Minnesota's economy...for Minnesota a strong rail system supports economic development, enhances environmental sustainability, helps preserve the publicly owned roadway infrastructure and increases business marketability in the state”* (Purpose and Need, 1-14)

The FEIS also asserts that *“it is important that any freight rail modifications to be included in the Project be done in a way that helps to maintain that state's balanced and economically competitive freight rail system”* (Purpose and Need, pg 1-15)

In justifying the document's relative silence on the risks of hauling ethanol in the Kenilworth Corridor in close proximity to residences and light rail trains, the FEIS states, *“Future freight rail operations are subject to a range of market forces and are dependent on the business plans of freight railroad operators, both of which are outside the jurisdiction of the FTA and the Council...and the Final EIS does*

not evaluate potential adverse effects on the human environment related to potential indirect impact of increased freight rail frequency and/or length. (Transportation Analysis and Effects 4-48)

The FEIS claims that there are four factors that impede the Council and FTA from addressing increases in real frequency and length of trains. These include an inability to forecast rail industry trends because of proprietary information, and a lack of *"existing credible scientific evidence or data which can be used to evaluate potential for related adverse impacts on the human environment related to future market demands placed on freight rail cargo in the Project's study area..."* The FEIS further claims that, *"the FTA and the Council are aware of no theoretical approaches or research methods generally accepted in the scientific community to derive information required for this analysis without the cooperation of freight rail operators in sharing proprietary information"* (Transportation Analysis and Effects, 4-48)

Railroads have also claimed that information concerning their level of insurance, disaster planning, and routing criteria are also proprietary, yet we see no evidence of the Met Council requesting this information from the railroads in the corridor. Recent court cases in California and Maryland have successfully challenged railroad's proprietary claims on similar issues.

The FEIS can and should address potential adverse human impacts of likely increased rail operations, particularly as it relates to the transportation of ethanol, crude oil and other high hazard flammable materials.

The FEIS also describes an *Operations Emergency Management Plan* and a *Safety and Security Management Plan*, yet the document claims that *"regulation over the operations and related communications from TC and W to emergency responders are outside the jurisdiction of the Council and FTA."* (Executive Summary ES-9) The EIS then states that these issues are under the jurisdiction of the FRA and PHMSA. Yet there is no discussion of how FRA and PHMSA plan to coordinate with the Council and safety issues, or how the Emergency Management Plan and Security Management Plan will involve the public, first responders and Emergency Managers in its development and implementation.

This issue is particularly important as Emergency Managers testified multiple times to Minnesota legislative committees in April 2016 regarding "significant gaps" in emergency preparedness as related to freight rail safety.

The FEIS describes design criteria to enhance safety to prevent LRT derailments, including guardrails, crash walls and other enhancements. It is unclear to what extent these enhancements will be implemented or are merely advisory. For example the FEIS discusses, *"intrusion detection for possible freight derailment will be installed, where appropriate"* (Executive Summary, ES-8)

There is little specific information in the FEIS on whether or where this safety infrastructure will be installed and its cost.

The FEIS should contain much more specific and substantive information regarding emergency response planning as it relates to freight rail operations along all areas where light rail and freight rail are collocated. In addition the FEIS should contain more precise information on the location of safety related infrastructure and its costs.

We raised serious concerns regarding the colocation of freight and light rail when the Metropolitan Council decided to keep freight rail permanently in the Kenilworth corridor. This decision was made despite the original law requiring the return of freight rail to a westerly alignment. In addition, in a study that we insisted upon, a viable, safe, prudent, cost-effective alternative to do so was identified. This is the MN&S Spur North identified in March 21, 2014 TransSystems' SWLRT Engineering Evaluation of Freight Rail Relocation Alternatives Final Report, stating "*... in our opinion, resolves many of the shortcomings of the other versions previously presented.*"

