From:	Safety In the Park
To:	swlrt
Subject:	FEIS comment
Date:	Tuesday, June 07, 2016 7:02:29 AM
Attachments:	Comment to the Final Environmental Impact Statement.docx

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Please include the attached document for review to the SWLRT-FEIS.

Thank you,

Jami LaPray, Chair - Safety in the Park

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safetyinthepark@gmail.com
Facebook-Safety in the Park!
www.safetyinthepark.com

Comment to the Final Environmental Impact Statement (FEIS) for the Southwest Light Rail Transit (SWLRT) project from the St. Louis Park group, Safety in the Park.

Safety in the Park is a St. Louis Park, Minnesota grass roots, volunteer, non-partisan, non-profit neighborhood organization. We are politically unaffiliated and do not endorse any candidates for political office. Safety in the Park welcomes the addition of light rail to St. Louis Park and supports its implementation.

Members of Safety in the Park began working with State, County and City officials in the late 1990's to create an alternative solution for the proposed rerouting of freight rail traffic in St. Louis Park. In 2010, Safety in the Park was formed to accomplish one mission. We respectfully demanded that the Hennepin County Railroad Authority and Met Council compare all re-routing options on a ***fair and equal basis for safety and feasibility***.

We applaud the efforts of the Met Council and its engineers for their thoroughness and professionalism in determining the realistic freight route conclusion presented in the Final Environmental Impact Statement for the Southwest Light Rail Transit project. We agree with their findings and look forward to the implementation of the project.

Jami LaPray – Chair, Safety in the Park
June 4, 2016

From: Shawn Smith
To: swlrt
Subject: KIAA SWLRT FEIS Response
Date: Thursday, June 09, 2016 8:48:20 AM
Attachments: KIAA FEIS Response June 2016.docx

Hi Nani,

Attached is the response to the FEIS. Please confirm receipt. I'll be dropping off hard copies this morning as well.

Thank you,

Shawn Smith (on behalf of KIAA)

Kenwood Isles Area Association

Southwest Light Rail FEIS response

June 8th, 2016

Introduction to SDEIS Comments by the Kenwood Isles Area Association

The Kenwood Isles Area Association (KIAA) represents the neighborhood that extends, on its west side, from the proposed SWLRT Penn Avenue station to the Kenilworth Lagoon.

KIAA has participated in the SWLRT planning process in the spirit of cooperation and compromise for approximately nine years. For most of this time, we were assured verbally and in planning documents that freight rail in the Kenilworth Corridor was a temporary condition and would be moved to make way for LRT. The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

As you are all well aware, this position was reversed in 2013, and the Metropolitan Council's policy is now to "co-locate" freight and light rail in the Kenilworth Corridor, which we continue to oppose. As we stated in our SDEIS response, we continue to consider this a significant breach of public trust and the low point of a deeply flawed planning process.

In our SDEIS response, we noted that it failed to assess the impact of co-location in the Kenilworth Corridor on many levels: safety, vibration, noise, environmental damage, Section 106 assessments, etc. We were told that these would be fully addressed and to wait for the FEIS. While we have waited, again in the spirit of cooperation, we are dismayed that many of these concerns remain unaddressed, or ambiguously addressed.

We are a volunteer organization and were only given only one month to respond to a 17,000 page FEIS document, with an extension requested by our state legislators denied. We are therefore responding to only some of the most critical disagreements and yet unaddressed questions in the FEIS.

Further, we are not comfortable that the Met Council is the body charged with ultimately determining the FEIS for adequacy. We feel that this is a conflict of interest since they are reviewing the documentation of their own work. We strongly support a review of this FEIS by the Environmental Quality Board.

FEIS Comments: New Concerns/Questions/Issues

The Need for the Project includes: "the need to maintain a balanced and economically competitive multimodal freight system." (page ES-2)

This so-called need has never been discussed over the 20+ years of SWLRT planning. It is included here only because Hennepin County and the Metropolitan Council failed to fulfill a fundamental assumption – that freight rail would be moved in the Kenilworth Corridor to make way for light rail.

"LRT 3A and LRT 3A-1 are also referred to in the Draft EIS as freight rail "relocation" and "co-location," respectively. As noted in the Draft EIS and Supplemental Draft EIS, LRT 3A and LRT 3A-1 would provide the same transit service, with differing freight rail options, therefore the LPA is incorporated within both LRT 3A and LRT 3A-1. " (page ES-4)

At the time of the presentation of the LPA recommendation the LPA did NOT include freight co-location. Addressing freight rail was to be, according to Hennepin County, a separate project with a separate (undetermined) funding stream. It was only just before the DEIS got underway that the FTA required the county to include freight rail in the study. The DEIS studied and presented 3A and 3A-1 as two separate alternatives. Neither the community nor, it is our belief, the Minneapolis City Council understood the LPA to include freight co-location when the City Council selected the Kenilworth route in January 2010. As discussed in a Minneapolis City Council Resolution, the City Council understood that it was choosing the Kenilworth route with freight relocation. If they had not been assured that freight would be relocated, the process and the decision would likely have been quite different.

"The Project is making minor infrastructure modifications to freight rail for very limited areas, mainly to facilitate the movement of light rail transit." (p. ES-8)

Moving freight rail 45 feet to accommodate Light Rail and upgrading the infrastructure is inconsistent with the use of the word "minor" as it greatly expands the footprint of the rail presence in the corridor and adds to the adverse effects of co-location in the corridor. Further, the FEIS, in the explanation why freight is treated as an existing condition in the corridor, is faulty because it only measures incremental adverse effects rather than the total adverse effect of freight and light rail. This minimizes and understates the adverse effect of co-location.

While the Project will provide for the continuation of freight rail operations within the Kenilworth Corridor with relatively minor adjustments to freight rail facilities and operations, freight rail operations, including oversight of freight rail cargo, is outside of the scope and Purpose of this Project and outside of the jurisdiction of the Council and FTA. (p. ES-8)

KIAA names this statement as a convenient way to excuse the FTA and Met Council from culpability for fully considering the impacts of co-location. Further, we see this as an excuse to NOT EVEN CONSIDER the possibility of working harder to find alternatives to co-location, to which we stand opposed. While it is acceptable that the existing freight rail operation be included in the No Build alternative, and that *in theory* freight rail operations are outside the scope of the project, the fact is that decisions by Hennepin County and the Metropolitan Council related to freight in the Kenilworth Corridor mean that *in reality* not relocating freight means the Project makes it permanent in Kenilworth. In addition to plans to move and upgrade freight rails, the Project plans to spend approximately $165 million to accommodate co-location with an environmentally questionable tunnel. Taxpayers would be surprised to learn that we're spending $165 million on something that's only temporarily necessary. Freight rail has been in the Kenilworth Corridor for 20 years ONLY because MNDOT did not follow a Minnesota State law to relocate it out of the corridor years earlier. We strongly assert that the build alternative should include the impacts of keeping freight rail on a permanent basis in Kenilworth even though KIAA does NOT WANT freight to be kept on a permanent basis in Kenilworth.

Further, stating that safety programs are in place does nothing to assure the Kenwood neighborhood that the only plan, should there be a derailment and subsequent ethanol explosion, is to allow the fire to burn out, taking much of Kenwood with it. The June 3, 2016 derailment of a Bakken Oil train in Oregon is proof (http://abcnews.go.com/us/wirestory/oregon-train-derailment-spills-oil-sparks-fire-39597168).

Here are comments from officials in response:

"Fire Chief Jim Appleton says the usual amount of wind in Mosier could have turned this incident into a major disaster, destroying the town and sending flames across state lines.
"My attention was focused on the incident that didn't happen," Appleton said. "It probably would have burned its way close to Omaha, Nebraska. That's how big it would have been."

Mayor Arlene Burns said the people of Mosier were "incredibly lucky."

"I count myself lucky that we dodged a bullet," Burns said, after noting that her own child was at school within a few blocks of the derailment. "We hope that this is a wake-up call."

"Justin Jacobs, a spokesman for Union Pacific Railroad, "We want citizens to feel safe," Jacobs said. "We want the oil out of Mosier.

The only difference between the described details is that it is in Oregon and not Minnesota, and oil instead of ethanol. Ethanol is even more explosive/flammable than oil and runs downhill, into groundwater and sewer. We demand to see specific plans for "the worst case scenario": a derailment of an ethanol train that causes a spark-induced explosion within Minneapolis City Limits.

We also demand to understand what organization(s) would have liability in case of a crash, derailment, explosion, etc. prior to the FTA awarding federal funding. It is our current understanding that Hennepin County will transfer land in the corridor to the Met Council, who will then negotiate the terms of liability in secret with the freight rail operators. This not only hides the full cost of LRT operations in Kenilworth from the public, but also does not give adequate assurance to neighborhoods that freight rail companies will have every incentive to operate in the interests of the public when profits may be at stake.

(Re Section 106 NHPA Process), as noted in the table, there will be an adverse effect on the Kenilworth Lagoon as a result of the Project, and thus there will also be an adverse effect on the GRHD.

This is "new" information to the EIS process, but it has been well known that there would be adverse visual and environmental effects to the defined Section 106 properties. This is supports public perception that other, less-damaging routes were not properly considered. We remind the FTA and Met Council that predetermining a route is a violation of federal law. It is disappointing that these findings have happened at a point of advanced planning.

Addtionally, FEIS states that it is reasonable to expect to find undocumented ground water or soil contamination, without determining what the extent of those are. This is inappropriate for an FEIS because it is supposed to be "FINAL" and thus a complete assessment of the risks.

Because the Kenilworth Corridor lies between Cedar Lake and Lake of the Isles, and above a high water table, it is dismissive of the FTA and Met Council to state that there will not be adverse effects to the Chain of Lakes. It is well known that the Kenilworth Corridor north of 21st St is an old rail yard with significant contaminants that will be be disturbed by construction, and put into both the air and water.

Further supporting the position that this alignment is highly environmentally damaging are the ecosystem adverse effects in table ES-4 3.10, where it is clearly referenced that habitat will be removed or degraded, and wildlife foraging, nesting, and breeding habitats will be disturbed. KIAA objects strongly and demands mitigation measures to prevent this from happening. Such damage degrades Cedar Lake and Lake of the Isles and contradicts the section 106 findings.

Given the many mistakes and adjustments we have seen throughout the EIS process, it would be more responsible to investigate and identify construction and operational issues and address them proactively.

The Project will not result in vibration impacts for any residential or institutional land uses. The Project would, however, result in 54 ground-borne noise impacts for residential land uses without mitigation. These impacts would be directly adjacent to and south of the proposed light rail tunnel in the Kenilworth Corridor.

We wholeheartedly disagree with this statement. The fact is that vibration can already be felt by freight rail in homes on both sides of the proposed tunnel as well as throughout the Kenilworth Corridor. Since the FTA and Met Council admit that freight operation is out of scope or control of this project, the statement that vibration is minimized by low speed of freight trains does not reassure us that speeds will not increase when freight infrastructure is upgraded.

Furthermore, there are homes that have close proximity to the Channel and to the proposed light rail line, yet for some reason are excluded from mitigation. KIAA submitted documentation during the DEIS scoping process showing that extra deep footings were required for residential construction near the channel within the last 10 years. This was due to the nature of the soil, its transference of vibration, and the need for greater stability.

Table ES-4.
Short-term: • Develop and implement a Construction Mitigation Plan and a Construction Communication Plan that will address short-term impacts to land use related to temporary construction easements and other construction activities; strategies may include:
- Conduct public meetings
- Establish a 24-hour construction hotline
- Prepare materials with information about construction
- Address property access issues
- Assign staff to serve as liaisons between the public and contractors during construction

If the past attempts to address impacts are the best predictor of the future, KIAA is concerned as to the overall responsiveness of the Southwest Project Office; there needs to be a more definitive plan to handle concerns. Community Advisory Committee meetings have been unexpectedly cancelled, responsiveness to inquiries has been slow or non-existent, liaisons have made statements at public meetings that "there will not be any discussion." We would like some specifics as to the frequency of meetings and level of personnel that will be conducting public engagement.

Short-Term/Groundwater:

- **Adhere to permit requirements related to groundwater pumping and discharge from pumping**
- **Employ proper BMPs associated with groundwater removal during construction, to minimize the risk of building settlement**
- **Within Minneapolis, send groundwater discharged to the sanitary sewer system to the treatment plant on the Mississippi River**

The extra burden on the sanitary sewer system because of the extra groundwater being pumped out of the tunnel will likely become another financial burden on the City of Minneapolis and ultimately, its residents. KIAA states that this cost should be known so it can be included in the operating and maintenance costs and not borne by the City. Costs to the City of Minneapolis are of significant concern to Kenwood taxpayers.

Development

As we surfaced in the SDEIS response, the FEIS also lists "station area development" as an item to be addressed through continued consultation. This is inconsistent with numerous statements that have been made that development is not anticipated at the 21st Street Station. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."

http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

The discussion of development potential at the Penn Station does not relate to the Kenwood Parkway side:

http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf

We request a written explanation about what development is being referred to throughout the FEIS as it relates to the 21st St Station area.

Comments on Table 3.3-16, p. 3-84

"Property acquisition and displacement: The Project will result in the partial acquisition of multiple parcels used for the Kenilworth Trail. The Project will not displace the trail or have a long-term effect on trail users because all existing trail connections, access points, and roadway crossings will be maintained."

Hennepin County plans to transfer land adjacent to Cedar Lake Park to the Met Council for the SWLRT project in order to move freight rail to the west. This land has functioned as part of the park for many years; this will clearly have an impact on the park and the users' experience. Furthermore, this land was thought to be donated by BNSF to the Minneapolis Parks and Recreation Board. The required documentation for MPRB ownership was not created or maintained, however. No taxes were paid on it for around 50 years.

"Noise and vibration impacts: No adverse impacts after mitigation"

While we appreciate that some efforts have been made to mitigate noise in a very quiet area, we have no confidence that noise from the station area will not be disruptive to the neighborhood. We realize that there are guidelines relating to decibel levels and frequency, but these do not coincide with the real-world experiences of residents and trail users. Furthermore, the SWLRT project, which spends approximately $165 Million to co-locate freight and light rail, ignores the impacts of freight rail noise – especially with regard to additional noise that will be generated by freight in the 21st Street station area.

"Considering these mitigation measures, the Project will not adversely affect the overall visual quality of the neighborhood." Table 3.3-16, p. 3-84

"Viewpoint 18 – View Toward the Kenilworth Corridor Crossing of West 21st Street"[…] "The visual impact of the Project will be a slight improvement in the quality of the view." p.3-145,146

The Kenilworth Corridor is an important element of the Kenwood neighborhood. This project, even after mitigation, will clearly adversely affect the visual quality of this area. The Project plans to fill a well-used urban green space with concrete and steel, fences and walls, ballasted tracks and overhead wires with large structural supports. You are not replacing freight rail infrastructure as promised, but adding substantially to it. While we appreciate landscaping efforts and efforts to mask the power substation and freight rail utility sheds with greenery, it is simply absurd and insulting to say the level of visual impact in this area will be low.

"New at-grade light rail crossings of roadways and pedestrian/bicycle facilities: One new at-grade light rail/roadway crossing, which will be controlled by flashing lights and gates to allow for safe crossings by pedestrians and vehicles and to maintain acceptable traffic operations." Table 3.3-16, p. 3-84

KIAA has consistently expressed concerns about light pollution, including and especially flashing lights at intersections, which could be a real problem for nearby homes.

"New physical barriers: Light rail alignment will be located adjacent to the existing Kenilworth Corridor, which is an active freight rail corridor (refer to Exhibit 2.1-5). All existing sidewalk, trail, and roadway crossings of the Kenilworth Corridor will be maintained, and, because the existing freight rail alignment is currently a physical barrier, the Project will not create a new physical barrier." Table 3.3-16, p. 3-84

As pointed out in our DEIS response, LRT will create a new barrier to east-west bicycle and pedestrian travel. The topography of the area (lakes, valley, bluffs) limits east-west travel along the corridor, but there are many important informal east-west crossing points along the Kenilworth Corridor across the railroad tracks. Though these may be formally considered trespassing, it is a fact of most communities that people cross train tracks in places other than the designated areas, especially if a train maintains a reasonable speed limit through a residential area. The existing informal crossings are a germane means of community cohesion.

Summary of Concerns expressed in past responses that remain inadequately addressed in this FEIS:

Co-location ignores rapidly increasing concerns about rail safety and creates a dangerous alignment in Minneapolis.

The FEIS does not provide any details on proof of liability insurance by freight Rail Company because it is "out of scope." But, it also fails to include any detail on emergency responder training, requirements to provide frequency of trains to responders, implementation of positive train control technology, speed reduction in the corridor, or any adequate measures to prevent the interaction of electrical sparks and volatile freight cargoes. In essence – you are going to put a mouse next to a cat, and hope for the best because it is "out of your scope."

The cost is too expensive and is underestimated. We have no confidence that the project is budgeted correctly; more and more funding will be necessary. The FEIS clearly states that it expects to find undocumented contamination, and there is very little margin for error in the current budget. Perhaps the FTA and Met Council are hoping that at that point, cost overruns will be acceptable because ground will have been broken, literally.

KIAA was told by the Met Council that we needed to wait for the FEIS for responses to our DEIS and SDEIS concerns, and the FEIS falls short of addressing questions on the complete and total disruption of the park-like setting of the Kenilworth Corridor, environmental impacts, ridership questions, and a safety plan for co-location in case of a worst case scenario. And now we only have 30 days to respond, and were previously informed by Chair Duininck that there is no process for unresolved issues. This means that the only appropriate course of action is to withhold federal funding for SWLRT via this FEIS process until these issues can be resolved.

Because the FEIS falls short on critical components, we expect to see construction damage to historic and non-historic properties and infrastructure along the alignment beyond what has been specified.

There is a significant unresolved lawsuit by the Lakes and Parks Alliance that may halt construction now because the Met Council did not halt planning at the appropriate time to consider other routes. While KIAA is not participating in the lawsuit, we understand why Minneapolis residents and other organizations have been frustrated by the planning process and are compelled to take this action.

We do not trust the Met Council's role in determining adequacy of the FEIS. We support having a neutral third party, such as the EQB, determine adequacy to address this conflict of interest.

Finally, it is incomprehensible to KIAA that this enormously expensive project prioritizes a relatively small number of "choice riders" over the goal of more equitable access to transit. The Met Council sold this line as an "equity train" In Minneapolis, but this alignment and most of the rest of the selected route bypasses low-income areas and areas of heavy transit dependence. This plan provides no honest evidence of equity of access for those needing it in Minneapolis: low income, seniors, youth, or disabled communities.

With so many serious questions and flaws in the FEIS, why are we not being better served? Federal funding should not be allocated to Southwest Light Rail until we have real answers to our questions, not vague assurances. Our constituents deserve better when $1.8B (and climbing) is going to be the bill to taxpayers.

From:	Lisa Moe
To:	swlrt
Cc:	Roston, Howard
Subject:	Comments to FEIS for the SW LRT
Date:	Friday, June 10, 2016 1:33:17 PM
Attachments:	SKM_C454e16061012020.pdf

Ms. Jacobson

Please find an email copy of our comments to the FEIS – we have also mailed a hard copy of this attachment that you will receive today.

Thank you.

Lisa Moe

Lisa Moe
President and Chief Executive Officer

P: 952-948-9506
F: 952-346-7006
lmoe@stuartco.com

1000 West 80th Street
Minneapolis, MN 55420

June 8, 2016

STUARTCO
YOUR HOME. OUR COMMITMENT.

Nani Jacobson
Assistant Director, Environment & Agreements
Metro Transit – SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

VIA US MAIL AND E-MAIL

Re: FEIS: Comments of Stuart Companies Regarding SWLRT FEIS

Dear Ms. Jacobson:

Stuart Companies appreciates the opportunity to comment on the FEIS. We have previously expressed our concern that the earlier EIS studies failed to adequately consider and describe the impacts of the SWLRT project. Unfortunately, the recent FEIS fails to address, or addresses incompletely, numerous matters that may have a significant and adverse impact on the more than 1,000 residents of Greenfield Apartments, Deer Ridge and Raspberry Woods. We will refer to these dwellings collectively as the StuartCo Properties because they are all residential properties and are tied together as one community.

1. Noise. The investigation of noise on the StuartCo Properties done in the DEIS and the SDEIS was obviously inadequate and it appears that the FEIS recognized this obvious inadequacy. While recognizing the failure of the DEIS and SDEIS to seriously investigate the noise issues impacting StuartCo residents, it is also apparent that the FEIS has done nothing further to actually investigate those impacts. For example, as best as we can tell from the FEIS, there has been no on-site noise testing by the Council that we are aware of. If such testing has been done, we would like to see the full testing protocol, identification of times, test locations, raw data, conditions, and all results. We would also like to see any calculations and calculated adjustments used by the so-called "modeling" done in the FEIS's consideration of noise impacts.

Additionally, it appears that in evaluating noise impacts the FEIS used standards other than those stated in the FTA Guidance Manual. Please identify other noise standards that were used in the FEIS noise analysis and provide copies of those standards.

Also, it appears that noise mitigation has been provided for the nearby Claremont property. Please explain why no mitigation is provided for the StuartCo Properties?

Corporate Headquarters
1000 West 80th Street
Minneapolis, MN 55420
☎ (952) 948-9500
fax: (952) 948-9570

www.stuartco.com

With regard to the radius curve on the south part of the property, it is well-known that such curves produce piercing wheel squeal, a severe and adverse noise impact. This is of particular concern because this curve in the tracks is so close to the residences. We would like to see the full analysis of noise impacts considered on this curve, including an analysis showing at what speed wheel squeal can be fully avoided and at what speed wheel squeal appears. We are aware that on LRT installations elsewhere, wheel squeal has required construction of enclosures to protect nearby residential properties. What analysis has been done to determine the need for such structures here?

The projected speed for the LRT as it passes through the property is as much as 55 mph according to the FEIS. This is a significantly greater speed than indicated in the DEIS. What analysis has been done to analyze the noise and vibration impacts of a 55 mph train on elevated structures? This information needs to be provided so that impacts can be evaluated.

There will be significant noise generated by trains on the service tracks at the OMF. The service tracks appear to include numerous tight radius curves which are likely to produce wheel squeal. Please identify all residences within 1,000 feet of the OMF tracks (not measured from the center of the property but from the noise source) and the anticipated noise level from operations on these tracks.

The FEIS noise analysis for the OMF departs from the FTA Manual principle that noise is to be evaluated critically in favor of impacted residents. What is the basis for this departure?

2. **Environmental Releases and Project Impacts.** The FEIS does not identify potential impacts to the closed Hopkins landfill adjacent to the StuartCo Properties of pile driving, sheet driving, vibratory compaction and other heavy construction activities during construction and for continued maintenance and operation of the LRT. Please describe anticipated impacts, worst case impacts, containment plans, and identify who will be responsible for any environmental releases that may be caused by either (a) the construction of the LRT project; or (b) the operation of the LRT itself.

3. **Visual Aesthetics.**

a. **Destruction of Existing Woodlands and Wetlands.** Wetlands and woodlands are an important asset to the Property and its residents. Based on the 90% plans it appears that large area of woods, ponds and wetlands will be clear-cut, bulldozed and/or filled. These are important visual and aesthetic resources for residents of the StuartCo Properties. What will be done to repair this aesthetic loss? What wetland restoration is planned on the property? What woodlands restoration is planned?

b. **Restoration of Destroyed and Compacted Lands.** Use of heavy construction equipment and construction fills will likely make it impossible for any significant vegetative growth or planting following completion of the project. What will be done to restore the site to a condition that will support desirable vegetative growth? What soil restoration will be done?

4. **Light Impacts.**

a. **Direct Impacts from the Train.** How will residents be protected against the powerful headlight beams of elevated trains shining onto residential properties during twilight and evening hours? Or light from moving trains as a continuing nuisance to residents?

b. **Sunlight Reflecting Off the Glass.** How will residents be protected against intense morning sunlight reflecting off the glass surfaces of elevated trains? What plans have been made to address this problem?

5. **Public Safety.** The LRT bridges and supporting structures located within a residential development not exposed to public and police observation may be an attractive nuisance attracting graffiti artists, and children. What steps will be taken to ensure that the track and supporting structures are not misused or covered with graffiti? Who will be responsible for removal of graffiti and at whose cost? What parts of the track and structures will be fenced as they cross the StuartCo Properties for the protection of the public?

6. **Construction Impacts.** We could find no detailed description of how the track and its supporting elevated structures will be constructed. Please explain what construction methods will be used to build the project as it traverses the StuartCo Properties. What investigation has been done as to the damages that may result from the project's physical construction? Is pile-driving anticipated? To what depth? At what location and to what depth will vibratory piling equipment be used? Will de-watering be done either on the site or in the vicinity of the StuartCo Properties? If so, how will StuartCo structures be protected? Will there be winter construction? What will be the daily hours of construction? How will StuartCo structures be protected?

7. **Groundwater Plan.** Construction of the LRT route across the StuartCo Properties appears likely to interfere with ordinary groundwater flow and, if so, may cause flooding, erosion or other subsurface and drainage problems. What investigation has been done by the Met Council of this concern? Please provide information regarding your investigation, including when this was done and conclusions.

8. **Wildlife, Birds and Flora.** Natural wildlife is an important asset to the Property and its residents. What investigation has been done of damage to wildlife habitat and local flora? The wooded and wetland portions of the StuartCo Properties are habited by numerous species of birds and small animals. Have those been inventoried? What efforts will be made to restore this habitat?

9. **Park and Recreation Areas.** The Property has extensive park and recreation areas used by residents. These areas include interconnected trails, tennis courts, pools, ponds, and outdoor gathering places. What were the considerations in the FEIS relating to interference with use of these park and recreation areas? How has the FEIS addressed the interference with the trail system and walking paths?

10. **Fire Safety and Access.** Current plans identify the source of entrance onto the StuartCo Properties for project construction work as the fire safety entrance. Use of the fire safety entrance in any way that blocks full and immediate access to the StuartCo Properties is unacceptable to StuartCo. and will violate local public safety regulations. In addition, construction traffic is inconsistent with both pedestrian and local traffic. How does SWLRT

intend to access the property without interfering with pedestrians, local traffic and the fire safety entrance?

11. Trespass. The proposed construction boundaries will likely result in construction workers trespassing onto the StuartCo Properties outside of any easements shown by the Council in its 90% drawings. What will the Met Council do to ensure that all workers remaining within construction boundaries? Will the construction area be fenced? Will security be hired to protect the StuartCo Properties? What steps will be taken to ensure that construction workers do not park on the StuartCo Properties? What steps will be taken to ensure that commercial deliveries for the SWLRT project do not use StuartCo Properties?

12. 11th Avenue South. The comments in the FEIS indicate that some attention has now been paid to the 11th Avenue Route. When was this analysis done? What engineering studies were done of this route? What studies have been done on travel times for this alternative route? What studies have been done of ridership and usage for this alternate route? What studies have been done of the cost of the alternative route as the FEIS selected route? If these studies have been done, please identify the date of the studies, their conclusions, and where they are located so we can review them.

StuartCo respectfully requests detailed responses to each of these questions and comments.

StuartCo

By: _____
Stuart H. Nolan
Founder and Chairman

By: _____
Lisa Moe
President and Chief Executive Officer

STUARTCO
OUR HOME. OUR COMMITMENT.
h Street • Minneapolis, MN 55420-1000

Nani Jacobson
Assistant Director, Environment & Agreements
Metro Transit – SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

June 8, 2016

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Nani Jacobson
Assistant Director, Environment & Agreements
Metro Transit – SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

VIA US MAIL AND E-MAIL

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Minneapolis, MN 55420
☎ (952) 948-9500
fax: (952) 948-9570

www.stuartco.com

With regard to the radius curve on the south part of the property, it is well-known that such curves produce piercing wheel squeal, a severe and adverse noise impact. This is of particular concern because this curve in the tracks is so close to the residences. We would like to see the full analysis of noise impacts considered on this curve, including an analysis showing at what speed wheel squeal can be fully avoided and at what speed wheel squeal appears. We are aware that on LRT installations elsewhere, wheel squeal has required construction of enclosures to protect nearby residential properties. What analysis has been done to determine the need for such structures here?

The projected speed for the LRT as it passes through the property is as much as 55 mph according to the FEIS. This is a significantly greater speed than indicated in the DEIS. What analysis has been done to analyze the noise and vibration impacts of a 55 mph train on elevated structures? This information needs to be provided so that impacts can be evaluated.

There will be significant noise generated by trains on the service tracks at the OMF. The service tracks appear to include numerous tight radius curves which are likely to produce wheel squeal. Please identify all residences within 1,000 feet of the OMF tracks (not measured from the center of the property but from the noise source) and the anticipated noise level from operations on these tracks.

The FEIS noise analysis for the OMF departs from the FTA Manual principle that noise is to be evaluated critically in favor of impacted residents. What is the basis for this departure?

2. **Environmental Releases and Project Impacts**. The FEIS does not identify potential impacts to the closed Hopkins landfill adjacent to the StuartCo Properties of pile driving, sheet driving, vibratory compaction and other heavy construction activities during construction and for continued maintenance and operation of the LRT. Please describe anticipated impacts, worst case impacts, containment plans, and identify who will be responsible for any environmental releases that may be caused by either (a) the construction of the LRT project; or (b) the operation of the LRT itself.

3. **Visual Aesthetics.**

a. **Destruction of Existing Woodlands and Wetlands.** Wetlands and woodlands are an important asset to the Property and its residents. Based on the 90% plans it appears that large area of woods, ponds and wetlands will be clear-cut, bulldozed and/or filled. These are important visual and aesthetic resources for residents of the StuartCo Properties. What will be done to repair this aesthetic loss? What wetland restoration is planned on the property? What woodlands restoration is planned?

b. **Restoration of Destroyed and Compacted Lands.** Use of heavy construction equipment and construction fills will likely make it impossible for any significant vegetative growth or planting following completion of the project. What will be done to restore the site to a condition that will support desirable vegetative growth? What soil restoration will be done?

4. **Light Impacts.**

a. **Direct Impacts from the Train.** How will residents be protected against the powerful headlight beams of elevated trains shining onto residential properties during twilight and evening hours? Or light from moving trains as a continuing nuisance to residents?

b. **Sunlight Reflecting Off the Glass.** How will residents be protected against intense morning sunlight reflecting off the glass surfaces of elevated trains? What plans have been made to address this problem?

5. **Public Safety.** The LRT bridges and supporting structures located within a residential development not exposed to public and police observation may be an attractive nuisance attracting graffiti artists, and children. What steps will be taken to ensure that the track and supporting structures are not misused or covered with graffiti? Who will be responsible for removal of graffiti and at whose cost? What parts of the track and structures will be fenced as they cross the StuartCo Properties for the protection of the public?

6. **Construction Impacts.** We could find no detailed description of how the track and its supporting elevated structures will be constructed. Please explain what construction methods will be used to build the project as it traverses the StuartCo Properties. What investigation has been done as to the damages that may result from the project's physical construction? Is pile-driving anticipated? To what depth? At what location and to what depth will vibratory piling equipment be used? Will de-watering be done either on the site or in the vicinity of the StuartCo Properties? If so, how will StuartCo structures be protected? Will there be winter construction? What will be the daily hours of construction? How will StuartCo structures be protected?

7. **Groundwater Plan.** Construction of the LRT route across the StuartCo Properties appears likely to interfere with ordinary groundwater flow and, if so, may cause flooding, erosion or other subsurface and drainage problems. What investigation has been done by the Met Council of this concern? Please provide information regarding your investigation, including when this was done and conclusions.

8. **Wildlife, Birds and Flora.** Natural wildlife is an important asset to the Property and its residents. What investigation has been done of damage to wildlife habitat and local flora? The wooded and wetland portions of the StuartCo Properties are habited by numerous species of birds and small animals. Have those been inventoried? What efforts will be made to restore this habitat?

9. **Park and Recreation Areas.** The Property has extensive park and recreation areas used by residents. These areas include interconnected trails, tennis courts, pools, ponds, and outdoor gathering places. What were the considerations in the FEIS relating to interference with use of these park and recreation areas? How has the FEIS addressed the interference with the trail system and walking paths?

10. **Fire Safety and Access.** Current plans identify the source of entrance onto the StuartCo Properties for project construction work as the fire safety entrance. Use of the fire safety entrance in any way that blocks full and immediate access to the StuartCo Properties is unacceptable to StuartCo. and will violate local public safety regulations. In addition, construction traffic is inconsistent with both pedestrian and local traffic. How does SWLRT

intend to access the property without interfering with pedestrians, local traffic and the fire safety entrance?

11. Trespass. The proposed construction boundaries will likely result in construction workers trespassing onto the StuartCo Properties outside of any easements shown by the Council in its 90% drawings. What will the Met Council do to ensure that all workers remaining within construction boundaries? Will the construction area be fenced? Will security be hired to protect the StuartCo Properties? What steps will be taken to ensure that construction workers do not park on the StuartCo Properties? What steps will be taken to ensure that commercial deliveries for the SWLRT project do not use StuartCo Properties?

12. 11th Avenue South. The comments in the FEIS indicate that some attention has now been paid to the 11th Avenue Route. When was this analysis done? What engineering studies were done of this route? What studies have been done on travel times for this alternative route? What studies have been done of ridership and usage for this alternate route? What studies have been done of the cost of the alternative route as the FEIS selected route? If these studies have been done, please identify the date of the studies, their conclusions, and where they are located so we can review them.

StuartCo respectfully requests detailed responses to each of these questions and comments.

StuartCo

By: _____
Stuart H. Nolan
Founder and Chairman

By: _____
Lisa Moe
President and Chief Executive Officer

58930860_1

From:	Jacobson, Nani
To:	swlrt
Subject:	FW: FDEIS Comments - Liberty Properties, Hopkins and Eden Prairie, MN
Date:	Friday, June 10, 2016 3:27:19 PM
Attachments:	Letter to Nani Jacobson with Metro Transit dated 6-10-16.pdf

From: Richard Weiblen [mailto:rweiblen@libertyproperty.com]
Sent: Friday, June 10, 2016 2:55 PM
To: Jacobson, Nani <Nani.Jacobson@metrotransit.org>
Subject: FW: FDEIS Comments - Liberty Properties, Hopkins and Eden Prairie, MN

Nani,
Attached is our comment letter to the Southwest LRT FDEIS.
We will be mailing a hard copy as well.
Can you please confirm receipt of this email?
Thanks and hope you have a great weekend.
Rick

Richard Weiblen
VP, Development
Liberty Property Trust
O 952.947.1100 **D** 952.833.5262 **M** 952.240.4078
10400 Viking Drive, Suite 130, Eden Prairie, MN 55344
rweiblen@libertyproperty.com

LIBERTY PROPERTY TRUST

June 10, 2016

Ms. Nani Jacobson
Assistant Director, Environmental & Agreements
Metro Transit—SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Via Email & U.S. Mail

RE: FDEIS Comments – Liberty Properties, Hopkins and Eden Prairie, MN

Dear Ms. Jacobson;

Liberty Property Trust is the owner of a number of properties which will be impacted by the SWLRT corridor. These Properties include:

1515 Sixth Street South, Hopkins
1600 Fifth Street South, Hopkins
10301 70th Street West, Eden Prairie
10321 70th Street West, Eden Prairie
10333 70th Street West, Eden Prairie
10349 70th Street West, Eden Prairie
6901 Flying Cloud Drive, Eden Prairie
7075 Flying Cloud Drive, Eden Prairie
7246 Flying Cloud Drive, Eden Prairie
7400 Flying Cloud Drive, Eden Prairie

We have previously made comments in response to the DEIS regarding our Eden Prairie and Hopkins sites and in response to the SDEIS regarding the anticipated adverse impacts of the proposed OMF site. For your convenience, these earlier letters are attached.

In review of the FEIS we continue to have significant concerns regarding the issues noted in our previous letters and, in addition, we make the following comments based on information provided by 90% plans and the FEIS.

HOPKINS SITE

OMF Site 9A Selection Evaluation

We continue to have concerns regarding the method used for evaluation of the SDEIS sites. Sixteen environmental resource categories were not considered in the OMF selection criteria. We are specifically concerned regarding visual quality, open areas and noise. We own several properties in this area and we are committed to minimizing adverse impacts to the businesses, employees, and residents in this area. In particular, we are concerned about noise that will be

generated by the OMF and about the possibility of environmental releases from construction near the Hopkins landfill. Can you tell us why these concerns were not addressed?

Total Taking of the Liberty Properties in Hopkins

We need clarification on the taking of our properties at the OMF site. The FEIS notes that our property at 1515 Sixth Street South is a total take, but the 90% plans shows it as a partial take and will become a remnant lot. What is the Council's intent with respect to the remnant lot?

It is evident that relocation of certain tenants in these properties will require extensive planning and cannot be done quickly. It is important that our tenants' business operations not be disrupted by the project. It is also important that the tenants be treated fairly and fully compensated for their relocation costs. How will relocation and relocation compensation be handled for our tenants? What is the expected timing for completing relocation of these tenants?

EDEN PRAIRIE SITES AT THE GOLDEN TRIANGLE STATION

Our DEIS comments were submitted in December of 2012. These earlier issues continue to be of concern. Several new concerns have arisen that must be addressed.

Remnant Parcels

7400 Flying Cloud Drive – The property at 7400 Flying Cloud Drive is being bisected by the final alignment creating two remnant parcels that would become non-conforming to city codes and undevelopable. The alignment shows the tracks being bridged across the site, and the addition of a traction power substation on the site. This alignment will destroy this property for commercial use.

7246 Flying Cloud Drive – The property at 7246 Flying Cloud Drive will lose all of the land on the east side of the site except a few feet of road frontage. The limited road frontage is situated at a curve in the road thus restricting acceptable access. The taking will leave a remnant non-conforming parcel with no opportunity for commercial use.

Liberty Plaza, Outlot A – Outlot A has been changed from a full take to a partial take. The remnant piece to be left or sold back to Liberty Property Trust has no road frontage and constitutes mostly wetland, leaving no effective developable area and no commercial use.

Liberty Plaza, Outlot B – Outlot B will be bisected leaving two remnant parcels, again creating non-conforming undevelopable lots. The LRT alignment in this area calls for extensive grading and retaining walls. The impact of the wall and placement of the tracks in association with the loss of views, additional noise impacts, and vibration impacts of the building tenants needs to be further reviewed.

Partial Takings

10301 70th Street West – The taking of land at 10301 70th Street West may create non-conformance conditions to city setback standards for building and parking lots and impair development opportunities. Please clarify the Council's investigation of this concern.

7075 Flying Cloud Drive – The taking of land at 7075 Flying Cloud Drive will reduce parking spaces due to the placement of a traction power substation and may create non-conformance to building setback standards at the southwest corner of the building. It will adversely impact use of the property. How will the Council address these impacts?

We have raised our concern regarding the noise and vibration impact of the tracks so close to the southwest corner of the building at 7075 Flying Cloud Drive. As noted above, the taking of land may be creating a setback issue due to the close proximity of the rail. The proximity of the tracks and high levels of noise from train and crossing operations will be disruptive to the office tenants of that building as the part of the building closest to the tracks contains company offices. In particular, the track crossing located directly in front of this property will produce severe noise and vibration impacts. This track crossing should be moved to a different location without development where it will not impact 7075 and other nearby Liberty buildings. Why is it necessary to locate the track crossing at its present location adjacent to an intensive commercial use? Does the Council recognize how noisy this track crossing will be?

Liberty Plaza: Wetland/Road Access

We have been recently informed that in building the Golden Triangle Station SWLRT will be taking the upland adjacent to an existing wetland east of the station. We currently have an access drive in this upland area that will service our approved development project, Liberty Plaza, a major office project. The existing access road was required by the City as a condition of the development approval process. The municipal approvals remain current and in force. However, with the taking of the upland there is no room for the access drive without impacting the adjacent wetland. Why is it necessary to bump Liberty from high land onto wetland? Why doesn't SWLRT mitigate the wetland loss and either build on the mitigated land or provide mitigated land to Liberty? What guarantees does Liberty have that the road will be permitted in a different location to serve Liberty Plaza? The Project Office informed us that they will not provide a replacement access as part of this project due to wetland impacts. This access is imperative for Liberty to conform to the City's approvals for the site. Why has no provision been made to provide necessary access to this property?

The proposed LRT alignment may also impact wetland and buffer areas that Liberty has already made long term commitments to manage and maintain. If there is any overlap in responsibility due to the LRT development Liberty would need to be released from their current commitments on any of the wetland or buffer areas.

Traction Power Substation

Since the DEIS the Project Office has located a large traction power substation in the parking lot at 7075 Flying Cloud Drive near a 70th Street entrance. The substation must be placed as not to interfere with visibility of cars or trucks entering or exiting the parking lot and must be designed or landscaped appropriately for the site. We understand that the traction power substation was moved onto our site to avoid locating it on a public trail west of the rail line. Locating the traction station on the 7075 property will adversely impact that property and interfere with its use. We understand that the City of Eden Prairie SDEIS comments also reflect the need to appropriately locate and screen these power stations. Why was no effort made to place the traction station at a location that would not impact Liberty? What screening will be provided?

In addition, it appears that the traction power substations will cause the loss of parking. Please confirm the number of parking spaces that will be lost.

70th Street Impacts and Pedestrian Trail

Liberty Property Trust with the City of Eden Prairie recently improved 70th Street near the station location. This was done at significant expense to Liberty Property Trust in order to complete the city project in coordination with ongoing tenant leasing. The FEIS notes several improvements and changes to 70th Street and an adjacent pedestrian trail. These changes must be done in coordination with Liberty to ensure that they do not negatively impact our tenants or future development. Any such change must take in consideration the truck circulation needs of our sites, the locations of the loading docks and overall circulation patterns.