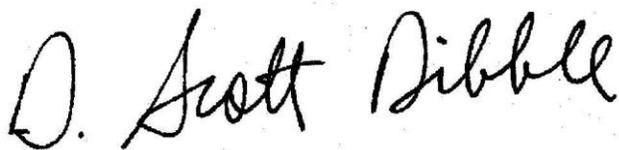
The FEIS should, at a minimum, heed the advice of that report for whichever alignment is chosen: "*Whether the freight rail is transfer red to the MN&S Spur north or remains on the modified Kenilworth Corridor, there are a number of safety improvements that should be included as a part of this overall project. They consist of, but not limited to: (1) Centralized Traffic Control (CTC) to expedite train movements and provide broken rail protection for the route, (2) electronic detection devices such as hotbox and broken wheel detection, and (3) equipment necessary to assure compliance with the yet to be finalized Positive Train Control (PTC) requirements.*"

We had mistakenly anticipated that the Council and FTA would seriously address rail safety concerns regarding colocation during the Supplemental Environmental Impact Statement process. The FEIS falls significantly short of addressing those concerns.

The FEIS should not be deemed adequate until issues related to freight rail safety as discussed above and in citizen and other public sector comments are addressed. If issues pertaining to rail safety cannot be adequately addressed, LRT should not be located in such close proximity to an active freight rail line.

Thank you for your consideration.

Sincerely,



D Scott Dibble
State Senator, Distrcit 61



Frank Hornstein
State Representative, District 61A

From: [Tegdesch, Elizabeth \(MPCA\)](#)
To: [swlrt](#)
Cc: [Kromar, Karen \(MPCA\)](#); [Card, Dan \(MPCA\)](#); [McDill, Teresa \(MPCA\)](#)
Subject: MPCA Comment Letter - Southwest Light Rail Transit Project
Date: Tuesday, June 14, 2016 6:31:26 AM
Attachments: [SW Light Rail Transit Proj FEIS Comment ltr.pdf](#)

Attached are the Minnesota Pollution Control Agency's comments on the Southwest Light Rail Transit Project Final Environmental Impact Statement. A paper copy will follow by U.S. mail.

Please acknowledge receipt of this comment letter to Karen Kromar at Karen.kromar@state.mn.us

Thank you.

[Elizabeth Tegdesch](#)
[Environmental Review and EQB Support](#)
[Minnesota Pollution Control Agency](#)
[520 Lafayette Road N](#)
[St. Paul, MN 55155 / 651-757-2100](#)
elizabeth.tegdesch@state.mn.us



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

June 13, 2016

Ms. Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Re: Southwest Light Rail Transit Project Final Environmental Impact Statement

Dear Ms. Jacobson:

Thank you for the opportunity to review and comment on the Final Environmental Impact Statement (FEIS) for the Southwest Light Rail Transit project (Project) located in Hennepin County, Minnesota. The Project consists of construction of a new light rail line from downtown Minneapolis to Eden Prairie. Minnesota Pollution Control Agency (MPCA) staff has reviewed the FEIS and have no comments at this time.

We appreciate the opportunity to review this Project. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this FEIS, please contact me via email at Karen.kromar@state.mn.us or via telephone at 651-757-2508.

Sincerely,

A handwritten signature in blue ink that reads "Karen Kromar".

Karen Kromar
Planner Principal
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul
Teresa McDill, MPCA, St. Paul

From: [Frank Hornstein](#)
To: [swlrt](#)
Subject: Re: EIS Comments
Date: Tuesday, June 14, 2016 10:49:58 AM
Attachments: [SWLRT EIS Coments.pdf](#)

Hello,

Please see the corrected version of my letter for comments on the FEIS.

Best,

Frank Hornstein

Frank Hornstein
State Representative (61A)
243 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, MN 55155
Phone: 651.296.9281
www.house.mn/61a

Lilly Melander, Legislative Assistant
651.296.5408
elizabeth.melander@house.mn

>>> Frank Hornstein 6/13/2016 4:51 PM >>>
Hello,

Please see the attached letters for comments on the adequacy of the Final EIS. If you have any questions or concerns please let me know.