Vibration

We have notified SWLRT about properties currently tenanted by Savillex, 3M, Bluestem, Best Buy as well as other Liberty tenants. These properties are well suited for high-tech uses. They will be artificially restricted and their value diminished if vibration from the operation of SWLRT is not reduced. As noted above, the presence of a track crossing near these buildings significantly increases the presence of ground carried vibration and will interfere with the operation of clean rooms, computer-assisted machining equipment, and other sensitive high-tech devices. This track crossing should be moved to a location where the noise and vibration it generates will have no impact on use of the Liberty properties. Additionally, we are aware from other LRT projects that more effective protection against vibration is available in the commercial market than is being used for the tracks adjacent to the developed Liberty properties. Why aren't such methods and devices being used for the Liberty properties?

SUMMARY

Liberty is concerned that the FEIS fails to address the full impacts to its properties. Liberty urges SWLRT to (1) take all steps possible to maintain necessary commercial access to its properties, particularly the Liberty Plaza development; (2) remove sources of noise and vibration – in particular the track crossing – that will reduce the utility of its properties; and (3) to use the best available mitigation devices to reduce ground borne vibration and noise that will adversely impact the current and future best use of its properties.

Sincerely,

Richard A. Weiblen
Vice President Development

Comment #137

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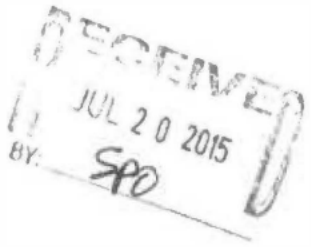

July 17, 2015

Nani Jacobson
Assistant Director, Environmental & Agreements
Metro Transit – SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Re: Comments of Liberty Property Trust Regarding OMF to be Located at Site 9A

Dear Ms. Jacobson:

Liberty Property Trust is the owner of the developed industrial properties at 1515 Sixth Street South, and 1600 Fifth Street South, Hopkins Minnesota, which will be taken for the proposed Operations and Maintenance Facility (OMF), Site 9A, Hopkins K-Tel East. As a property owner that will suffer the loss of two important industrial investment properties, we are deeply concerned about how this taking will impact us. We have reviewed the SDEIS and have the following comments on that document.

1. OMF Site 9A Selection Evaluation:

Our review revealed that Site 9A was not part of the original DEIS review and was only added as part of the SDEIS process and not subject to the same site selection evaluation that was done during the DEIS review. We understand that as part of the SDEIS analysis for a preferred OMF site a four step process was conducted that initially identified approximately 30 sites and through each step dismissed potential sites until site 9A was the final selection.

It appears to us that SDEIS failed to fully or properly evaluate the OMF site (identified in the SDEIS as site 9A) against comparable sites that were also being considered. We believe that additional information should be provided that will explain why site 9A was preferred over a number of others.

2. A Total Taking of the Liberty Property for OMF at Site 9A is Required

The SDEIS under Section 3.3.1.2 Acquisitions and Displacement indicates that there will be a full taking of both our industrial properties within the site 9A footprint. Liberty Property Trust concurs that any taking must be a full taking of each property.

The SDEIS notes that land which is acquired for the SW/LRT Project but not fully used for the OMF may be considered a remnant parcel and sold. Liberty Property Trust has no interest in buying back a remnant piece and there should be no expectation that such remnants will have any

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material economic value to Liberty. Liberty has previously conveyed this same information to representatives of the Met Council.

Liberty Property Trust has been an active participant in the public process and planning of the SWLRT. We are supportive of the project but recognize that a number of our properties will be taken if the project goes forward. Our concerns regarding the SDEIS reflect our past comments on the DEIS regarding our properties in Hopkins, Minnetonka and Eden Prairie, adjacent the Golden Triangle Station. Our earlier DEIS comments are attached for your convenience.

Finally, if the project goes forward, it is essential that our industrial tenants are fully compensated for their relocation costs and are given sufficient lead time to plan and execute a complex industrial plant relocation.

Liberty Property Trust

Richard Weiblen
Vice President, Development.

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December 7, 2012

Hennepin County
Housing, Community Works & Transit
701 Fourth Avenue South, Suite 400
Minneapolis, MN 55415

RE: Comments on the Southwest Transitway
Draft Environmental Impact Statement (DEIS)

To Whom It May Concern:

Liberty Property Limited Partnership (Liberty) owns, leases, and manages multiple properties adjacent to the proposed Southwest Transitway LRT corridor as it passes through Segment 3 in Eden Prairie and Minnetonka. The subject property addresses are:

5400 - 5550 Feltl Road, Minnetonka
10301 – 10399 West 70th Street, Eden Prairie
6901 Flying Cloud Drive, Eden Prairie
7075 Flying Cloud Drive, Eden Prairie
7246 Flying Cloud Drive, Eden Prairie
7400 Flying Cloud Drive, Eden Prairie

Liberty has completed a review of the DEIS and offers the following comments for consideration:

1. Liberty generally supports the alignment option described in Section 2.3.3 Build Alternatives as Alternative 3A. This alternative includes Segment 3 with the proposed LRT alignment adjacent to, or through several of our properties noted above. While there will be impacts to these properties in order to implement transit that will need to be recognized and analyzed, we agree with the City of Eden Prairie that the 3A alignment offers the most potential to overcome transportation deficiencies in the Golden Triangle area.

2. Chapter 2 – Alternatives includes a description of the proposed Golden Triangle Station in Section 2.3.4. The station location adjoins three of the multiple properties listed above, and includes a proposed park and ride facility described as containing 100 surface parking spaces. There are a number of concerns related to this station that are not fully analyzed in the Conceptual Engineering Layout included with Appendix F of the DEIS. Concerns include proposed location, proposed access, proposed grades, and lack of coordination with existing conditions. The document indicates that a number of these issues will be more fully analyzed in the Preliminary Engineering Design Phase leading up to preparation of the Final EIS; we believe that additional detail is essential to avoid unnecessary impacts and project costs as the design evolves.

3. Section 3.1.2 discusses Existing and Anticipated Land Use at a Macro, or policy level and misses some conditions along the corridor where prior land use planning and site-specific project approvals further define what landowners expect to occur on their properties. Future plans are addressed partially in Section 9.4 – Reasonably Foreseeable Future Actions, but the descriptions contained there don't include all of the vested development rights that have accrued to our properties at 6901 Flying Cloud Drive and 7075 Flying Cloud Drive which are subject to an approved PUD Development Plan. The future potential of 6901 and 7075 Flying Cloud drive is partially described in Table 9.4-1, but the approvals include more development than is described as an identifiable Future Action. The property at 7075 Flying Cloud Drive currently contains approximately 345,000 SF of office space currently occupied by SuperValu, Inc., and is approved for additional expansion on the site. As part of the same master planning effort, Liberty began construction of a 128,000 SF office building at 6901 Flying Cloud Drive that included several completed or ongoing commitments that could be affected by the LRT alignment and by the proposed Golden Triangle Station and associated Park and Ride Facility. Issues related to the development potential of these properties include:

   - Liberty's PUD Master Plan illustrates the extension of West 70th Street from Flying Cloud Drive east to the current terminus of West 70th Street just to the east of the proposed LRT alignment. The configuration of the at-grade crossing and the vertical alignment of the LRT lines need to be coordinated with the proposed alignment of West 70th Street. This is critical to Liberty in order to maintain a major access to structured parking for 6901 Flying Cloud Drive, to maintain the existing parking and service dock area for 7075 Flying Cloud Drive, and to conform to planned wetland impacts and mitigation that have been approved and permitted by the City and by the Nine-Mile-Creek Watershed District (NMCWD).
   - The proposed LRT alignment may impact wetland and buffer areas that Liberty has already made a long-term commitment to manage and maintain. If there is an overlap in responsibility due to LRT development, Liberty would need to be released from their current commitments on any of the wetland or buffer areas subjected to further alterations.
   - As part of providing for the full level of development described above, Liberty funded improvements to a section of Flying Cloud Drive to provide the lane geometry needed to allow for the future intersection at West 70th Street with an intersection that would operate acceptably at full development with forecast background traffic growth. More detailed analysis of access and travel patterns due to the Golden Triangle Station and Park and Ride should be completed to determine possible impacts on potential redevelopment.
   - As part of its PUD master planning Liberty retained an existing surface parking area adjacent to 70th Street that could function as a Park and Ride facility. The area currently contains 102 parking spaces with direct access to West 70th Street. However, this area was not considered in the Conceptual Engineering layout which was the basis for the DEIS.
     We would like to see this area analyzed as an option to the location for the Park and Ride facility as identified in the Conceptual Layout.

- We agree with the City of Eden Prairie that the size of the facility must be balanced with the parking demand to assure adequate parking supply for Park and Ride users to avoid potential overflow issues that would impact the neighboring properties.

We also believe these issues should be addressed in the forthcoming Preliminary Engineering and any related impacts and mitigation should be analyzed in the Final EIS.

4. The property at 7400 Flying Cloud Drive has an approved parking expansion plan that would allow for greater flexibility of uses for the building. The proposed alignment in Segment 3 crosses this property and impacts areas where expanded parking has been approved, and also has significant impacts on existing parking. Ways to reduce the impact to existing and proposed parking on this parcel should be more fully explored in the Preliminary Engineering and Final EIS.

5. Section 3.3.2 – Methodology describes how the project limits were defined for analysis in the DEIS. As noted elsewhere in our comments, we feel that the actual influence or impact area may expand beyond the project limits depicted in the Conceptual Layout included in Appendix F of the DEIS. As an affected property owner we expect that the layout will be further refined in the Preliminary Engineering stage, and request that the specific issues outlined in our DEIS comments are fully designed and analyzed for the Final EIS.

6. Section 4.2 – Water Resources describes in general terms areas where depth to groundwater and surface water bodies might be impacted by the need for dewatering during construction. The areas near all of the Liberty properties along Flying Cloud Drive contain wetlands that could be affected by construction dewatering or by changes in natural drainage patterns where the LRT alignment passes through undeveloped open space. As described above, Liberty already has long-term commitments to ensure the viability of certain wetlands that is a part of our Development Agreement with the City of Eden Prairie and an obligation of permitting required for necessary wetland alteration. We believe that a more thorough analysis of potential impacts on surface water resources from construction phase dewatering and from permanent changes to existing drainage patterns that are tributary to water bodies on Liberty properties should be included in the Final EIS. Mitigation, if necessary, should include the appropriate assignment of responsibility for impacts that occur in areas where Liberty already has contractual maintenance and conservation obligations.

7. The traffic analysis completed for Chapter 6 went through a scoping process that limited the number of existing intersections for which detailed operational analysis was completed. We note that the intersections near the proposed at-grade crossing of the LRT alignment with Valley View Road in the vicinity of its intersection with Flying Cloud Drive all are forecast to have marginal Levels of Service for the 2018 and 2030 forecast periods. We join the City of Eden Prairie in support of a grade-separated crossing at this location to ensure that there is adequate intersection capacity to feed Flying Cloud Drive from the south end at Valley View Road as well as the north end at Shady Oak Road. As noted earlier, a more wide-spread analysis of travel patterns and potential impacts from the

proposed Golden Triangle Park and Ride facility is warranted to ensure that Liberty's development potential for its Flying Cloud Drive properties is maintained.

8. The intersection of Feltl Road with Smetana Lane at the north end of the Opus II development is proposed to be realigned to coordinate with the crossing of the LRT alignment at Smetana Lane. This intersection was apparently scoped out of detailed analysis by virtue of having daily traffic volumes below 5000 vehicles per day. The intersection is immediately adjacent to our property at 5450 Feltl Road. We would like to see a more detailed operational analysis of this intersection to confirm that the proposed change does not compromise accessibility to the property from Smetana Lane. Also, the realignment of the "T" intersection could require significant grading and tree removal at the north end of the property, which should be further analyzed for the Final EIS.

9. The Technical Memorandum dated March 21, 2012 that is contained in Appendix H describes the traffic analysis completed for the DEIS. In the introduction it states that "*Each station and the impacts on traffic operations and circulation will be analyzed in detail with the Final Environmental Impact Statement (FEIS)*". Liberty wishes to be involved with the Hennepin County design team and the City of Eden Prairie in determining the scope and extent of analysis of traffic impacts from the proposed Golden Triangle Station.

10. Referring to the Conceptual Engineering Layout for Segment 3, Sheet 9 of 15, as illustrated in Appendix F, we offer the following comments on the alignment and grading as it relates to our property at 6901 Flying Cloud Drive:

    - The alignment crosses a wetland at the northwest corner of this property that provides critical storm water detention volume identified in our PUD drainage design. The volume eliminated by filling for the Transitway needs to be provided in a fashion that can be utilized by Liberty.
    - The proposed grade for the alignment across the east end of this property occurs roughly eight feet above existing grade. The embankment required could affect the access to the planned parking ramp supporting the 128,000 square-foot office that is under construction at the site by reducing the space available between the Transitway and wetland and buffer areas already subject to long-term maintenance agreements and conservation easements. This access is critical as there are only two available access locations to serve this office development.
    - The embankment required for the proposed grade of the Transitway also reduces the amount of the existing parking area at the east end of this property that could be utilized as surface parking for the planned Park and Ride component of the Golden Triangle Station. If the Transit-way were at, or close to existing grade, nearly all of the 100 planned Park and Ride spaces could be provided in this existing, paved parking area.

11. Referring to the Conceptual Engineering Layout for Segment 3, Sheets 8 and 9 of 15, as illustrated in Appendix F, we offer the following comments on the alignment and grading as it relates to our properties at 7075 Flying Cloud Drive and 10301 70th Street West:

- The proposed alignment for 70th Street was carefully considered to maximize development area south of the proposed roadway while meeting obligations for wetland protection and buffer requirements to the north of the roadway. The crossing elevation of the transit line at 70th Street as depicted in the Conceptual Engineering requires over ten feet of fill at the crossing point, and assumes grade transitions in the roadway profile that would need to extend several hundred feet in either direction from the crossing point, possibly requiring further loss of wetland and wetland buffer if the road stays within its planned corridor, or resulting in the loss of useable lot area if the roadway needs to shift south so that fill for the roadway can be placed without affecting the wetland or associated buffers.
- Further, ten feet of fill at the crossing point would eliminate existing access to the truck docks, service area, and parking adjacent to the northeast corner of the existing structure occupied by SuperValu, Inc. If this corner of the existing parking becomes essentially a dead-end area by shifting access from 70th Street to the west to accommodate fill for the roadway, then substitute truck circulation requirements will further reduce available parking in this area.
- This area of the site is also indicated as the location for the Golden Triangle Station Park and Ride, which again, is inconsistent with its existing use for truck docks and service support that is critical to the tenant at this property. Even if the area were elevated on a structure to match the proposed profile grades of the rail and station, there may not be sufficient clearance for the required truck use below.
- The proposed track alignment between these two properties has a profile grade that roughly matches the top of a large berm separating the two sites. The berm is roughly ten feet tall relative to 7075 Flying Cloud Drive and roughly 14-16 feet tall relative to the property at 10301 West 70th Street. At the proposed elevation the top of the berm is less than 25 feet in width so additional fill would be required on one or both sides to create enough width for the track separation required by the station, with possible impacts to both properties. The width required could be provided by lowering the profile grade to an elevation that allows an at-grade crossing near the existing grade for 70th Street, and reduced impacts to both properties by excavating the berm and establishing a profile eight to ten feet below that analyzed in the DEIS.
- Liberty would like to see the Preliminary Engineering phase of design analyze a revised profile that would lower the proposed track grade as described above from roughly Station 345+00 to Station 669+00 to determine if the potential for impacts can be reduced.

12. Referring to the Conceptual Engineering Layout for Segment 3, Sheets 7 and 8 of 15, as illustrated in Appendix F, we offer the following comments on the alignment and grading as it relates to our property at 7400 Flying Cloud Drive:

    - The proposed alignment across this property has a very large impact on the existing parking supply for this property. We believe a substantial amount of additional parking could be preserved if the alignment could be adjusted to move further to the northwest as it crosses the property. It appears that this could be accomplished by more closely following the edge of

Highway 212 between Stations 322+00 and 328+00 or 329+00 with tighter radii to move the alignment to the north from 329+00 to 336+00.

- Sufficient proximate and convenient parking is critical to the economic success of this site, so Liberty would like to see additional analysis of the alignment to determine if parking impacts can be reduced.

13. We share the City of Eden Prairie's concerns as expressed in their comment letter regarding the placement and potential impacts from ancillary structures and facilities such as Traction Power Sub-Stations, crossing gates, and traffic signal cabinets. The Preliminary Engineering phase and FEIS should incorporate all of these items into the design so that their effect on all properties along the corridor can be evaluated. Protection of the site's viewsheds and also its visibility from existing roadways is critical to its development.

14. Further, we share the City's concerns with the possible impact on nearby structures from vibration, noise and stray current associated with anticipated rail operations, and request that additional analysis of possible effects of vibration be completed for our properties with existing structures that are close to the proposed rail lines. Impacts on utilities, fiber pathways and existing structures during construction need to be analyzed and mitigated. This analysis is especially important in light of the differing soil conditions found on the site. Detailed analysis should be included for all of our properties to evaluate alternatives and determine solutions for mitigating the design and construction impacts of the project.

Thank you for the opportunity to comment on the DEIS. We look forward to the Preliminary Engineering Design phase of the project to work together to improve the interface of the Southwest Transitway with our affected properties.

Sincerely,

Liberty Property Limited Partnership

Richard A. Weiblen
Vice President Development

From:	Valerie Thorp
To:	swlrt
Cc:	Tom Goodrum
Subject:	Redstone
Date:	Monday, June 13, 2016 10:54:45 AM
Attachments:	FEIS 2016.pdf SDEIS 2015.pdf

Good Morning

Please see the attached documents on behalf of Tom Goodrum with Westwood Professional Services. I have a Supplemental Draft Impact Statement (SDEIS) from 2015, and a Final Environmental Impact Statement (FEIS) from 2016. Please let me know if you have any concerns.

Thank you,

Valerie Thorp
ADMINISTRATIVE ASSISTANT
valerie.thorp@westwoodps.com

Direct (952) 697-5786
Main (952) 937-5150

Westwood Multi-Disciplined Surveying & Engineering
7699 Anagram Drive | Eden Prairie, MN 55344

westwoodps.com
(888) 937-5150

June 13, 2016

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro-Transit—Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55246

RE: Comments on the Southwest Transitway
Final Environmental Impact Statement (FEIS)

Dear Ms. Jacobson and other Interested Parties:

We write on behalf of Idlewild Properties, LLC and Redstone American Grill, Inc. (together "Redstone") to comment on the Final Environmental Impact Statement (FEIS) for the SWLRT project.

Redstone owns and operates the Redstone restaurant located at 8000 Eden Road, Eden Prairie. Redstone has completed a review of the FEIS document and continues to believe that the impacts of the project will result in substantial adverse impacts on Redstone's ability to operate the restaurant and adverse impacts to the value of the property. The impacts include, but are not limited to; the loss of parking, access restrictions, increased noise, visual impacts, safety concerns, vibration concerns to existing retaining walls and buildings plus the public enjoyment of surrounding natural amenities.

The FEIS responses to Redstone's comments relating to the above listed impacts are generally vague and contradictory and do not provide sufficient information in addressing our concerns as noted in our SDEIS comments. Redstone requests that the project office and the project files record our continued concerns and that the project leaders will make the necessary corrections to alleviate the impacts to our site and surrounding area if the project is to proceed.

Redstone offers the following specific comments concerning the FEIS:

Chapter 2: Alternative Considered

Redstone will be severely impacted by the location of the proposed route and is disappointed that the selection committee recommended the line go across the Redstone property. This decision will likely cause the closure of Redstone along with the displacement of 8 other business for a station that is deferred to possibly 2040. The initial route along Technology Drive would not displace any businesses and provide larger tracts of land for redevelopment opportunities. We continue to recommend that an alternative route be considered.

The FEIS response states that the Town Center Station is still planned to be in place by 2040 and is considered an element of the project.

Chapter 3: Affected Environment, Impacts and Mitigation—Land Use

The FEIS response in this section states that evaluation of environmental impacts for the project **includes reasonably foreseeable future actions** in the evaluation of cumulative impacts for the Project. It continues to state that improvements to city roads and parks as we noted in our comments are generally not included because they are not included in an approved local budget, plan, or policy, and, therefore are outside of the project scope. The road and park that we noted are shown on the Project plans as future road and park. We believe that since they are listed on the project plan that they are a reasonably foreseeable future action of the project. If the FEIS states that the Town Center is a still a planned action then the road and park associated with that plan should be considered.

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We continue to point out that the trail along Lake Idlewild is designated and planned as a public trail. The FEIS response notes that the city trail map shows the trail as a "general trail" but continues to note that the map does not identify it as public or private. We will point out that this designation is not pointed out on any of the trails within the city trail map. The response then points out the trail is on private property as a defining fact that it is not a trail. Again, we point out that many publically used trails are on private land.

The FEIS response further states that "It is not anticipated that the Project would have any noise or visual impacts to the trail around Lake Idlewild" and that there will be no change to connectivity to the trail. We continue to point out that one of the trail access points is from the eastern side of the Redstone parking lot. With the proposed SWLRT line eliminating access to the eastern parking lot from the sidewalk plus having a train pass every 5 minutes during the day we believe that connectivity will be changed. In addition, the train is proposed to be within 350 feet of the trail with direct views from the trail and limited noise barriers. The bells and whistles at the at-grade crossings will be clearly audible as the noise crosses over the lake and along the trail.

Roadway and Traffic

The FEIS notes that both of Redstone's existing driveways will be closed and a new access at the far western side of the site will be provided. This new access will include flashing-lights signals, automatic gates, and traffic signal preemption because the trains will be traveling faster than 35 miles per hour when crossing the driveway. It continues to state "Given that the project will maintain driveway access to the property and the property's main entrance will be at a signalized intersection with an acceptable LOS, the project's traffic operations are not anticipated to create substantial adverse impacts on Redstone's ability to operate its restaurant at the property."

Our comments to the SDEIS clearly spell out the significant impact that the driveway closings will create on the Redstone site, its operations and the safety of the patrons. The use of LOS data for roadway intersections is not applicable to a restaurant driveway. We noted in our comments the traffic impacts and

delays being experienced on the Green Line (Central Corridor) and that more specific analysis needed to be provided to Redstone to fully understand the impacts on our customers.

Parking

Our SDEIS comments were specific on the impact the project will have on Redstone parking. At that time the SDEIS noted the loss of 36 stalls leaving 143 stalls. We commented that more than 36 stalls will be lost due to the need to redesign the parking lot due to the taking, truck maneuvering and the relocation of the driveway while meeting city code requirements. Our preliminary analysis shows that the parking loss will be closer to 80 stalls. The loss of a single stall is significant to the restaurant as it often has limited parking due to its success.

The FEIS response now states that there will only be 10 stalls lost and those lost spaces can be recouped by the 38 new on-street parking that will be created. However, the FEIS does not provide a map or drawing on the specific calculations for this site. An engineered grading plan must be provided to demonstrate how the project will not impact parking. In addition, the on-street parking proposed to recoup the lost parking stalls provides little value to the restaurant. The on-street parking is separated from the restaurant by the LRT tracks and by trains traveling at 35 miles per hour. The only pedestrian access will be the new driveway located at the far western side of the site with a gated crossing. The inconvenience and safety issues related to this plan are unacceptable.

Noise

High noise levels are a very important concern with Redstone as its business operations depend on a relaxing, enjoyable atmosphere for patrons dining in the restaurant and for those using the outdoor patio. With trains traveling over 35 mph every 5 minutes throughout the day only a few feet from the building plus bells and horns at the Flying Cloud crossing and possibly at the Redstone driveway crossing, the noise impact will be substantial.

The FEIS does not appropriately address the noise impact on this site. All the information provided is in generalities and non-conclusive to fully understand the impact to Redstone. Because of the noise created at the at-grade crossings, especially the noise crossing over lake Idlewild, and the removal of trees along Eden Road, a noise analysis must be conducted for this site and for the public using the trail and the lake.

Visual Quality and Aesthetics

We appreciate that the FEIS did recognize that the visual quality in this area is "Moderate" and not "Low" as identified in the SDEIS. This change is in reflection that the boulevard trees will be removed in front of Redstone and Lake Idlewild and replacement trees cannot be put back due to the close proximity of the train track to the parking lot. The boulevard trees will be replaced with LRT tracks, fencing and catenaries. The FEIS properly identifies this impact when it states the "intactness will be reduced by removing trees and by building the **visually intrusive tracks and OCS**, and by revealing the shopping center structures that are now hidden". It continues to state that because of the amenities in this area there are a substantial number of pedestrians and because of their presence the visual sensitivity of the viewers

in this area is "high". The Project needs to maintain the present views to protect the amenities already existing.

We disagree with the FEIS statement that visual unity will remain the same because the lineal features of the project will lead the viewer's eye toward the water tower, which is the focal point of the view. The view of the water tower is only from the people traveling west on Eden Road. The predominate view of the pedestrian, as noted above, is with the amenities in this area including the trees and Lake Idlewild

Safety and Security

The FEIS notes that safety has been addressed by removing Redstone's eastern drive access and putting gates at the proposed access at the far western side of the site. These safety features do not support Redstone's patrons as they will have limited access to the site at only one point, creating a dangerous queuing situation. Patrons walking to the site must now walk all the way to the west driveway to enter the site and restaurant and vehicles will back up along onto Eden Road to the south and east plus backing up into the parking lot due to long waits at the gated access. We fear that these features will create even a greater safety issue than the previous plan that provided two accesses and a midpoint sidewalk connection. The Proposed SWLRT alignment simply creates too many conflict points between trains, vehicles and pedestrians in a very small and uncontrolled area.

Vibration Impact to Existing Retaining Walls and Building

The Redstone site contains retaining walls with significant height along the north side of the parking lot adjacent the city trail. As we become more fully aware of vibration impacts to walls due to trains consistently traveling along the same rails over many years, Redstone believes the operation of the LRT will have a substantial impact to the retaining walls on site and the building. We request that the Project includes a stability test of the retaining walls and building prior the construction of the LRT, if it is approved.

Summary

As noted above, and as we pointed out in our SDEIS comments dated July 21, 2015, the SWLRT project as currently designed will result in substantial adverse impacts on Redstone's ability to operate its restaurant. These substantial adverse impacts include, but are not limited to, the loss of parking, access restrictions, increased noise, visual impacts, safety concerns, vibrations and the creation of obstacles to the public enjoyment of existing natural amenities (e.g, Lake Idlewild) in the immediate vicinity of the Redstone property.

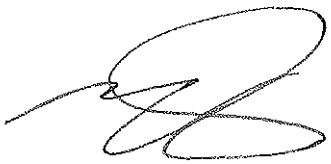
Moreover, the FEIS is so vague, general and conclusory in nature that it cannot form the basis for reasoned analysis of the true environmental, social and economic effects of the SWLRT. Here, the effect of the SWLRT on the "human environment" surrounding the Redstone property will simply be disastrous. It will irreparably disrupt the natural and physical environment in which the Redstone property is currently situated by creating hazards and inconveniences for

people attempting to enter that environment in order to dine at Redstone. Finally, it will cause substantial economic hardships for Redstone and similarly situated businesses located along the proposed SWLRT route recommended by the FEIS.

We respectfully request that the Project Office take the necessary actions to adequately address the concerns that we have stated. We look forward to working with you on addressing our concerns and finding solutions that benefit the SWLRT project, the City of Eden Prairie, Redstone and the public.

Very Truly Yours,

Craig A. Oberlander
Chief Manager
Idlewild Properties, LLC



Michael O'Leary
Chief Operating Officer
Redstone American Grill, Inc.

Enclosure

c: Bruce D. Malkerson, Esq., Attorney for Redstone
Tom Goodrum and Vern Swing, Westwood Professional Services, Engineering and Planning Consultants for Redstone

28. WHEN DID THE COMMENT PERIOD FOR THE FINAL EIS START AND WHEN WILL IT END?

The Notice of Availability for the Final EIS was published in the *Federal Register* on May 13, 2016, and in the *EQB Monitor* on May 16, 2016. Under MEPA, the Notice of Availability provides for submittal of written comments on the adequacy of the Final EIS for a period of not less than ten (10) days. Comments on the adequacy of the Final EIS are being accepted through June 13, 2016. Comments on the adequacy of the Final EIS may be submitted through:

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

Email: swlrt@metrotransit.org

29. WHAT HAPPENS AFTER THE CLOSE OF THE FINAL EIS COMMENT PERIOD?

Following publication of the Final EIS and the written comment period, the FTA will prepare and issue the Project's Record of Decision (ROD). The ROD will state FTA's project decision, identify the alternatives considered and selected (including specification of the alternative or alternatives considered to be environmentally preferable), and itemize mitigation commitments. The ROD must be issued by FTA before federal funding and permits can be approved. All comments will be published on the project website (www.swlrt.org) and comments and issues will be responded to in the Project's ROD. After publication of the Final EIS, the Council will also issue an Adequacy Determination for the Final EIS in accordance with Minnesota environmental rules (Minn Administrative Rules 4410.2800). The Council will notify all persons who received a copy of the Final EIS (see Appendix A of the Final EIS for the list of recipients) of its adequacy decision within five days of the decision, and public notice of the decision will be published in the *EQB Monitor*.

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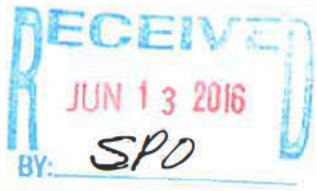
June 13, 2016



Nani Jacobson
Assistant Director, Environmental and Agreements
Metro-Transit—Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55246

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7636 EXECUTIVE DRIVE, EDEN PRAIRIE, MINNESOTA 55344 TELEPHONE: 952/404-3333 FAX:952/745-0623
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Moreover, the FEIS is so vague, general and conclusory in nature that it cannot form the basis for reasoned analysis of the true environmental, social and economic effects of the SWLRT. Here, the effect of the SWLRT on the "human environment" surrounding the Redstone property will simply be disastrous. It will irreparably disrupt the natural and physical environment in which the Redstone property is currently situated by creating hazards and inconveniences for

people attempting to enter that environment in order to dine at Redstone. Finally, it will cause substantial economic hardships for Redstone and similarly situated businesses located along the proposed SWLRT route recommended by the FEIS.

We respectfully request that the Project Office take the necessary actions to adequately address the concerns that we have stated. We look forward to working with you on addressing our concerns and finding solutions that benefit the SWLRT project, the City of Eden Prairie, Redstone and the public.

Very Truly Yours,

Craig A. Oberlander
Chief Manager
Idlewild Properties, LLC

Michael O'Leary
Chief Operating Officer
Redstone American Grill, Inc.

Enclosure

c: Bruce D. Malkerson, Esq., Attorney for Redstone
Tom Goodrum and Vern Swing, Westwood Professional Services, Engineering and Planning Consultants for Redstone

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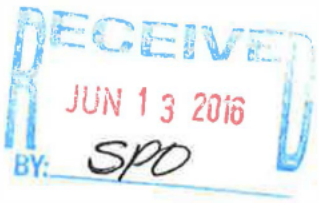

July 21, 2015

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 on the Southwest Transitway
Supplemental Draft Environmental Impact Statement (SDEIS)

Dear Ms. Jacobson and other Interested Parties:

We write on behalf of Idlewild Properties, LLC and Redstone American Grill, Inc. (together, "Redstone")[1] to comment on the Supplemental Draft Environmental Impact Statement ("SDEIS") for the SWLRT project.

Redstone owns and operates the Redstone restaurant located at 8000 Eden Road, Eden Prairie. This property is located in the Eden Prairie Segment of the SDEIS and has been identified as a property that will be partially taken for the SWLRT project. Redstone has completed a review of the SDEIS document, and it opposes the recommendation stated in the SDEIS to move the location of the SWLRT rail line to Eden Road. The proposed location recommended by the SDEIS will result in substantial adverse impacts on Redstone's ability to operate its restaurant. These substantial adverse impacts include, but are not limited to, the loss of parking, access restrictions, increased noise, visual impacts, safety concerns, and the creation of obstacles to the public enjoyment of existing natural amenities (e.g, Lake Idlewild) in the immediate vicinity of the Redstone property.

Redstone offers the following specific comments concerning the SDEIS:

Chapter 2: ALTERNATIVE CONSIDERED:

All of the rail alignments recommended in the DEIS showed the SWLRT line located along Technology Drive. This reasonably demonstrates that the route best suited for the SWLRT is along Technology Drive. We understand the SDEIS was authorized with the intent of reviewing this alignment based on requests by the City of Eden Prairie and certain businesses impacted by the proposed Technology Drive route. However, Technology Drive is the best alignment for the efficient operation of SWLRT as originally concluded.

[1] Idlewild Properties, LLC owns the real property located at 8000 Eden Road, Eden Prairie. Redstone American Grill, Inc. leases that real property and operates the Redstone American Grill restaurant located at the site.

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Section 2.3.1 of the SDEIS states that the City of Eden Prairie asked the Metropolitan Council to investigate the feasibility of a more centrally located and walkable Eden Prairie Town Center Station that would provide better opportunities for transit-oriented development and redevelopment. The City prefers a station within walking distance of the Eden Prairie Center (a regional shopping mall) which the City believes will promote its long term economic development goals and provide higher ridership due to the station's proximity to existing and future commercial activity centers. These points are driven solely by the expected economic benefit to the City, not by any improvement in the operation of the SWLRT. As identified throughout this review, moving the route from Technology Drive to Eden Road:

- impacts more businesses
- impacts more roads and intersections
- requires the construction of a new road
- requires crossing more intersections
- creates more safety risks
- does not achieve the walkability to the mall that the city desired (1/4 mile to a mall entrance)

The proposed Town Center Station does not correspond to the three proposed station locations (described in the document attached hereto as Exhibit A), that the City had considered during the DEIS process. The closest recommended station location is near the intersection of Eden Road and Singletree Lane. (See attached maps and city location criteria) The desire to have the station more centrally located within the City's Town Center District is referenced in three city documents:

- Comprehensive Guide Plan, Future Land Use Plan (2009)
- Eden Prairie Town Center Design Guidelines (2007)
- Eden Prairie Major Center Area Study (2006)

Through the 4-step evaluation process conducted for the SDEIS selection of alternative alignments, there are two alignments along Singletree Lane compared to a single alignment along Eden Road. The final step of the evaluation identified two finalist routes for this section of the line:

- Option 1 is the proposed route (comprehensive plan)
- Option 3 is the Singletree Lane route

Both routes are very comparable in their listed advantages to the LRT system. However, it is noted the Singletree Lane route (Option 3) received a Very Good rating for walkability to the Eden Prairie Mall while Option 1 only received a Good (Table F.3.7 from Appendix F). This noted because it reflects a key criteria from the City of Eden Prairie in its request to move the line away from the DEIS recommended route along Technology Drive.

In light of the new announcement that the SWLRT alignment is being amended due to budget constraints and that the Town Center Station is being deferred for cost savings, we demand a new review of the SDEIS alignment be conducted to re-evaluate if the Technology Drive or the Singletree Lane alignment and the proposed Town Center Station are better suited elsewhere to stay on budget for the project.

Chapter 3: AFFECTED ENVIRONMENT, IMPACTS and MITIGATION

Section 3.1.2.1 (Land Use) of the SDEIS states that there is no significant change in land use from the DEIS alignment and the SDEIS alignment. The SDEIS review evaluates which alignment can support higher density or mixed use development. There are no specific federal regulations guiding land use, so the SDEIS relies on local zoning and comprehensive plans to guide their assessments.

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Chapter 3.2 EDEN PRAIRIE SEGMENT

This section provides a summary of the potential environmental impacts within the area between Mitchell Road and Flying Cloud Drive, which includes the Redstone property. Our comments relating to this section will be focused on the direct impacts that the recommended SWLRT line would have on Redstone and on its ability to successfully operate the existing restaurant business at the property. In our review of the SDEIS, it is clearly evident that the recommended SWLRT line route would result in substantial adverse impacts on Redstone's ability to operate its restaurant at the property.

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information must be provided to allow businesses to evaluate SWLRT impacts. Based on observations of the Green Line (Central Corridor), which also operates with TSP, phases are skipped and excessive delays on the side streets are experienced. Significant delays are not conducive to long term customer relations for a business. Redstone must be presented with the analysis showing the change in delay values from the No Build to the Build scenario to determine true impacts to customers entering and exiting the restaurant.

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Subsection 3.2.4.3 (Parking) of the SDEIS includes a chart that shows the Redstone property currently having 179 parking stalls. As a result of the SWLRT project as currently proposed, Redstone will lose 36 stalls due to the acquisition of part of the Redstone property, leaving only 143 stalls remaining. This loss of parking raises several issues that are inadequately addressed in the SDEIS.

We disagree with the number of lost parking stalls predicted by the SDEIS at the Redstone property and believe that the actual number of lost parking stalls will be much higher. The Redstone parking lot will need to be reconfigured as a result of the SWLRT project to provide adequate maneuvering space for delivery vehicles and to accommodate the relocation of the western parking lot access. This reconfiguration will eliminate several additional stalls currently unaccounted for by the SDEIS. Reconfiguring the parking lot will require City of Eden Prairie site plan approvals. The reconfigured parking lot must satisfy City setback requirements and may require variances from the City's zoning ordinance.

The loss of any parking stall is critical to the Redstone property. The Redstone parking lot is continuously full, and Redstone's patrons currently struggle to find parking spots. Redstone employees even now must park off-site to free spaces for Redstone customers. The loss of even a few parking stalls would be detrimental to Redstone's business operations. Based on our review, Redstone will have only 97 parking stalls remaining after construction of the SWLRT project, note the 143 parking stalls identified in the SDEIS. Redstone cannot accept additional stalls that are off the current Redstone property, especially to the east, as this would create too great of a distance for Redstone customers to walk to the restaurant's front door.

We believe that the acquisition of additional parking stalls along the southern edge of the Redstone parking lot adjacent to Eden Road and the proposed rail line will be necessary in order to construct the SWLRT. The engineered plans fail to show grading limits or cross sections to adequately account for grading impacts to our site. This must be addressed in the SDEIS.

Review of the engineered plans show there is only one to two feet between the parking stalls and the side of a train. This does not take into consideration vehicle overhang from the curb stop.

Furthermore, the SDEIS ignores the safety of Redstone's patrons parking and exiting their vehicles so close to the passing LRT. The safety of those patrons, especially those with small children and those visiting Redstone at night, is of great concern to Redstone. Redstone notes that, for approximately six months of every year, the majority of Redstone's patrons visit the restaurant after sunset. Redstone also notes that approximately 130 of its employees park off-site and therefore will be required to cross the SWLRT tracks when walking to and from their vehicles each workday. Current plans for the SWLRT do not provide for any sort of physical barrier between the Redstone parking lot and SWLRT rail line. These conditions are simply not safe, and they are not adequately addressed by the SDEIS.

Redstone's driveways will also be drastically impacted by SWLRT trains creating unsafe conditions at the access into and out of the Redstone property. The traffic impact study did not include any discussion regarding how the driveways at the Redstone property would be controlled in coordination with the associated train crossings. Will gate arms be provided for the driveways? Will the trains have the right of way through Redstone's driveways? What will be the speed of the LRT through the Redstone property? Redstone has concerns about the answers to these questions based on the frequency with which vehicles stop at rail crossings within the Twin Cities Metro area on or beyond the painted stop bar at those crossing combined with the proposed volume of LRT crossings expected across the driveways at the Redstone property. We have significant concerns regarding the safety of Redstone patrons entering and leaving the Redstone property. According to the traffic impact studies prepared for the SDEIS, there is an expectation of 10 minutes headway between train vehicles in the p.m. peak hour, consistent with the Blue Line and Green Line operations. "A 10 minute headway corresponds to 12 trains in the peak hour (six in each direction) which equates to one train approximately every five minutes." Redstone customers would be subject to delays, close encounters with the trains, and confusion maneuvering between the tracks and Eden Road, especially in the later hours. This will create a sense of fear and will cause potential customers to avoid the Redstone site, which will have significant negative impacts to the operation of Redstone's business operations.

Subsection 3.2.2.3 of the SDEIS notes that permanent noise impacts would not affect the area around Redstone. It does state that there is a moderate noise impact at one hotel, and moderate or severe noise impact at other nearby hotels. There were four sites where noise monitoring was conducted. The two monitoring sites closest to Redstone were N4 and N25, as identified on table 3.2-8 and Appendix H. Site N4 was conducted at the Lincoln Park Apartments in July-August of 2013 as part of SDEIS, and site N25 was conducted at the Homestead Hotel across from Lake Idlewild in 2010 as part of DEIS. Site N4 measured for 24 hours near the water tower and is representative of the ambient noise conditions at the Lincoln Park and Water Tower apartments plus Singletree Lane. According to Table 3.2-9 of the SDEIS, the Summary of Noise Impacts for Residential Lane Use is as follows:

Excerpt from SDEIS Table 3.2-9
Summary of Noise Impacts for Residential Lane Use – Eden Prairie Segment

Location	Distance from near LRT Track Centerline (ft)	Existing Noise Level (dBA)	Project Noise Level, LRT (dBA)
Lincoln Park Apartments	138	62	57
Water Tower Apartments	113	62	58
Residence Inn	44	61	65

Noise levels at 59 dBA are considered moderate, and noise levels over 64 are considered severe. With projected noise levels at 58 dBA, one level below a moderate level impact, further studies are needed to fully understand the noise impact in this area. How are the projected noise levels shown to be lower than the existing noise levels? The last few pages of Appendix H are a SWLRT Noise Fact Sheet which includes a table of Typical Maximum Noise Levels. According to this table, an LRT vehicle traveling at 45 mph at a distance of 50 ft from the noise source generates noise volumes in the range of 71-76 dBA. The noise analysis reported in the SDEIS does not have results consistent with the associated fact sheet and must be accurately addressed.

Furthermore, the noise impacts become more concerning with the numerous bells and horns that are emitted at intersections and stations are included. The SDEIS does not consider these impacts. Appendix H lists the dBA levels for the bells and horns used along train corridors (see below). The train speed will be at 45 mph when crossing the at-grade intersection at Flying Cloud Drive, and the use of LRT horns are therefore necessary. Bells are expected to be used at the Redstone driveway crossings if gates are provided, and will be used at the Town Center Station 750 feet away.

- LRT bells are sounded for 5 seconds as Light Rail Vehicles approach at-grade crossings
- Grade crossing bells will ring for 20 seconds for each train
- LRT horns would be sounded at an at-grade intersection when traveling 45 mph
- Bells would be sounded twice when entering/exiting a station
- Crossing bells have a sound exposure level of 106 dBA
- LRT bells have a sound exposure level of 88 dBA
- LRT horn have a sound exposure level of 99 dBA

The SDEIS states that LRT vehicles speeds are expected to range between 20 to 55 mph. The SDEIS fails to study the noise associated with an LRT vehicle braking as it approaches a station. The volume of noise from a braking train will be higher than the train noise itself, thus increasing the noise of an LRT vehicle approaching a station and at the Redstone property significantly more than what is described in this section of the SDEIS.
The SDEIS further fails to address noises associated with accessible pedestrian signals that will be installed at the proposed traffic signals near Redstone. While we recognize and support the need for such devices, they produce noise, are subject to noise pollution, are loud, and emit constant beeps and tones which will also have an impact on the dining experience at Redstone.

High noise levels are a very important concern with Redstone, as its business operations depend on a relaxing, enjoyable atmosphere for patrons dining in the restaurant and especially for those using Redstone's outdoor patio. With noise from the trains directly in front of the restaurant plus noise carried across Lake Idlewild from other areas of the SWLRT line, intense focus on the study of noise at Redstone is necessary to protect Redstone's business. The SDEIS only analyzed noise impacts associated with a residential area and did not take into consideration other types of uses, such as restaurants with outdoor patios. There are many such businesses in the area with outdoor facilities in addition to Redstone, such as Champps and Old Chicago. Redstone will lose the ambiance that its customers have come to know and expect with the relative quiet that is provided in Redstone's existing setting adjacent to a nature park, lake, and suburban environment.

Subsection 3.2.1.5 (Visual Quality and Aesthetics) of the SDEIS notes that viewpoint 9 was taken at the eastern end of the Redstone property looking west along Eden Road. That view shows the line of boulevard trees along the parking lot edge of Redstone. Due to the boulevard trees, the existing view score was Moderately Low while the anticipated change in visual quality and aesthetics scored Low due to the loss of those trees. In accordance with the SDEIS findings, the SWLRT project may reduce visual unity of the view unless design and landscape measures are taken. The visual quality of the view will be reduced because of the removal of vegetation and the introduction of the SWLRT tracks, which will reduce the visual intactness and visual unity for this view. The overall level of change in the visual quality of this view is Moderate, not Low as inaccurately stated in the SDEIS.

In review of the engineered plans there will not be enough space to plant trees between Redstone and the tracks nor along the sidewalk. The existing views from Redstone will be altered from trees to a LRT train and tracks with no space for screening. The removal of trees along the boulevard and the inability to screen the trains from our patrons and the public is a substantial negative impact to our business. We are a fine-dining establishment that promotes ambiance and a natural aesthetics atmosphere for our patrons.

Another objection to the SDEIS review of the visual quality and aesthetics near Redstone is the absence of any consideration of the view looking over Lake Idlewild and the trees that surround it. Lake Idlewild provides an aesthetic backdrop for the businesses in this area and is clearly

visible to the public driving on Eden Road or walking among the surrounding shops. We demand that further analysis be conducted on the view-sheds near Redstone so that the analysis includes views to the north across Lake Idlewild.

Subsection 3.2.4.5 (Safety and Security) of the SDEIS reviews the long-term direct and indirect safety and security impacts. Redstone is outraged by the newly introduced potential for violent train-vehicle or train-pedestrian conflicts that will be present at the at-grade crossing of roadways or driveways at and around the Redstone property. The SWLRT trains will be crossing not only Redstone's two driveways but also the intersection of Glen Road and Eden Road. There will be numerous Redstone patrons trying to get into and out of the Redstone property by vehicle or on foot. With SWLRT trains crossing in front of the Redstone property with unknown measures for public safety, Redstone may face potential liability arising from accidents caused by the SWLRT crossings near its property. The proposed SWLRT alignment simply creates too many conflict points between trains, vehicles and pedestrians in a very small and uncontrolled area.

The SDEIS identifies a sidewalk section for pedestrians that would require pedestrians to traverse a parking lot and use a sidewalk currently associated with another business (Brunswick Zone Bowl). This is unacceptable to Redstone. Easements are required to use a private walk for public use and liability will perpetually be an issue. Moreover, requiring pedestrians to walk through the middle of an existing parking lot creates considerable safety concerns. A safer alternative is to provide sidewalks along public roads. If the Town Center Station were located east of the intersection with Eden Road, then a sidewalk could be provided adjacent to Eden Road south to Singletree Lane. The SWLRT's blatant disinterest in the safety of its riders and Redstone's patrons requires correction and further study.

Summary

As noted above, the SWLRT project as currently designed will result in substantial adverse impacts on Redstone's ability to operate its restaurant. These substantial adverse impacts include, but are not limited to, the loss of parking, access restrictions, increased noise, visual impacts, safety concerns, and the creation of obstacles to the public enjoyment of existing natural amenities (e.g, Lake Idlewild) in the immediate vicinity of the Redstone property.

"The adequacy of an environmental impact statement is subject to challenge on both procedural and substantive grounds." *Minnesota Public Interest Research Group v. Adams*, 482 F. Supp. 170 (D. Minn. 1979). An environmental impact statement is substantively inadequate when an agency's "actual balance of costs and benefits" is arbitrary and when the agency gives "insufficient weight to environmental values." *Minnesota Public Interest Research Group v. Butz*, 541 F.2d 1292, 1300 (8th Cir. 1976). An EIS is likewise inadequate of it does not contain sufficient information to permit a reasoned choice of alternatives. *Id.* Moreover, an EIS "must not be so vague, general and conclusory that it cannot form the basis for reasonable evaluation and criticism." *Id.*

The SDEIS prepared for the SWLRT here is both substantively and procedurally inadequate. The costs and benefits set forth in the SDEIS are arbitrary and give insufficient weight to the environmental values that underlay NEPA and MEPA. Moreover, the SDEIS is so vague, general and conclusory in nature that it cannot form the basis for reasoned analysis of the true environmental, social and economic effects of the SWLRT

As such, the SDEIS prepared for the SWLRT here fails to fulfill the fundamental purposes of the National Environmental Policy Act, 42 U.S.C. 4432, et seq. or the Minnesota Environmental Policy Act, Minn. Stat. § 116D.01, et seq. "[T]he overall purpose of NEPA is to establish 'a broad national commitment to protecting and promoting environmental quality.'" *Sierra Club v. United States Army Corp of Engineers*, 446 F.3d 808, 1126 (8th Cir. 2006), *quoting Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 348 (1989). An EIS prepared pursuant to NEPA and MEPA must consider the "social and economic effects of [a] proposed agency action must ... once it is determined that the proposed agency action significant affects the physical environment." *Id.* NEPA and MEPA require government agencies to evaluate environmental impact of a proposed government action and possible alternatives to that action before the agency takes any action that will "significantly affect the quality of the human environment." *Id.* Notably, the term "human environment" must be interpreted "comprehensively to include the natural and physical environment and the relationship of people with that environment." *Id.*

Here, the effect of the SWLRT on the "human environment" surrounding the Redstone property will simply be disastrous. It will irreparably disrupt the natural and physical environment in which the Redstone property is currently situated. Moreover, it will create hazards and inconveniences for people attempting to enter that environment in order to dine at Redstone. Finally, it will cause substantial economic hardships for Redstone and similarly situated businesses located along the proposed SWLRT route recommended by the SDEIS.

Redstone recognizes that there have been many changes to the SWLRT project since the release of the SDEIS. The Metropolitan Council has recently supported the elimination of the Mitchell Station and the deferment of the Town Center Station along with many other cost saving adjustments. To support cost reductions and a more efficient LRT operation, Redstone encourages the Project Office to act upon its request to re-examine the many issues raised in this letter and consider if past options or new options can provide a better alignment for the SWLRT. The Eden Prairie Segment carries numerous costs and environmental impacts that must be investigated further. The widening and extension of Eden Road is just one example. A second is the ability to avoid the wetland south of Costco if the line is realigned. As noted earlier, the Technology Drive and Singletree Lane alignments were considered viable options and deserve to be reconsidered now. We ask that the Metropolitan Council do so.

We look forward to working with you on addressing our concerns and finding solutions that benefit the SWLRT project, the City of Eden Prairie, Redstone and the public.

Very Truly Yours,

Craig A. Oberlander
Chief Manager
Idlewild Properties, LLC

Michael O'Leary
Chief Operating Officer
Redstone American Grill, Inc.

Enclosure

c: Bruce D. Malkerson, Esq., Attorney for Redstone
Tom Goodrum and Vern Swing, Westwood Professional Services, Engineering and Planning Consultants for Redstone

REDSTONE™
AMERICAN GRILL

July 21, 2015

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 on the Southwest Transitway
Supplemental Draft Environmental Impact Statement (SDEIS)

Dear Ms. Jacobson and other Interested Parties:

We write on behalf of Idlewild Properties, LLC and Redstone American Grill, Inc. (together, "Redstone")[1] to comment on the Supplemental Draft Environmental Impact Statement ("SDEIS") for the SWLRT project.

Redstone owns and operates the Redstone restaurant located at 8000 Eden Road, Eden Prairie. This property is located in the Eden Prairie Segment of the SDEIS and has been identified as a property that will be partially taken for the SWLRT project. Redstone has completed a review of the SDEIS document, and it opposes the recommendation stated in the SDEIS to move the location of the SWLRT rail line to Eden Road. The proposed location recommended by the SDEIS will result in substantial adverse impacts on Redstone's ability to operate its restaurant. These substantial adverse impacts include, but are not limited to, the loss of parking, access restrictions, increased noise, visual impacts, safety concerns, and the creation of obstacles to the public enjoyment of existing natural amenities (e.g, Lake Idlewild) in the immediate vicinity of the Redstone property.

Redstone offers the following specific comments concerning the SDEIS:

Chapter 2: ALTERNATIVE CONSIDERED:

All of the rail alignments recommended in the DEIS showed the SWLRT line located along Technology Drive. This reasonably demonstrates that the route best suited for the SWLRT is along Technology Drive. We understand the SDEIS was authorized with the intent of reviewing this alignment based on requests by the City of Eden Prairie and certain businesses impacted by the proposed Technology Drive route. However, Technology Drive is the best alignment for the efficient operation of SWLRT as originally concluded.

[1] Idlewild Properties, LLC owns the real property located at 8000 Eden Road, Eden Prairie. Redstone American Grill, Inc. leases that real property and operates the Redstone American Grill restaurant located at the site.

7636 EXECUTIVE DRIVE, EDEN PRAIRIE, MINNESOTA 55344 TELEPHONE: 952/404-3333 FAX:952/745-0623
WWW.REDSTONEGRILL.COM

Section 2.3.1 of the SDEIS states that the City of Eden Prairie asked the Metropolitan Council to investigate the feasibility of a more centrally located and walkable Eden Prairie Town Center Station that would provide better opportunities for transit-oriented development and redevelopment. The City prefers a station within walking distance of the Eden Prairie Center (a regional shopping mall) which the City believes will promote its long term economic development goals and provide higher ridership due to the station's proximity to existing and future commercial activity centers. These points are driven solely by the expected economic benefit to the City, not by any improvement in the operation of the SWLRT. As identified throughout this review, moving the route from Technology Drive to Eden Road:

- impacts more businesses
- impacts more roads and intersections
- requires the construction of a new road
- requires crossing more intersections
- creates more safety risks
- does not achieve the walkability to the mall that the city desired (1/4 mile to a mall entrance)

The proposed Town Center Station does not correspond to the three proposed station locations (described in the document attached hereto as Exhibit A), that the City had considered during the DEIS process. The closest recommended station location is near the intersection of Eden Road and Singletree Lane. (See attached maps and city location criteria) The desire to have the station more centrally located within the City's Town Center District is referenced in three city documents:

- Comprehensive Guide Plan, Future Land Use Plan (2009)
- Eden Prairie Town Center Design Guidelines (2007)
- Eden Prairie Major Center Area Study (2006)

Through the 4-step evaluation process conducted for the SDEIS selection of alternative alignments, there are two alignments along Singletree Lane compared to a single alignment along Eden Road. The final step of the evaluation identified two finalist routes for this section of the line:

- Option 1 is the proposed route (comprehensive plan)
- Option 3 is the Singletree Lane route

Both routes are very comparable in their listed advantages to the LRT system. However, it is noted the Singletree Lane route (Option 3) received a Very Good rating for walkability to the Eden Prairie Mall while Option 1 only received a Good (Table F.3.7 from Appendix F). This noted because it reflects a key criteria from the City of Eden Prairie in its request to move the line away from the DEIS recommended route along Technology Drive.

In light of the new announcement that the SWLRT alignment is being amended due to budget constraints and that the Town Center Station is being deferred for cost savings, we demand a new review of the SDEIS alignment be conducted to re-evaluate if the Technology Drive or the Singletree Lane alignment and the proposed Town Center Station are better suited elsewhere to stay on budget for the project.

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Subsection 3.2.4.3 (Parking) of the SDEIS includes a chart that shows the Redstone property currently having 179 parking stalls. As a result of the SWLRT project as currently proposed, Redstone will lose 36 stalls due to the acquisition of part of the Redstone property, leaving only 143 stalls remaining. This loss of parking raises several issues that are inadequately addressed in the SDEIS.

We disagree with the number of lost parking stalls predicted by the SDEIS at the Redstone property and believe that the actual number of lost parking stalls will be much higher. The Redstone parking lot will need to be reconfigured as a result of the SWLRT project to provide adequate maneuvering space for delivery vehicles and to accommodate the relocation of the western parking lot access. This reconfiguration will eliminate several additional stalls currently unaccounted for by the SDEIS. Reconfiguring the parking lot will require City of Eden Prairie site plan approvals. The reconfigured parking lot must satisfy City setback requirements and may require variances from the City's zoning ordinance.

The loss of any parking stall is critical to the Redstone property. The Redstone parking lot is continuously full, and Redstone's patrons currently struggle to find parking spots. Redstone employees even now must park off-site to free spaces for Redstone customers. The loss of even a few parking stalls would be detrimental to Redstone's business operations. Based on our review, Redstone will have only 97 parking stalls remaining after construction of the SWLRT project, note the 143 parking stalls identified in the SDEIS. Redstone cannot accept additional stalls that are off the current Redstone property, especially to the east, as this would create too great of a distance for Redstone customers to walk to the restaurant's front door.

We believe that the acquisition of additional parking stalls along the southern edge of the Redstone parking lot adjacent to Eden Road and the proposed rail line will be necessary in order to construct the SWLRT. The engineered plans fail to show grading limits or cross sections to adequately account for grading impacts to our site. This must be addressed in the SDEIS.

Review of the engineered plans show there is only one to two feet between the parking stalls and the side of a train. This does not take into consideration vehicle overhang from the curb stop.

Furthermore, the SDEIS ignores the safety of Redstone's patrons parking and exiting their vehicles so close to the passing LRT. The safety of those patrons, especially those with small children and those visiting Redstone at night, is of great concern to Redstone. Redstone notes that, for approximately six months of every year, the majority of Redstone's patrons visit the restaurant after sunset. Redstone also notes that approximately 130 of its employees park off-site and therefore will be required to cross the SWLRT tracks when walking to and from their vehicles each workday. Current plans for the SWLRT do not provide for any sort of physical barrier between the Redstone parking lot and SWLRT rail line. These conditions are simply not safe, and they are not adequately addressed by the SDEIS.

Redstone's driveways will also be drastically impacted by SWLRT trains creating unsafe conditions at the access into and out of the Redstone property. The traffic impact study did not include any discussion regarding how the driveways at the Redstone property would be controlled in coordination with the associated train crossings. Will gate arms be provided for the driveways? Will the trains have the right of way through Redstone's driveways? What will be the speed of the LRT through the Redstone property? Redstone has concerns about the answers to these questions based on the frequency with which vehicles stop at rail crossings within the Twin Cities Metro area on or beyond the painted stop bar at those crossing combined with the proposed volume of LRT crossings expected across the driveways at the Redstone property. We have significant concerns regarding the safety of Redstone patrons entering and leaving the Redstone property. According to the traffic impact studies prepared for the SDEIS, there is an expectation of 10 minutes headway between train vehicles in the p.m. peak hour, consistent with the Blue Line and Green Line operations. "A 10 minute headway corresponds to 12 trains in the peak hour (six in each direction) which equates to one train approximately every five minutes." Redstone customers would be subject to delays, close encounters with the trains, and confusion maneuvering between the tracks and Eden Road, especially in the later hours. This will create a sense of fear and will cause potential customers to avoid the Redstone site, which will have significant negative impacts to the operation of Redstone's business operations.

Subsection 3.2.2.3 of the SDEIS notes that permanent noise impacts would not affect the area around Redstone. It does state that there is a moderate noise impact at one hotel, and moderate or severe noise impact at other nearby hotels. There were four sites where noise monitoring was conducted. The two monitoring sites closest to Redstone were N4 and N25, as identified on table 3.2-8 and Appendix H. Site N4 was conducted at the Lincoln Park Apartments in July-August of 2013 as part of SDEIS, and site N25 was conducted at the Homestead Hotel across from Lake Idlewild in 2010 as part of DEIS. Site N4 measured for 24 hours near the water tower and is representative of the ambient noise conditions at the Lincoln Park and Water Tower apartments plus Singletree Lane. According to Table 3.2-9 of the SDEIS, the Summary of Noise Impacts for Residential Lane Use is as follows:

Excerpt from SDEIS Table 3.2-9
Summary of Noise Impacts for Residential Lane Use – Eden Prairie Segment

Location	Distance from near LRT Track Centerline (ft)	Existing Noise Level (dBA)	Project Noise Level, LRT (dBA)
Lincoln Park Apartments	138	62	57
Water Tower Apartments	113	62	58
Residence Inn	44	61	65

Noise levels at 59 dBA are considered moderate, and noise levels over 64 are considered severe. With projected noise levels at 58 dBA, one level below a moderate level impact, further studies are needed to fully understand the noise impact in this area. How are the projected noise levels shown to be lower than the existing noise levels? The last few pages of Appendix H are a SWLRT Noise Fact Sheet which includes a table of Typical Maximum Noise Levels. According to this table, an LRT vehicle traveling at 45 mph at a distance of 50 ft from the noise source generates noise volumes in the range of 71-76 dBA. The noise analysis reported in the SDEIS does not have results consistent with the associated fact sheet and must be accurately addressed.

Furthermore, the noise impacts become more concerning with the numerous bells and horns that are emitted at intersections and stations are included. The SDEIS does not consider these impacts. Appendix H lists the dBA levels for the bells and horns used along train corridors (see below). The train speed will be at 45 mph when crossing the at-grade intersection at Flying Cloud Drive, and the use of LRT horns are therefore necessary. Bells are expected to be used at the Redstone driveway crossings if gates are provided, and will be used at the Town Center Station 750 feet away.

- LRT bells are sounded for 5 seconds as Light Rail Vehicles approach at-grade crossings
- Grade crossing bells will ring for 20 seconds for each train
- LRT horns would be sounded at an at-grade intersection when traveling 45 mph
- Bells would be sounded twice when entering/exiting a station
- Crossing bells have a sound exposure level of 106 dBA
- LRT bells have a sound exposure level of 88 dBA
- LRT horn have a sound exposure level of 99 dBA

The SDEIS states that LRT vehicles speeds are expected to range between 20 to 55 mph. The SDEIS fails to study the noise associated with an LRT vehicle braking as it approaches a station. The volume of noise from a braking train will be higher than the train noise itself, thus increasing the noise of an LRT vehicle approaching a station and at the Redstone property significantly more than what is described in this section of the SDEIS.
The SDEIS further fails to address noises associated with accessible pedestrian signals that will be installed at the proposed traffic signals near Redstone. While we recognize and support the need for such devices, they produce noise, are subject to noise pollution, are loud, and emit constant beeps and tones which will also have an impact on the dining experience at Redstone.

High noise levels are a very important concern with Redstone, as its business operations depend on a relaxing, enjoyable atmosphere for patrons dining in the restaurant and especially for those using Redstone's outdoor patio. With noise from the trains directly in front of the restaurant plus noise carried across Lake Idlewild from other areas of the SWLRT line, intense focus on the study of noise at Redstone is necessary to protect Redstone's business. The SDEIS only analyzed noise impacts associated with a residential area and did not take into consideration other types of uses, such as restaurants with outdoor patios. There are many such businesses in the area with outdoor facilities in addition to Redstone, such as Champps and Old Chicago. Redstone will lose the ambiance that its customers have come to know and expect with the relative quiet that is provided in Redstone's existing setting adjacent to a nature park, lake, and suburban environment.

Subsection 3.2.1.5 (Visual Quality and Aesthetics) of the SDEIS notes that viewpoint 9 was taken at the eastern end of the Redstone property looking west along Eden Road. That view shows the line of boulevard trees along the parking lot edge of Redstone. Due to the boulevard trees, the existing view score was Moderately Low while the anticipated change in visual quality and aesthetics scored Low due to the loss of those trees. In accordance with the SDEIS findings, the SWLRT project may reduce visual unity of the view unless design and landscape measures are taken. The visual quality of the view will be reduced because of the removal of vegetation and the introduction of the SWLRT tracks, which will reduce the visual intactness and visual unity for this view. The overall level of change in the visual quality of this view is Moderate, not Low as inaccurately stated in the SDEIS.

In review of the engineered plans there will not be enough space to plant trees between Redstone and the tracks nor along the sidewalk. The existing views from Redstone will be altered from trees to a LRT train and tracks with no space for screening. The removal of trees along the boulevard and the inability to screen the trains from our patrons and the public is a substantial negative impact to our business. We are a fine-dining establishment that promotes ambiance and a natural aesthetics atmosphere for our patrons.

Another objection to the SDEIS review of the visual quality and aesthetics near Redstone is the absence of any consideration of the view looking over Lake Idlewild and the trees that surround it. Lake Idlewild provides an aesthetic backdrop for the businesses in this area and is clearly

visible to the public driving on Eden Road or walking among the surrounding shops. We demand that further analysis be conducted on the view-sheds near Redstone so that the analysis includes views to the north across Lake Idlewild.

Subsection 3.2.4.5 (Safety and Security) of the SDEIS reviews the long-term direct and indirect safety and security impacts. Redstone is outraged by the newly introduced potential for violent train-vehicle or train-pedestrian conflicts that will be present at the at-grade crossing of roadways or driveways at and around the Redstone property. The SWLRT trains will be crossing not only Redstone's two driveways but also the intersection of Glen Road and Eden Road. There will be numerous Redstone patrons trying to get into and out of the Redstone property by vehicle or on foot. With SWLRT trains crossing in front of the Redstone property with unknown measures for public safety, Redstone may face potential liability arising from accidents caused by the SWLRT crossings near its property. The proposed SWLRT alignment simply creates too many conflict points between trains, vehicles and pedestrians in a very small and uncontrolled area.

The SDEIS identifies a sidewalk section for pedestrians that would require pedestrians to traverse a parking lot and use a sidewalk currently associated with another business (Brunswick Zone Bowl). This is unacceptable to Redstone. Easements are required to use a private walk for public use and liability will perpetually be an issue. Moreover, requiring pedestrians to walk through the middle of an existing parking lot creates considerable safety concerns. A safer alternative is to provide sidewalks along public roads. If the Town Center Station were located east of the intersection with Eden Road, then a sidewalk could be provided adjacent to Eden Road south to Singletree Lane. The SWLRT's blatant disinterest in the safety of its riders and Redstone's patrons requires correction and further study.

Summary

As noted above, the SWLRT project as currently designed will result in substantial adverse impacts on Redstone's ability to operate its restaurant. These substantial adverse impacts include, but are not limited to, the loss of parking, access restrictions, increased noise, visual impacts, safety concerns, and the creation of obstacles to the public enjoyment of existing natural amenities (e.g, Lake Idlewild) in the immediate vicinity of the Redstone property.

"The adequacy of an environmental impact statement is subject to challenge on both procedural and substantive grounds." *Minnesota Public Interest Research Group v. Adams*, 482 F. Supp. 170 (D. Minn. 1979). An environmental impact statement is substantively inadequate when an agency's "actual balance of costs and benefits" is arbitrary and when the agency gives "insufficient weight to environmental values." *Minnesota Public Interest Research Group v. Butz*, 541 F.2d 1292, 1300 (8th Cir. 1976). An EIS is likewise inadequate of it does not contain sufficient information to permit a reasoned choice of alternatives. *Id.* Moreover, an EIS "must not be so vague, general and conclusory that it cannot form the basis for reasonable evaluation and criticism." *Id.*

The SDEIS prepared for the SWLRT here is both substantively and procedurally inadequate. The costs and benefits set forth in the SDEIS are arbitrary and give insufficient weight to the environmental values that underlay NEPA and MEPA. Moreover, the SDEIS is so vague, general and conclusory in nature that it cannot form the basis for reasoned analysis of the true environmental, social and economic effects of the SWLRT

As such, the SDEIS prepared for the SWLRT here fails to fulfill the fundamental purposes of the National Environmental Policy Act, 42 U.S.C. 4432, et seq. or the Minnesota Environmental Policy Act, Minn. Stat. § 116D.01, et seq. "[T]he overall purpose of NEPA is to establish 'a broad national commitment to protecting and promoting environmental quality.'" *Sierra Club v. United States Army Corp of Engineers*, 446 F.3d 808, 1126 (8th Cir. 2006), *quoting Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 348 (1989). An EIS prepared pursuant to NEPA and MEPA must consider the "social and economic effects of [a] proposed agency action must ... once it is determined that the proposed agency action significant affects the physical environment." *Id.* NEPA and MEPA require government agencies to evaluate environmental impact of a proposed government action and possible alternatives to that action before the agency takes any action that will "significantly affect the quality of the human environment." *Id.* Notably, the term "human environment" must be interpreted "comprehensively to include the natural and physical environment and the relationship of people with that environment." *Id.*

Here, the effect of the SWLRT on the "human environment" surrounding the Redstone property will simply be disastrous. It will irreparably disrupt the natural and physical environment in which the Redstone property is currently situated. Moreover, it will create hazards and inconveniences for people attempting to enter that environment in order to dine at Redstone. Finally, it will cause substantial economic hardships for Redstone and similarly situated businesses located along the proposed SWLRT route recommended by the SDEIS.

Redstone recognizes that there have been many changes to the SWLRT project since the release of the SDEIS. The Metropolitan Council has recently supported the elimination of the Mitchell Station and the deferment of the Town Center Station along with many other cost saving adjustments. To support cost reductions and a more efficient LRT operation, Redstone encourages the Project Office to act upon its request to re-examine the many issues raised in this letter and consider if past options or new options can provide a better alignment for the SWLRT. The Eden Prairie Segment carries numerous costs and environmental impacts that must be investigated further. The widening and extension of Eden Road is just one example. A second is the ability to avoid the wetland south of Costco if the line is realigned. As noted earlier, the Technology Drive and Singletree Lane alignments were considered viable options and deserve to be reconsidered now. We ask that the Metropolitan Council do so.

We look forward to working with you on addressing our concerns and finding solutions that benefit the SWLRT project, the City of Eden Prairie, Redstone and the public.

Very Truly Yours,

Craig A. Oberlander
Chief Manager
Idlewild Properties, LLC

Michael O'Leary
Chief Operating Officer
Redstone American Grill, Inc.

Enclosure

c: Bruce D. Malkerson, Esq., Attorney for Redstone
Tom Goodrum and Vern Swing, Westwood Professional Services, Engineering and Planning Consultants for Redstone

From:	Mark Wegner
To:	swlrt
Cc:	Victor Meyers
Subject:	Comments on the Southwest LRT Final Environmental Impact Statement
Date:	Monday, June 13, 2016 11:26:32 AM
Attachments:	20160613110239800.pdf

To whom it may concern:

Attached is Twin Cities & Western Railroad Company's response to the Southwest LRT Final Environmental Impact Statement.

Would you send me an e-mail confirming the Southwest LRT Project Office has received this?

Thank you,

Mark

Mark Wegner
President
Twin Cities & Western Railroad Company
Glencoe, Minnesota

T&W
TWIN CITIES & WESTERN RAILROAD COMPANY

2925 - 12th Street East
Glencoe, MN 55336
(320) 864-7200
FAX (320) 864-7220

June 13, 2016

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

Dear Ms. Jacobson,

Attached please find Twin Cities & Western Railroad Company's response to the Southwest LRT Final Environmental Impact Statement.

Sincerely,

Mark

Mark Wegner
President
Twin Cities & Western Railroad Company
Glencoe, Minnesota

Twin Cities & Western Railroad Company Response to Metropolitan Council's Southwest Transitway Final Environmental Impact Statement (FEIS)

Twin Cities & Western Railroad Company (TC&W), along with its subsidiary railroads Minnesota Prairie Line, Inc. and Sisseton Milbank Railroad Company provide the freight rail link to the national freight rail network in Saint Paul for communities in central and western Minnesota and eastern South Dakota. TC&W is able to provide this safe, economical, efficient and greenhouse gas friendly freight transportation utilizing the freight rail tracks in Hopkins, Saint Louis Park and Minneapolis. TC&W has cooperated to facilitate SWLRT, but under federal law we must ensure that the producers, businesses and communities TC&W serves will not be harmed by this project. TC&W will continue to coordinate with the SWLRT project office while ensuring TC&W's federally mandated responsibility to serve our freight customers' needs is met.

Twin Cities & Western Railroad Company (TC&W) responded to the Southwest Transitway Draft Environmental Impact Statement (DEIS) in December 2012, and the issues raised in that response remain in effect and should be considered part of this response. Additionally, TC&W responded to the Supplemental Draft Environmental Impact Statement (SDEIS) in July 2015. At that time TC&W specifically stated that the freight track capacity lost due to the proposed freight rail alignment change east of Highway 169 (from the south side of the corridor to the north side of the corridor to accommodate increased Transit Oriented Development) MUST be replaced. While this understanding exists at the staff level as a result of our SDEIS comments, the Final Environmental Impact Statement (FEIS) does not explicitly address the replacement of this freight track capacity as a necessary part of the project, and it must do so.

TC&W believes that the 30 day comment period for responding to the FEIS is too short. It does not allow our impacted customers, communities and counties an adequate time to respond to this 17,000-page document. It should be understood that the concerns raised by these stakeholders in their 2012 DEIA comments remain valid and should be considered in the context of the FEIS.

TC&W's comments should be viewed in the context of the critical freight rail service TC&W provides to the counties, communities and customers in Minnesota and South Dakota. Over the last 10 years these stakeholders have invested in excess of $100 million dollars in their freight rail facilities, creating additional jobs and economic growth in this region of rural Minnesota and South Dakota.

Since southwest metro area development has expanded to Chaska in Carver County, the only realistic option for replacing the lost track capacity mentioned above is 25 miles farther west of the exiting side tracks now located in Saint Louis Park and Hopkins. This will place a permanent additional cost burden on TC&W and its customers as a minimum additional 50 miles (round trip) will be added to the movement of customer carloads hauled by TC&W which currently use the existing sidings now scheduled to be removed. TC&W has been working with SWLRT

project office to arrive at a way to ameliorate these additional permanent costs as part of the project.

Freight rail changes are governed by the federal Surface Transportation Board (STB), which exists to protect the interstate freight rail interests of freight rail customers. One of the assertions within the FEIS is that the STB will not have jurisdiction over the alignment change. TC&W contends that the STB will indeed have jurisdiction, as the alignment change will permanently deny property owners on the south side of the corridor the same access to freight rail they currently have. Under federal law this requires notice and also potential hearing by the STB..

TC&W has called attention to the inherent safety issues of co-location of freight rail alongside the SWLRT, from the point in Hopkins where the alignment parallels TC&W's route all the way east and especially in the space-constrained Kenilworth Corridor. It is imperative that safety measures be put in place for freight rail as well as LRT not only during the construction of the SWLRT alongside the active TC&W freight corridor, but also for future freight rail operations.

While TC&W has had productive conversations with SWLRT engineering staff, we are concerned that the freight rail aspect of the overall project may be a focus of cost-cutting efforts. In order to meet our federally mandated responsibilities to our customers, TC&W cannot and will not accept any compromises that impair our ability to operate safely and efficiently along the SWLRT route in the Twin Cities or as we travel through the communities we serve in outstate Minnesota.

Our specific comments to the FEIS are as follows:

Within the executive summary (page ES-4), one paragraph incorrectly asserts that TC&W was [primarily] concerned about costs with respects to a re-route. TC&W's primary concerns have been and continue to be the physics of rerouting freight trains and the inherent safety issues associated with the proposed re-routes.

Within the executive summary (page ES-7), one paragraph incorrectly asserts that "they will not result in substantial long-term impacts to freight rail operations," -but there is no mention of the need to replace the lost siding track capacity in the bullet points above. There MUST be an acknowledgement of that need, otherwise the concluding paragraph is false.

On page ES-8, the second paragraph refers to freight rail having been in operation in the Kenilworth corridor for nearly 20 years. A more accurate description would be for the last 135 years, with a short period of dormancy from 1993 to 1998.

With respect to the safety discussion on page ES-9, TC&W will work with the SWLRT staff to ensure that all of these measures meet freight rail safety standards. There can be no compromise on safety.

The comment on page ES-10 about the southerly connection is misleading and represents a lack of understanding about freight rail economics. A southerly connection must be maintained, but the freight rail traffic that would flow via that southerly connection (existing or proposed) is

completely dependent on the Upper Mississippi River grain market, relative to other grain markets.

Page ES-18 again asserts there are no adverse impacts to freight rail operators and ignores the need to replace the lost freight rail track capacity.

Page ES-35 contains the assertion that there will be "…No adverse impacts as there are no substantial changes to freight rail operations." This statement is completely inaccurate. There must be an acknowledgement that the project will bear the cost of replacing the lost track capacity, so as not to reduce freight rail capacity. Without that information, the statement is false and misleading.

Page ES-42 – For clarity, the fourth full paragraph should read "The Final EIS documents and responses to all…" –so the average reader will understand that responses to comments on the SDEIS are part of the FEIS. It was not clear, upon first reading of the FEIS that responses to comments on the SDEIS were contained in the FEIS.

On pages 2-13 – 2-14 STB action is required as a result of the southerly properties permanently losing their access to freight rail. Additionally, should the siding track lost not be replaced as part of the project, commerce to south central Minnesota and eastern South Dakota will be significantly impacted, requiring STB involvement.

On Page 2-45, in paragraph 2. , it should be noted that physics were a primary concern of the TC&W (before operational and economic, but physics implied safety issues).

On page 3-46, within the table and footnote, again it is not made clear that replacing the lost freight rail side track capacity is part of the process to move the freight rail alignment. While CP is mentioned in the footnote, nowhere does it mention the impact on TC&W's current freight rail operations of the loss of the siding track capacity, which is in close proximity to TC&W's large railroad connections. As part of the SWLRT project, this track capacity must be replaced, and due to suburban development, it will be at least 25 miles farther west than the current track capacity locations, adding permanent costs for freight operations due to increased distance to and from Twin Cities freight rail connections.

Currently some freight rail traffic is hauled by TC&W from Saint Paul to the side tracks in Saint Louis Park and Hopkins, where it is stored on behalf of customers until the customers determine where in North America the freight is to be sent, and the cars are hauled back to Saint Paul. Adding at least 50 miles round trip to this traffic will increase the costs for this movement permanently. These costs need to be ameliorated as a part of the SWLRT project.

On page 3-50, 3.2.4.3, A, the FEIS asserts that no mitigation measures are warranted. It needs to be explicit in stating that replacing TC&W's lost track capacity is a MUST in order to protect the communities in Minnesota and South Dakota that TC&W serves. The statement, as written, is false.

On page 4-47, the reader could be misled by the assertion that a direct southerly connection could increase freight rail traffic over that connection. Freight rail traffic will occur over that connection (pre or post LRT) based on grain market conditions on the Upper Mississippi River, relative to other grain markets. The design of the connection does not impact the amount of freight rail traffic over that connection - market conditions do.

On page 4-49, there is no mention of the need to replace the 11,770 feet (2.23 miles) of freight rail track. Additionally, the Southwest Project Office has recently identified an extra 4,000+ feet (.78 miles) of freight rail side track to be removed to accommodate the project. Nor is there a mention that additional side track may be needed to be removed as a result of this SWLRT project. All of this track capacity, factoring in its close proximity to TC&W's interchange point with other railroads, will need to be replaced as a part of the SWLRT project.

In Appendix F, page F-79, the paragraph describing the "Swap" and "Southerly Connection" does not describe how the project would replace all of the lost side track capacity. Integral to TC&W's consideration of this concept is the understanding that the siding track capacity will be replaced. If the siding track capacity is not replaced, then TC&W, on behalf of the communities and customers it serves, will be forced to invoke federal protection on their behalf.

Conclusion:

TC&W has long recognized the need for a transit solution to serve the southwestern metropolitan area, and has worked cooperatively with the communities and the governmental agencies to accomplish this.

At the same time, TC&W has studied the long-term freight rail needs of the primarily agricultural area it serves. In our service area, crop yields per acre have increased steadily over the past 20 years, and there is every reason to expect this trend to continue. As the entire SWLRT process has demonstrated, transportation planning is not a process that occurs quickly. TC&W must plan responsibly now in order to continue moving Minnesota and South Dakota produce to market far into the future. This is why TC&W has worked collaboratively and in good faith to ensure that the SWLRT can become a reality while not compromising TC&W's ability to transport the products of south central Minnesota and eastern South Dakota efficiently and safely.

The FEIS needs to be more explicit on the essential need to replace the side track capacity that will be lost as a result of the decision to locate the SWLRT on the southerly side of the corridor, east of Highway 169 to facilitate Transit Oriented Development. This is an essential part of the project and cannot be discounted or ignored.

TC&W stands ready to cooperate, but under federal law we must ensure that the producers and communities TC&W serves will not be harmed by this project. TC&W will continue to coordinate with the SWLRT office while meeting TC&W's federally mandated responsibility to ensure that our freight customers' needs are met.

FELHABER LARSON
ATTORNEYS AT LAW
220 South Sixth Street | Suite 2200
Minneapolis, MN 55402-4504

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

FELHABER LARSON

ATTORNEYS AT LAW

Christopher S. Hayhoe
612-373-8575
Fax: 612-338-4608
chayhoe@felhaber.com

June 13, 2016

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

RE: Final EIS -- Southwest Light Rail Transit Impact on Calhoun-Isles Condominium
Our File No. 25274.004

Dear Ms. Jacobson:

We represent Calhoun-Isles Condominium Association (the "Association"), which consists of 143 residential units and a large, multiple-story parking structure. The Association's residential and parking structures are located immediately adjacent to the easterly right-of-way for the Kenilworth Corridor. The current plan for the construction of the Southwest Light Rail Transit Line provides for the construction of a shallow tunnel which will be located literally within two feet of the exterior walls of the Association's high-rise structure, as close as six inches to the foundation for the Association's parking ramp and within 43 feet of a row of single-family townhomes. We are greatly concerned about the failure of the final EIS to address accurately the likely impacts of the construction of the line in the shallow tunnel upon the Association's buildings and the homes of our residents, and submit that the analysis is faulty and fails to account for necessary mitigation. In short, the final EIS is inadequate and should not be approved.

We cannot afford, as a residential community, to wait for the Metropolitan Council to develop a "Construction Plan" and a "Mitigation Plan" to protect our properties against damage. Please recognize that the current plan provides for trains to run through the shallow tunnel on rails located approximately 12 feet from the footings of the residential high rise and parking ramp, and some 15.5 feet from their exterior walls. Vibration and noise will certainly affect the habitability of these homes in material ways. The final EIS provides no assurance whatever that operation of 225 trains per day in a shallow tunnel only 12 feet from the foundations of the Condominium's residences and parking structure will not materially undermine their integrity and safety. The final EIS does not provide any mitigation plans and, in fact, misstates material facts that relate to the impact of the Project on Calhoun-Isles.

220 South Sixth Street
Suite 2200
Minneapolis, MN 55402-4504

Phone: 612.339.6321
Fax: 612.338.0535

felhaber.com

The Association lacks the expertise to review and understand the final EIS as it relates to the Calhoun-Isles properties. As a result, the Association found it necessary to engage Itasca Consulting Group, Inc., a geotechnical consulting firm well-versed in vibration, noise and geotechnical design issues. Enclosed with this letter is Itasca's Executive Summary of its expert analysis of the final EIS, together with Itasca's supporting Technical Memorandum which identifies significant deficiencies in the final EIS as it relates to Calhoun-Isles.

We believe that the Metropolitan Council should reimburse us for the cost of obtaining Itasca's expert advice on the inadequacy of the final EIS. This request for reimbursement is for the sum of $10,000.00. We also respectfully request that the final EIS be determined to be inadequate unless and until it properly protects Calhoun-Isles.

Yours very truly,

Christopher S. Hayhoe

ITASCA
Consulting Group, Inc.

June 13, 2016

Board of Directors
Calhoun Isles Condominium Association
3151 Dean Court
Minneapolis, MN 55416

Dear Board of Directors:

The Calhoun Isles Condominium Association (CICA) retained Itasca Consulting Group (Itasca) to assess possible impacts of the Southwest Light Rail Transit (LRT) project on CICA residents, structures, and property. The assessment is based on the project's Final Environmental Impact Statement (EIS)[1], and our findings are presented in the attached Technical Memorandum. Throughout this letter and the memorandum, the acronym "CICA" is used to represent the CICA residents, structures, and property. The terms high rise and condominium are used interchangeably throughout the document to represent the converted grain silo structures.