Best,

Frank Hornstein

Frank Hornstein
State Representative (61A)
243 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, MN 55155
Phone: 651.296.9281
www.house.mn/61a

Lilly Melander, Legislative Assistant
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Minnesota House of Representatives

100 Rev. Dr. Martin Luther King Jr. Blvd
Saint Paul, Minnesota 55155



Minnesota Senate

75 Rev. Dr. Martin Luther King Jr. Blvd
Saint Paul, Minnesota 55155

June 13, 2016

Ms. Nani Jacobson, Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson,

We are writing to express our serious concerns with the freight rail safety sections of the Final Environmental Impact Statement (FEIS) for the Southwest Light Rail project.

Over the past three years we have championed legislation to address safety issues regarding the transportation of crude oil and ethanol in Minnesota. There are specific challenges with hauling ethanol through the Kenilworth corridor and downtown Minneapolis. Our concerns are informed by the particular risks and consequences of transporting these materials in a densely populated area that is colocated with light rail.

Rather than address ways in which the risks associated with colocation can be identified and managed, the FEIS reads like an advocacy document for the freight rail industry, with a clear focus on addressing the needs of the railroads utilizing the corridor.

For example, the FEIS states, *“Moving freight via rail is especially important in moving bulk commodities, such as minerals and agricultural products that help drive Minnesota's economy...for Minnesota a strong rail system supports economic development, enhances environmental sustainability, helps preserve the publicly owned roadway infrastructure and increases business marketability in the state”* (Purpose and Need, 1-14)

The FEIS also asserts that *“it is important that any freight rail modifications to be included in the Project be done in a way that helps to maintain that state's balanced and economically competitive freight rail system”* (Purpose and Need, pg 1-15)

In justifying the document's relative silence on the risks of hauling ethanol in the Kenilworth Corridor in close proximity to residences and light rail trains, the FEIS states, *“Future freight rail operations are subject to a range of market forces and are dependent on the business plans of freight railroad operators, both of which are outside the jurisdiction of the FTA and the Council...and the Final EIS does*

not evaluate potential adverse effects on the human environment related to potential indirect impact of increased freight rail frequency and/or length. (Transportation Analysis and Effects 4-48)

The FEIS claims that there are four factors that impede the Council and FTA from addressing increases in real frequency and length of trains. These include an inability to forecast rail industry trends because of proprietary information, and a lack of "*existing credible scientific evidence or data which can be used to evaluate potential for related adverse impacts on the human environment related to future market demands placed on freight rail cargo in the Project's study area...*" The FEIS further claims that, "*the FTA and the Council are aware of no theoretical approaches or research methods generally accepted in the scientific community to derive information required for this analysis without the cooperation of freight rail operators in sharing proprietary information*" (Transportation Analysis and Effects, 4-48)

Railroads have also claimed that information concerning their level of insurance, disaster planning, and routing criteria are also proprietary, yet we see no evidence of the Met Council requesting this information from the railroads in the corridor. Recent court cases in California and Maryland have successfully challenged railroad's proprietary claims on similar issues.

The FEIS can and should address potential adverse human impacts of likely increased rail operations, particularly as it relates to the transportation of ethanol, crude oil and other high hazard flammable materials.

The FEIS also describes an *Operations Emergency Management Plan* and a *Safety and Security Management Plan*, yet the document claims that "*regulation over the operations and related communications from TC and W to emergency responders are outside the jurisdiction of the Council and FTA.*" (Executive Summary ES-9) The EIS then states that these issues are under the jurisdiction of the FRA and PHMSA. Yet there is no discussion of how FRA and PHMSA plan to coordinate with the Council and safety issues, or how the Emergency Management Plan and Security Management Plan will involve the public, first responders and Emergency Managers in its development and implementation.

This issue is particularly important as Emergency Managers testified multiple times to Minnesota legislative committees in April 2016 regarding "significant gaps" in emergency preparedness as related to freight rail safety.

The FEIS describes design criteria to enhance safety to prevent LRT derailments, including guardrails, crash walls and other enhancements. It is unclear to what extent these enhancements will be implemented or are merely advisory. For example the FEIS discusses, "*intrusion detection for possible freight derailment will be installed, where appropriate*" (Executive Summary, ES-8)

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We raised serious concerns regarding the collocation of freight and light rail when the Metropolitan Council decided to keep freight rail permanently in the Kenilworth corridor. This decision was made despite the original law requiring the return of freight rail to a westerly alignment. In addition, in a study

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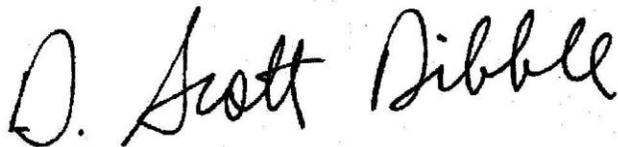
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Thank you for your consideration.

Sincerely,



D Scott Dibble
State Senator, Distrcit 61



Frank Hornstein
State Representative, District 61A

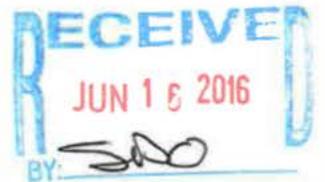


Minnesota House of Representatives

State Representative
Frank Hornstein
State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, Minnesota 55155-1298



Ms. Nani Jacobson, Assistant Director,
Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426



5542661724 0519

Minnesota House of Representatives

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Saint Paul, Minnesota 55155



Minnesota Senate

75 Rev. Dr. Martin Luther King Jr. Blvd
Saint Paul, Minnesota 55155



June 13, 2016

Ms. Nani Jacobson, Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

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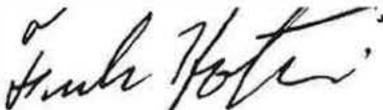
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Thank you for your consideration.

Sincerely,



D Scott Dibble
State Senator, District 61

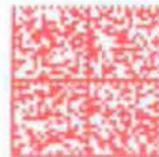


Frank Hornstein
State Representative, District 61A

Minnesota Pollution Control Agency

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Ms. Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

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BY: *SJA*

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Minnesota Pollution Control Agency

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June 13, 2016

Ms. Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Re: Southwest Light Rail Transit Project Final Environmental Impact Statement

Dear Ms. Jacobson:

Thank you for the opportunity to review and comment on the Final Environmental Impact Statement (FEIS) for the Southwest Light Rail Transit project (Project) located in Hennepin County, Minnesota. The Project consists of construction of a new light rail line from downtown Minneapolis to Eden Prairie. Minnesota Pollution Control Agency (MPCA) staff has reviewed the FEIS and have no comments at this time.

We appreciate the opportunity to review this Project. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this FEIS, please contact me via email at Karen.kromar@state.mn.us or via telephone at 651-757-2508.

Sincerely,

A handwritten signature in blue ink that reads "Karen Kromar".

Karen Kromar
Planner Principal
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul
Teresa McDill, MPCA, St. Paul

June 16, 2016

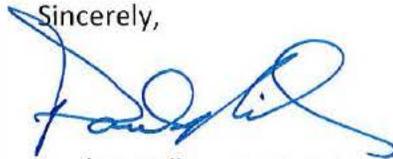
Mr. Jim Alexander
Project Director
Green Line Extension (Southwest LRT) Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN | 55426
L

**RE: SWLRT Final Environmental Impact Statement
Formal Comments**

Dear Mr. Alexander,

The City of Minneapolis appreciates the ability to comment on the Final Environmental Impact Statement (FEIS) for the Southwest LRT Corridor (Green Line Extension) project. The attached comments were presented to the Transportation and Public Works Committee of the Minneapolis City Council on June 7, 2016 and were approved by the full City Council on June 17, 2016. Please contact me if you have any questions.