The potential for impacts on CICA are based on several factors:

1. Proximity—The CICA high rise and parking ramp are immediately adjacent to and less than two feet from proposed construction activity, which includes the installation of a sheet pile wall and construction of a cut and cover tunnel. CICA townhouses are within approximately 43 feet of the proposed construction activity.
2. Susceptibility—Pile driving for a residential development approximately 150 ft southeast of CICA was a nuisance to residents and caused damage. Since the distance is beyond the limits commonly thought to produce pile driving damage, the CICA high rise appears to be susceptible to vibration impacts.

We have identified the following potential impacts to CICA: 1) vibration impacts during construction; 2) vibration impacts during LRT operations; 3) noise impacts during construction; 4) noise impacts during LRT operations; 5) adequacy of the geotechnical site investigation and the potential for settlement; and 6) sheet pile wall constructability.

Our findings are summarized below.

[1]http://metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/Environmental/Final-EIS.aspx?source=child

1. **Construction Vibration Impacts:** Under FTA guidance, the construction vibration damage criteria listed in Table 2.2-4 of Appendix K of the Final EIS should be used during the environmental impact assessment to identify problem locations that must be addressed during final design. Construction vibrations will impact the CICA structures and residents. The Final EIS does not identify the susceptibility category of the CICA structures and does not consider the evidence that the CICA high rise is susceptible to vibration impacts. The CICA high rise should be identified as a Building Category IV structure based on recent experience with damage induced by construction vibration. Due to the high potential for vibration impacts during both construction and operation, a detailed vibration susceptibility analysis of all CICA structures is necessary.

2. **LRT Operational Vibration Impacts:** The FTA guidance manual states that: *"For operation in subway, the ground-borne vibration is usually a significant environmental impact."* A review of the force mobility input, line source transfer mobility function, distance from the LRT track centerline, LRT speed, design mitigation magnitudes based on FTA guidelines, the effects of efficient vibration propagation, possible track conditions, and possible wheel conditions results in estimated vibration magnitudes significantly higher than the FTA vibration impact criterion. Even assuming a "best-case" scenario, which considers excellent track condition, excellent wheel condition, and inefficient vibration propagation, the vibration levels are still estimated to exceed the FTA vibration impact criterion. Furthermore, the Final EIS does not consider the evidence that the CICA high rise is susceptible to vibration impacts. The Final EIS statement that "the Project will result in no vibration impacts for residential land uses" is inaccurate as it pertains to CICA structures. The Final EIS must address the mitigation of these operational vibration impacts.

3. **LRT Operational Noise Impacts:** The Southwest LRT will be underground in the vicinity of the CICA property; therefore, the Final EIS correctly concludes that airborne noise impacts are unlikely. However, ground-borne noise from the LRT train will likely exceed Minnesota Pollution Control Agency (MPCA) noise standards. The Final EIS must address the mitigation of these operational noise impacts.

4. **Geotechnical Site Investigation:** The Final EIS proposes open cut and cover construction for the Kenilworth Tunnel. The excavation support (a sheet pile wall) will be installed two feet from the CICA condominium and within about six inches of the parking garage. Cone Penetration Tests (CPT) and Standard Penetration Tests (SPT) next to the condominiums and garage do not extend deep enough to provide characterization of the ground below the tunnel in the critical tunnel reach adjacent to the condominiums and garage. In fact, boreholes 1050ST, 1049ST and 1138CT barely reach the bottom elevation of the tunnel and should have been advanced to the same depth as 1139CT. It is

critical that the material below the tunnel and adjacent to the condominium and garage are adequately characterized due to the weak clay layer observed in borings 1156ST and 1139CT. This weak clay layer (if present near the condominium and garage) will have design implications with regards to the passive reaction of the embedded portion of the sheet pile wall. It is therefore recommended to perform an additional three to four CPTs using a seismic cone in order to be able to measure shear wave velocity. Shear wave velocities are essential for evaluating soil deformability at small strain from which, depending on the constitutive model adopted for the design, the operational soil modulus can be properly evaluated.

5. **Sheet Pile Wall Constructability:** The standard vibratory driving method for sheet pile wall installation is not applicable near the CICA condominium and garage due to the close vicinity of sensitive buildings. The most promising alternative outlined in the Final EIS is the press-in method where the sheet pile is pushed into the ground without vibratory hammers. Depending on the soil type and strength it may be necessary to utilize techniques to facilitate the penetration of the sheet pile wall to the desired depth. Boring 1138CT shows layers with strength as high as 6,200 psi (43 MPa) or higher for which the Super Crush method would be necessary. Boring 1137CT shows a strength of about 1,800 psi (12 MPa) for which the water jetting technique would be sufficient.

Sincerely,

Augusto Lucarelli
Principal

D. Lee Petersen
Principal

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.
Signature:

Typed or Printed Name: Ryan L. Peterson

Date: June 13, 2016 License Number: 44953

Enclosure
Ref. 2-5717-01

Technical Memorandum

ITASCA
Consulting Group, Inc.

Date: June 13, 2016

To: Calhoun Isles Condominium Association

From: Ryan Peterson, Lee Petersen, Augusto Lucarelli

Re: Southwest LRT Impacts on Calhoun Isle Condominiums

Ref: 16-2-5717-01-28TM

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.

Signature:

Name: Ryan L. Peterson

Date: June 13, 2016

License Number: 44953

1.0 INTRODUCTION

The Calhoun Isles Condominium Association (CICA) retained Itasca Consulting Group (Itasca) to assess possible impacts of the Southwest Light Rail Transit (LRT) project on CICA residents, structures, and property. The assessment is based on the project's Final Environmental Impact Statement (EIS)[1]. Throughout this technical memorandum, the acronym "CICA" is used to represent the CICA residents, structures, and property. The terms "high rise" and "condominium" are used interchangeably throughout the document to represent the converted grain silo structures.

The potential for impacts on CICA are based on several factors:

1. Proximity—The CICA high rise and parking ramp are immediately adjacent to and less than two feet from proposed construction activity, which includes the installation of a sheet pile wall and construction of a cut and cover tunnel. CICA townhouses are within approximately 43 feet of the proposed construction activity.
2. Susceptibility—Pile driving for a residential development approximately 150 ft southeast of CICA was a nuisance to residents and reportedly caused damage. Since the distance is beyond the limits commonly thought to produce pile driving damage, the CICA high rise appears to be susceptible to vibration impacts.

We have identified the following potential impacts to CICA: 1) vibration impacts during construction; 2) vibration impacts during LRT operations; 3) noise impacts during construction; 4) noise impacts during LRT operations; 5) adequacy of the geotechnical site investigation and the

[1]http://metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/Environmental/Final-EIS.aspx?source=child

potential for settlement; and 6) sheet pile wall constructability. This technical memorandum presents our assessment of these potential impacts.

2.0 VIBRATION IMPACTS

Vibration impacts to CICA are separated into four categories, including:

- vibration impacts causing damage to structures during construction;
- vibration impacts causing nuisance to residents during construction;
- vibration impacts causing damage to structures during LRT operations; and
- vibration impacts causing nuisance to residents during LRT operations.

The vibration impact criteria used in the Final EIS are based on the information contained in Chapter 8 of the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment manual[2]. The following sections summarize the Southwest LRT construction vibration impacts and long-term LRT vibration impacts.

2.1 Construction Vibration Impacts

As noted in the Introduction, CICA has reportedly experienced recent impacts (nuisance and damage) due to ground-borne vibrations from the Trammel Crow project (located approximately 150 feet southeast of CICA). The distance between the source (vibratory pile driving) and receiver (CICA high rise and townhouses) was significant and it is surprising that these impacts, which extended to the upper floors of the high rise, were experienced given the source-receiver separation distance. The immediate conclusion is that CICA is susceptible to vibration impacts, which could be due to some or all of these factors:

1. the geologic conditions promote efficient vibration propagation;
2. the soil-to-building foundation attenuation is very low; and
3. the floor-to-floor attenuation is very low.

The construction vibration damage assessment herein is based on values in the FTA guidance manual and is listed in Figure 1. Typically, structures similar to the CICA would be classified as Category I buildings. However, based on recent experience, the CICA structures are significantly susceptible to construction vibration. The Final EIS does not identify the building category of the CICA structures. In lieu of a detailed analysis, we recommend that the Calhoun Isles be identified as Building Category IV structures based on recent experience with damage induced by construction vibration. The building category should be identified in a supplement to the Final EIS and should be based on a susceptibility field study.

[2] https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf

TABLE 2.2-4
FTA Vibration Damage Criteria from Construction

Building Category	PPV (in/sec)	Approximate Lv*
I Reinforced-concrete, steel or timber (no plaster)	0.5	102
II Engineered concrete and masonry (no plaster)	0.3	98
III Non-engineered timber and masonry buildings	0.2	94
IV Buildings extremely susceptible to vibration damage	0.12	90

* RMS velocity in VdB re 1 micro-inch/second

Figure 1 Vibration damage criteria from construction (Appendix K of the Final EIS).

2.2 Long-Term (Operational) LRT Vibration Impacts

The FTA guidance manual states:

> *"For operation in subway, the ground-borne vibration is usually a significant environmental impact."*

Hence, the vibration estimates in the Final EIS have been reviewed and independent vibration estimates have been performed using FTA guidance procedures.

Comments regarding vibration estimates in the Final EIS follow.

- The Final EIS uses force mobility inputs from an earlier study to estimate vibrations impacted by the project. It is unclear whether the force mobility input (reference speed = 40 mph) was adjusted for train speed near the CICA property (estimated speed = 45 mph). Adjusting for train speed increases the estimated vibration.
- A line source transfer mobility function was developed by the Metropolitan Council from field measurements taken roughly 450 ft north of the condominium (at Dean Court and W 28th Street). The field measurements were made on the ground surface, so the transfer function may not adequately represent subsurface propagation of vibrations from tunnel depth.
- The Final EIS lists the horizontal distance from the centerline of the LRT track to the condominium as 43 ft. This value is representative of the distance to townhouses, not the condominium. Actual horizontal distance from the centerline of the eastbound LRT track to the condominium is 13 ft (see Figure 2). Adjusting the distance to the actual value results in a significant increase in estimated vibration.
- The Final EIS identifies two design elements for mitigating operational vibrations.
    - The first design element is highly resilient fasteners. The resulting vibration reduction attributed to these fasteners could be interpreted as being effective at reducing vibrations by 5 VdB above 80 Hz and not effective at reducing vibrations

below 80 Hz. The FTA manual suggests that highly resilient fasteners are effective above 40 Hz. The actual effectiveness will depend on the fastener material properties.

  - The second design element is the tunnel slab. No details regarding the estimated magnitude of vibration reduction are given in the Final EIS. Table 10-1 of the FTA guidance manual suggests an appropriate adjustment to vibration propagation for a cut and cover tunnel is a reduction of 3 VdB. This value seems reasonable in the absence of any documented values.

- The total vibration mitigation resulting from proposed design measures appears to be 3 VdB below 80 Hz and 8 VdB above 80 Hz. The magnitude of vibration mitigation presented in the Final EIS is a factor of two to three times greater than these values. The source of the additional mitigation is undocumented and unreferenced in the Final EIS.
- The Final EIS vibration estimates for CICA are far too low, primarily because the source-receiver distance used was more than three times the actual. Also, the Final EIS considered unlikely "best-case" conditions including: 1) much higher vibration mitigation from design features than the FTA guidance manual suggests; 2) high attenuation of vibration propagation through soil; and 3) ideal wheel and track conditions (as opposed to wheel and track conditions that would cause vibrations).

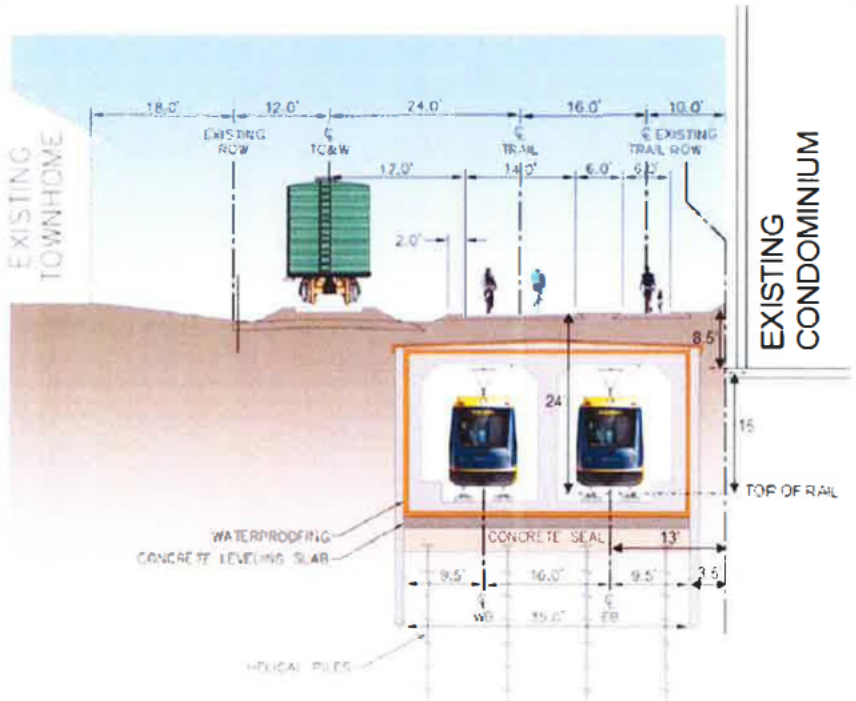

Figure 2 ***Track centerline to existing condominium distance based on Final EIS documents.***

Exhibit 4.2-5 in Appendix K of the Final EIS shows the estimated vibration levels 50 feet from an at-grade embedded track source (reproduced here as Figure 3). Site V8 represents the line source transfer mobility function from the measurements at Dean Court and W 28th Street. This transfer function is used to independently estimate the vibrations at CICA locations.

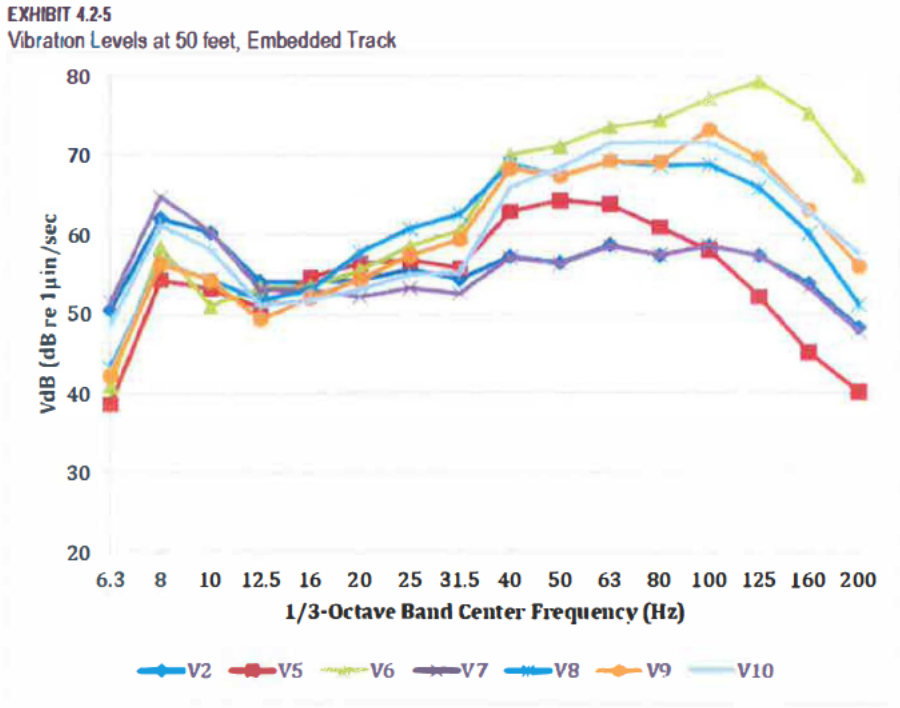

Figure 3 Estimated vibration levels 50 feet from an at-grade source.

The blue line in Figure 4 is a reproduction of the Site V8 line shown in Figure 3 (corrected to a speed of 45 mph). At 50 feet from an at-grade embedded track configuration, the estimated vibration levels will be slightly below the residential nighttime criteria. At 50 feet from a subsurface embedded track configuration (grey line), the estimated vibration levels are reduced due to the cut and cover tunnel structure and the highly resilient fasteners, as proposed in the Final EIS. However, the CICA condominium is only 13 feet from the east bound track centerline (not 43 feet as listed in the Final EIS). Three vibration estimates are shown for a distance of 13 feet and are discussed below.

The first estimate of vibration level (yellow line in Figure 4) assumes a "best-case" scenario based on the data provided in the Final EIS. The force mobility has been corrected to a speed of 45 mph. The line source transfer mobility function has been calculated using a distance of 13 feet. Mitigation measures (highly resilient fasteners and tunnel slab) have been incorporated. This "best-

case" scenario predicts that nighttime criterion is exceeded between 50 and 160 Hz and that daytime criteria is exceeded between 50 and 125 Hz.

The "best-case" scenario does not account for the possibility of efficient propagation. Efficient propagation is likely based on the Trammel Crow experience. It is also likely considering that the distance between the condominium and the sheet pile wall is roughly two feet. LRT vibrations need only travel two feet through geotechnical material (the properties of which may be modified during sheet pile installation) to reach the condominium. The second estimate (dark blue line in Figure 4) considers the efficient propagation of vibrations through soils. An adjustment factor of +10 VdB was used for efficient propagation through soil based on the FTA manual. This second estimate can be considered an "average-case" scenario. This "average-case" scenario predicts that nighttime criteria is exceeded between 20 and 160 Hz and that daytime criteria is exceeded between 40 and 160 Hz.

The best- and average-case scenarios do not consider the effects of worn wheels, wheel flats, corrugated track, or mill scale on new track, all of which have the potential to impact the CICA properties. Therefore, a third "worst-case" scenario (green line in Figure 4) was estimated to incorporate these vehicle and track parameter effects, which can increase vibrations as much as 10 VdB according to the FTA manual. This "worst-case" scenario predicts that nighttime criteria is exceeded between 8 and 200 Hz and that daytime criteria is exceeded between 20 and 160 Hz.

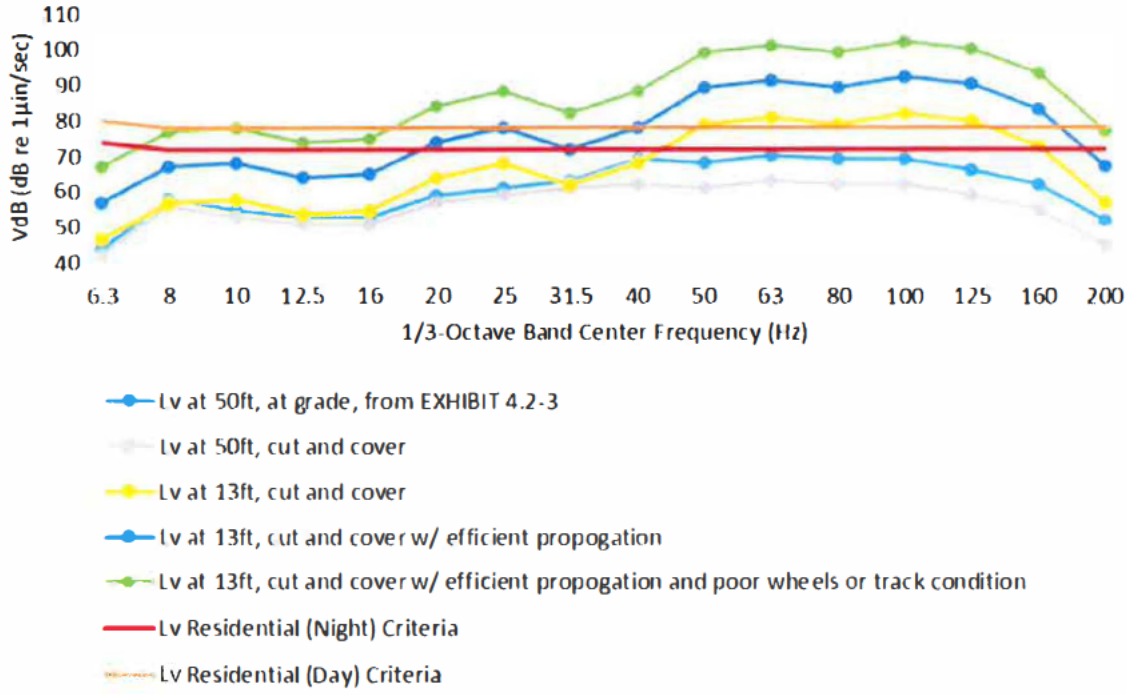

Figure 4 ***Estimated range of vibration impacts to the existing CICA condominiums (Lv at 13 ft) relative to FTA day and nighttime criteria and estimates at 50 feet.***

In summary, the preceding calculations indicate that the operational vibrations will significantly exceed FTA guidelines. A susceptibility study is necessary to provide a better estimate of impacts, from which the appropriate additional mitigation measures may be determined.

3.0 NOISE

Noise impacting CICA is subject to Title 3, Chapter 59 of the Minneapolis Code of Ordinances and the Minnesota Pollution Control Agency (MPCA) (Minnesota Rules Chapter 7030). The City of Minneapolis requires an after-hours work permit for any construction occurring on weekends, federal holidays, and before 7:00 am and after 6:00 pm on weekdays. The MPCA noise standards are listed online (https://www.revisor.leg.state.mn.us/rules) and in Appendix K of the Final EIS.

MPCA noise standards and long-term (24-hours) measurements of existing noise levels at CICA are listed in Table 4.1-2 of Appendix K of the Final EIS and reproduced in Table 1. Note that only peak levels (presumably daytime values) were reported in the Final EIS. Nighttime levels were measured, but not reported.

Table 1 Comparison of MPCA Noise Criteria and Noise Measurements

Description	Daytime		Nighttime	
	L_{50} (dBA)	L_{10} (dBA)	L_{50} (dBA)	L_{10} (dBA)
MPCA Noise Area Classification 1 Standard	60	65	50	55
Existing Noise Measurements (Appendix K of the Final EIS)	55	67	Not Listed	Not Listed

It is important to differentiate between noise impacts due to construction and due to long-term operations of the Southwest LRT. The following sections include summaries of the review of the Final EIS construction noise impacts and operational noise impacts.

3.1 Construction Noise

As the Final EIS correctly states, construction noise levels are, to a degree, unavoidable for this type of project. Construction noise mitigation measures can be implemented to lessen the impact. The impact of construction noise appears to have been adequately addressed in the Final EIS.

3.2 Operational Noise

The Southwest LRT will be underground in the vicinity of the CICA property; therefore airborne noise impacts are unlikely. The FTA guidance manual provides a method to estimate ground-borne noise based on estimated vibration levels. Figure 5 shows estimated ground-borne noise for the best, average and worst cases above. Although the ground-borne noise estimate is not in terms of L_{10} dBA (basis of the MPCA criteria), it does suggest the possibility that ground-borne noise could exceed MPCA noise standards.

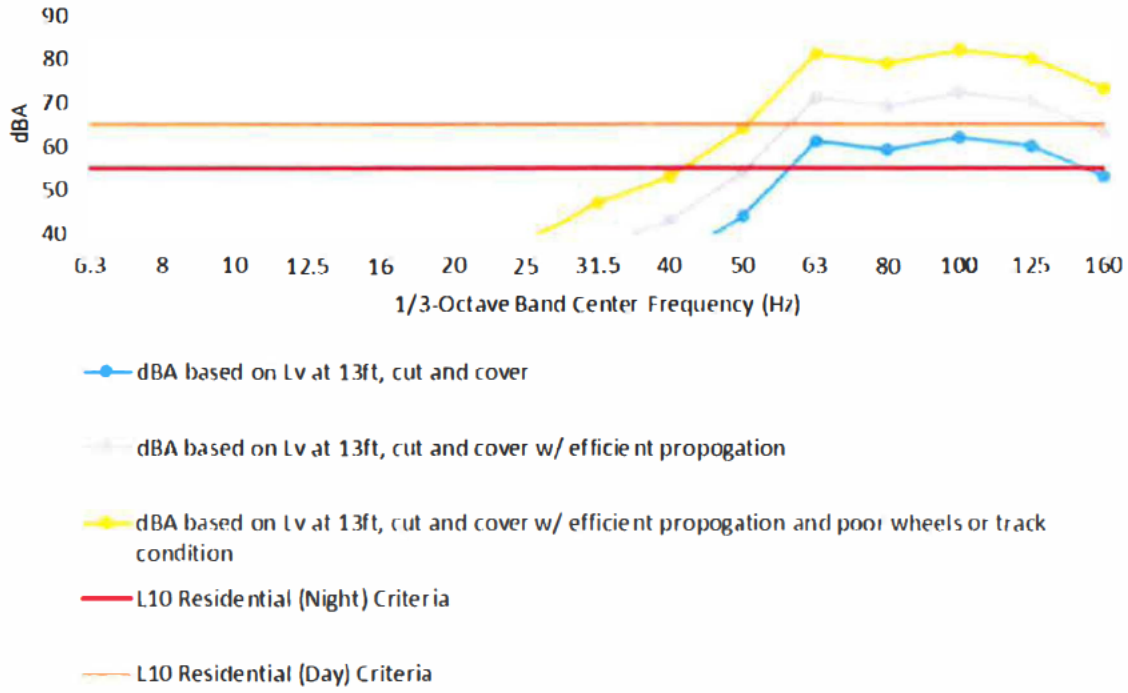

Figure 5 Estimated ground-borne noise impacts relative to MPCA noise criteria.

4.0 SITE INVESTIGATION

The CICA structures and their foundations are very close to the planned LRT tunnel construction, with some garage foundations within six inches of the back of the sheet pile wall. In addition, the foundations are relatively shallow compared to the bottom of the tunnel, and so are more sensitive to movements of the sheet pile wall.

The geotechnical conditions in the vicinity of the Calhoun Isles Condominium have been investigated with standard penetration test borings (SPT) and piezocone penetration test borings (CPT). Figure 6 shows the location of each investigation (SPT borings have the suffix ST and CPT borings have the suffix CT).

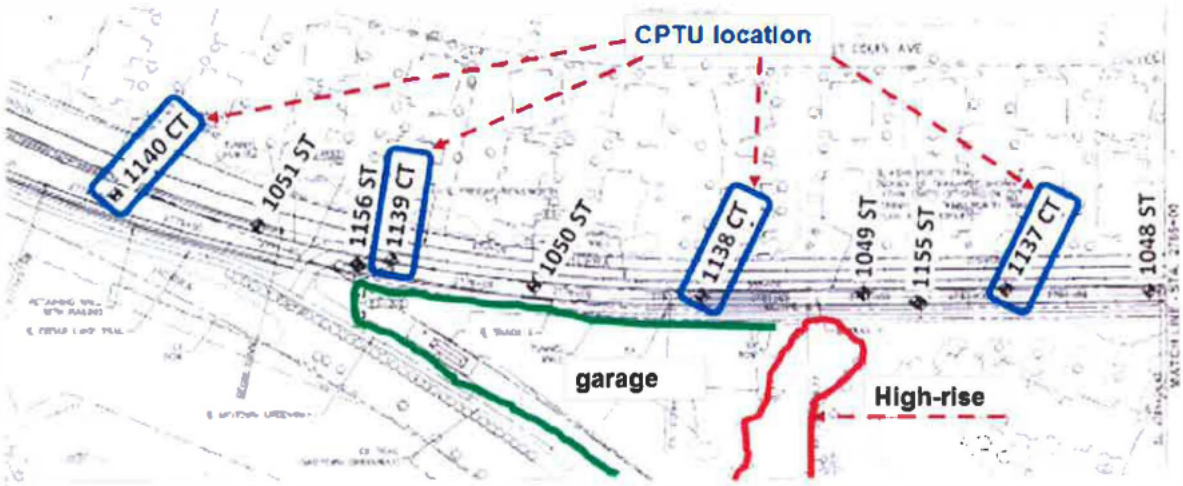

Figure 6 Location of SPT and CPT borings.

There are four CPT borings (1140CT, 1139CT, 1138CT, and 1137CT) and six SPT borings (1051ST, 1156ST, 1050ST, 1049ST, and 1155ST). A CPT test consists of pushing a cone with standardized dimensions at a constant velocity into the ground. The force necessary to push the cone is continuously monitored, providing very detailed information about the local soil stratigraphy and strength. Figure 7 provides a schematic view of the cone along with the parameters that are monitored during the test.

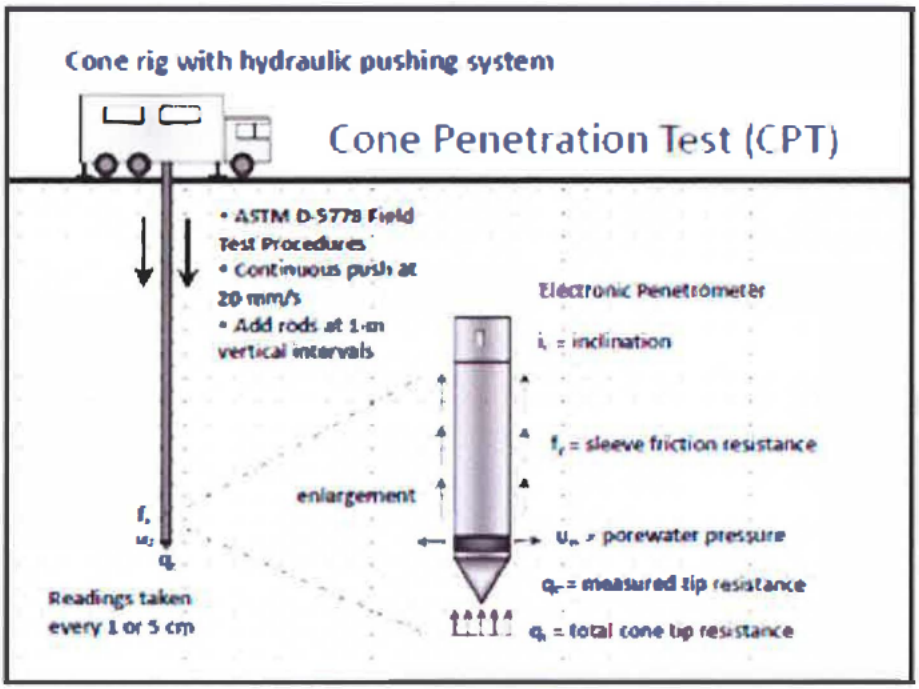

Figure 7 Schematic view of the piezocone

Whenever the soil conditions allow, like in this case, CPT are the preferred test due to speed, cost, and higher quality data.

The geotechnical longitudinal profile is usually an effective way to represent subsurface conditions allowing for an immediate understanding of the geotechnical unit correlations, weak and strong zone alternation, pore pressure distribution, and so on. Figure 8 shows the subsurface conditions adjacent to CICA.

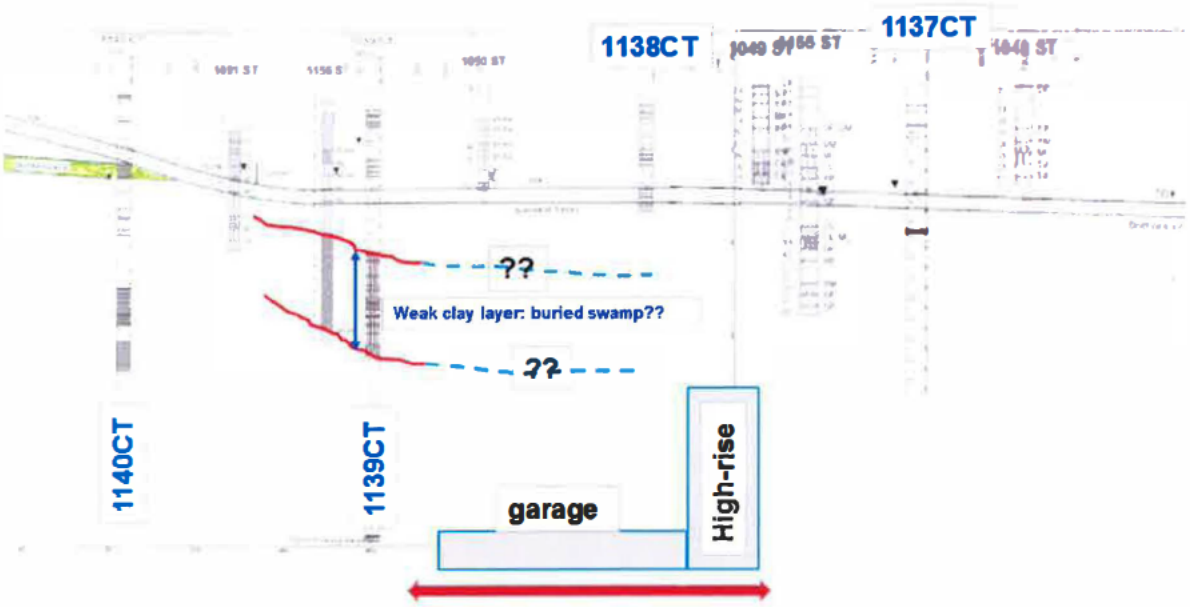

Figure 8 Geotechnical profile adjacent to CICA.

As we can see from the profile, some borings are too short to be able to provide useful information in front of the CICA high rise and garage. Borings 1050ST, 1049ST, and CPT 1138CT barely reach the bottom of the tunnel. These borings should have reached the same depth as test 1139CT. The reason for doing so is that the soil condition below the excavation bottom plays a very important role for the stability of the sheet pile wall (SPW) and for the potential settlements induced to adjacent structures during excavation.

Another important observation comes from the 1139CT results in Figure 9. There is a weak clay layer in the close vicinity of the excavation bottom where the passive reaction of the embedded part of the SPW is supposed to develop. Unfortunately, because test 1050ST, 1138CT, and 1049ST are too short, it is impossible to evaluate the extent and geometry of this weak layer.

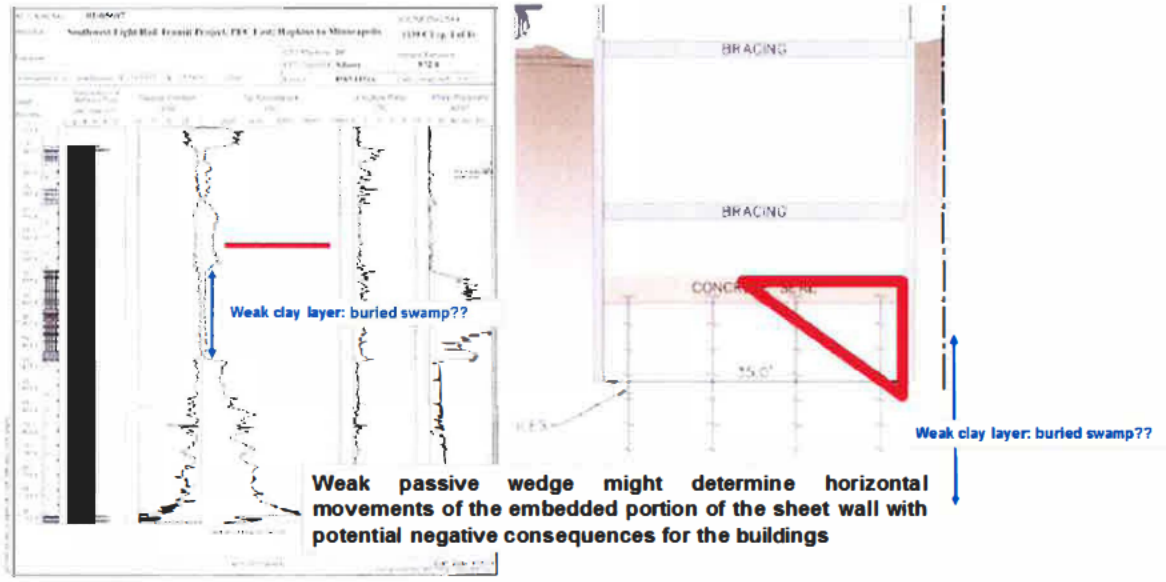

Figure 9 CPT 1139CT profile details.

The presence of the weak layer in 1139CT and the absence of deep borings between 1139CT and 1137CT represent a significant risk to CICA. We consider the site investigation to date to be inadequate in the vicinity of CICA. At least three or four additional CPT borings are necessary—additional CPT borings may be necessary if the subsurface conditions are complex.

The risk to CICA arises because the strength and deformability of the soil below the excavation bottom plays a vital role on the deformations induced behind the wall where the CICA high rise and garage are founded. These structures may be vulnerable to differential settlements.

In addition to future site investigation, the risk to CICA may be mitigated by improving the soil condition just below the excavation bottom. One possible way to achieve the improvement is to realize a jet-grouting strut below the excavation bottom as shown in the following Figure 10. The soil treatment can be realized locally in front of the high-rise and the garage, especially if the new soil investigations confirm the presence of a weak layer below the excavation bottom. The great advantage of such treatment is that it will be immediately effective while other internal contrasts require soil excavation first (and therefore producing deformation first) before they can exert any reaction. Moreover, the second lower internal strut may not be necessary.

Regarding the additional CPT borings, it would be desirable to use a seismic cone in order to be able to measure shear wave velocity. Shear wave velocity of the soils is essential to evaluate soil deformability at small strain from which, depending on the constitutive model adopted for the design, the operational soil modulus can be properly evaluated.

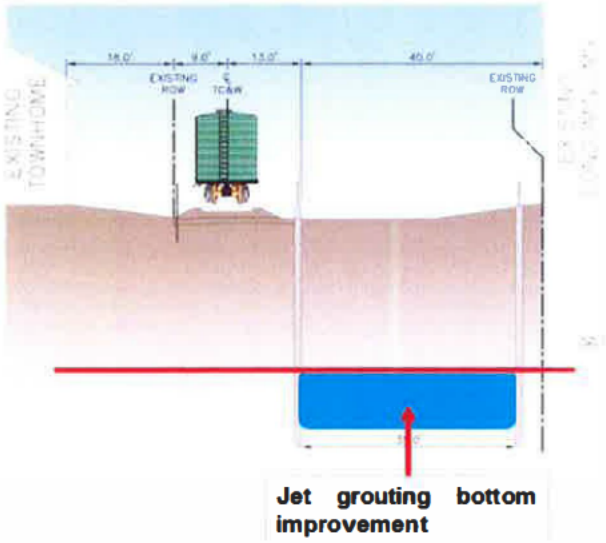

Figure 10 Excavation bottom improvement.

5.0 SHEET PILE WALL CONSTRUCTABILITY

Construction of the sheet pile wall (SPW) adjacent to CICA has the potential to negatively impact CICA. This SPW, which is within six inches of some foundation elements, is necessary to support the soil during construction of the cut-and-cover tunnel. The standard driving method is not applicable in this case due to the close vicinity of the CICA high rise. The most promising alternative is the press-in method where the SPW is pushed into the ground without vibratory hammers. Depending on the soil type and strength, it may be necessary to adopt helping techniques to facilitate the penetration of the SPW at the desired depth.

Subsurface conditions show soils that will require supplemental techniques for pile installation. Figure 11 shows the potential strength variability, with 1138CT showing layers with strength as high as 6,200 psi (43 MPa) or higher and 1137CT showing strength of about 1,800 psi (12 MPa).

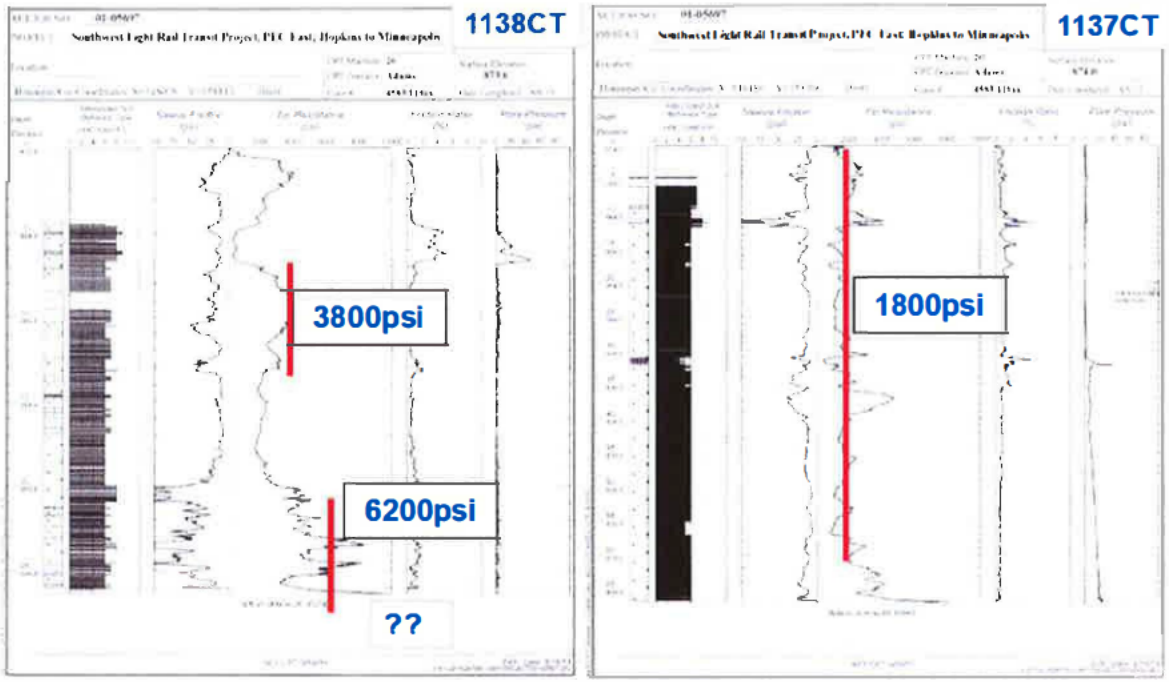

Figure 11 Soil strength variability from CPT borings.