Sincerely,



Paul D. Miller - Project Manager
PW Transportation Planning & Engineering
309 2nd Ave. S., Room 300
Minneapolis, MN. 55401-1390
(612) 673-3603

Attachment

SWLRT
Final Environmental Impact Statement (FEIS)
City of Minneapolis Staff Comments
June 2, 2016

Preface to Staff Comments:

The City of Minneapolis continues to support the Southwest LRT project contingent on adherence to the Memoranda of Understanding reached between the City of Minneapolis and Met Council and between the City of Minneapolis and Hennepin County, both of which were adopted on August 29, 2014.

In its preface to Staff comments on the SWLRT FEIS, the City of Minneapolis wishes to restate previous concerns which are intended to lessen the negative impacts to residents and businesses near the corridor and to improve the quality of the project, comments are also intended to inform the final design, project specifications, construction means/methods, emergency planning, and long-term operation of the line. The City of Minneapolis will continue to work closely with the Southwest Project Office and with other partnering agencies to help make this project a long-term success.

The development of the project including route selection differs significantly from the recounting outlined in the FEIS. The City's perspective has been captured in previous council actions; the City of Minneapolis passed Resolution 2014R-362 on August 29, 2014, and Resolutions 2015R-384 and 2015R-385 on September 25, 2015 approving the physical design component of the preliminary design plans and conveying the City's concerns regarding freight rail safety for the Southwest Corridor Light Rail Transit Project in the City of Minneapolis. The statements and positions asserted in Resolution 2014R-362, and Resolutions 2015R-384 and 2015R-385 continue to be valid for the City Council of the City of Minneapolis (see Attachment A), in addition to the following:

A. Safety & Security:

Freight Rail Safety: The City's perspective has been captured in previous council actions; the City of Minneapolis passed Resolution 2015R-385 on September 25, 2015 conveying the City's concerns regarding freight rail safety (see Attachment A – City Resolutions).

The FEIS describes the Council's *Operations Emergency Management Plan* for light rail which was developed to assist in identifying, responding to, and resolving emergency situations for the Project. The Operations Emergency Management Plan establishes the response process and responsibilities for departments and staff within Metro Transit, as well as outside agencies, in the event of a rail emergency. In addition, the Council maintains an emergency preparedness exercise plan, in compliance with the *Safety and Security Management Plan*. The emergency preparedness exercise plan identifies emergency preparedness exercises, which will be carried out by the LRT Fire Life Safety and Security Committee (FLSSC) both in advance of operation of the Project and during normal operations on an annual basis.

SWLRT
Final Environmental Impact Statement (FEIS)
City of Minneapolis Staff Comments
June 2, 2016

There must be coordination between the SPO and the railroad to minimize the risk of a derailment, especially if trains are carrying hazardous materials. Emergency vehicle access to the construction site must be coordinated prior to construction. Although not specifically identified in the FEIS, the City of Minneapolis Fire Department and the Minneapolis Police Department should be considered as contributing partners in all emergency planning and included as members of the FLSSC. The SPO shall include both the Minneapolis Fire Department and the Police Department in future Emergency Response planning for both the construction period and long term operations.

LRT Operation - The FEIS acknowledges that there will be emergency vehicle delays at various locations within Minneapolis and St. Louis Park once the LRT opens for service. The Council shall include both the Minneapolis Fire Department and the Police Department in future Emergency Response planning for both the construction period and long term operations.

Pedestrian Connections – the continued presence of freight rail within the Kenilworth Corridor, in combination with LRT operations will be a substantial barrier to pedestrians attempting to access station locations and/or simply attempting to cross the rail corridor. To date, pedestrian crossings of the rail corridor are common and have been largely unrestricted. Current design plans provide for a limited number of at-grade crossing points and attempt to restrict all other crossings throughout the corridor by installation of various types of railings and fences. Although pedestrian crossings of the rail corridor at places other than established crossing points are technically considered a “legal trespass”, they do happen and will continue to occur regardless of any physical constraint. According to the FEIS, the Council will implement a Safety and Security Management Plan (SSMP) to provide and maintain safety and security during operations within the vicinity of existing freight rail service; the Council and the SSMP must address this issue.

B. Construction Impacts:

Given the close proximity of homes, condominiums, apartments and townhomes to the construction work, efforts must be made to dampen or minimize the noise and vibration caused by Tunnel Construction activity. Residents adjacent to the proposed tunnel have expressed great concern over the potential noise and vibration, and the potential for significant damage being caused to their homes. Construction impacts pertaining to the shallow tunnel design such as noise and vibration are covered in the FEIS. Although it is understood that the FEIS provides for mitigation of short-term construction impacts such as noise & vibration, and requires various construction mitigation plans, the FEIS does not specifically address construction means and methods. Current tunnel design

SWLRT
Final Environmental Impact Statement (FEIS)
City of Minneapolis Staff Comments
June 2, 2016

plans indicate steel sheet piling as a component of the design. The construction method for piling installation is of specific concern; the City of Minneapolis shall be consulted in the review of selected construction means and methods for tunnel construction.

There will also be tree loss along the corridor. It should be clearly understood by the Council and its contractors that tree removal in the Kenilworth corridor is a highly sensitive issue. It should be noted that there is concern about potential noise created by chain saw activity in addition to wood chipping. Hours of construction operation must be limited to ensure that residents are not disrupted; the City of Minneapolis Noise Ordinance will be enforced restricting hours of operation on week nights, weekends, and Holidays. An effort must be made by the Council and its contractors to minimize tree removals, control dust, maintain safe truck routes, comply with truck weight limits, and to follow jake breaking laws.

The FEIS identifies the requirements to develop and implement a construction management plan that addresses means and methods, hours of operation, access routes, BMPs for mitigating dust and debris on public streets and private property. The City of Minneapolis shall be consulted in the development of this plan.

C. LRT Operation – Noise:

The FEIS covers noise and vibration mitigation at length; however as previously stated in the DEIS and SDEIS comments, it is important that noise from LRT operations, bells, whistles, and horns continue to be evaluated and minimized. While some warning devices are required by federal law, policies and procedures regarding some rail operations are local (at the discretion of the Metropolitan Council). Noise and vibration mitigation covered in the FEIS is largely based upon existing conditions and modeling; a commitment by the Council to further analyze noise after LRT operations begin and re-evaluate potential mitigations must be considered.

D. Visual Impact:

The City of Minneapolis agrees that the project will result in a substantial level of visual impact in the Kenilworth corridor. To some extent, the impact will be mitigated and the corridor improved in the manner described in the memorandum of understanding between the Metropolitan Council and the City of Minneapolis. However, the Council and its contractors should commit to additional care and control of construction means and methods within the projects “limits of disturbance” to minimize visual impacts as much as possible. The City looks forward to continued conversations with the Council, its contractors, and the community regarding the restoration of the corridor, and expects these measures to be fully implemented by the project.

SWLRT
Final Environmental Impact Statement (FEIS)
City of Minneapolis Staff Comments
June 2, 2016

Staff Comments on the Adequacy of the FEIS:

On May 13, 2016 the Final Environmental Impact Statement (FEIS) was issued for public review, with comments on the adequacy of the FEIS to be accepted by the Metropolitan Council through June 13, 2016. The FEIS is considered adequate under Minn. Rule 4410.2800, subp. 4, if it:

- A. Addresses the potentially significant issues and alternatives raised in scoping so that all significant issues for which information can be reasonably obtained have been analyzed in conformance with part 4410.2300, items G and H;
- B. Provides responses to the substantive comments received during the draft EIS and SDES review concerning issues raised in scoping; and
- C. Was prepared in compliance with the procedures of the act and parts 4410.0200 to 4410.6500.

Or, as summarized, the FEIS will be determined adequate if it addresses and analyzes the significant issues raised in scoping, responds to substantive comments on the draft EIS and SDEIS, and is prepared in compliance with the environmental rules. Therefore, comments by City staff on the adequacy of the document will address whether it meets those standards.