Figure 12 shows a diagram that relates the strength of the soil and the SPW length to the recommended helping technology for successful driving. It is quite evident that, at a minimum, the water jetting technique will be necessary. The conditions encountered in 1138CT show that the Super Crush helping technology may be necessary.

More soil investigation is necessary to fine tune the final choice, which should be corroborated by a field test performed in different locations along the alignment monitoring all the mechanical parameters during the operation.

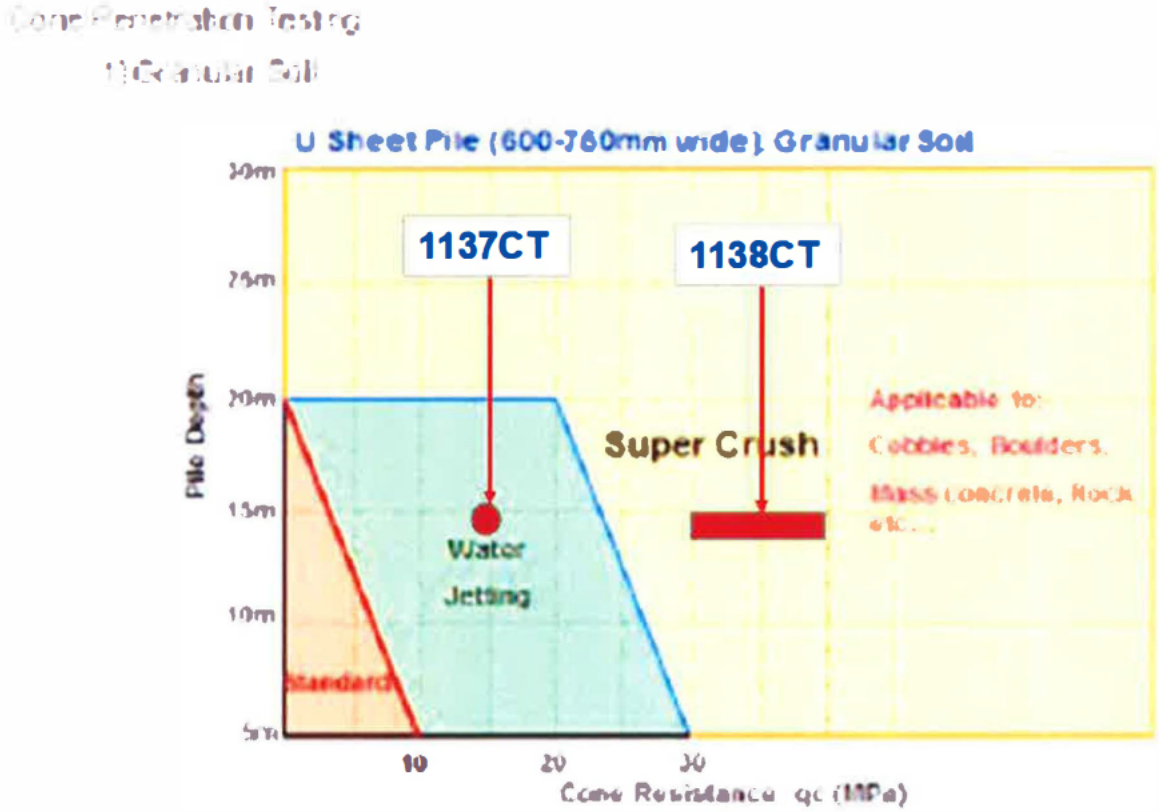

Figure 12 SPW press-in chart: helping techniques.

Attn: Nani Jacobson
SWLRT Project Office

Kenwood Isles Area Association

Southwest Light Rail FEIS response

June 8th, 2016

Introduction to SDEIS Comments by the Kenwood Isles Area Association

The Kenwood Isles Area Association (KIAA) represents the neighborhood that extends, on its west side, from the proposed SWLRT Penn Avenue station to the Kenilworth Lagoon.

KIAA has participated in the SWLRT planning process in the spirit of cooperation and compromise for approximately nine years. For most of this time, we were assured verbally and in planning documents that freight rail in the Kenilworth Corridor was a temporary condition and would be moved to make way for LRT. The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

As you are all well aware, this position was reversed in 2013, and the Metropolitan Council's policy is now to "co-locate" freight and light rail in the Kenilworth Corridor, which we continue to oppose. As we stated in our SDEIS response, we continue to consider this a significant breach of public trust and the low point of a deeply flawed planning process.

In our SDEIS response, we noted that it failed to assess the impact of co-location in the Kenilworth Corridor on many levels: safety, vibration, noise, environmental damage, Section 106 assessments, etc. We were told that these would be fully addressed and to wait for the FEIS. While we have waited, again in the spirit of cooperation, we are dismayed that many of these concerns remain unaddressed, or ambiguously addressed.

We are a volunteer organization and were only given only one month to respond to a 17,000 page FEIS document, with an extension requested by our state legislators denied. We are therefore responding to only some of the most critical disagreements and yet unaddressed questions in the FEIS.

Further, we are not comfortable that the Met Council is the body charged with ultimately determining the FEIS for adequacy. We feel that this is a conflict of interest since they are reviewing the documentation of their own work. We strongly support a review of this FEIS by the Environmental Quality Board.

FEIS Comments: New Concerns/Questions/Issues

The Need for the Project includes: "the need to maintain a balanced and economically competitive multimodal freight system." (page ES-2)

This so-called need has never been discussed over the 20+ years of SWLRT planning. It is included here only because Hennepin County and the Metropolitan Council failed to fulfill a fundamental assumption – that freight rail would be moved in the Kenilworth Corridor to make way for light rail.

"LRT 3A and LRT 3A-1 are also referred to in the Draft EIS as freight rail "relocation" and "co-location," respectively. As noted in the Draft EIS and Supplemental Draft EIS, LRT 3A and LRT 3A-1 would provide the same transit service, with differing freight rail options, therefore the LPA is incorporated within both LRT 3A and LRT 3A-1. " (page ES-4)

At the time of the presentation of the LPA recommendation the LPA did NOT include freight co-location. Addressing freight rail was to be, according to Hennepin County, a separate project with a separate (undetermined) funding stream. It was only just before the DEIS got underway that the FTA required the county to include freight rail in the study. The DEIS studied and presented 3A and 3A-1 as two separate alternatives. Neither the community nor, it is our belief, the Minneapolis City Council understood the LPA to include freight co-location when the City Council selected the Kenilworth route in January 2010. As discussed in a Minneapolis City Council Resolution, the City Council understood that it was choosing the Kenilworth route with freight relocation. If they had not been assured that freight would be relocated, the process and the decision would likely have been quite different.

"The Project is making minor infrastructure modifications to freight rail for very limited areas, mainly to facilitate the movement of light rail transit." (p. ES-8)

Moving freight rail 45 feet to accommodate Light Rail and upgrading the infrastructure is inconsistent with the use of the word "minor" as it greatly expands the footprint of the rail presence in the corridor and adds to the adverse effects of co-location in the corridor. Further, the FEIS, in the explanation why freight is treated as an existing condition in the corridor, is faulty because it only measures incremental adverse effects rather than the total adverse effect of freight and light rail. This minimizes and understates the adverse effect of co-location.

While the Project will provide for the continuation of freight rail operations within the Kenilworth Corridor with relatively minor adjustments to freight rail facilities and operations, freight rail operations, including oversight of freight rail cargo, is outside of the scope and Purpose of this Project and outside of the jurisdiction of the Council and FTA. (p. ES-8)

KIAA names this statement as a convenient way to excuse the FTA and Met Council from culpability for fully considering the impacts of co-location. Further, we see this as an excuse to NOT EVEN CONSIDER the possibility of working harder to find alternatives to co-location, to which we stand opposed. While it is acceptable that the existing freight rail operation be included in the No Build alternative, and that *in theory* freight rail operations are outside the scope of the project, the fact is that decisions by Hennepin County and the Metropolitan Council related to freight in the Kenilworth Corridor mean that *in reality* not relocating freight means the Project makes it permanent in Kenilworth. In addition to plans to move and upgrade freight rails, the Project plans to spend approximately $165 million to accommodate co-location with an environmentally questionable tunnel. Taxpayers would be surprised to learn that we're spending $165 million on something that's only temporarily necessary. Freight rail has been in the Kenilworth Corridor for 20 years ONLY because MNDOT did not follow a Minnesota State law to relocate it out of the corridor years earlier. We strongly assert that the build alternative should include the impacts of keeping freight rail on a permanent basis in Kenilworth even though KIAA does NOT WANT freight to be kept on a permanent basis in Kenilworth.

Further, stating that safety programs are in place does nothing to assure the Kenwood neighborhood that the only plan, should there be a derailment and subsequent ethanol explosion, is to allow the fire to burn out, taking much of Kenwood with it. The June 3, 2016 derailment of a Bakken Oil train in Oregon is proof (http://abcnews.go.com/us/wirestory/oregon-train-derailment-spills-oil-sparks-fire-39597168).

Here are comments from officials in response:

"Fire Chief Jim Appleton says the usual amount of wind in Mosier could have turned this incident into a major disaster, destroying the town and sending flames across state lines.
"My attention was focused on the incident that didn't happen," Appleton said. "It probably would have burned its way close to Omaha, Nebraska. That's how big it would have been."

Mayor Arlene Burns said the people of Mosier were "incredibly lucky."

"I count myself lucky that we dodged a bullet," Burns said, after noting that her own child was at school within a few blocks of the derailment. "We hope that this is a wake-up call."

"Justin Jacobs, a spokesman for Union Pacific Railroad, "We want citizens to feel safe," Jacobs said. "We want the oil out of Mosier.

The only difference between the described details is that it is in Oregon and not Minnesota, and oil instead of ethanol. Ethanol is even more explosive/flammable than oil and runs downhill, into groundwater and sewer. We demand to see specific plans for "the worst case scenario": a derailment of an ethanol train that causes a spark-induced explosion within Minneapolis City Limits.

We also demand to understand what organization(s) would have liability in case of a crash, derailment, explosion, etc. prior to the FTA awarding federal funding. It is our current understanding that Hennepin County will transfer land in the corridor to the Met Council, who will then negotiate the terms of liability in secret with the freight rail operators. This not only hides the full cost of LRT operations in Kenilworth from the public, but also does not give adequate assurance to neighborhoods that freight rail companies will have every incentive to operate in the interests of the public when profits may be at stake.

(Re Section 106 NHPA Process), as noted in the table, there will be an adverse effect on the Kenilworth Lagoon as a result of the Project, and thus there will also be an adverse effect on the GRHD.

This is "new" information to the EIS process, but it has been well known that there would be adverse visual and environmental effects to the defined Section 106 properties. This is supports public perception that other, less-damaging routes were not properly considered. We remind the FTA and Met Council that predetermining a route is a violation of federal law. It is disappointing that these findings have happened at a point of advanced planning.

Addtionally, FEIS states that it is reasonable to expect to find undocumented ground water or soil contamination, without determining what the extent of those are. This is inappropriate for an FEIS because it is supposed to be "FINAL" and thus a complete assessment of the risks.

Because the Kenilworth Corridor lies between Cedar Lake and Lake of the Isles, and above a high water table, it is dismissive of the FTA and Met Council to state that there will not be adverse effects to the Chain of Lakes. It is well known that the Kenilworth Corridor north of 21st St is an old rail yard with significant contaminants that will be be disturbed by construction, and put into both the air and water.

Further supporting the position that this alignment is highly environmentally damaging are the ecosystem adverse effects in table ES-4 3.10, where it is clearly referenced that habitat will be removed or degraded, and wildlife foraging, nesting, and breeding habitats will be disturbed. KIAA objects strongly and demands mitigation measures to prevent this from happening. Such damage degrades Cedar Lake and Lake of the Isles and contradicts the section 106 findings.

Given the many mistakes and adjustments we have seen throughout the EIS process, it would be more responsible to investigate and identify construction and operational issues and address them proactively.

The Project will not result in vibration impacts for any residential or institutional land uses. The Project would, however, result in 54 ground-borne noise impacts for residential land uses without mitigation. These impacts would be directly adjacent to and south of the proposed light rail tunnel in the Kenilworth Corridor.

We wholeheartedly disagree with this statement. The fact is that vibration can already be felt by freight rail in homes on both sides of the proposed tunnel as well as throughout the Kenilworth Corridor. Since the FTA and Met Council admit that freight operation is out of scope or control of this project, the statement that vibration is minimized by low speed of freight trains does not reassure us that speeds will not increase when freight infrastructure is upgraded.

Furthermore, there are homes that have close proximity to the Channel and to the proposed light rail line, yet for some reason are excluded from mitigation. KIAA submitted documentation during the DEIS scoping process showing that extra deep footings were required for residential construction near the channel within the last 10 years. This was due to the nature of the soil, its transference of vibration, and the need for greater stability.

Table ES-4.
Short-term: • Develop and implement a Construction Mitigation Plan and a Construction Communication Plan that will address short-term impacts to land use related to temporary construction easements and other construction activities; strategies may include:
- Conduct public meetings
- Establish a 24-hour construction hotline
- Prepare materials with information about construction
- Address property access issues
- Assign staff to serve as liaisons between the public and contractors during construction

If the past attempts to address impacts are the best predictor of the future, KIAA is concerned as to the overall responsiveness of the Southwest Project Office; there needs to be a more definitive plan to handle concerns. Community Advisory Committee meetings have been unexpectedly cancelled, responsiveness to inquiries has been slow or non-existent, liaisons have made statements at public meetings that "there will not be any discussion." We would like some specifics as to the frequency of meetings and level of personnel that will be conducting public engagement.

Short-Term/Groundwater:

- **Adhere to permit requirements related to groundwater pumping and discharge from pumping**
- **Employ proper BMPs associated with groundwater removal during construction, to minimize the risk of building settlement**
- **Within Minneapolis, send groundwater discharged to the sanitary sewer system to the treatment plant on the Mississippi River**

The extra burden on the sanitary sewer system because of the extra groundwater being pumped out of the tunnel will likely become another financial burden on the City of Minneapolis and ultimately, its residents. KIAA states that this cost should be known so it can be included in the operating and maintenance costs and not borne by the City. Costs to the City of Minneapolis are of significant concern to Kenwood taxpayers.

Development

As we surfaced in the SDEIS response, the FEIS also lists "station area development" as an item to be addressed through continued consultation. This is inconsistent with numerous statements that have been made that development is not anticipated at the 21st Street Station. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station...."

http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

The discussion of development potential at the Penn Station does not relate to the Kenwood Parkway side:

http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf

We request a written explanation about what development is being referred to throughout the FEIS as it relates to the 21st St Station area.

Comments on Table 3.3-16, p. 3-84

"Property acquisition and displacement: The Project will result in the partial acquisition of multiple parcels used for the Kenilworth Trail. The Project will not displace the trail or have a long-term effect on trail users because all existing trail connections, access points, and roadway crossings will be maintained."

Hennepin County plans to transfer land adjacent to Cedar Lake Park to the Met Council for the SWLRT project in order to move freight rail to the west. This land has functioned as part of the park for many years; this will clearly have an impact on the park and the users' experience. Furthermore, this land was thought to be donated by BNSF to the Minneapolis Parks and Recreation Board. The required documentation for MPRB ownership was not created or maintained, however. No taxes were paid on it for around 50 years.

"Noise and vibration impacts: No adverse impacts after mitigation"

While we appreciate that some efforts have been made to mitigate noise in a very quiet area, we have no confidence that noise from the station area will not be disruptive to the neighborhood. We realize that there are guidelines relating to decibel levels and frequency, but these do not coincide with the real-world experiences of residents and trail users. Furthermore, the SWLRT project, which spends approximately $165 Million to co-locate freight and light rail, ignores the impacts of freight rail noise – especially with regard to additional noise that will be generated by freight in the 21st Street station area.

"Considering these mitigation measures, the Project will not adversely affect the overall visual quality of the neighborhood." Table 3.3-16, p. 3-84
"Viewpoint 18 – View Toward the Kenilworth Corridor Crossing of West 21st Street"[...] "The visual impact of the Project will be a slight improvement in the quality of the view." p.3-145,146

The Kenilworth Corridor is an important element of the Kenwood neighborhood. This project, even after mitigation, will clearly adversely affect the visual quality of this area. The Project plans to fill a well-used urban green space with concrete and steel, fences and walls, ballasted tracks and overhead wires with large structural supports. You are not replacing freight rail infrastructure as promised, but adding substantially to it. While we appreciate landscaping efforts and efforts to mask the power substation and

freight rail utility sheds with greenery, it is simply absurd and insulting to say the level of visual impact in this area will be low.

"New at-grade light rail crossings of roadways and pedestrian/bicycle facilities: One new at-grade light rail/roadway crossing, which will be controlled by flashing lights and gates to allow for safe crossings by pedestrians and vehicles and to maintain acceptable traffic operations." Table 3.3-16, p. 3-84

KIAA has consistently expressed concerns about light pollution, including and especially flashing lights at intersections, which could be a real problem for nearby homes.

"New physical barriers: Light rail alignment will be located adjacent to the existing Kenilworth Corridor, which is an active freight rail corridor (refer to Exhibit 2.1-5). All existing sidewalk, trail, and roadway crossings of the Kenilworth Corridor will be maintained, and, because the existing freight rail alignment is currently a physical barrier, the Project will not create a new physical barrier." Table 3.3-16, p. 3-84

As pointed out in our DEIS response, LRT will create a new barrier to east-west bicycle and pedestrian travel. The topography of the area (lakes, valley, bluffs) limits east-west travel along the corridor, but there are many important informal east-west crossing points along the Kenilworth Corridor across the railroad tracks. Though these may be formally considered trespassing, it is a fact of most communities that people cross train tracks in places other than the designated areas, especially if a train maintains a reasonable speed limit through a residential area. The existing informal crossings are a germane means of community cohesion.

Summary of Concerns expressed in past responses that remain inadequately addressed in this FEIS:

Co-location ignores rapidly increasing concerns about rail safety and creates a dangerous alignment in Minneapolis.

The FEIS does not provide any details on proof of liability insurance by freight Rail Company because it is "out of scope." But, it also fails to include any detail on emergency responder training, requirements to provide frequency of trains to responders, implementation of positive train control technology, speed reduction in the corridor, or any adequate measures to prevent the interaction of electrical sparks and volatile freight cargoes. In essence – you are going to put a mouse next to a cat, and hope for the best because it is "out of your scope."

The cost is too expensive and is underestimated. We have no confidence that the project is budgeted correctly; more and more funding will be necessary. The FEIS clearly states that it expects to find undocumented contamination, and there is very little margin for error in the current budget. Perhaps the FTA and Met Council are hoping that at that point, cost overruns will be acceptable because ground will have been broken, literally.

KIAA was told by the Met Council that we needed to wait for the FEIS for responses to our DEIS and SDEIS concerns, and the FEIS falls short of addressing questions on the complete and total disruption of the park-like setting of the Kenilworth Corridor, environmental impacts, ridership questions, and a safety plan for co-location in case of a worst case scenario. And now we only have 30 days to respond, and were previously informed by Chair Duininck that there is no process for unresolved issues. This means that the

only appropriate course of action is to withhold federal funding for SWLRT via this FEIS process until these issues can be resolved.

Because the FEIS falls short on critical components, we expect to see construction damage to historic and non-historic properties and infrastructure along the alignment beyond what has been specified.

There is a significant unresolved lawsuit by the Lakes and Parks Alliance that may halt construction now because the Met Council did not halt planning at the appropriate time to consider other routes. While KIAA is not participating in the lawsuit, we understand why Minneapolis residents and other organizations have been frustrated by the planning process and are compelled to take this action.

We do not trust the Met Council's role in determining adequacy of the FEIS. We support having a neutral third party, such as the EQB, determine adequacy to address this conflict of interest.

Finally, it is incomprehensible to KIAA that this enormously expensive project prioritizes a relatively small number of "choice riders" over the goal of more equitable access to transit. The Met Council sold this line as an "equity train" In Minneapolis, but this alignment and most of the rest of the selected route bypasses low-income areas and areas of heavy transit dependence. This plan provides no honest evidence of equity of access for those needing it in Minneapolis: low income, seniors, youth, or disabled communities.

With so many serious questions and flaws in the FEIS, why are we not being better served? Federal funding should not be allocated to Southwest Light Rail until we have real answers to our questions, not vague assurances. Our constituents deserve better when $1.8B (and climbing) is going to be the bill to taxpayers.

From:	Terry A. Kreft
To:	swlrt
Cc:	Peter Beck
Subject:	Attached Correspondence
Date:	Monday, June 13, 2016 1:21:33 PM
Attachments:	Letter to Mani Jacobson - Luther 6-13-16.pdf

Attached please find correspondence from Peter K. Beck.

Please contact Mr. Beck at peter@peterbecklaw.com or 612-991-1350 if you have any questions or comments.

Thank you.

Terry Kreft
Legal Administrative Assistant
McGrann Shea Carnival Straughn & Lamb, Chartered
800 Nicollet Mall, Suite 2600
Minneapolis, MN 55402-7035
(612) 752-1941

BECK LAW OFFICE

4746 Sheridan Ave. S.
Minneapolis, MN 55410

Peter K Beck
Attorney at Law

612-991-1350
peter@peterbecklaw.com

June 13, 2016

Mani Jacobson, Assistant Director
Environmental and Agreements
Metro Transit/Southwest LRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Re: Comments on Southwest LRT Final Environmental Impact Statement

Dear Ms. Jacobson:

This comment letter is submitted on behalf of The Luther Company LLLP ("Luther"), owner of the Hopkins Honda property located at 250 5th Avenue South (the "Property") in the City of Hopkins, Minnesota. The Property is located immediately to the south of the Southwest LRT ("SWLRT") Downtown Hopkins Station.

Luther submitted a comment letter on the SDEIS for the SWLRT Project expressing a number of concerns with the proposal to take a strip of property on the northern edge of the Property which would potentially block both of Luther's access points to the Property. In response to this comment, the Final Environmental Impact Statement states that:

> The construction activities within the temporary easement will be managed such that only one of the two access points to the property at 8th Avenue or 5th Avenue will be closed at any given time and the drive aisle that connects between 8th Avenue or 5th Avenue is excluded from the temporary easement boundary.

It appears from this response that Luther's two access points will be closed at different times. It is not clear how often this will occur, nor whether one or both access points will be closed just once or multiple times in the course of construction of the SWLRT.

This letter is to request that Luther's access points not be closed any more often than necessary, and preferably only on one occasion for each access point. Further, Luther requests 90 days' written notice before closure of an access point so that they can communicate the closure to their customers well in advance. Failure to provide such a notice will result in Luther customers not knowing which way to enter the dealership at any given time and potentially turning onto 5th or 8th Avenue when access is closed and having to make a u-turn to get back out

and proceed to the other access. This seems not only inconvenient to Luther's customers, but dangerous as well. For that reason, we request 90 days' before closure of an access.

Very truly yours,

PETER K. BECK ATTORNEY AT LAW PLLC

By: Peter Beck
Peter K. Beck

PKB:tk

cc: Linda McGinty
Kyle Alison

From:	Christopher S. Hayhoe
To:	swlrt
Cc:	peter stegner (peterstegner@msn.com)
Subject:	Calhoun-Isles Condominium Association Objections to Final EIS
Date:	Monday, June 13, 2016 2:21:08 PM
Attachments:	imagee16306.PNG Jacobson Letter.pdf

Dear Ms. Jacobson,

Attached is the letter of objection to the final EIS with attached engineering statement and technical memorandum, all submitted by the Calhoun-Isles Condominium Association, Inc. Please acknowledge receipt of this email and attachment. Thank you.

Christopher Hayhoe

Christopher S. Hayhoe

Attorney

220 South 6th Street, Suite 2200, Minneapolis, MN 55402
Direct: 612.373.8505 | Main: 612.339.6321 | Fax: 612.338.4608
chayhoe@felhaber.com
www.felhaber.com

Follow us on social media.

FELHABER LARSON

ATTORNEYS AT LAW

Christopher S. Hayhoe
612-373-8575
Fax: 612-338-4608
chayhoe@felhaber.com

June 13, 2016

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

RE: Final EIS -- Southwest Light Rail Transit Impact on Calhoun-Isles Condominium
Our File No. 25274.004

Dear Ms. Jacobson:

We represent Calhoun-Isles Condominium Association (the "Association"), which consists of 143 residential units and a large, multiple-story parking structure. The Association's residential and parking structures are located immediately adjacent to the easterly right-of-way for the Kenilworth Corridor. The current plan for the construction of the Southwest Light Rail Transit Line provides for the construction of a shallow tunnel which will be located literally within two feet of the exterior walls of the Association's high-rise structure, as close as six inches to the foundation for the Association's parking ramp and within 43 feet of a row of single-family townhomes. We are greatly concerned about the failure of the final EIS to address accurately the likely impacts of the construction of the line in the shallow tunnel upon the Association's buildings and the homes of our residents, and submit that the analysis is faulty and fails to account for necessary mitigation. In short, the final EIS is inadequate and should not be approved.

We cannot afford, as a residential community, to wait for the Metropolitan Council to develop a "Construction Plan" and a "Mitigation Plan" to protect our properties against damage. Please recognize that the current plan provides for trains to run through the shallow tunnel on rails located approximately 12 feet from the footings of the residential high rise and parking ramp, and some 15.5 feet from their exterior walls. Vibration and noise will certainly affect the habitability of these homes in material ways. The final EIS provides no assurance whatever that operation of 225 trains per day in a shallow tunnel only 12 feet from the foundations of the Condominium's residences and parking structure will not materially undermine their integrity and safety. The final EIS does not provide any mitigation plans and, in fact, misstates material facts that relate to the impact of the Project on Calhoun-Isles.

220 South Sixth Street
Suite 2200
Minneapolis, MN 55402-4504

Phone: 612.339.6321
Fax: 612.338.0535

felhaber.com

The Association lacks the expertise to review and understand the final EIS as it relates to the Calhoun-Isles properties. As a result, the Association found it necessary to engage Itasca Consulting Group, Inc., a geotechnical consulting firm well-versed in vibration, noise and geotechnical design issues. Enclosed with this letter is Itasca's Executive Summary of its expert analysis of the final EIS, together with Itasca's supporting Technical Memorandum which identifies significant deficiencies in the final EIS as it relates to Calhoun-Isles.

We believe that the Metropolitan Council should reimburse us for the cost of obtaining Itasca's expert advice on the inadequacy of the final EIS. This request for reimbursement is for the sum of $10,000.00. We also respectfully request that the final EIS be determined to be inadequate unless and until it properly protects Calhoun-Isles.

Yours very truly,

Christopher S. Hayhoe

ITASCA
Consulting Group, Inc.

June 13, 2016

Board of Directors
Calhoun Isles Condominium Association
3151 Dean Court
Minneapolis, MN 55416

Dear Board of Directors:

The Calhoun Isles Condominium Association (CICA) retained Itasca Consulting Group (Itasca) to assess possible impacts of the Southwest Light Rail Transit (LRT) project on CICA residents, structures, and property. The assessment is based on the project's Final Environmental Impact Statement (EIS)[1], and our findings are presented in the attached Technical Memorandum. Throughout this letter and the memorandum, the acronym "CICA" is used to represent the CICA residents, structures, and property. The terms high rise and condominium are used interchangeably throughout the document to represent the converted grain silo structures.

The potential for impacts on CICA are based on several factors:

1. Proximity—The CICA high rise and parking ramp are immediately adjacent to and less than two feet from proposed construction activity, which includes the installation of a sheet pile wall and construction of a cut and cover tunnel. CICA townhouses are within approximately 43 feet of the proposed construction activity.
2. Susceptibility—Pile driving for a residential development approximately 150 ft southeast of CICA was a nuisance to residents and caused damage. Since the distance is beyond the limits commonly thought to produce pile driving damage, the CICA high rise appears to be susceptible to vibration impacts.

We have identified the following potential impacts to CICA: 1) vibration impacts during construction; 2) vibration impacts during LRT operations; 3) noise impacts during construction; 4) noise impacts during LRT operations; 5) adequacy of the geotechnical site investigation and the potential for settlement; and 6) sheet pile wall constructability.

Our findings are summarized below.

[1]http://metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/Environmental/Final-EIS.aspx?source=child

1. **Construction Vibration Impacts:** Under FTA guidance, the construction vibration damage criteria listed in Table 2.2-4 of Appendix K of the Final EIS should be used during the environmental impact assessment to identify problem locations that must be addressed during final design. Construction vibrations will impact the CICA structures and residents. The Final EIS does not identify the susceptibility category of the CICA structures and does not consider the evidence that the CICA high rise is susceptible to vibration impacts. The CICA high rise should be identified as a Building Category IV structure based on recent experience with damage induced by construction vibration. Due to the high potential for vibration impacts during both construction and operation, a detailed vibration susceptibility analysis of all CICA structures is necessary.

2. **LRT Operational Vibration Impacts:** The FTA guidance manual states that: *"For operation in subway, the ground-borne vibration is usually a significant environmental impact."* A review of the force mobility input, line source transfer mobility function, distance from the LRT track centerline, LRT speed, design mitigation magnitudes based on FTA guidelines, the effects of efficient vibration propagation, possible track conditions, and possible wheel conditions results in estimated vibration magnitudes significantly higher than the FTA vibration impact criterion. Even assuming a "best-case" scenario, which considers excellent track condition, excellent wheel condition, and inefficient vibration propagation, the vibration levels are still estimated to exceed the FTA vibration impact criterion. Furthermore, the Final EIS does not consider the evidence that the CICA high rise is susceptible to vibration impacts. The Final EIS statement that "the Project will result in no vibration impacts for residential land uses" is inaccurate as it pertains to CICA structures. The Final EIS must address the mitigation of these operational vibration impacts.

3. **LRT Operational Noise Impacts:** The Southwest LRT will be underground in the vicinity of the CICA property; therefore, the Final EIS correctly concludes that airborne noise impacts are unlikely. However, ground-borne noise from the LRT train will likely exceed Minnesota Pollution Control Agency (MPCA) noise standards. The Final EIS must address the mitigation of these operational noise impacts.

4. **Geotechnical Site Investigation:** The Final EIS proposes open cut and cover construction for the Kenilworth Tunnel. The excavation support (a sheet pile wall) will be installed two feet from the CICA condominium and within about six inches of the parking garage. Cone Penetration Tests (CPT) and Standard Penetration Tests (SPT) next to the condominiums and garage do not extend deep enough to provide characterization of the ground below the tunnel in the critical tunnel reach adjacent to the condominiums and garage. In fact, boreholes 1050ST, 1049ST and 1138CT barely reach the bottom elevation of the tunnel and should have been advanced to the same depth as 1139CT. It is

critical that the material below the tunnel and adjacent to the condominium and garage are adequately characterized due to the weak clay layer observed in borings 1156ST and 1139CT. This weak clay layer (if present near the condominium and garage) will have design implications with regards to the passive reaction of the embedded portion of the sheet pile wall. It is therefore recommended to perform an additional three to four CPTs using a seismic cone in order to be able to measure shear wave velocity. Shear wave velocities are essential for evaluating soil deformability at small strain from which, depending on the constitutive model adopted for the design, the operational soil modulus can be properly evaluated.

5. **Sheet Pile Wall Constructability:** The standard vibratory driving method for sheet pile wall installation is not applicable near the CICA condominium and garage due to the close vicinity of sensitive buildings. The most promising alternative outlined in the Final EIS is the press-in method where the sheet pile is pushed into the ground without vibratory hammers. Depending on the soil type and strength it may be necessary to utilize techniques to facilitate the penetration of the sheet pile wall to the desired depth. Boring 1138CT shows layers with strength as high as 6,200 psi (43 MPa) or higher for which the Super Crush method would be necessary. Boring 1137CT shows a strength of about 1,800 psi (12 MPa) for which the water jetting technique would be sufficient.

Sincerely,

Augusto Lucarelli
Principal

D. Lee Petersen
Principal

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.
Signature:

Typed or Printed Name: Ryan L. Peterson

Date: June 13, 2016 License Number: 44953

Enclosure
Ref. 2-5717-01

Technical Memorandum

ITASCA
Consulting Group, Inc.

Date: June 13, 2016

To: Calhoun Isles Condominium Association

From: Ryan Peterson, Lee Petersen, Augusto Lucarelli

Re: Southwest LRT Impacts on Calhoun Isle Condominiums

Ref: 16-2-5717-01-28TM

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.

Signature:

Name: Ryan L. Peterson

Date: June 13, 2016

License Number: 44953

1.0 INTRODUCTION

The Calhoun Isles Condominium Association (CICA) retained Itasca Consulting Group (Itasca) to assess possible impacts of the Southwest Light Rail Transit (LRT) project on CICA residents, structures, and property. The assessment is based on the project's Final Environmental Impact Statement (EIS)[1]. Throughout this technical memorandum, the acronym "CICA" is used to represent the CICA residents, structures, and property. The terms "high rise" and "condominium" are used interchangeably throughout the document to represent the converted grain silo structures.

The potential for impacts on CICA are based on several factors:

1. Proximity—The CICA high rise and parking ramp are immediately adjacent to and less than two feet from proposed construction activity, which includes the installation of a sheet pile wall and construction of a cut and cover tunnel. CICA townhouses are within approximately 43 feet of the proposed construction activity.
2. Susceptibility—Pile driving for a residential development approximately 150 ft southeast of CICA was a nuisance to residents and reportedly caused damage. Since the distance is beyond the limits commonly thought to produce pile driving damage, the CICA high rise appears to be susceptible to vibration impacts.

We have identified the following potential impacts to CICA: 1) vibration impacts during construction; 2) vibration impacts during LRT operations; 3) noise impacts during construction; 4) noise impacts during LRT operations; 5) adequacy of the geotechnical site investigation and the

[1]http://metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/Environmental/Final-EIS.aspx?source=child

potential for settlement; and 6) sheet pile wall constructability. This technical memorandum presents our assessment of these potential impacts.

2.0 VIBRATION IMPACTS

Vibration impacts to CICA are separated into four categories, including:

- vibration impacts causing damage to structures during construction;
- vibration impacts causing nuisance to residents during construction;
- vibration impacts causing damage to structures during LRT operations; and
- vibration impacts causing nuisance to residents during LRT operations.

The vibration impact criteria used in the Final EIS are based on the information contained in Chapter 8 of the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment manual[2]. The following sections summarize the Southwest LRT construction vibration impacts and long-term LRT vibration impacts.

2.1 Construction Vibration Impacts

As noted in the Introduction, CICA has reportedly experienced recent impacts (nuisance and damage) due to ground-borne vibrations from the Trammel Crow project (located approximately 150 feet southeast of CICA). The distance between the source (vibratory pile driving) and receiver (CICA high rise and townhouses) was significant and it is surprising that these impacts, which extended to the upper floors of the high rise, were experienced given the source-receiver separation distance. The immediate conclusion is that CICA is susceptible to vibration impacts, which could be due to some or all of these factors:

1. the geologic conditions promote efficient vibration propagation;
2. the soil-to-building foundation attenuation is very low; and
3. the floor-to-floor attenuation is very low.

The construction vibration damage assessment herein is based on values in the FTA guidance manual and is listed in Figure 1. Typically, structures similar to the CICA would be classified as Category I buildings. However, based on recent experience, the CICA structures are significantly susceptible to construction vibration. The Final EIS does not identify the building category of the CICA structures. In lieu of a detailed analysis, we recommend that the Calhoun Isles be identified as Building Category IV structures based on recent experience with damage induced by construction vibration. The building category should be identified in a supplement to the Final EIS and should be based on a susceptibility field study.

[2] https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf

TABLE 2.2-4
FTA Vibration Damage Criteria from Construction

Building Category	PPV (in/sec)	Approximate Lv*
I. Reinforced-concrete, steel or timber (no plaster)	0.5	102
II. Engineered concrete and masonry (no plaster)	0.3	98
III. Non-engineered timber and masonry buildings	0.2	94
IV. Buildings extremely susceptible to vibration damage	0.12	90

* RMS velocity in VdB re 1 micro-inch/second

Figure 1 Vibration damage criteria from construction (Appendix K of the Final EIS).

2.2 Long-Term (Operational) LRT Vibration Impacts

The FTA guidance manual states:

> *"For operation in subway, the ground-borne vibration is usually a significant environmental impact."*

Hence, the vibration estimates in the Final EIS have been reviewed and independent vibration estimates have been performed using FTA guidance procedures.

Comments regarding vibration estimates in the Final EIS follow.

- The Final EIS uses force mobility inputs from an earlier study to estimate vibrations impacted by the project. It is unclear whether the force mobility input (reference speed = 40 mph) was adjusted for train speed near the CICA property (estimated speed = 45 mph). Adjusting for train speed increases the estimated vibration.
- A line source transfer mobility function was developed by the Metropolitan Council from field measurements taken roughly 450 ft north of the condominium (at Dean Court and W 28th Street). The field measurements were made on the ground surface, so the transfer function may not adequately represent subsurface propagation of vibrations from tunnel depth.
- The Final EIS lists the horizontal distance from the centerline of the LRT track to the condominium as 43 ft. This value is representative of the distance to townhouses, not the condominium. Actual horizontal distance from the centerline of the eastbound LRT track to the condominium is 13 ft (see Figure 2). Adjusting the distance to the actual value results in a significant increase in estimated vibration.
- The Final EIS identifies two design elements for mitigating operational vibrations.
    - The first design element is highly resilient fasteners. The resulting vibration reduction attributed to these fasteners could be interpreted as being effective at reducing vibrations by 5 VdB above 80 Hz and not effective at reducing vibrations

below 80 Hz. The FTA manual suggests that highly resilient fasteners are effective above 40 Hz. The actual effectiveness will depend on the fastener material properties.

  - The second design element is the tunnel slab. No details regarding the estimated magnitude of vibration reduction are given in the Final EIS. Table 10-1 of the FTA guidance manual suggests an appropriate adjustment to vibration propagation for a cut and cover tunnel is a reduction of 3 VdB. This value seems reasonable in the absence of any documented values.

- The total vibration mitigation resulting from proposed design measures appears to be 3 VdB below 80 Hz and 8 VdB above 80 Hz. The magnitude of vibration mitigation presented in the Final EIS is a factor of two to three times greater than these values. The source of the additional mitigation is undocumented and unreferenced in the Final EIS.
- The Final EIS vibration estimates for CICA are far too low, primarily because the source-receiver distance used was more than three times the actual. Also, the Final EIS considered unlikely "best-case" conditions including: 1) much higher vibration mitigation from design features than the FTA guidance manual suggests; 2) high attenuation of vibration propagation through soil; and 3) ideal wheel and track conditions (as opposed to wheel and track conditions that would cause vibrations).

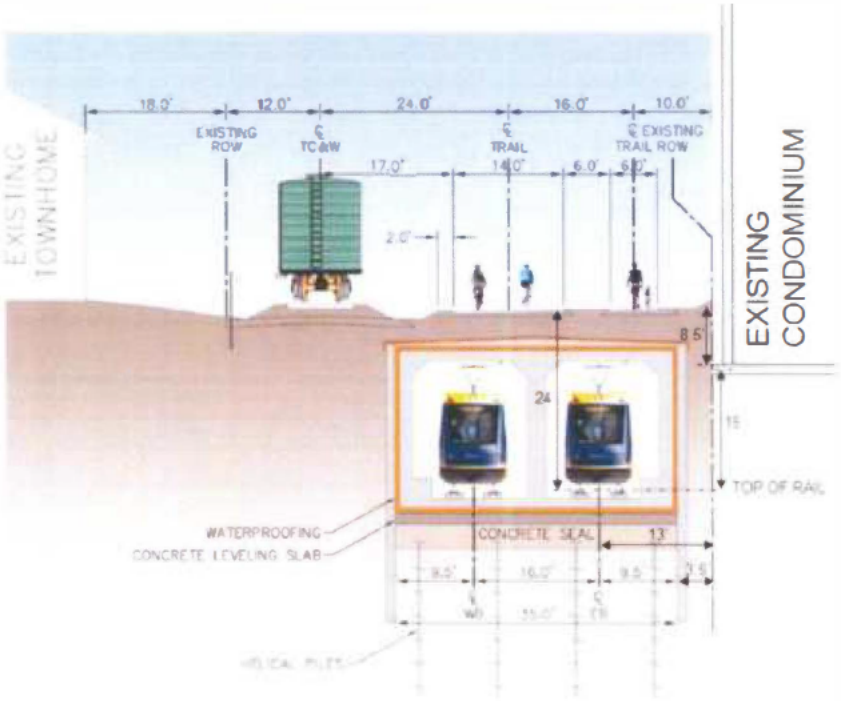

Figure 2 ***Track centerline to existing condominium distance based on Final EIS documents.***

Exhibit 4.2-5 in Appendix K of the Final EIS shows the estimated vibration levels 50 feet from an at-grade embedded track source (reproduced here as Figure 3). Site V8 represents the line source transfer mobility function from the measurements at Dean Court and W 28th Street. This transfer function is used to independently estimate the vibrations at CICA locations.