Staff Comments:

Public Works and CPED staff have reviewed the FEIS and,

- A. the document addresses the potentially significant issues and alternatives raised in scoping so that all significant issues for which information can be reasonably obtained have been analyzed in conformance with part 4410.2300, items G and H.
- B. the document has provided responses to all substantive comments by the City received during the draft EIS and SDES.
- C. the document was prepared in compliance with the procedures of the act and parts 4410.0200 to 4410.6500.

ATTACHMENT A

City Council Resolutions

2014R-362

**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 21st Street and Penn Ave Station Areas and agree to avoid unnecessary discretionary noise pollution, including not ringing bells as trains approach these stations.

**2015R-384
Resolution
of the
City of Minneapolis**

By Reich

Approving 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 passed Resolution 2014R-362 on August 29, 2014, approving the physical design component of the preliminary design plans for the Southwest Corridor Light Rail Transit Project in the City of Minneapolis as submitted to the City in July of 2014; and

Whereas, the statements and positions asserted in Resolution 2014R-362 continue to be valid for the City Council of the City of Minneapolis; and

Whereas, continued design and engineering by the Metropolitan Council resulted in an updated project cost estimate of \$1.994 billion; and

Whereas, project partners and stakeholders engaged in discussions regarding project scope reductions that resulted in changes in the project and a new project scope and related cost estimate of \$1.744 billion; and

Whereas, the Metropolitan Council has submitted the revised version of the physical design component of the preliminary design plans for the Southwest Corridor Light Rail Transit Project for approval by Hennepin County and the cities of Eden Prairie, Minnetonka, Hopkins, St. Louis Park, and Minneapolis per Minnesota Statutes, Section 473.3994, Subd. 3; and

Now, Therefore, Be It Resolved by the City Council of The City of Minneapolis:

That the City of Minneapolis approves the physical design component of the preliminary design plans for the Southwest Corridor Light Rail Transit 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.

**2015R-385
Resolution
of the
City of Minneapolis**

By Reich, Palmisano, and Bender

Conveying the City's concerns to the railroad companies and the Metropolitan Council regarding freight rail safety in the Southwest Light Rail Corridor and the City of Minneapolis.

Whereas, the Minnesota legislature, in 2015 updated Minnesota laws chapter 312 which calling on the State to, "analyze preparedness and impacts to public safety from transportation of ethanol by rail"; and

Whereas, the Minnesota legislature updated Statutes 115E to include additional safety and spill response reporting for trains carrying oil and ethanol; and

Whereas, 19,000 Minneapolis residents live in the evacuation zone of a possible oil, ethanol, and other high hazardous flammable materials train explosion in the Kenilworth corridor and Downtown Minneapolis; and

Whereas, the Federal Railroad Administration has found the risks of an explosion from ethanol tankers to be similar to those of carrying crude oil; and

Whereas, the utilization of unit trains carrying eighty or more ethanol and other flammable tanker cars through the Kenilworth Corridor and downtown Minneapolis is increasing; and

Whereas, Twin City and Western Railroad has opposed public disclosure of state required spill prevention and clean-up plans; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis convey via letter a request that railroad companies traveling in the Kenilworth Corridor and parts of downtown Minneapolis that are co-located with light rail:

- publicly disclose emergency response and spill prevention plans; and
- begin a process with city and local neighborhood organizations and citizens groups to address community concerns; and
- publicly disclose routing decision plans and present options for rerouting of oil, ethanol, and other high hazardous flammable trains from the Kenilworth Corridor during SWLRT construction; and
- report to the city the extent of its liability insurance for spills, fires and explosions and items covered under that insurance.

Be It Further Resolved that the City of Minneapolis convey via letter a request to the Metropolitan Council to:

- prepare a report to the Minneapolis City Council regarding rail safety measures undertaken in other communities in the United States where light rail transit is co-located with crude oil and ethanol trains; and

- ensure that the Final Environmental Impact Statement for the Southwest Light Rail project include discussion of emergency response planning for an ethanol, oil, or other hazardous materials train incident; and
- discuss measures the Metropolitan Council will take to ensure that railroads operating in the corridor respond to the above mentioned requests from the City of Minneapolis of the railroads.