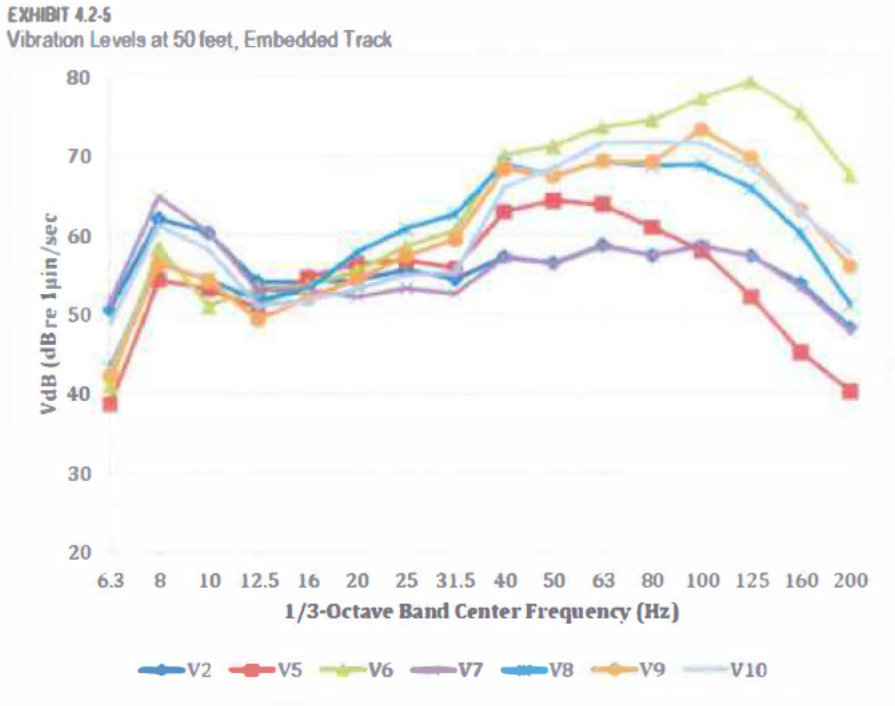

Figure 3 Estimated vibration levels 50 feet from an at-grade source.

The blue line in Figure 4 is a reproduction of the Site V8 line shown in Figure 3 (corrected to a speed of 45 mph). At 50 feet from an at-grade embedded track configuration, the estimated vibration levels will be slightly below the residential nighttime criteria. At 50 feet from a subsurface embedded track configuration (grey line), the estimated vibration levels are reduced due to the cut and cover tunnel structure and the highly resilient fasteners, as proposed in the Final EIS. However, the CICA condominium is only 13 feet from the east bound track centerline (not 43 feet as listed in the Final EIS). Three vibration estimates are shown for a distance of 13 feet and are discussed below.

The first estimate of vibration level (yellow line in Figure 4) assumes a "best-case" scenario based on the data provided in the Final EIS. The force mobility has been corrected to a speed of 45 mph. The line source transfer mobility function has been calculated using a distance of 13 feet. Mitigation measures (highly resilient fasteners and tunnel slab) have been incorporated. This "best-

case" scenario predicts that nighttime criterion is exceeded between 50 and 160 Hz and that daytime criteria is exceeded between 50 and 125 Hz.

The "best-case" scenario does not account for the possibility of efficient propagation. Efficient propagation is likely based on the Trammel Crow experience. It is also likely considering that the distance between the condominium and the sheet pile wall is roughly two feet. LRT vibrations need only travel two feet through geotechnical material (the properties of which may be modified during sheet pile installation) to reach the condominium. The second estimate (dark blue line in Figure 4) considers the efficient propagation of vibrations through soils. An adjustment factor of +10 VdB was used for efficient propagation through soil based on the FTA manual. This second estimate can be considered an "average-case" scenario. This "average-case" scenario predicts that nighttime criteria is exceeded between 20 and 160 Hz and that daytime criteria is exceeded between 40 and 160 Hz.

The best- and average-case scenarios do not consider the effects of worn wheels, wheel flats, corrugated track, or mill scale on new track, all of which have the potential to impact the CICA properties. Therefore, a third "worst-case" scenario (green line in Figure 4) was estimated to incorporate these vehicle and track parameter effects, which can increase vibrations as much as 10 VdB according to the FTA manual. This "worst-case" scenario predicts that nighttime criteria is exceeded between 8 and 200 Hz and that daytime criteria is exceeded between 20 and 160 Hz.

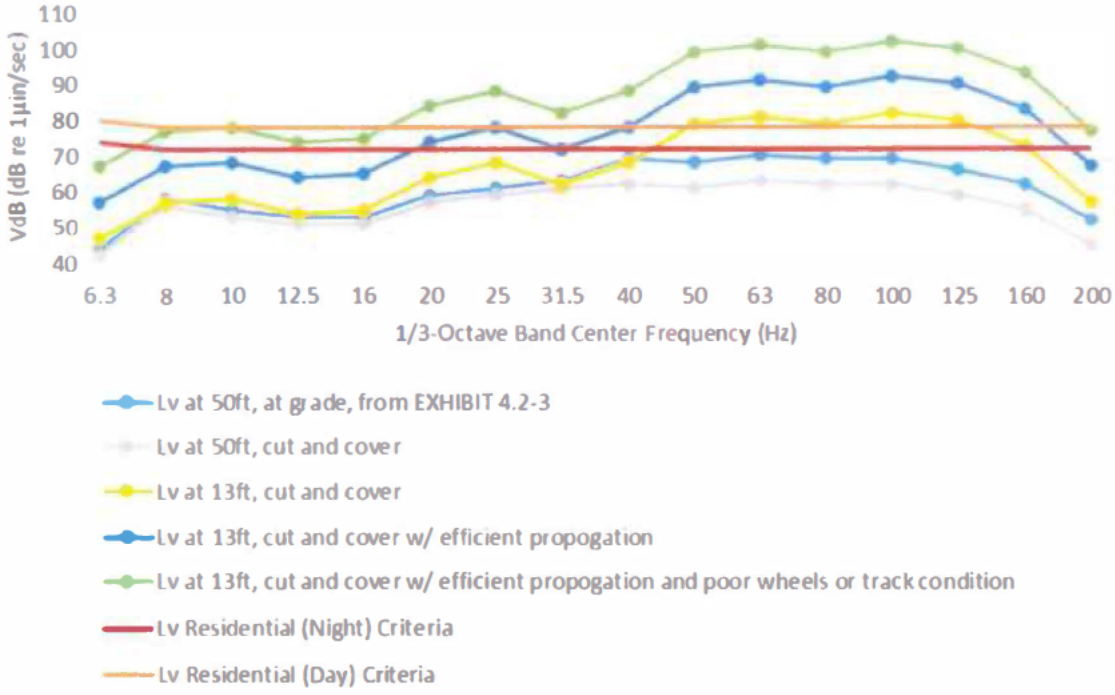

Figure 4 ***Estimated range of vibration impacts to the existing CICA condominiums (Lv at 13 ft) relative to FTA day and nighttime criteria and estimates at 50 feet.***

In summary, the preceding calculations indicate that the operational vibrations will significantly exceed FTA guidelines. A susceptibility study is necessary to provide a better estimate of impacts, from which the appropriate additional mitigation measures may be determined.

3.0 NOISE

Noise impacting CICA is subject to Title 3, Chapter 59 of the Minneapolis Code of Ordinances and the Minnesota Pollution Control Agency (MPCA) (Minnesota Rules Chapter 7030). The City of Minneapolis requires an after-hours work permit for any construction occurring on weekends, federal holidays, and before 7:00 am and after 6:00 pm on weekdays. The MPCA noise standards are listed online (https://www.revisor.leg.state.mn.us/rules) and in Appendix K of the Final EIS.

MPCA noise standards and long-term (24-hours) measurements of existing noise levels at CICA are listed in Table 4.1-2 of Appendix K of the Final EIS and reproduced in Table 1. Note that only peak levels (presumably daytime values) were reported in the Final EIS. Nighttime levels were measured, but not reported.

Table 1 Comparison of MPCA Noise Criteria and Noise Measurements

Description	Daytime		Nighttime	
	L_{50} (dBA)	L_{10} (dBA)	L_{50} (dBA)	L_{10} (dBA)
MPCA Noise Area Classification 1 Standard	60	65	50	55
Existing Noise Measurements (Appendix K of the Final EIS)	55	67	Not Listed	Not Listed

It is important to differentiate between noise impacts due to construction and due to long-term operations of the Southwest LRT. The following sections include summaries of the review of the Final EIS construction noise impacts and operational noise impacts.

3.1 Construction Noise

As the Final EIS correctly states, construction noise levels are, to a degree, unavoidable for this type of project. Construction noise mitigation measures can be implemented to lessen the impact. The impact of construction noise appears to have been adequately addressed in the Final EIS.

3.2 Operational Noise

The Southwest LRT will be underground in the vicinity of the CICA property; therefore airborne noise impacts are unlikely. The FTA guidance manual provides a method to estimate ground-borne noise based on estimated vibration levels. Figure 5 shows estimated ground-borne noise for the best, average and worst cases above. Although the ground-borne noise estimate is not in terms of L_{10} dBA (basis of the MPCA criteria), it does suggest the possibility that ground-borne noise could exceed MPCA noise standards.

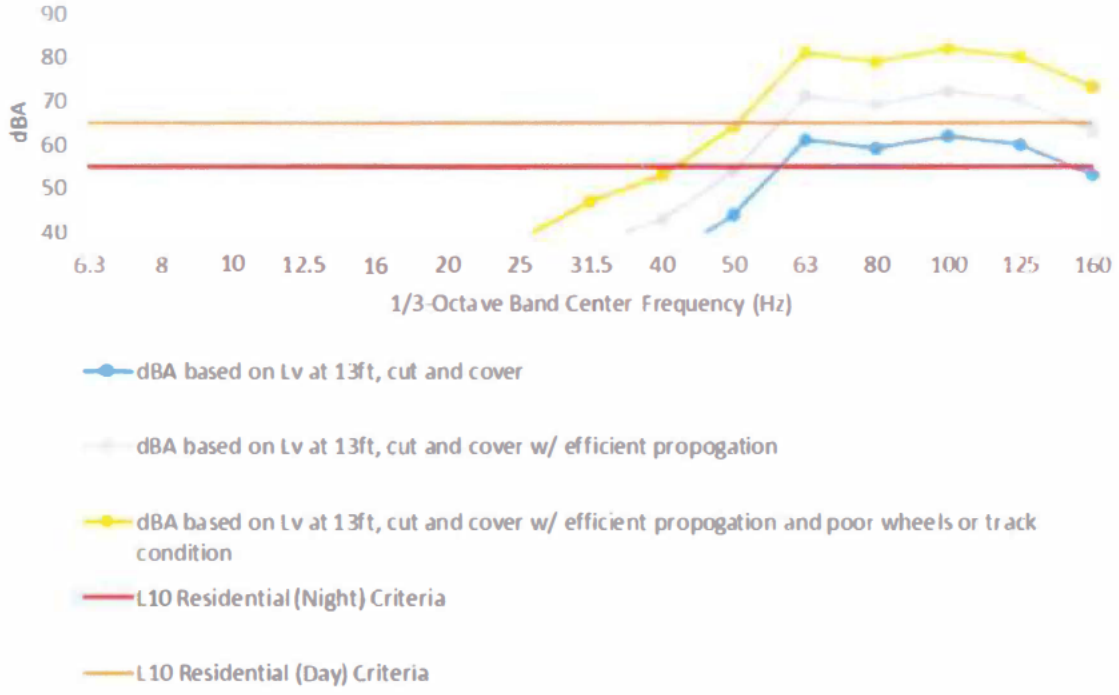

Figure 5 ***Estimated ground-borne noise impacts relative to MPCA noise criteria.***

4.0 SITE INVESTIGATION

The CICA structures and their foundations are very close to the planned LRT tunnel construction, with some garage foundations within six inches of the back of the sheet pile wall. In addition, the foundations are relatively shallow compared to the bottom of the tunnel, and so are more sensitive to movements of the sheet pile wall.

The geotechnical conditions in the vicinity of the Calhoun Isles Condominium have been investigated with standard penetration test borings (SPT) and piezocone penetration test borings (CPT). Figure 6 shows the location of each investigation (SPT borings have the suffix ST and CPT borings have the suffix CT).

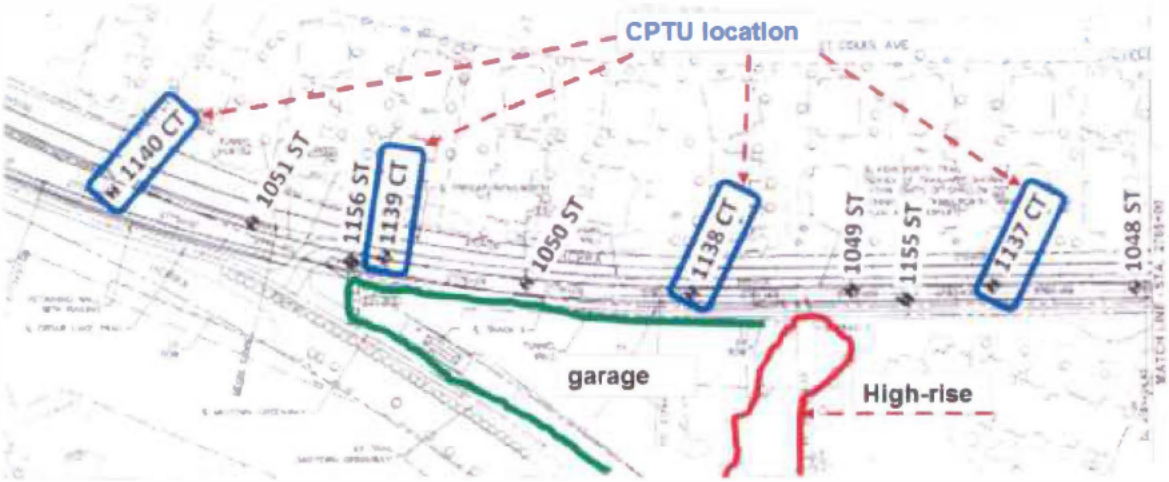

Figure 6 Location of SPT and CPT borings.

There are four CPT borings (1140CT, 1139CT, 1138CT, and 1137CT) and six SPT borings (1051ST, 1156ST, 1050ST, 1049ST, and 1155ST). A CPT test consists of pushing a cone with standardized dimensions at a constant velocity into the ground. The force necessary to push the cone is continuously monitored, providing very detailed information about the local soil stratigraphy and strength. Figure 7 provides a schematic view of the cone along with the parameters that are monitored during the test.

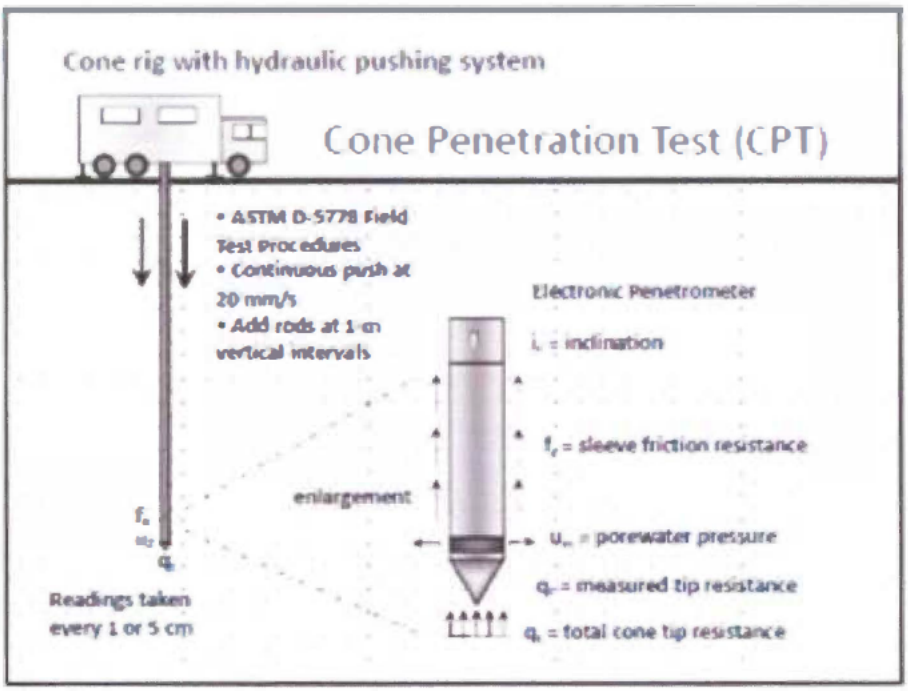

Figure 7 Schematic view of the piezocone

Whenever the soil conditions allow, like in this case, CPT are the preferred test due to speed, cost, and higher quality data.

The geotechnical longitudinal profile is usually an effective way to represent subsurface conditions allowing for an immediate understanding of the geotechnical unit correlations, weak and strong zone alternation, pore pressure distribution, and so on. Figure 8 shows the subsurface conditions adjacent to CICA.

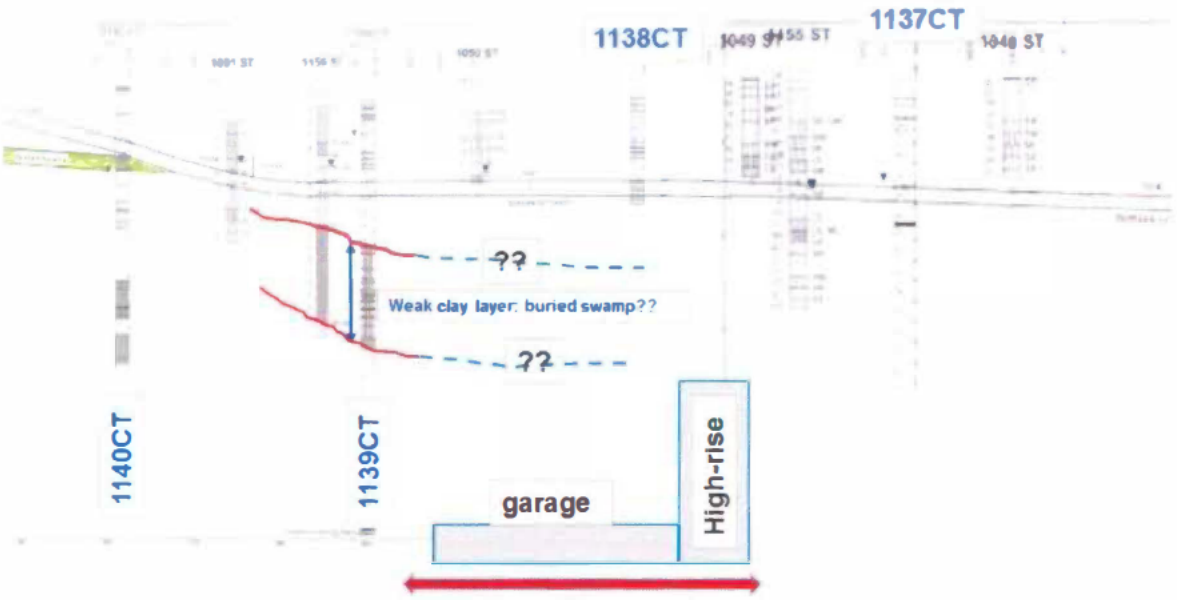

Figure 8 Geotechnical profile adjacent to CICA.

As we can see from the profile, some borings are too short to be able to provide useful information in front of the CICA high rise and garage. Borings 1050ST, 1049ST, and CPT 1138CT barely reach the bottom of the tunnel. These borings should have reached the same depth as test 1139CT. The reason for doing so is that the soil condition below the excavation bottom plays a very important role for the stability of the sheet pile wall (SPW) and for the potential settlements induced to adjacent structures during excavation.

Another important observation comes from the 1139CT results in Figure 9. There is a weak clay layer in the close vicinity of the excavation bottom where the passive reaction of the embedded part of the SPW is supposed to develop. Unfortunately, because test 1050ST, 1138CT, and 1049ST are too short, it is impossible to evaluate the extent and geometry of this weak layer.

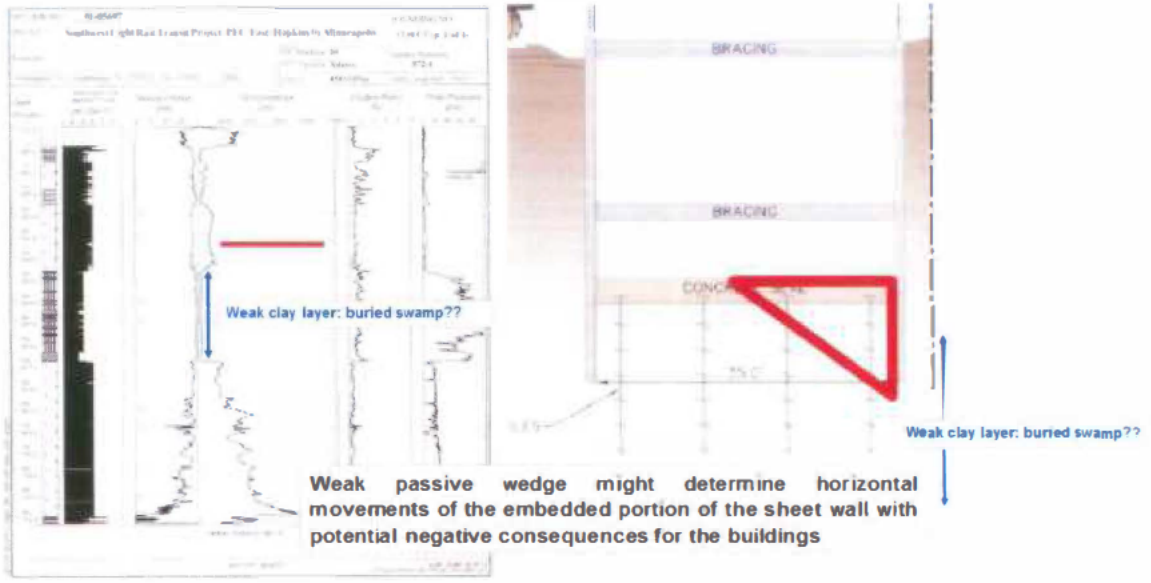

Figure 9 CPT 1139CT profile details.

The presence of the weak layer in 1139CT and the absence of deep borings between 1139CT and 1137CT represent a significant risk to CICA. We consider the site investigation to date to be inadequate in the vicinity of CICA. At least three or four additional CPT borings are necessary—additional CPT borings may be necessary if the subsurface conditions are complex.

The risk to CICA arises because the strength and deformability of the soil below the excavation bottom plays a vital role on the deformations induced behind the wall where the CICA high rise and garage are founded. These structures may be vulnerable to differential settlements.

In addition to future site investigation, the risk to CICA may be mitigated by improving the soil condition just below the excavation bottom. One possible way to achieve the improvement is to realize a jet-grouting strut below the excavation bottom as shown in the following Figure 10. The soil treatment can be realized locally in front of the high-rise and the garage, especially if the new soil investigations confirm the presence of a weak layer below the excavation bottom. The great advantage of such treatment is that it will be immediately effective while other internal contrasts require soil excavation first (and therefore producing deformation first) before they can exert any reaction. Moreover, the second lower internal strut may not be necessary.

Regarding the additional CPT borings, it would be desirable to use a seismic cone in order to be able to measure shear wave velocity. Shear wave velocity of the soils is essential to evaluate soil deformability at small strain from which, depending on the constitutive model adopted for the design, the operational soil modulus can be properly evaluated.

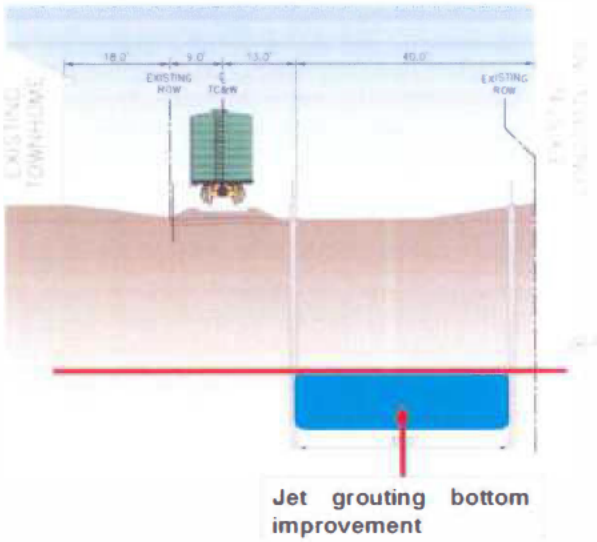

Figure 10 Excavation bottom improvement.

5.0 SHEET PILE WALL CONSTRUCTABILITY

Construction of the sheet pile wall (SPW) adjacent to CICA has the potential to negatively impact CICA. This SPW, which is within six inches of some foundation elements, is necessary to support the soil during construction of the cut-and-cover tunnel. The standard driving method is not applicable in this case due to the close vicinity of the CICA high rise. The most promising alternative is the press-in method where the SPW is pushed into the ground without vibratory hammers. Depending on the soil type and strength, it may be necessary to adopt helping techniques to facilitate the penetration of the SPW at the desired depth.

Subsurface conditions show soils that will require supplemental techniques for pile installation. Figure 11 shows the potential strength variability, with 1138CT showing layers with strength as high as 6,200 psi (43 MPa) or higher and 1137CT showing strength of about 1,800 psi (12 MPa).

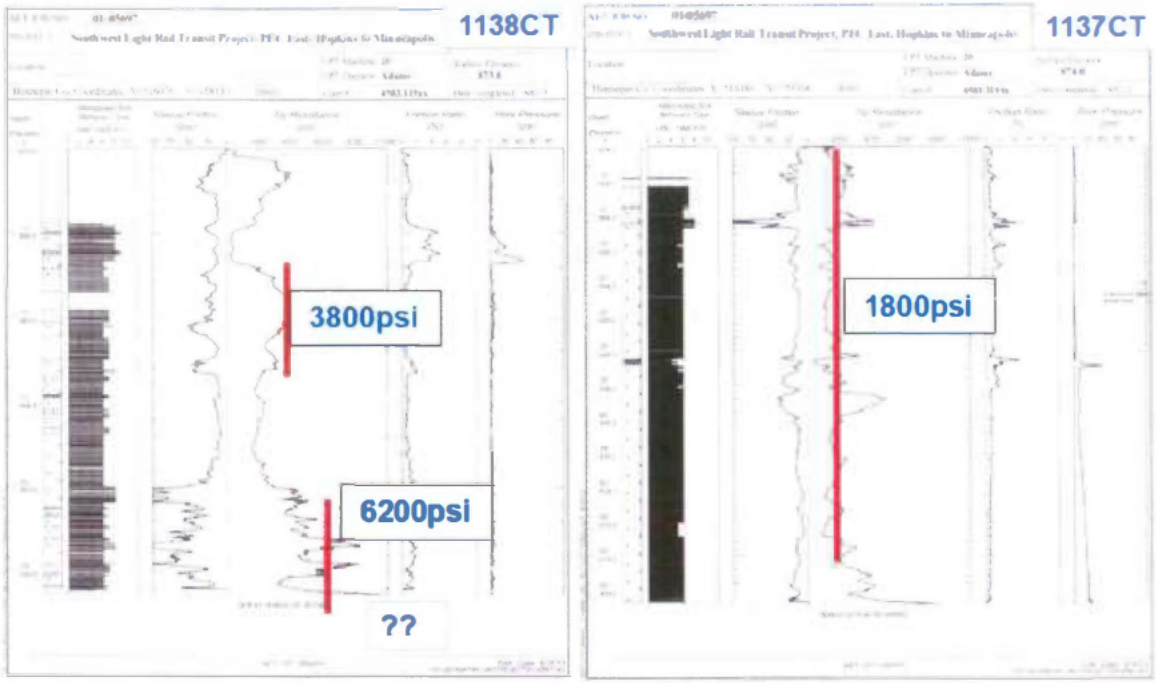

Figure 11 Soil strength variability from CPT borings.

Figure 12 shows a diagram that relates the strength of the soil and the SPW length to the recommended helping technology for successful driving. It is quite evident that, at a minimum, the water jetting technique will be necessary. The conditions encountered in 1138CT show that the Super Crush helping technology may be necessary.

More soil investigation is necessary to fine tune the final choice, which should be corroborated by a field test performed in different locations along the alignment monitoring all the mechanical parameters during the operation.

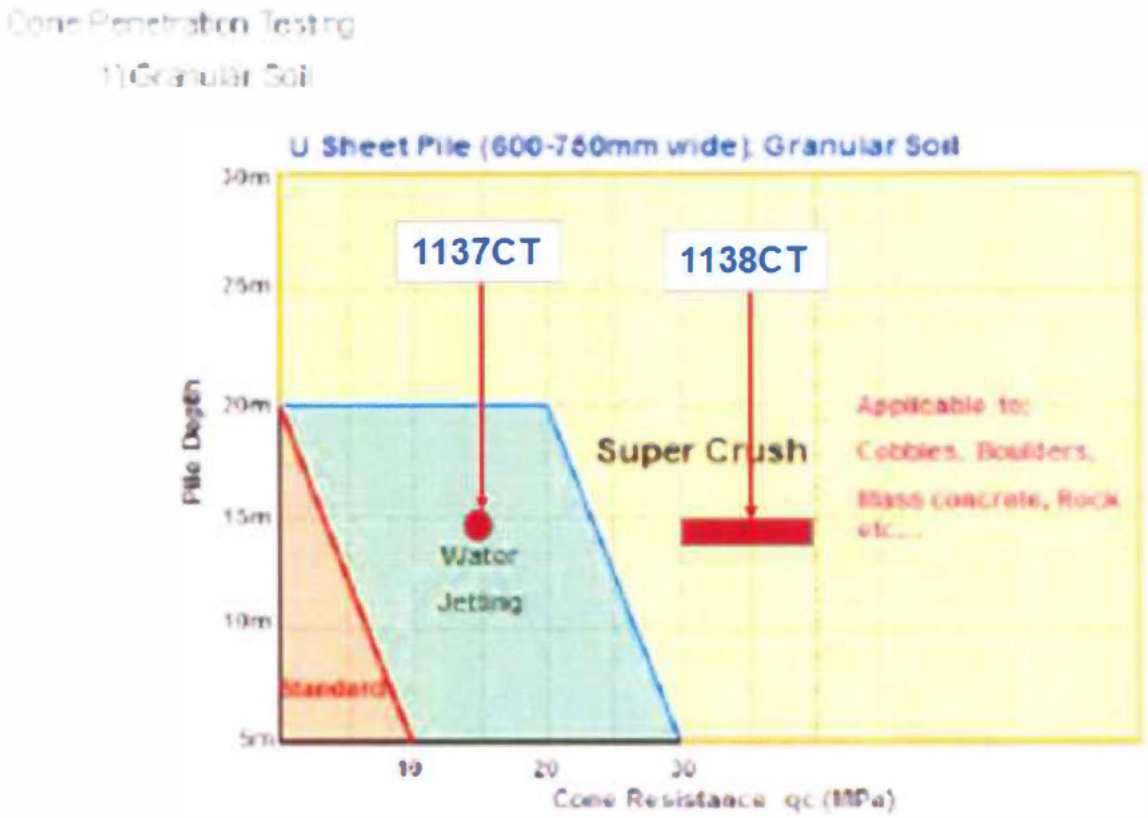

Figure 12 SPW press-in chart: helping techniques.

Meath/
Done Right

NANI JACOBSON
Assistant Director, Enviromental & Agreements
Metro Transit - Southwest LRT Project Office
6465 Wayzata Blvd. Suite 500
St. Louis Park, MN

LRT-Done Right

2700 Kenilworth Place
Minneapolis, MN 55405

June 13, 2016

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:

LRT-Done Right is a grassroots organization of approximately 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Final Environmental Impact Statement (FEIS). These comments are the product of many volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive due attention and response.

We must enter into the public record our consternation with the inadequacy of a 30-day response period for lay citizens processing a 17,000 page technical document. Our comments here would be much more extensive had our state legislators' request for an extension been granted.

In our detailed response to the SDEIS, LRT Done Right noted that the SDEIS failed to assess the multiple impacts of co-location in the Kenilworth Corridor in terms of many factors including safety, vibration, noise, environmental damage, Section 106 assessments, etc. We were assured that these issues would be comprehensively dealt with in the FEIS. And yet we find in the FEIS that many of our critical concerns are either not addressed or inadequately addressed.

Finally, we perceive a conflict of interest in the Met Council's responsibility for determining the adequacy of the FEIS, since it is the work of the Met Council. Therefore we strongly encourage that the Met Council seek the Environmental Quality Board's review of the FEIS.

Judy Meath
On behalf of LRT-Done Right

LRT-Done Right response to
Southwest Light Rail Final EIS

From FEIS Executive Summary:

2. WHAT IS THE PURPOSE AND NEED FOR THE PROPOSED PROJECT?

The Purpose and Need provides the foundation for the proposed Project. The Purposes of the proposed Southwest LRT Project are summarized below:

- *Improve access and mobility to the jobs and activity centers in the Minneapolis central business district and the expanding southwest suburban employment centers*
- *Provide a competitive, cost-effective travel option to attract choice riders to the transit system, in an area of the region experiencing congested roadway connections between corridor cities and downtown Minneapolis*
- *Be part of an efficient system of integrated regional transit-ways serving the Twin Cities*

The Need for the Project is summarized as follows: Since the late 1980s, the Council has identified that the Southwest Corridor warrants a high level of transit investment to respond to increasing travel demand in this highly congested area of the region. This area of the Twin Cities experiences daily congestion on the roadway network, speed and use limitations within shoulder bus operations, and capacity constraints in downtown Minneapolis. Four primary factors make the Southwest LRT Project important for people who live and work in the southwest metropolitan area: (1) declining mobility; (2) limited competitive, reliable transit options for choice riders and people who rely on public transportation, including reverse-commute riders; (3) the need to maintain a balanced and economically competitive multimodal freight system; and (4) regional and local plans calling for investment in additional LRT projects in the region.

LRT Done Right Comment: Purpose and Need for SWLRT

"Since the late 1980s, the Council has identified that the Southwest Corridor warrants a high level of transit investment to respond to increasing travel demand in this highly congested area of the region."

Purpose of Proposed Project: An Investment in Suburbanization

In line with the national post - war pattern of suburban growth, per Minnesota Compass, the core cities of Minneapolis and St. Paul experienced a 38% drop in population while the suburbs grew 380% from 1950 to 1980. From 1980 until very recently, the core cities' population remained unchanged, while the exurban and suburban population rings rose by over 50 %. [1] Eden Prairie, the SWLRT southwest terminus located 12 miles from Minneapolis , provides an example of this suburban

[1] Rebecca Sohmer, David Jackson, Bruce Katz, Amy Liu and David Warren, "Mind the Gap: Reducing Disparities to Improve Regional Competitiveness in the Twin Cities," (Brookings Metropolitan Policy Program) 2005, p.4.

growth with its population rising 300% from 16,000 to 50,000 from 1980 to 2000 (SWLRT DEIS, 2012) and another 12,000 by 2013.

The Civil Rights Project at the Harvard Center for Community & Change described post-war suburbanization in *Moving to Equity* and linked income inequality and racial segregation to growth and development of suburbs located increasingly farther away from central cities. [2] It was in this context of ongoing suburbanization in the late 1980's that the Met Council first chose the Southwest Corridor as warranting a "high level of transit investment."

At the time that planning for SWLRT began in earnest in the mid-2000's, the Brookings Institution Metropolitan Policy Program issued *Mind the Gap: Reducing Disparities to Improve Regional Competitiveness in the Twin Cities.* The report found that while the Twin Cities have many assets that make them strong and competitive, "Underneath these broad regional successes are some disturbing social and economic disparities, demonstrating that progress is not widely shared."[3] The report identified and called for the reduction of three sets of "gaps" or areas of disparity: among racial and ethnic groups, among different income groups, and between the central cities and the suburbs — that show that the region's prosperity does not benefit all residents or communities.[4]

These areas of disparity are interrelated and intersect in the gap between central cities and suburbs:

> Place disparities, or differences between cities and suburbs (and among suburbs), result from uneven development that has led to concentrations of poverty in the regional core and concentrations of relative wealth in the outer suburbs.[5]
>
> The two central cities have markedly different demographic patterns than the rest of the metropolitan area. While some older, inner ring suburbs are beginning to resemble the central cities in some respects, the region still displays a fairly traditional pattern of poorer, more diverse central cities surrounded by wealthier, whiter suburbs.[6]

As SWLRT planning unfolded in 2005, the *Mind the Gap* study found:

> Concentrated poverty—neighborhoods where the poverty rates are 40 percent or higher—is solely found in Minneapolis and St. Paul. In other words, there are no extremely poor suburban neighborhoods, only extremely poor central city neighborhoods. *According to a*

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[2] Sanchez, Stolz, Ma, "Moving to Equity" (The Civil Rights Project at the Harvard Center for Community & Change), 2003, p.17.
[3] Sohmer, Jackson, Katz, Lui, and Warren, "Mind the Gap," p.3
[4] Ibid, p.3,4
[5] Ibid, p.9
[6] Ibid, p.20

> *study done by the DC Fiscal Policy Institute, the Twin Cities has the second starkest differential between city poverty rates and suburban poverty rates in the country.* The central cities' poverty rate is 4.5 times higher than the suburban poverty rate, which is a higher ratio than the Baltimore, Detroit, Cleveland, and Philadelphia metro areas (emphasis added). [7]

SWLRT as an answer to "increasing travel demand in this highly congested area of the region" was conceived and planned in this stark context of Twin Cities' metro suburban and urban disparity.

- LRTDR rejects the following FEIS justification of SWLRT: This area of the Twin Cities experiences daily congestion on the roadway network. Provide a travel option to attract choice riders to the transit system, in an area of the region experiencing congested roadway connections between corridor cities and downtown Minneapolis.

- The SWLRT project enacts the stark metro place disparity by prioritizing the most costly public works project in state history for the purpose of providing "a travel option to attract choice riders" who have caused the congestion produced by southwestern suburbanization.

Furthermore, the move to affluent and distant suburbs has been accompanied by an unacceptable and extraordinarily low carpool rate during commute hours between the Southwest suburbs and Minneapolis. An efficient use of the existing transit and transportation resources must be required of "this area of the Twin Cities."

The FEIS ridership table 4.1-2 on p. 4-18 shows that SWLRT is expected to take only 6500 vehicles off the road by 2040. Attaining a 9% carpool rate among southwest metro drivers over SWLRT planners' time horizon of 25 years – only 520 new carpoolers per year - would achieve the same congestion relief at very little, if any, cost. A 9-10% carpool rate is typical for other metropolitan areas. This area of the Twin Cities and the entire metro should be expected to match what is achieved in other metropolitan areas.

SWLRT Planning: Performance of Place Disparity

SWLRT planning history can be seen as a repeated performance of the stark differential between city and suburb documented in *Mind the Gap*. A representative enactment is the "diagonal route," described in the FEIS as a positive characteristic of SWLRT. However, the diagonal route is not equally shared by city and suburb. On the one hand, the diagonal route was insisted on in Minneapolis by SWLRT planners as the fastest way into downtown jobs for suburban commuters, though key characteristics of that route were that it missed urban density, insulated suburban riders from major Minneapolis commercial areas and neighborhoods, and limited the opportunity for urban development.

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[7] Ibid, p.21

On the other hand, the diagonal route was abandoned at the southwest suburban end to serve business needs there. Early Southwest LRT plans had the train remaining to the north on the existing railroad right-of-way it will use for most of its route from Minneapolis. "We pushed hard to get it down into our core jobs and commercial districts," says Mayor Tyra-Lukens[8]

In 2007, Minnetonka and Eden Prairie made it clear that routing SWLRT through the Hennepin County-owned recreational trails in their communities, comparable to the Kenilworth Trail in Minneapolis, would limit development and economic opportunities and be detrimental to their cities' quality of life. Eden Prairie and Minnetonka were not allocated mitigation of a poor route. They "pushed hard" and got a better, more valuable alignment for their suburban cities.

Eden Prairie Mayor Nancy Tyra-Lukens described the purpose and need for the SWLRT and its alignment in Eden Prairie as follows: "One of the largest software companies in the Twin Cities, HelpSystems, just told me it can't fill jobs out here. We don't want these businesses moving. It's a competitiveness issue for us." [9]

According to Mayor Tyra-Lukens, the SWLRT reroute out of the HCRRA trail was needed *to keep* businesses in Eden Prairie. This suburban economic strategy is directly contrary to the FEIS statement of Purpose and Need to "improve access and mobility to ... the *expanding* southwest suburban employment centers."

SWLRT as a strategy to *keep or attract* businesses to the southwest suburbs, *rather than to provide needed transit* to "expanding southwest suburban employment centers," is reported in a recent Mpls/St.Paul Business Journal article (3/18/16), "*The Great Minneapolis Migration: As employers head downtown, suburbs play catch-up to add amenities to hold onto tenants.*" It reported that over the past two years, more than 15 companies have announced relocations to downtown Minneapolis. A consequence of the shift by businesses from suburban to downtown office locations is a drop in demand for suburban office space. An office broker specializing in the southwest suburbs at Cushman & Wakefield/NorthMarq predicts the drop in demand for southwest suburban office space will improve with the proposed SWLRT line. He is cited as expecting "a bump in suburban office demand as light rail transit along the southwest corridor gets closer to opening in 2020," echoing Eden Prairie Mayor Tyra-Lukens' description of the need for SWLRT as "a competitiveness issue for us."

- *LRTDR rejects the FEIS depiction of SWLRT Purpose and Need "to improve access and mobility to ... expanding southwest suburban employment centers."*

- *SWLRT as routed is a public investment in an amenity for the competitive position of private southwest suburban business. It* is desired by Southwest suburbs and implemented as a strategy *to retain* their employment centers, *not a public transit need* to access expanding southwest suburban employment centers.

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[8] Adam Platt, "Transit Showdown in Southwest Metro," (Twin Cities Business) October 30 2015).
[9] Ibid

Thus, the proposed SWLRT route hooks at its southwest suburban end rather than continuing the diagonal route along the HCRRA-owned right-of-way. Prior to the route change in Eden Prairie, there was a citizens' activist group there, Trails not Rails.[10] Also, citizen activism occurred early in SWLRT planning to preserve areas near the HCRRA Trail in Eden Prairie occurred early in SWLRT planning.[11] The Trail is now a valuable recreational greenspace surrounded by high-end homes and a golf course.

Therefore, in addition to the reroute achieved as a strategy to enhance its business competitiveness, Eden Prairie has obtained an increase in its recreational green space with the HCRAA- purchased rail corridor. Eden Prairie and Minnetonka have roughly 2 to 3 times more open space acreage per person than Minneapolis. Hence, southwest suburban SWLRT routing enacts and worsens another element of urban and suburban disparity, which will be repeated by the adverse and degrading impact of SWLRT on the Minneapolis Chain of Lakes. Eden Prairie was publicized in Money Magazine's "Best Places to Live" in September 2012. The magazine promoted the high quality of life in the suburb, listing $116,000 as the median household income and a coming "commuter rail project" as a reason to live there.

The *Mind the Gap* study strongly argued for reducing the "stark differential" of place and poverty between metro suburbs and the core cities on the bases of social equity and regional economic growth.[12] Nonetheless, due to planners' priority to improve the alignment in Eden Prairie and Minnetonka, $300 million in project costs were added, thereby increasing the overall SWLRT project budget from about $900 million to about $1.2 billion. The 30% suburban budget increase occurred at the beginning of planning and caused enormous and unrelenting pressure thereafter to keep costs down for the SWLRT alignment in Minneapolis. The improvement in the southwest suburban alignment thus may be said to have played a causal role in determining a poor route in the city.

The new alignment out of the HCRRA Trail in Eden Prairie and Minnetonka also meant SWLRT must be built through wetlands there. The additional financial (as distinguished from environmental) cost of doing so was not made public until the spring of 2015 and then portrayed as part of $300 million of engineering "surprises" to SWLRT planners. [13] Significantly, the Met Council will not break down the most recent additional $300 million project costs by municipality. Therefore, information is not available regarding the total public transit dollar investment for Eden Prairie's and Minnetonka's SWLRT strategy as "a competitiveness issue for us. " However, we do know that the environmental cost to wetlands is steep, and in fact, cannot be mitigated. As stated in the FEIS, the Met Council must purchase wetland mitigation bank credits to offset the damage caused by the route.

Minneapolis Disenfranchised from Alignment Selection: No SWLRT in Urban Density

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[10] http://fbiw.net/old_site/Trail/LRTGuide.pdf p.17
[11] http://fbiw.net/old_site/News/
[12] Sohmer, Jackson, Katz, Lui, and Warren, "Mind the Gap," p.26
[13] http://www.mprnews.org/story/2015/06/22/video-choo-choo-bob-explains-southwest-light-rails-newest-woes

Former Minneapolis Mayor R.T. Rybak's office supported an alignment that would serve Uptown and dense neighborhoods to the east in South Minneapolis. After $300 million was prioritized and frontloaded for the southwest suburban alignment, SWLRT planners decided the financial leeway to consider routing through urban density was gone, and the potential cost of providing transit for the urban core was seen as unaffordable as well as unnecessary to obtain federal funds. In addition to the pressure created by the suburban routing to keep costs down in Minneapolis, as the City of Minneapolis states in Resolution 2014R-362 and included in its FEIS response:

> 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.
>
> *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 (emphasis added.*)

Mayor R.T. Rybak said of the route, "The history on this is clear. The county pushed the idea of the Kenilworth Corridor over our objections."[14] Minneapolis did not want the Kenilworth alignment, but agreed to it on the condition and promise that the freight rail that had been temporarily placed there would be moved.

LRTDR endorses the City of Minneapolis FEIS Staff comment on regarding SWLRT project history:

> The development of the project including route selection differs significantly from the recounting outlined in the FEIS ...
> 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.

Regarding the failure of SWLRT planning in Minneapolis, Gov. Mark Dayton commented, "While Hennepin County has been blamed for not resolving the potential conflict between light-rail and freight trains, it could easily have been foreseen by Met Council staff, the planners and the like, at

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[14] MinnPost 10/15/2013

least five years if not 10 years ahead of now."[15] *The poor performance of SWLRT planners has not lessened Gov. Dayton's advocacy for the project.*

This failure in planning meant that Minneapolis was disenfranchised from the alignment selection process as the unviable Kenilworth option distorted and eclipsed real planning and options. The routes through density favored by the City could not be and were not fairly or accurately evaluated.

- LRTDR rejects the FEIS statement that SWLRT fulfills the Purpose and Need: Be part of an efficient system of integrated regional transit-ways serving the Twin Cities.

- SWLRT will not improve the efficiency of regional transit-ways serving the Twin Cities. FEIS ridership data on table 4.1-2 on p. 4-18 shows Total System-wide Transit Trips will increase by a barely measurable 200 trips by 2040.

- The lack of improvement in efficiency of the regional transit-way is reflected in the outcome that SWLRT as routed will actually increase GHG. FEIS Environmental Analysis p. 3-204 concludes: The Project operation will increase the Green House Gas emission in the Twin Cities area by approximately 2,000 metric tons per year in 2040 compared to No Build Alternative.

When Mayor Hodges voted against the co-location plan on April 2, 2014, she underscored the preemption of Minneapolis' participation in alignment selection:

> "This would not be the route that Minneapolis would have supported for light rail. We would've had a clarion call ... we need to find another alternative here because our support is predicated on the reroute of freight." [16]

Enactment of suburban and urban place disparity continued in the SWLRT planning process. Though a safe engineering method to reroute freight was established by TranSystem, all suburban cities on the Corridor Management Committee (CMC) voted instead in favor of retaining co-location in the Kenilworth Corridor in Minneapolis. (Though Edina would have no SWLRT stations within its borders, it is included on the CMC and has a vote equal to Minneapolis.) The suburban cities without exception prioritized their own municipalities and unanimously overrode past promises and fairness for Minneapolis. The Minneapolis FEIS Staff comment recounts:

> 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

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[15] ***Star & Tribune,*** *April 9, 2014*

[16] MinnPost, Betsy Hodges, "LRT remarks: 'This is about a fundamental failure of fairness,' " 4/3/14

freight re-route by TC&W at the STB would result in unacceptable delays, even if it were ultimately approved.

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.

The deep tunnel option to retain the freight was estimated at $250-300 million, an amount that had been and is still viewed as credible and acceptable by planners for the reroute from the HCRRA Trail into the business district in Eden Prairie and Minnetonka. With the suburban spending prioritized and growing, great pressure continued on Minneapolis by suburban dominated project planners to keep costs down. Both a route through urban density that would provide transit and support development and the deep tunnel to protect the City's signature and economically invaluable Chain of Lakes were rejected on the basis of cost.

The northern portion of the shallow cut and cover tunnel was also eliminated in a closed-door meeting between Met Council Chair Adam Duininck and Mayor Betsy Hodges. In addition to the realistic expectation of incompetence and betrayal, there are many practical reasons to conclude that the improvised engineering of the shallow tunnel plan will not be feasible and the southern shallow tunnel will never be built. Time does not permit discussion in this section of the many serious issues related to the tunnel.

Nonetheless, co-locating freight operations through much of the Kenilworth Corridor in addition to building a southern cut-and-cover shallow tunnel added a significant $130- 160 million to the SWLRT budget, making the new, co-locating version of the LPA almost as expensive as the options favored by the City through urban density. Nevertheless, the decision on the part of the Met Council and suburban members of the CMC that any delay to revisit the SWLRT alignment in Minneapolis or reroute the freight was unacceptable resulted in their choice of a costly but still unacceptable plan for a failed LPA.

Though a pivotal actor in bringing about the LPA with co-location in the Kenilworth, Met Council Chair Adam Duininck stated two months ago that SWLRT and Bottineau "didn't go down perfect routes, in my opinion, through the city of Minneapolis."[17]

In addition to extremely low urban utility and the danger of building and co-locating electrified LRT in proximity to unit trains carrying highly flammable ethanol in the Kenilworth Corridor, the Minneapolis Parks and Recreation Board strongly objected to the impact of SWLRT on the Chain of Lakes and Grand Rounds. In an attempt to preserve rare and historically significant urban parkland, the MPRB initiated a legal challenge to the Met Council's plan for crossing the historic Lagoon that created the Chain of Lakes, the body of water whose completion was celebrated by a boating trip by Theodore

[17] Star&Tribune, 4/19/16

Wirth himself. The Park Board challenge was ended not based on legal standing, environmental or urban planning goals, but due to steps taken by the Gov. Dayton to defund $3 million from the Minneapolis Park System unless their legal challenge was dropped.

In a thoroughly consistent performance of SWLRT planning as suburban/urban place disparity – as the Minneapolis Park Board, Met Council, and southwest suburbs well knew – SWLRT will adversely impact the Kenilworth Lagoon and the Grand Rounds in the City of Minneapolis.

Section 1.5, Purpose and Need: Limited Competitive, Reliable Transit Options for Choice Riders and Transit Dependent Populations including Reverse Commute Riders

This section includes discussion of characteristics of bus operations such as orientation toward peak direction travel and frequent stops that result in longer travel times, apparently as a justification for the expenditure of $1.8 billion for SWLRT. However, Table 1.5-1 appears to considerably overstate transit times from Eden Prairie to Minneapolis: it should reflect the SouthWest Transit (SWT) express *bus* service offering rush-hour travel time of just 23 to 25 minutes from Eden Prairie to its first stop in the center of the CBD at 12th & Hennepin (and 4 minutes more to the next CBD stop at 2nd Avenue and 11th St.). It runs every 5 minutes at peak rush hour, compared to every 10 minutes planned for SWLRT. Furthermore, if there is demand for reverse-commute service then SW Transit could easily and efficiently provide it. This bus system, extremely popular in the suburbs, has found demand for only 7 reverse-commute trips from the Minneapolis CBD to Eden Prairie each morning.

As Metro Transit knows, because it just opened the Rapid Bus A line in St. Paul and has plans for other similar lines, an alternative to expensive fixed-rail construction is limited-stop rapid bus service, which addresses many of the shortcomings of bus service noted in the FEIS, for a fraction of the cost of SWLRT, enabling a more equitable and effective use of transit funds. The cost of constructing the A line was merely $27 million.

This section also states that the people most affected by limited bus service are those who don't own a car. It states that [only] 14% of the households in the major activity centers along the line do not own a vehicle and then admits that Minneapolis drives up the percentage of households without a vehicle. Ironically, SWLRT would not serve the transit dependent populations of Minneapolis, as it travels into the city through sparsely populated areas – primarily park-type land (which has limited transit-oriented development potential.) This section mentions Hopkins as having a "slightly" higher average of households without a car: Hopkins has a relatively small population, so the number of households without a car is only 1,248 (Table 1.5-2). Surely this cannot be sufficient justification for the need for this Project. This section also points to the senior population in the corridor as a justification for the project. Not all seniors are transit dependent. Does the FEIS quantify the numbers of seniors who would use SWLRT, and where they would be going? Historically the vast majority of the projected ridership of SWLRT has been "home-based work" trips.

This section cites the Scoping Report as supporting the need for this Project. That report was done in 2009 based on a 2007 Alternatives Analysis. These reports should be redone to reflect dramatic changes in the Project, including co-location of freight rail and light rail in the Kenilworth Corridor, requiring the addition of a shallow tunnel, other routing changes in the western portion of the route,

and the discovery of unfavorable soil conditions. By adding freight rail to the project after the LRT alignment was selected, the Met Council improperly limited the study and choice of reasonable SWLRT routing alternatives. Such a fundamental change and substantial cost increase should warrant new review of routing alternatives.

The Project rationale of "needing to maintain a multi-modal transportation system" – i.e. including freight – was suddenly introduced with the publication of the SDEIS. This is circular reasoning: now that freight is not being relocated, leaving it in place and spending hundreds of millions along the line to improve it, is now a purpose of the project? The last in the list of four reasons given that this Project is needed is that regional/local plans call for investment in additional light rail transit projects in the region. Again, circular reasoning: the fact that the Met Council is planning for this project cannot be used, at the same time, as justification for need.

It is not even until page 4-19 that ridership is mentioned, and even then in a circumspect way. It appears that the number of rides will increase by 32,600 in 2040 for the Green line if the Project is built, and 33,600 for total rail system. This appears to be lower than previous projections of over 34,000 rides for SWLRT: why is projected ridership less than previous estimates? Also, most importantly, the forecast is that only 13,015 for 2040 of those rides are new to transit, so assuming round trips, only 6,507.5 new transit users. This is too low to justify the expenditure of $1.8 billion.

Chapter 3: Environmental Analysis

Section 3.3: Neighborhood and Community

Table 3.3-16 (Impacts to Community Facilities, Community Character, and Community Cohesion) states:

> "New physical barriers: Light rail alignment will be located adjacent to the existing Kenilworth Corridor, which is an active freight rail corridor (refer to Exhibit 2.1-5). All existing sidewalk, trail, and roadway crossings of the Kenilworth Corridor will be maintained, and, because the existing freight rail alignment is currently a physical barrier, the Project will not create a new physical barrier." Table 3.3-16, p. 3-84

As stated on page 3-83 of the FEIS, Visual change in the Kenilworth Corridor from the Project will include "substantial level of impact on multiple representative viewpoints within this area.
Visual impacts associated with the Project include those related to vegetation removal, relocation of the existing freight rail tracks, relocation of trails, and the addition of an LRT station. The crossing of the Kenilworth Channel will require construction of new bridge structures. In the transition areas between the at-grade and below-grade segments, there will be substantial visual impacts because of the extensive tree clearing required to accommodate the Project and the visual dominance of the trenches and the concrete retaining walls they will require."

Other sections describe the crash walls that will be constructed whenever the separation between freight rail and light rail is too narrow to be safe.

In light of these impacts, it is absurd to conclude that the Project will not create a new physical barrier, especially in comparison to slow-moving, infrequent freight trains that travel there now, or adversely affect the visual quality of the neighborhood.

The FEIS claims there will be no changes to vehicle parking or adverse effects on traffic in the vicinity of the 21st Street station, including to the historic properties in the area. This is absurd, given that the Met Council is projecting 2,000 people getting on and off the train at that station.

Section 3.11 Air Quality and Greenhouse Gases

3.11.3.3 Greenhouse Gas

Implicit in public support for LRT as a general transit concept is significant concern regarding climate change. Green House Gas (GHG) is linked to climate change, and human-made GHG is linked to several different sources, one of which is carbon based fuel. Gasoline fueled vehicles emit *tailpipe* CO2, a GHG. Light rail, as well as electric cars, trucks, subways, or buses, do not emit *tailpipe* CO2.

However, LRT, as well as electric cars, subways, or buses, use electricity that produces CO2 as part of its generation process, unless it is produced via solar, wind, or water, etc. That is, CO2 associated with electricity generation ("upstream energy emissions of raw materials energy consumption" p. 3-205 FEIS) and depends upon the fuel used to create the electricity. In Minnesota, 42% -50% of XCEL electricity is produced from coal, and the majority of the remainder is produced by nuclear power plants and from natural gas piped in from Colorado, obtained by fracking.

Energy sources vary in their political support by affiliated businesses. The political support for ethanol in Minnesota is high – by state law gasoline sold within the state must be 10% ethanol. Ethanol comes from corn, a crop grown in Minnesota and other neighboring Midwestern states. Major ethanol producers have production plants located by railways in, for example, South Dakota, and from there ethanol is shipped by rail to Minnesota.

Ethanol, a Class 3 liquid, is as volatile as oil. Within environmental circles, the actual benefit of ethanol, though deemed a renewable energy source, is highly controversial due to energy costs and GHG involved in massive corn production for ethanol, as well as the utilization of land available for plant based food crops to raise corn for ethanol. Nonetheless, the 10% ethanol gasoline requirement is state law. At the same time, state support for solar energy and independent solar energy production has been inconsistent. Conflict has arisen between XCEL Energy and independent solar producers. From an environmental point of view, overall reduction in demand is indicated for both electricity and carbon based fuels.

The above is simply to review that concern for climate change can be and has been misused on a large scale to support a variety of related businesses, while not positively impacting GHG. It is unfortunate that the same process is involved in some LRT projects. That is, support is elicited from the public on the basis of concerns about climate change, though the LRT project provides little to no benefit for precisely that metric.

SWLRT is an example of an LRT project that increases, rather than reduces, GHG. The FEIS states:

> The Project operation will increase the GHG emission in the Twin Cities area by approximately 2,000 metric tons per year in 2040, compared to No Build alternative (FEIS, p 3-2004).

The actual increase in GHG, if SWLRT is constructed, is minimized in the FEIS:

> "If amortized over the life of the Project, the GHG emission from this project is minimal. In addition, the Project is included in the regional RTP and TIP, which consider climate change mitigation, adaptation and resilience for sustainable development of the region. Therefore, GHG emissions from the proposed Project will not hinder the region's emission reduction efforts." (P. 3-205).

Though from the point of view of the Metropolitan Council's FEIS, SWLRT will not "hinder" the region's emission reduction efforts, in fact, if built, SWLRT will add to the GHG that requires those efforts. Without SWLRT, that is *the No Build condition*, the total annual metric tons of GHG will be 2000 tons *less than under the Build condition*. As such, under No Build, the benefits of state GHG efforts would be increased. Further, the cited "adaptation and resilience for sustainable development" considered in the regional RTP, is an extremely vague and elastic phrase, capable of interpretation as desired by a variety of interests not focused on providing the best environmentally, equitably, or cost-effective transit. These interests seem already to have been over represented in the planning of SWLRT.

In terms of GHG, it will be a net benefit to the State of Minnesota not to build SWLRT (FEIS Table 3.11-3). That is, per the FEIS, Southwest LRT adds to the annual total of GHG.

Put another way, even with the projected, very minimal 6500 cars off the road noted in the FEIS, in 2040, *there would be a net GREATER increase of GHG annually with SWLRT than if the 6500 cars stayed on the road*.

From the point of view of GHG, it is better not to build SWLRT and to shift to less GHG intensive modes of transportation. Though not uniformly pursued by transportation planners within the Metro, car pools lanes are an additional means to reduce single occupancy vehicle usage, and are utilized on

those freeways that have them. Carpooling means more than one passenger per vehicle and is a more GHG efficient use of vehicle transport than single passenger vehicle use.
It is noteworthy given the expressed dissatisfaction with congestion and the commute time periods in the Southwest suburbs, that carpooling is not more in evidence, even without a car pool lane, since it is both environmentally beneficial and shares the burden of both driving and parking among driver and passenger in each car.

"The proposed project construction may require removal of a limited number of tress and disturb some vegetated areas along the rail corridor. Trees and vegetation sequester CO2 through the process of photosynthesis and store the gas as carbon in their biomass. When trees and vegetation are removed, some of their stored carbon may be released as CO2 into the atmosphere, although the quantity and rate of CO2 that is emitted may vary, depending on the amount of removal and how the biomass would be handled afterwards. Because the number of tress and the area of vegetation disturbance would be limited during Project construction, the effects on the sequestered CO2 or the loss of carbon stored in the removed tress or vegetation would be minimal and are not further analyzed." (FEIS p 3-204)

It is erroneous to describe tree removal as a possibility that SWLRT "may require" and as "limited." Significant tree removal has already been identified as part of the co-location construction process for SWLRT in the Kenilworth Corridor. As such, this type of "analysis" makes a mockery of the environmental regulations with which this FEIS is purportedly complying, reducing the EIS process, intended to protect the environment that is being considered for an LRT construction project, to simply another piece of paperwork.

Previously, SPO staff minimized the value of the trees that would be removed by referring to them as mostly Buckthorn. Informal citizen survey found that the majority of trees were not Buckthorn. In terms of being CO2 sequesters, referred to as 'sinks' in the world of GHG reduction, trees are "sinks," regardless of the tree species. That is, trees remove CO2 from the atmosphere. In urban areas, they are even more important, as they mitigate against the heat increasing effects of asphalt and concrete. The impact of tree loss is not simply the release of carbon caused by tree removal, but the loss of tree "sinks" in the urban environment for ongoing CO2 sequestration.

3.11.3.2 Mobile Source Air Toxics Analysis

"Project operations will have the potential effect of increasing MSAT emissions in the vicinity of nearby homes, schools, and businesses; therefore, under the Project there may be localized areas where ambient concentrations of MSATs will be higher than under the No Build Alternative. The localized increases in MSAT emissions will likely occur near the proposed light rail stations, the park-and-ride lots, and OMF; however, as discussed in the Technical Memorandum, the magnitude and the duration of these potential effects cannot be reliably quantified due to incomplete or unavailable

information in forecasting project-specific health impacts. In addition, even if these increases do occur, they will be substantially reduced in the future due to implementation of EPA's vehicle and fuel regulations." (FEIS p 3-203)

In terms of air toxics, that which is most well known as 'smog', such toxics will increase due to congestion around SWLRT stations and Park and Rides. Not included in the FEIS analysis is the increased congestion associated with the frequent LRT crossings of urban roadways. Increased congestion at intersections has already occurred for both the Hiawatha and Central Corridor LRTs. To omit a known source of increased air toxics associated with LRT routes is both poor science and poor environmental analysis. Congestion and therefore air toxics will occur and will increase at roadways impacted by the SWLRT route. Further, SWLRT will add to air toxics at precisely those locations where people will congregate: at LRT stations, at Park and Rides, and at any planned TOD in the vicinity of those areas. Mobile Source Air Toxics are associated with the increase in asthma in urban areas, a significant public health concern. .

Per the FEIS, this should not be a concern, as federal regulations regarding vehicle emissions, not SWLRT, will continue to reduce air toxics in the future.

3.12.1 Noise Regulatory Context and Methodology

The erroneous definition in the SDEIS of the baseline condition of noise levels in the corridor is not altered or corrected in the FEIS. In the SDEIS, the baseline condition of noise levels in the corridor included the freight line, though its placement in the corridor was on a temporary basis. The freight placement was changed to a permanent basis by the Metropolitan Council when it decided not to move the freight out of the corridor.

This decision was made by the Metropolitan Council, yet framed as though it was "not possible" to move the freight, though the independent freight rail expert hired by the Metropolitan Council to evaluate moving the freight determined that it was, in fact, possible to move the freight, and possible to do so safely.

Again, to review factual history rather than Metropolitan Council rewrite, moving the freight was the condition upon which the City of Minneapolis accepted the route through the corridor. Several years later, after the City of Minneapolis' agreement has been obtained, rather than moving the freight, its location through a residential neighborhood has been made permanent, and over a hundred million dollars in public transit funds has now been allocated, as part of the proposed SWLRT project cost, to enhancing the rail track, for the benefit of private railroad companies using the corridor.
For the clear reasons stated above, the freight noise is now a permanent condition of the corridor only because the project planners decided it would not be moved, and, further, dedicated additional transit monies to its infrastructure. As such, permanent freight rail noise is a new feature of the

corridor, caused by the SWLRT project plan, and should not be included in the baseline noise condition when measuring noise impacts of the proposed project.

3.12.1.2 Noise Criteria

"FTA noise criteria are based on the land use category of the sensitive receptor:

> Land Use Category 1 Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet.
>
> Land Use Category 2 Residences and buildings where people normally sleep.
>
> Land Use Category 3 Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, theaters. Places for meditation or study ...campgrounds and recreational facilities can also be considered to be in this category. Certain historical sites and parks are also included." (FEIS p 3-208)

The determination of impact is a combination of 2 factors: The Land Use Category, and the Environmental Noise assessment. "The standards include both daytime and nighttime limits for three different categories of land use or noise area classification" (FEIS, p 3 -210). In other words, depending on the Land Use Category, the same Environmental Noise level may be rated as no impact, moderate impact, or severe impact.

"As shown in Table 3.12-6, the Project will result in one moderate noise impact at the Kenilworth Channel. The Kenilworth Channel was assessed as a Category 3 land use, which represents parks and other similar uses. The lagoon bank at the Kenilworth Channel was assessed as a Category 1 land use, which represents locations with very high sensitivity to noise." (FEIS p 3-219)

In spite of a classic depiction of serenity being a kayak gliding on a quiet lake – such a photo of a kayak in the Kenilworth lagoon recently was published in the Minneapolis Star and Tribune --the lagoon has been classified as Category 3 land use. As such, the impact of noise from 12 LRT trains per hour overhead are put in a lower category than the impact of the same noise on a "sensitive receptor" sitting on the lagoon banks, looking at the same Kayak floating in the water. Since the "sensitive receptor" on the banks is at a further distance from the LRT trains overhead than the Kayak in the lagoon, the noise impact, though reaching a "sensitive receptor" in a location designated as a Category 1 land use and having a very high sensitivity to noise, is rated as having no impact whatsoever, and therefore not requiring mitigation.

Remarkably, the Project Noise Level impact for the Lagoon Bank, 54 Leq (dBA) is exactly the same as the Existing Noise Level Leq (dBA), 54, for the Lagoon Bank. Per the FEIS, the addition of 12 LRT trains

per hour overhead does not add any additional noise to the area designated as a location with very high sensitivity to noise. While the "sensitive receptor" in the Kayak on the lagoon, though even closer to trains crossing the lagoon overhead, is deemed only to suffer a moderate impact, as the lagoon location is not deemed an area with a very sensitivity to noise. And therefore, the threshold to reach criteria for severe noise impact is higher, and not met.

Mis-categorizing the Lagoon as an active recreational area, and then using the misleading category to downgrade impacts to the Lagoon as moderate, does not fulfill the purpose of EIS regulations to protect environmental areas.

In spite of public testimony as to the nature of the recreational use of the Lagoon, and that the waterways of Lake of the Isles permit only non-mechanized watercraft, the FEIS maintains the category 3 designation for the Lagoon and defines the resulting impact on the park as moderate.

Further, when sound travels over water, the reverse is closer to the reality of impact on "sensitive receptors." From the point of view of the science of sound on water, sound travels further, and is amplified, over water. That is, sound will be experienced as louder on the Lagoon by the "sensitive receptors" in kayaks and canoes.

On calm lakes, bays, creeks, or in restricted visibility, sound carries exceptionally well. If ever went camping around a lake, knowledgeable campers often would tell you to keep the noise down at night, since cool air, and a flat-water surface amplified the sound you were making, so that everyone on the lake heard you.

According to Howard Shaw, Ph. D. and Cheryl Jackson Hall, Ph. D., "Experience suggests that sound, like light, travels (more or less) in straight lines. However, to the contrary, sound actually tends to curve downwards over a lake's surface.

Sound traveling along straight lines would disperse quickly into the space above the lake. Instead, sound that "should" rise up and be lost typically curves back down to the lake/ground level. Therefore, it sounds louder than it "should." This is a well-known and easily demonstrated observation, measurable out there on real lakes (American Boating Association, 2016).

FEIS Table 3.12-7 Summary of Mitigation Measures and Residual Impacts for Residential and Institutional Locations

From the FEIS Table 3.12-7:

Minnetonka: Claremont Apartments Noise Impacts: Moderate Impacts without Mitigation Noise Level Increase (dB)a 3.7 Mitigation Measure: 8 foot high noise barrier extending 1,800 feet.

Hopkins: Monroe Avenue Noise Impacts: Moderate Impacts without Mitigation Noise Level Increase (dB)a 3.2 Mitigation Measure: 3 foot high parapet barrier extending 500 feet on elevated structure over Excelsior Boulevard

Minneapolis: Kenilworth Channel Noise Impacts: Moderate Impacts without Mitigation Noise level Increase (dBa) 7.2 Mitigation Measure: 2 foot high parapet wall and rail dampers, 300 feet.

To mitigate the "moderate impact" of 12 trains an hour over the lagoon, the FEIS and SPO has determined that a 2 foot high parapet wall is sufficient to mitigate a 7.2 Noise Level increase in urban parkland that is a rare and unique resource within urban borders. Given the need for areas of tranquility in urban settings, increasingly validated by new research on the impact of noise on health and cognitive functioning, it would seem that every effort, including an 8 foot high sound wall to effectively wall off LRT noise from the Lagoon, would be made to mitigate the noise impacts on this sensitive environmental area. However, it be that any parapet wall higher than 2 feet would block the view of the Lagoon by suburban SWLRT passengers commuting into the city.

The impact of noise in urban areas is coming under increasing scrutiny by urban planners. Rather than the old-fashioned belief that the urban environment is simply one of skyscrapers and industrial areas that urban dwellers are and should be able to adapt to, it is becoming more apparent than human beings need areas of quiet to function adequately, for learning, sustained cognition, and for regular physiological restoration in a built environment. Though receiving renewed attention by urban planners now, this fundamental understanding was the impetus that spurred the foundation of the Minneapolis Park System. Community leaders who founded the Minneapolis Park System as a separate entity from Minneapolis City Government, witnessed firsthand the destructive impact of industrialization on neighborhoods in places such as Chicago, and did not want the same degradation of quality of life to be created in Minneapolis.

Parkland is always threatened by development, and urban parkland exponentially more so. Yet urban residents are faced with higher and more constant levels of noise than their suburban counterparts, from commuter traffic, trains, airports, and industry, and consequently have greater needs for the quiet and green space provided by urban parks.

> Researchers report in the Southern Medical Journal that sustained growth in highway, rail, and air traffic are especially concerning, in a way that is analogous to second-hand smoke, second-hand noise is an unwanted airborne pollutant produced by others; it is imposed on us without our consent, often against our wills, and at times, places, and volumes over which we have no control. Researchers found that it took only 30dB to disturb sleep and cardiovascular

> effects are seen after exposure to 65dB (CityLab 2012, Benfield, "Just How Bad is Noise Pollution for Our Health?").

Further, noise is correlated with public health risks:

> Laboratory studies carried out on humans have shown that the exposure to noise affects the autonomous nervous system and the endocrine system. Heart rate, blood pressure, cardiac output, blood flow in peripheral blood vessels and stress hormones (including epinephrine, nor-epinephrine, cortisol) are affected. At moderate environmental noise levels such acute reactions are found, particularly, when the noise interferes with activities of the individuals (e.g. concentration, communication, relaxation). Noise-induced instantaneous autonomic responses do not only occur in waking hours, but also in sleeping subjects even when they report not being disturbed by the noise ("Cardiovascular Effects of Noise on Man," Wolfgang Babisch, presented at the 2015 Acoustical Society of America annual meeting).

Even moderate noise impacts increase stress hormones, not only in adults, either when awake or sleeping, but children as well. When an old airport closed near a school and opened at a distant site, the students near the former airport site demonstrated improved tests on memory and reading, while students near the new airport site showed a decline in scores after the new airport opened (Weiss, cited in CityLab 2012, op cit).

3.15.3.1: Electromagnetic Fields and Electromagnetic Interference

The SWLRT FEIS, Section 3.15.3, does consider the effects of electromagnetic fields (EMFs) on public utilities, but the effects of EMF on riders and residents is cursory and incomplete. Not addressed in the FEIS is the fact that EMFs created by pantographic/catenary power lines have been associated with detrimental impacts on human health. Pantographs/catenary lines will run close to residences along the SWLRT route. Some studies link EMF exposure with childhood leukemia (Ahlbom, IC, Cardis E, Green A, et al. Review of epidemiological literature on EMF and Health Environmental Health Perspectives, 2001; 109 Suppl 6:911-933) and while controversial, there is a duty to protect members of the public (including pregnant women, infants, the unborn, children and the infirm) from short-term and long-term exposure to EMF. Further analysis is needed.

3.17: Cumulative Impacts

We don't see evidence that safety concerns raised by co-location are adequately understood or addressed. LRT Done Right fully supports the comments submitted by Citizen's Acting for Rail Safety - Twin Cities.

Chapter 7: Financial Analysis

Table 7.1-3 sets forth the various sources of funds for the local share of the Project. Language should be added to reflect that the 2016 Legislature adjourned sine die without making any provision for the remaining local funding needed for the Project. The missing funds are part of the $165 million listed as the State's contribution. The Met Council has been able to obtain some of the funds the State has decided not to appropriate so far (and make up for the $30 million the legislature actually rescinded last year) by taking funds from a reserve fund and making it up with some MVST revenue not intended for SWLRT.

The $165 million listed for HCRRA's contribution does not include the value of the land that HCRRA is transferring to Hennepin County who will donate it to the Project. This should be clarified.

The Met Council should disclose who will be financially responsible for the cost of any derailment or other incident arising from the close proximity of freight rail and light rail, and include that cost as a Project cost.

The public should be informed that according to Table 7.2-2, both the State AND CTIB are shown as having to increase their Metro Transit subsidies by $18.93 in 2040 if the Project is built compared to the No Build scenario. Please explain these figures, compared to the $20.8 million total operating cost of SWLRT shown on the New Starts rating summary description from November, 2015.

The public should also be aware that Table 7.2-2 shows an increase in the annual subsidy needed for SW Transit in the amount of $14.88 million in 2040, without having an identified source to make up for that loss. Please disclose how many SW Transit Express bus riders the Met Council is projecting will change to SWLRT, and how much of the additional subsidy noted above is the result of the commitment to maintain SW Transit, with reduced ridership.

Please explain to the public what is meant by this statement in section 7.3: "Across all scenarios, it is noteworthy that the financial structure of the Metropolitan Council Transportation Division and the Southwest LRT Project are dynamically resilient."

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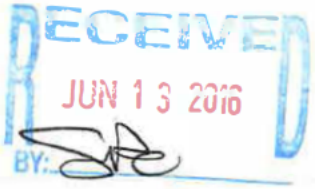
10400 Viking Drive, Suite 130 | Eden Prairie, MN 55344

Ms. Nani Jacobson
Assistant Director, Environmental & Agreements
Metro Transit – SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426



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June 10, 2016

Ms. Nani Jacobson
Assistant Director, Environmental & Agreements
Metro Transit—SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Via Email & U.S. Mail

RE: FDEIS Comments – Liberty Properties, Hopkins and Eden Prairie, MN

Dear Ms. Jacobson;

Liberty Property Trust is the owner of a number of properties which will be impacted by the SWLRT corridor. These Properties include:

1515 Sixth Street South, Hopkins
1600 Fifth Street South, Hopkins
10301 70th Street West, Eden Prairie
10321 70th Street West, Eden Prairie
10333 70th Street West, Eden Prairie
10349 70th Street West, Eden Prairie
6901 Flying Cloud Drive, Eden Prairie
7075 Flying Cloud Drive, Eden Prairie
7246 Flying Cloud Drive, Eden Prairie
7400 Flying Cloud Drive, Eden Prairie

We have previously made comments in response to the DEIS regarding our Eden Prairie and Hopkins sites and in response to the SDEIS regarding the anticipated adverse impacts of the proposed OMF site. For your convenience, these earlier letters are attached.

In review of the FEIS we continue to have significant concerns regarding the issues noted in our previous letters and, in addition, we make the following comments based on information provided by 90% plans and the FEIS.

HOPKINS SITE

OMF Site 9A Selection Evaluation

We continue to have concerns regarding the method used for evaluation of the SDEIS sites. Sixteen environmental resource categories were not considered in the OMF selection criteria. We are specifically concerned regarding visual quality, open areas and noise. We own several properties in this area and we are committed to minimizing adverse impacts to the businesses, employees, and residents in this area. In particular, we are concerned about noise that will be

generated by the OMF and about the possibility of environmental releases from construction near the Hopkins landfill. Can you tell us why these concerns were not addressed?

Total Taking of the Liberty Properties in Hopkins

We need clarification on the taking of our properties at the OMF site. The FEIS notes that our property at 1515 Sixth Street South is a total take, but the 90% plans shows it as a partial take and will become a remnant lot. What is the Council's intent with respect to the remnant lot?

It is evident that relocation of certain tenants in these properties will require extensive planning and cannot be done quickly. It is important that our tenants' business operations not be disrupted by the project. It is also important that the tenants be treated fairly and fully compensated for their relocation costs. How will relocation and relocation compensation be handled for our tenants? What is the expected timing for completing relocation of these tenants?

EDEN PRAIRIE SITES AT THE GOLDEN TRIANGLE STATION

Our DEIS comments were submitted in December of 2012. These earlier issues continue to be of concern. Several new concerns have arisen that must be addressed.

Remnant Parcels

7400 Flying Cloud Drive – The property at 7400 Flying Cloud Drive is being bisected by the final alignment creating two remnant parcels that would become non-conforming to city codes and undevelopable. The alignment shows the tracks being bridged across the site, and the addition of a traction power substation on the site. This alignment will destroy this property for commercial use.

7246 Flying Cloud Drive – The property at 7246 Flying Cloud Drive will lose all of the land on the east side of the site except a few feet of road frontage. The limited road frontage is situated at a curve in the road thus restricting acceptable access. The taking will leave a remnant non-conforming parcel with no opportunity for commercial use.

Liberty Plaza, Outlot A – Outlot A has been changed from a full take to a partial take. The remnant piece to be left or sold back to Liberty Property Trust has no road frontage and constitutes mostly wetland, leaving no effective developable area and no commercial use.

Liberty Plaza, Outlot B – Outlot B will be bisected leaving two remnant parcels, again creating non-conforming undevelopable lots. The LRT alignment in this area calls for extensive grading and retaining walls. The impact of the wall and placement of the tracks in association with the loss of views, additional noise impacts, and vibration impacts of the building tenants needs to be further reviewed.

Partial Takings

10301 70th Street West – The taking of land at 10301 70th Street West may create non-conformance conditions to city setback standards for building and parking lots and impair development opportunities. Please clarify the Council's investigation of this concern.

7075 Flying Cloud Drive – The taking of land at 7075 Flying Cloud Drive will reduce parking spaces due to the placement of a traction power substation and may create non-conformance to building setback standards at the southwest corner of the building. It will adversely impact use of the property. How will the Council address these impacts?

We have raised our concern regarding the noise and vibration impact of the tracks so close to the southwest corner of the building at 7075 Flying Cloud Drive. As noted above, the taking of land may be creating a setback issue due to the close proximity of the rail. The proximity of the tracks and high levels of noise from train and crossing operations will be disruptive to the office tenants of that building as the part of the building closest to the tracks contains company offices. In particular, the track crossing located directly in front of this property will produce severe noise and vibration impacts. This track crossing should be moved to a different location without development where it will not impact 7075 and other nearby Liberty buildings. Why is it necessary to locate the track crossing at its present location adjacent to an intensive commercial use? Does the Council recognize how noisy this track crossing will be?

Liberty Plaza: Wetland/Road Access

We have been recently informed that in building the Golden Triangle Station SWLRT will be taking the upland adjacent to an existing wetland east of the station. We currently have an access drive in this upland area that will service our approved development project, Liberty Plaza, a major office project. The existing access road was required by the City as a condition of the development approval process. The municipal approvals remain current and in force. However, with the taking of the upland there is no room for the access drive without impacting the adjacent wetland. Why is it necessary to bump Liberty from high land onto wetland? Why doesn't SWLRT mitigate the wetland loss and either build on the mitigated land or provide mitigated land to Liberty? What guarantees does Liberty have that the road will be permitted in a different location to serve Liberty Plaza? The Project Office informed us that they will not provide a replacement access as part of this project due to wetland impacts. This access is imperative for Liberty to conform to the City's approvals for the site. Why has no provision been made to provide necessary access to this property?

The proposed LRT alignment may also impact wetland and buffer areas that Liberty has already made long term commitments to manage and maintain. If there is any overlap in responsibility due to the LRT development Liberty would need to be released from their current commitments on any of the wetland or buffer areas.

Traction Power Substation

Since the DEIS the Project Office has located a large traction power substation in the parking lot at 7075 Flying Cloud Drive near a 70th Street entrance. The substation must be placed as not to interfere with visibility of cars or trucks entering or exiting the parking lot and must be designed or landscaped appropriately for the site. We understand that the traction power substation was moved onto our site to avoid locating it on a public trail west of the rail line. Locating the traction station on the 7075 property will adversely impact that property and interfere with its use. We understand that the City of Eden Prairie SDEIS comments also reflect the need to appropriately locate and screen these power stations. Why was no effort made to place the traction station at a location that would not impact Liberty? What screening will be provided?

In addition, it appears that the traction power substations will cause the loss of parking. Please confirm the number of parking spaces that will be lost.

70th Street Impacts and Pedestrian Trail

Liberty Property Trust with the City of Eden Prairie recently improved 70th Street near the station location. This was done at significant expense to Liberty Property Trust in order to complete the city project in coordination with ongoing tenant leasing. The FEIS notes several improvements and changes to 70th Street and an adjacent pedestrian trail. These changes must be done in coordination with Liberty to ensure that they do not negatively impact our tenants or future development. Any such change must take in consideration the truck circulation needs of our sites, the locations of the loading docks and overall circulation patterns.

Vibration

We have notified SWLRT about properties currently tenanted by Savillex, 3M, Bluestem, Best Buy as well as other Liberty tenants. These properties are well suited for high-tech uses. They will be artificially restricted and their value diminished if vibration from the operation of SWLRT is not reduced. As noted above, the presence of a track crossing near these buildings significantly increases the presence of ground carried vibration and will interfere with the operation of clean rooms, computer-assisted machining equipment, and other sensitive high-tech devices. This track crossing should be moved to a location where the noise and vibration it generates will have no impact on use of the Liberty properties. Additionally, we are aware from other LRT projects that more effective protection against vibration is available in the commercial market than is being used for the tracks adjacent to the developed Liberty properties. Why aren't such methods and devices being used for the Liberty properties?

SUMMARY

Liberty is concerned that the FEIS fails to address the full impacts to its properties. Liberty urges SWLRT to (1) take all steps possible to maintain necessary commercial access to its properties, particularly the Liberty Plaza development; (2) remove sources of noise and vibration – in particular the track crossing – that will reduce the utility of its properties; and (3) to use the best available mitigation devices to reduce ground borne vibration and noise that will adversely impact the current and future best use of its properties.

Sincerely,

Richard A. Weiblen
Vice President Development

Comment #137

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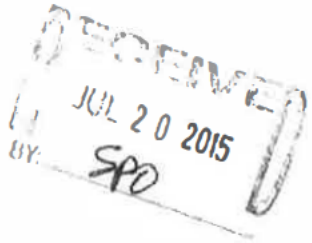

July 17, 2015

Nani Jacobson
Assistant Director, Environmental & Agreements
Metro Transit – SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Re: Comments of Liberty Property Trust Regarding OMF to be Located at Site 9A

Dear Ms. Jacobson:

Liberty Property Trust is the owner of the developed industrial properties at 1515 Sixth Street South, and 1600 Fifth Street South, Hopkins Minnesota, which will be taken for the proposed Operations and Maintenance Facility (OMF), Site 9A, Hopkins K-Tel East. As a property owner that will suffer the loss of two important industrial investment properties, we are deeply concerned about how this taking will impact us. We have reviewed the SDEIS and have the following comments on that document.

1. OMF Site 9A Selection Evaluation:

Our review revealed that Site 9A was not part of the original DEIS review and was only added as part of the SDEIS process and not subject to the same site selection evaluation that was done during the DEIS review. We understand that as part of the SDEIS analysis for a preferred OMF site a four step process was conducted that initially identified approximately 30 sites and through each step dismissed potential sites until site 9A was the final selection.

It appears to us that SDEIS failed to fully or properly evaluate the OMF site (identified in the SDEIS as site 9A) against comparable sites that were also being considered. We believe that additional information should be provided that will explain why site 9A was preferred over a number of others.

2. A Total Taking of the Liberty Property for OMF at Site 9A is Required

The SDEIS under Section 3.3.1.2 Acquisitions and Displacement indicates that there will be a full taking of both our industrial properties within the site 9A footprint. Liberty Property Trust concurs that any taking must be a full taking of each property.

The SDEIS notes that land which is acquired for the SW/LRT Project but not fully used for the OMF may be considered a remnant parcel and sold. Liberty Property Trust has no interest in buying back a remnant piece and there should be no expectation that such remnants will have any

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material economic value to Liberty. Liberty has previously conveyed this same information to representatives of the Met Council.

Liberty Property Trust has been an active participant in the public process and planning of the SWLRT. We are supportive of the project but recognize that a number of our properties will be taken if the project goes forward. Our concerns regarding the SDEIS reflect our past comments on the DEIS regarding our properties in Hopkins, Minnetonka and Eden Prairie, adjacent the Golden Triangle Station. Our earlier DEIS comments are attached for your convenience.

Finally, if the project goes forward, it is essential that our industrial tenants are fully compensated for their relocation costs and are given sufficient lead time to plan and execute a complex industrial plant relocation.

Liberty Property Trust

Richard Weiblen
Vice President, Development.

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December 7, 2012

Hennepin County
Housing, Community Works & Transit
701 Fourth Avenue South, Suite 400
Minneapolis, MN 55415

RE: Comments on the Southwest Transitway
Draft Environmental Impact Statement (DEIS)

To Whom It May Concern:

Liberty Property Limited Partnership (Liberty) owns, leases, and manages multiple properties adjacent to the proposed Southwest Transitway LRT corridor as it passes through Segment 3 in Eden Prairie and Minnetonka. The subject property addresses are:

5400 - 5550 Feltl Road, Minnetonka
10301 – 10399 West 70th Street, Eden Prairie
6901 Flying Cloud Drive, Eden Prairie
7075 Flying Cloud Drive, Eden Prairie
7246 Flying Cloud Drive, Eden Prairie
7400 Flying Cloud Drive, Eden Prairie

Liberty has completed a review of the DEIS and offers the following comments for consideration:

1. Liberty generally supports the alignment option described in Section 2.3.3 Build Alternatives as Alternative 3A. This alternative includes Segment 3 with the proposed LRT alignment adjacent to, or through several of our properties noted above. While there will be impacts to these properties in order to implement transit that will need to be recognized and analyzed, we agree with the City of Eden Prairie that the 3A alignment offers the most potential to overcome transportation deficiencies in the Golden Triangle area.

2. Chapter 2 – Alternatives includes a description of the proposed Golden Triangle Station in Section 2.3.4. The station location adjoins three of the multiple properties listed above, and includes a proposed park and ride facility described as containing 100 surface parking spaces. There are a number of concerns related to this station that are not fully analyzed in the Conceptual Engineering Layout included with Appendix F of the DEIS. Concerns include proposed location, proposed access, proposed grades, and lack of coordination with existing conditions. The document indicates that a number of these issues will be more fully analyzed in the Preliminary Engineering Design Phase leading up to preparation of the Final EIS; we believe that additional detail is essential to avoid unnecessary impacts and project costs as the design evolves.

3. Section 3.1.2 discusses Existing and Anticipated Land Use at a Macro, or policy level and misses some conditions along the corridor where prior land use planning and site-specific project approvals further define what landowners expect to occur on their properties. Future plans are addressed partially in Section 9.4 – Reasonably Foreseeable Future Actions, but the descriptions contained there don't include all of the vested development rights that have accrued to our properties at 6901 Flying Cloud Drive and 7075 Flying Cloud Drive which are subject to an approved PUD Development Plan. The future potential of 6901 and 7075 Flying Cloud drive is partially described in Table 9.4-1, but the approvals include more development than is described as an identifiable Future Action. The property at 7075 Flying Cloud Drive currently contains approximately 345,000 SF of office space currently occupied by SuperValu, Inc., and is approved for additional expansion on the site. As part of the same master planning effort, Liberty began construction of a 128,000 SF office building at 6901 Flying Cloud Drive that included several completed or ongoing commitments that could be affected by the LRT alignment and by the proposed Golden Triangle Station and associated Park and Ride Facility. Issues related to the development potential of these properties include:

   - Liberty's PUD Master Plan illustrates the extension of West 70th Street from Flying Cloud Drive east to the current terminus of West 70th Street just to the east of the proposed LRT alignment. The configuration of the at-grade crossing and the vertical alignment of the LRT lines need to be coordinated with the proposed alignment of West 70th Street. This is critical to Liberty in order to maintain a major access to structured parking for 6901 Flying Cloud Drive, to maintain the existing parking and service dock area for 7075 Flying Cloud Drive, and to conform to planned wetland impacts and mitigation that have been approved and permitted by the City and by the Nine-Mile-Creek Watershed District (NMCWD).
   - The proposed LRT alignment may impact wetland and buffer areas that Liberty has already made a long-term commitment to manage and maintain. If there is an overlap in responsibility due to LRT development, Liberty would need to be released from their current commitments on any of the wetland or buffer areas subjected to further alterations.
   - As part of providing for the full level of development described above, Liberty funded improvements to a section of Flying Cloud Drive to provide the lane geometry needed to allow for the future intersection at West 70th Street with an intersection that would operate acceptably at full development with forecast background traffic growth. More detailed analysis of access and travel patterns due to the Golden Triangle Station and Park and Ride should be completed to determine possible impacts on potential redevelopment.
   - As part of its PUD master planning Liberty retained an existing surface parking area adjacent to 70th Street that could function as a Park and Ride facility. The area currently contains 102 parking spaces with direct access to West 70th Street. However, this area was not considered in the Conceptual Engineering layout which was the basis for the DEIS.
     We would like to see this area analyzed as an option to the location for the Park and Ride facility as identified in the Conceptual Layout.

- We agree with the City of Eden Prairie that the size of the facility must be balanced with the parking demand to assure adequate parking supply for Park and Ride users to avoid potential overflow issues that would impact the neighboring properties.

We also believe these issues should be addressed in the forthcoming Preliminary Engineering and any related impacts and mitigation should be analyzed in the Final EIS.

4. The property at 7400 Flying Cloud Drive has an approved parking expansion plan that would allow for greater flexibility of uses for the building. The proposed alignment in Segment 3 crosses this property and impacts areas where expanded parking has been approved, and also has significant impacts on existing parking. Ways to reduce the impact to existing and proposed parking on this parcel should be more fully explored in the Preliminary Engineering and Final EIS.

5. Section 3.3.2 – Methodology describes how the project limits were defined for analysis in the DEIS. As noted elsewhere in our comments, we feel that the actual influence or impact area may expand beyond the project limits depicted in the Conceptual Layout included in Appendix F of the DEIS. As an affected property owner we expect that the layout will be further refined in the Preliminary Engineering stage, and request that the specific issues outlined in our DEIS comments are fully designed and analyzed for the Final EIS.

6. Section 4.2 – Water Resources describes in general terms areas where depth to groundwater and surface water bodies might be impacted by the need for dewatering during construction. The areas near all of the Liberty properties along Flying Cloud Drive contain wetlands that could be affected by construction dewatering or by changes in natural drainage patterns where the LRT alignment passes through undeveloped open space. As described above, Liberty already has long-term commitments to ensure the viability of certain wetlands that is a part of our Development Agreement with the City of Eden Prairie and an obligation of permitting required for necessary wetland alteration. We believe that a more thorough analysis of potential impacts on surface water resources from construction phase dewatering and from permanent changes to existing drainage patterns that are tributary to water bodies on Liberty properties should be included in the Final EIS. Mitigation, if necessary, should include the appropriate assignment of responsibility for impacts that occur in areas where Liberty already has contractual maintenance and conservation obligations.

7. The traffic analysis completed for Chapter 6 went through a scoping process that limited the number of existing intersections for which detailed operational analysis was completed. We note that the intersections near the proposed at-grade crossing of the LRT alignment with Valley View Road in the vicinity of its intersection with Flying Cloud Drive all are forecast to have marginal Levels of Service for the 2018 and 2030 forecast periods. We join the City of Eden Prairie in support of a grade-separated crossing at this location to ensure that there is adequate intersection capacity to feed Flying Cloud Drive from the south end at Valley View Road as well as the north end at Shady Oak Road. As noted earlier, a more wide-spread analysis of travel patterns and potential impacts from the

proposed Golden Triangle Park and Ride facility is warranted to ensure that Liberty's development potential for its Flying Cloud Drive properties is maintained.

8. The intersection of Feltl Road with Smetana Lane at the north end of the Opus II development is proposed to be realigned to coordinate with the crossing of the LRT alignment at Smetana Lane. This intersection was apparently scoped out of detailed analysis by virtue of having daily traffic volumes below 5000 vehicles per day. The intersection is immediately adjacent to our property at 5450 Feltl Road. We would like to see a more detailed operational analysis of this intersection to confirm that the proposed change does not compromise accessibility to the property from Smetana Lane. Also, the realignment of the "T" intersection could require significant grading and tree removal at the north end of the property, which should be further analyzed for the Final EIS.

9. The Technical Memorandum dated March 21, 2012 that is contained in Appendix H describes the traffic analysis completed for the DEIS. In the introduction it states that "*Each station and the impacts on traffic operations and circulation will be analyzed in detail with the Final Environmental Impact Statement (FEIS)*". Liberty wishes to be involved with the Hennepin County design team and the City of Eden Prairie in determining the scope and extent of analysis of traffic impacts from the proposed Golden Triangle Station.

10. Referring to the Conceptual Engineering Layout for Segment 3, Sheet 9 of 15, as illustrated in Appendix F, we offer the following comments on the alignment and grading as it relates to our property at 6901 Flying Cloud Drive:

    - The alignment crosses a wetland at the northwest corner of this property that provides critical storm water detention volume identified in our PUD drainage design. The volume eliminated by filling for the Transitway needs to be provided in a fashion that can be utilized by Liberty.
    - The proposed grade for the alignment across the east end of this property occurs roughly eight feet above existing grade. The embankment required could affect the access to the planned parking ramp supporting the 128,000 square-foot office that is under construction at the site by reducing the space available between the Transitway and wetland and buffer areas already subject to long-term maintenance agreements and conservation easements. This access is critical as there are only two available access locations to serve this office development.
    - The embankment required for the proposed grade of the Transitway also reduces the amount of the existing parking area at the east end of this property that could be utilized as surface parking for the planned Park and Ride component of the Golden Triangle Station. If the Transit-way were at, or close to existing grade, nearly all of the 100 planned Park and Ride spaces could be provided in this existing, paved parking area.

11. Referring to the Conceptual Engineering Layout for Segment 3, Sheets 8 and 9 of 15, as illustrated in Appendix F, we offer the following comments on the alignment and grading as it relates to our properties at 7075 Flying Cloud Drive and 10301 70th Street West:

- The proposed alignment for 70th Street was carefully considered to maximize development area south of the proposed roadway while meeting obligations for wetland protection and buffer requirements to the north of the roadway. The crossing elevation of the transit line at 70th Street as depicted in the Conceptual Engineering requires over ten feet of fill at the crossing point, and assumes grade transitions in the roadway profile that would need to extend several hundred feet in either direction from the crossing point, possibly requiring further loss of wetland and wetland buffer if the road stays within its planned corridor, or resulting in the loss of useable lot area if the roadway needs to shift south so that fill for the roadway can be placed without affecting the wetland or associated buffers.
- Further, ten feet of fill at the crossing point would eliminate existing access to the truck docks, service area, and parking adjacent to the northeast corner of the existing structure occupied by SuperValu, Inc. If this corner of the existing parking becomes essentially a dead-end area by shifting access from 70th Street to the west to accommodate fill for the roadway, then substitute truck circulation requirements will further reduce available parking in this area.
- This area of the site is also indicated as the location for the Golden Triangle Station Park and Ride, which again, is inconsistent with its existing use for truck docks and service support that is critical to the tenant at this property. Even if the area were elevated on a structure to match the proposed profile grades of the rail and station, there may not be sufficient clearance for the required truck use below.
- The proposed track alignment between these two properties has a profile grade that roughly matches the top of a large berm separating the two sites. The berm is roughly ten feet tall relative to 7075 Flying Cloud Drive and roughly 14-16 feet tall relative to the property at 10301 West 70th Street. At the proposed elevation the top of the berm is less than 25 feet in width so additional fill would be required on one or both sides to create enough width for the track separation required by the station, with possible impacts to both properties. The width required could be provided by lowering the profile grade to an elevation that allows an at-grade crossing near the existing grade for 70th Street, and reduced impacts to both properties by excavating the berm and establishing a profile eight to ten feet below that analyzed in the DEIS.
- Liberty would like to see the Preliminary Engineering phase of design analyze a revised profile that would lower the proposed track grade as described above from roughly Station 345+00 to Station 669+00 to determine if the potential for impacts can be reduced.

12. Referring to the Conceptual Engineering Layout for Segment 3, Sheets 7 and 8 of 15, as illustrated in Appendix F, we offer the following comments on the alignment and grading as it relates to our property at 7400 Flying Cloud Drive:

    - The proposed alignment across this property has a very large impact on the existing parking supply for this property. We believe a substantial amount of additional parking could be preserved if the alignment could be adjusted to move further to the northwest as it crosses the property. It appears that this could be accomplished by more closely following the edge of

Highway 212 between Stations 322+00 and 328+00 or 329+00 with tighter radii to move the alignment to the north from 329+00 to 336+00.

- Sufficient proximate and convenient parking is critical to the economic success of this site, so Liberty would like to see additional analysis of the alignment to determine if parking impacts can be reduced.

13. We share the City of Eden Prairie's concerns as expressed in their comment letter regarding the placement and potential impacts from ancillary structures and facilities such as Traction Power Sub-Stations, crossing gates, and traffic signal cabinets. The Preliminary Engineering phase and FEIS should incorporate all of these items into the design so that their effect on all properties along the corridor can be evaluated. Protection of the site's viewsheds and also its visibility from existing roadways is critical to its development.

14. Further, we share the City's concerns with the possible impact on nearby structures from vibration, noise and stray current associated with anticipated rail operations, and request that additional analysis of possible effects of vibration be completed for our properties with existing structures that are close to the proposed rail lines. Impacts on utilities, fiber pathways and existing structures during construction need to be analyzed and mitigated. This analysis is especially important in light of the differing soil conditions found on the site. Detailed analysis should be included for all of our properties to evaluate alternatives and determine solutions for mitigating the design and construction impacts of the project.

Thank you for the opportunity to comment on the DEIS. We look forward to the Preliminary Engineering Design phase of the project to work together to improve the interface of the Southwest Transitway with our affected properties.

Sincerely,

Liberty Property Limited Partnership

Richard A. Weiblen
Vice President Development

From:	J Meath
To:	swlrt
Subject:	A response to the FEIS for SWLRT on behalf of LRT Done Right
Date:	Monday, June 13, 2016 3:40:28 PM
Attachments:	LRT Done Right response to FEIS June-13-2016.docx

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Dear Ms. Jacobson,

Attached please find our response to the Final Environmental Impact Statement for the Southwest Light Rail Transit project.

Thank you --

Judy Meath
On behalf of LRT Done Right
2700 Kenilworth Place
Minneapolis MN 55405

LRT-Done Right

2700 Kenilworth Place
Minneapolis, MN 55405

June 13, 2016

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:

LRT-Done Right is a grassroots organization of approximately 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Final Environmental Impact Statement (FEIS). These comments are the product of many volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive due attention and response.

We must enter into the public record our consternation with the inadequacy of a 30-day response period for lay citizens processing a 17,000 page technical document. Our comments here would be much more extensive had our state legislators' request for an extension been granted.

In our detailed response to the SDEIS, LRT Done Right noted that the SDEIS failed to assess the multiple impacts of co-location in the Kenilworth Corridor in terms of many factors including safety, vibration, noise, environmental damage, Section 106 assessments, etc. We were assured that these issues would be comprehensively dealt with in the FEIS. And yet we find in the FEIS that many of our critical concerns are either not addressed or inadequately addressed.

Finally, we perceive a conflict of interest in the Met Council's responsibility for determining the adequacy of the FEIS, since it is the work of the Met Council. Therefore we strongly encourage that the Met Council seek the Environmental Quality Board's review of the FEIS.

Judy Meath
On behalf of LRT-Done Right

LRT-Done Right response to
Southwest Light Rail Final EIS

From FEIS Executive Summary:

2. WHAT IS THE PURPOSE AND NEED FOR THE PROPOSED PROJECT?

The Purpose and Need provides the foundation for the proposed Project. The Purposes of the proposed Southwest LRT Project are summarized below:

- *Improve access and mobility to the jobs and activity centers in the Minneapolis central business district and the expanding southwest suburban employment centers*
- *Provide a competitive, cost-effective travel option to attract choice riders to the transit system, in an area of the region experiencing congested roadway connections between corridor cities and downtown Minneapolis*
- *Be part of an efficient system of integrated regional transit-ways serving the Twin Cities*

The Need for the Project is summarized as follows: Since the late 1980s, the Council has identified that the Southwest Corridor warrants a high level of transit investment to respond to increasing travel demand in this highly congested area of the region. This area of the Twin Cities experiences daily congestion on the roadway network, speed and use limitations within shoulder bus operations, and capacity constraints in downtown Minneapolis. Four primary factors make the Southwest LRT Project important for people who live and work in the southwest metropolitan area: (1) declining mobility; (2) limited competitive, reliable transit options for choice riders and people who rely on public transportation, including reverse-commute riders; (3) the need to maintain a balanced and economically competitive multimodal freight system; and (4) regional and local plans calling for investment in additional LRT projects in the region.

LRT Done Right Comment: Purpose and Need for SWLRT

"Since the late 1980s, the Council has identified that the Southwest Corridor warrants a high level of transit investment to respond to increasing travel demand in this highly congested area of the region."

Purpose of Proposed Project: An Investment in Suburbanization

In line with the national post - war pattern of suburban growth, per Minnesota Compass, the core cities of Minneapolis and St. Paul experienced a 38% drop in population while the suburbs grew 380% from 1950 to 1980. From 1980 until very recently, the core cities' population remained unchanged, while the exurban and suburban population rings rose by over 50 %. [1] Eden Prairie, the SWLRT southwest terminus located 12 miles from Minneapolis , provides an example of this suburban

[1] Rebecca Sohmer, David Jackson, Bruce Katz, Amy Liu and David Warren, "Mind the Gap: Reducing Disparities to Improve Regional Competitiveness in the Twin Cities," (Brookings Metropolitan Policy Program) 2005, p.4.

growth with its population rising 300% from 16,000 to 50,000 from 1980 to 2000 (SWLRT DEIS, 2012) and another 12,000 by 2013.

The Civil Rights Project at the Harvard Center for Community & Change described post-war suburbanization in *Moving to Equity* and linked income inequality and racial segregation to growth and development of suburbs located increasingly farther away from central cities. [2] It was in this context of ongoing suburbanization in the late 1980's that the Met Council first chose the Southwest Corridor as warranting a "high level of transit investment."

At the time that planning for SWLRT began in earnest in the mid-2000's, the Brookings Institution Metropolitan Policy Program issued *Mind the Gap: Reducing Disparities to Improve Regional Competitiveness in the Twin Cities.* The report found that while the Twin Cities have many assets that make them strong and competitive, "Underneath these broad regional successes are some disturbing social and economic disparities, demonstrating that progress is not widely shared."[3] The report identified and called for the reduction of three sets of "gaps" or areas of disparity: among racial and ethnic groups, among different income groups, and between the central cities and the suburbs — that show that the region's prosperity does not benefit all residents or communities.[4]

These areas of disparity are interrelated and intersect in the gap between central cities and suburbs:

> Place disparities, or differences between cities and suburbs (and among suburbs), result from uneven development that has led to concentrations of poverty in the regional core and concentrations of relative wealth in the outer suburbs.[5]
>
> The two central cities have markedly different demographic patterns than the rest of the metropolitan area. While some older, inner ring suburbs are beginning to resemble the central cities in some respects, the region still displays a fairly traditional pattern of poorer, more diverse central cities surrounded by wealthier, whiter suburbs.[6]

As SWLRT planning unfolded in 2005, the *Mind the Gap* study found:

> Concentrated poverty—neighborhoods where the poverty rates are 40 percent or higher—is solely found in Minneapolis and St. Paul. In other words, there are no extremely poor suburban neighborhoods, only extremely poor central city neighborhoods. *According to a*

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[2] Sanchez, Stolz, Ma, "Moving to Equity" (The Civil Rights Project at the Harvard Center for Community & Change), 2003, p.17.
[3] Sohmer, Jackson, Katz, Lui, and Warren, "Mind the Gap," p.3
[4] Ibid, p.3,4
[5] Ibid, p.9
[6] Ibid, p.20

> *study done by the DC Fiscal Policy Institute, the Twin Cities has the second starkest differential between city poverty rates and suburban poverty rates in the country.* The central cities' poverty rate is 4.5 times higher than the suburban poverty rate, which is a higher ratio than the Baltimore, Detroit, Cleveland, and Philadelphia metro areas (emphasis added). [7]

SWLRT as an answer to "increasing travel demand in this highly congested area of the region" was conceived and planned in this stark context of Twin Cities' metro suburban and urban disparity.

- LRTDR rejects the following FEIS justification of SWLRT: This area of the Twin Cities experiences daily congestion on the roadway network. Provide a travel option to attract choice riders to the transit system, in an area of the region experiencing congested roadway connections between corridor cities and downtown Minneapolis.

- The SWLRT project enacts the stark metro place disparity by prioritizing the most costly public works project in state history for the purpose of providing "a travel option to attract choice riders" who have caused the congestion produced by southwestern suburbanization.

Furthermore, the move to affluent and distant suburbs has been accompanied by an unacceptable and extraordinarily low carpool rate during commute hours between the Southwest suburbs and Minneapolis. An efficient use of the existing transit and transportation resources must be required of "this area of the Twin Cities."

The FEIS ridership table 4.1-2 on p. 4-18 shows that SWLRT is expected to take only 6500 vehicles off the road by 2040. Attaining a 9% carpool rate among southwest metro drivers over SWLRT planners' time horizon of 25 years – only 520 new carpoolers per year - would achieve the same congestion relief at very little, if any, cost. A 9-10% carpool rate is typical for other metropolitan areas. This area of the Twin Cities and the entire metro should be expected to match what is achieved in other metropolitan areas.

SWLRT Planning: Performance of Place Disparity

SWLRT planning history can be seen as a repeated performance of the stark differential between city and suburb documented in *Mind the Gap*. A representative enactment is the "diagonal route," described in the FEIS as a positive characteristic of SWLRT. However, the diagonal route is not equally shared by city and suburb. On the one hand, the diagonal route was insisted on in Minneapolis by SWLRT planners as the fastest way into downtown jobs for suburban commuters, though key characteristics of that route were that it missed urban density, insulated suburban riders from major Minneapolis commercial areas and neighborhoods, and limited the opportunity for urban development.

[7] Ibid, p.21

On the other hand, the diagonal route was abandoned at the southwest suburban end to serve business needs there. Early Southwest LRT plans had the train remaining to the north on the existing railroad right-of-way it will use for most of its route from Minneapolis. "We pushed hard to get it down into our core jobs and commercial districts," says Mayor Tyra-Lukens[8]

In 2007, Minnetonka and Eden Prairie made it clear that routing SWLRT through the Hennepin County-owned recreational trails in their communities, comparable to the Kenilworth Trail in Minneapolis, would limit development and economic opportunities and be detrimental to their cities' quality of life. Eden Prairie and Minnetonka were not allocated mitigation of a poor route. They "pushed hard" and got a better, more valuable alignment for their suburban cities.

Eden Prairie Mayor Nancy Tyra-Lukens described the purpose and need for the SWLRT and its alignment in Eden Prairie as follows: "One of the largest software companies in the Twin Cities, HelpSystems, just told me it can't fill jobs out here. We don't want these businesses moving. It's a competitiveness issue for us." [9]

According to Mayor Tyra-Lukens, the SWLRT reroute out of the HCRRA trail was needed *to keep* businesses in Eden Prairie. This suburban economic strategy is directly contrary to the FEIS statement of Purpose and Need to "improve access and mobility to … the *expanding* southwest suburban employment centers."

SWLRT as a strategy to *keep or attract* businesses to the southwest suburbs, *rather than to provide needed transit* to "expanding southwest suburban employment centers," is reported in a recent Mpls/St.Paul Business Journal article (3/18/16), "*The Great Minneapolis Migration: As employers head downtown, suburbs play catch-up to add amenities to hold onto tenants."* It reported that over the past two years, more than 15 companies have announced relocations to downtown Minneapolis. A consequence of the shift by businesses from suburban to downtown office locations is a drop in demand for suburban office space. An office broker specializing in the southwest suburbs at Cushman & Wakefield/NorthMarq predicts the drop in demand for southwest suburban office space will improve with the proposed SWLRT line. He is cited as expecting "a bump in suburban office demand as light rail transit along the southwest corridor gets closer to opening in 2020," echoing Eden Prairie Mayor Tyra-Lukens' description of the need for SWLRT as "a competitiveness issue for us."

- *LRTDR rejects the FEIS depiction of SWLRT Purpose and Need "to improve access and mobility to … expanding southwest suburban employment centers."*

- *SWLRT as routed is a public investment in an amenity for the competitive position of private southwest suburban business. It* is desired by Southwest suburbs and implemented as a strategy *to retain* their employment centers, *not a public transit need* to access expanding southwest suburban employment centers.

[8] Adam Platt, "Transit Showdown in Southwest Metro," (Twin Cities Business) October 30 2015).
[9] Ibid

Thus, the proposed SWLRT route hooks at its southwest suburban end rather than continuing the diagonal route along the HCRRA-owned right-of-way. Prior to the route change in Eden Prairie, there was a citizens' activist group there, Trails not Rails.[10] Also, citizen activism occurred early in SWLRT planning to preserve areas near the HCRRA Trail in Eden Prairie occurred early in SWLRT planning.[11] The Trail is now a valuable recreational greenspace surrounded by high-end homes and a golf course.

Therefore, in addition to the reroute achieved as a strategy to enhance its business competitiveness, Eden Prairie has obtained an increase in its recreational green space with the HCRAA- purchased rail corridor. Eden Prairie and Minnetonka have roughly 2 to 3 times more open space acreage per person than Minneapolis. Hence, southwest suburban SWLRT routing enacts and worsens another element of urban and suburban disparity, which will be repeated by the adverse and degrading impact of SWLRT on the Minneapolis Chain of Lakes. Eden Prairie was publicized in Money Magazine's "Best Places to Live" in September 2012. The magazine promoted the high quality of life in the suburb, listing $116,000 as the median household income and a coming "commuter rail project" as a reason to live there.

The *Mind the Gap* study strongly argued for reducing the "stark differential" of place and poverty between metro suburbs and the core cities on the bases of social equity and regional economic growth.[12] Nonetheless, due to planners' priority to improve the alignment in Eden Prairie and Minnetonka, $300 million in project costs were added, thereby increasing the overall SWLRT project budget from about $900 million to about $1.2 billion. The 30% suburban budget increase occurred at the beginning of planning and caused enormous and unrelenting pressure thereafter to keep costs down for the SWLRT alignment in Minneapolis. The improvement in the southwest suburban alignment thus may be said to have played a causal role in determining a poor route in the city.

The new alignment out of the HCRRA Trail in Eden Prairie and Minnetonka also meant SWLRT must be built through wetlands there. The additional financial (as distinguished from environmental) cost of doing so was not made public until the spring of 2015 and then portrayed as part of $300 million of engineering "surprises" to SWLRT planners. [13] Significantly, the Met Council will not break down the most recent additional $300 million project costs by municipality. Therefore, information is not available regarding the total public transit dollar investment for Eden Prairie's and Minnetonka's SWLRT strategy as "a competitiveness issue for us. " However, we do know that the environmental cost to wetlands is steep, and in fact, cannot be mitigated. As stated in the FEIS, the Met Council must purchase wetland mitigation bank credits to offset the damage caused by the route.

Minneapolis Disenfranchised from Alignment Selection: No SWLRT in Urban Density

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[10] http://fbiw.net/old_site/Trail/LRTGuide.pdf p.17
[11] http://fbiw.net/old_site/News/
[12] Sohmer, Jackson, Katz, Lui, and Warren, "Mind the Gap," p.26
[13] http://www.mprnews.org/story/2015/06/22/video-choo-choo-bob-explains-southwest-light-rails-newest-woes

Former Minneapolis Mayor R.T. Rybak's office supported an alignment that would serve Uptown and dense neighborhoods to the east in South Minneapolis. After $300 million was prioritized and frontloaded for the southwest suburban alignment, SWLRT planners decided the financial leeway to consider routing through urban density was gone, and the potential cost of providing transit for the urban core was seen as unaffordable as well as unnecessary to obtain federal funds. In addition to the pressure created by the suburban routing to keep costs down in Minneapolis, as the City of Minneapolis states in Resolution 2014R-362 and included in its FEIS response:

> 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.
>
> *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 (emphasis added*.)

Mayor R.T. Rybak said of the route, "The history on this is clear. The county pushed the idea of the Kenilworth Corridor over our objections."[14] Minneapolis did not want the Kenilworth alignment, but agreed to it on the condition and promise that the freight rail that had been temporarily placed there would be moved.

LRTDR endorses the City of Minneapolis FEIS Staff comment on regarding SWLRT project history:

> The development of the project including route selection differs significantly from the recounting outlined in the FEIS …
> 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.

Regarding the failure of SWLRT planning in Minneapolis, Gov. Mark Dayton commented, "While Hennepin County has been blamed for not resolving the potential conflict between light-rail and freight trains, it could easily have been foreseen by Met Council staff, the planners and the like, at

[14] MinnPost 10/15/2013

least five years if not 10 years ahead of now."[15] *The poor performance of SWLRT planners has not lessened Gov. Dayton's advocacy for the project.*

This failure in planning meant that Minneapolis was disenfranchised from the alignment selection process as the unviable Kenilworth option distorted and eclipsed real planning and options. The routes through density favored by the City could not be and were not fairly or accurately evaluated.

- LRTDR rejects the FEIS statement that SWLRT fulfills the Purpose and Need: Be part of an efficient system of integrated regional transit-ways serving the Twin Cities.

- SWLRT will not improve the efficiency of regional transit-ways serving the Twin Cities. FEIS ridership data on table 4.1-2 on p. 4-18 shows Total System-wide Transit Trips will increase by a barely measurable 200 trips by 2040.

- The lack of improvement in efficiency of the regional transit-way is reflected in the outcome that SWLRT as routed will actually increase GHG. FEIS Environmental Analysis p. 3-204 concludes: The Project operation will increase the Green House Gas emission in the Twin Cities area by approximately 2,000 metric tons per year in 2040 compared to No Build Alternative.

When Mayor Hodges voted against the co-location plan on April 2, 2014, she underscored the preemption of Minneapolis' participation in alignment selection:

> "This would not be the route that Minneapolis would have supported for light rail. We would've had a clarion call … we need to find another alternative here because our support is predicated on the reroute of freight." [16]

Enactment of suburban and urban place disparity continued in the SWLRT planning process. Though a safe engineering method to reroute freight was established by TranSystem, all suburban cities on the Corridor Management Committee (CMC) voted instead in favor of retaining co-location in the Kenilworth Corridor in Minneapolis. (Though Edina would have no SWLRT stations within its borders, it is included on the CMC and has a vote equal to Minneapolis.) The suburban cities without exception prioritized their own municipalities and unanimously overrode past promises and fairness for Minneapolis. The Minneapolis FEIS Staff comment recounts:

> 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

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[15] ***Star & Tribune,*** *April 9, 2014*
[16] MinnPost, Betsy Hodges, "LRT remarks: 'This is about a fundamental failure of fairness,' " 4/3/14

> freight re-route by TC&W at the STB would result in unacceptable delays, even if it were ultimately approved.
>
> 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.

The deep tunnel option to retain the freight was estimated at $250-300 million, an amount that had been and is still viewed as credible and acceptable by planners for the reroute from the HCRRA Trail into the business district in Eden Prairie and Minnetonka. With the suburban spending prioritized and growing, great pressure continued on Minneapolis by suburban dominated project planners to keep costs down. Both a route through urban density that would provide transit and support development and the deep tunnel to protect the City's signature and economically invaluable Chain of Lakes were rejected on the basis of cost.

The northern portion of the shallow cut and cover tunnel was also eliminated in a closed-door meeting between Met Council Chair Adam Duininck and Mayor Betsy Hodges. In addition to the realistic expectation of incompetence and betrayal, there are many practical reasons to conclude that the improvised engineering of the shallow tunnel plan will not be feasible and the southern shallow tunnel will never be built. Time does not permit discussion in this section of the many serious issues related to the tunnel.

Nonetheless, co-locating freight operations through much of the Kenilworth Corridor in addition to building a southern cut-and-cover shallow tunnel added a significant $130- 160 million to the SWLRT budget, making the new, co-locating version of the LPA almost as expensive as the options favored by the City through urban density. Nevertheless, the decision on the part of the Met Council and suburban members of the CMC that any delay to revisit the SWLRT alignment in Minneapolis or reroute the freight was unacceptable resulted in their choice of a costly but still unacceptable plan for a failed LPA.

Though a pivotal actor in bringing about the LPA with co-location in the Kenilworth, Met Council Chair Adam Duininck stated two months ago that SWLRT and Bottineau "didn't go down perfect routes, in my opinion, through the city of Minneapolis."[17]

In addition to extremely low urban utility and the danger of building and co-locating electrified LRT in proximity to unit trains carrying highly flammable ethanol in the Kenilworth Corridor, the Minneapolis Parks and Recreation Board strongly objected to the impact of SWLRT on the Chain of Lakes and Grand Rounds. In an attempt to preserve rare and historically significant urban parkland, the MPRB initiated a legal challenge to the Met Council's plan for crossing the historic Lagoon that created the Chain of Lakes, the body of water whose completion was celebrated by a boating trip by Theodore

[17] Star&Tribune, 4/19/16

Wirth himself. The Park Board challenge was ended not based on legal standing, environmental or urban planning goals, but due to steps taken by the Gov. Dayton to defund $3 million from the Minneapolis Park System unless their legal challenge was dropped.

In a thoroughly consistent performance of SWLRT planning as suburban/urban place disparity – as the Minneapolis Park Board, Met Council, and southwest suburbs well knew – SWLRT will adversely impact the Kenilworth Lagoon and the Grand Rounds in the City of Minneapolis.

Section 1.5, Purpose and Need: Limited Competitive, Reliable Transit Options for Choice Riders and Transit Dependent Populations including Reverse Commute Riders

This section includes discussion of characteristics of bus operations such as orientation toward peak direction travel and frequent stops that result in longer travel times, apparently as a justification for the expenditure of $1.8 billion for SWLRT. However, Table 1.5-1 appears to considerably overstate transit times from Eden Prairie to Minneapolis: it should reflect the SouthWest Transit (SWT) express *bus* service offering rush-hour travel time of just 23 to 25 minutes from Eden Prairie to its first stop in the center of the CBD at 12th & Hennepin (and 4 minutes more to the next CBD stop at 2nd Avenue and 11th St.). It runs every 5 minutes at peak rush hour, compared to every 10 minutes planned for SWLRT. Furthermore, if there is demand for reverse-commute service then SW Transit could easily and efficiently provide it. This bus system, extremely popular in the suburbs, has found demand for only 7 reverse-commute trips from the Minneapolis CBD to Eden Prairie each morning.

As Metro Transit knows, because it just opened the Rapid Bus A line in St. Paul and has plans for other similar lines, an alternative to expensive fixed-rail construction is limited-stop rapid bus service, which addresses many of the shortcomings of bus service noted in the FEIS, for a fraction of the cost of SWLRT, enabling a more equitable and effective use of transit funds. The cost of constructing the A line was merely $27 million.

This section also states that the people most affected by limited bus service are those who don't own a car. It states that [only] 14% of the households in the major activity centers along the line do not own a vehicle and then admits that Minneapolis drives up the percentage of households without a vehicle. Ironically, SWLRT would not serve the transit dependent populations of Minneapolis, as it travels into the city through sparsely populated areas – primarily park-type land (which has limited transit-oriented development potential.) This section mentions Hopkins as having a "slightly" higher average of households without a car: Hopkins has a relatively small population, so the number of households without a car is only 1,248 (Table 1.5-2). Surely this cannot be sufficient justification for the need for this Project. This section also points to the senior population in the corridor as a justification for the project. Not all seniors are transit dependent. Does the FEIS quantify the numbers of seniors who would use SWLRT, and where they would be going? Historically the vast majority of the projected ridership of SWLRT has been "home-based work" trips.

This section cites the Scoping Report as supporting the need for this Project. That report was done in 2009 based on a 2007 Alternatives Analysis. These reports should be redone to reflect dramatic changes in the Project, including co-location of freight rail and light rail in the Kenilworth Corridor, requiring the addition of a shallow tunnel, other routing changes in the western portion of the route,

and the discovery of unfavorable soil conditions. By adding freight rail to the project after the LRT alignment was selected, the Met Council improperly limited the study and choice of reasonable SWLRT routing alternatives. Such a fundamental change and substantial cost increase should warrant new review of routing alternatives.

The Project rationale of "needing to maintain a multi-modal transportation system" – i.e. including freight – was suddenly introduced with the publication of the SDEIS. This is circular reasoning: now that freight is not being relocated, leaving it in place and spending hundreds of millions along the line to improve it, is now a purpose of the project? The last in the list of four reasons given that this Project is needed is that regional/local plans call for investment in additional light rail transit projects in the region. Again, circular reasoning: the fact that the Met Council is planning for this project cannot be used, at the same time, as justification for need.

It is not even until page 4-19 that ridership is mentioned, and even then in a circumspect way. It appears that the number of rides will increase by 32,600 in 2040 for the Green line if the Project is built, and 33,600 for total rail system. This appears to be lower than previous projections of over 34,000 rides for SWLRT: why is projected ridership less than previous estimates? Also, most importantly, the forecast is that only 13,015 for 2040 of those rides are new to transit, so assuming round trips, only 6,507.5 new transit users. This is too low to justify the expenditure of $1.8 billion.

Chapter 3: Environmental Analysis

Section 3.3: Neighborhood and Community

Table 3.3-16 (Impacts to Community Facilities, Community Character, and Community Cohesion) states:

> "New physical barriers: Light rail alignment will be located adjacent to the existing Kenilworth Corridor, which is an active freight rail corridor (refer to Exhibit 2.1-5). All existing sidewalk, trail, and roadway crossings of the Kenilworth Corridor will be maintained, and, because the existing freight rail alignment is currently a physical barrier, the Project will not create a new physical barrier." Table 3.3-16, p. 3-84

As stated on page 3-83 of the FEIS, Visual change in the Kenilworth Corridor from the Project will include "substantial level of impact on multiple representative viewpoints within this area.
Visual impacts associated with the Project include those related to vegetation removal, relocation of the existing freight rail tracks, relocation of trails, and the addition of an LRT station. The crossing of the Kenilworth Channel will require construction of new bridge structures. In the transition areas between the at-grade and below-grade segments, there will be substantial visual impacts because of the extensive tree clearing required to accommodate the Project and the visual dominance of the trenches and the concrete retaining walls they will require."

Other sections describe the crash walls that will be constructed whenever the separation between freight rail and light rail is too narrow to be safe.

In light of these impacts, it is absurd to conclude that the Project will not create a new physical barrier, especially in comparison to slow-moving, infrequent freight trains that travel there now, or adversely affect the visual quality of the neighborhood.

The FEIS claims there will be no changes to vehicle parking or adverse effects on traffic in the vicinity of the 21st Street station, including to the historic properties in the area. This is absurd, given that the Met Council is projecting 2,000 people getting on and off the train at that station.

Section 3.11 Air Quality and Greenhouse Gases

3.11.3.3 Greenhouse Gas

Implicit in public support for LRT as a general transit concept is significant concern regarding climate change. Green House Gas (GHG) is linked to climate change, and human-made GHG is linked to several different sources, one of which is carbon based fuel. Gasoline fueled vehicles emit *tailpipe* CO2, a GHG. Light rail, as well as electric cars, trucks, subways, or buses, do not emit *tailpipe* CO2.

However, LRT, as well as electric cars, subways, or buses, use electricity that produces CO2 as part of its generation process, unless it is produced via solar, wind, or water, etc. That is, CO2 associated with electricity generation ("upstream energy emissions of raw materials energy consumption" p. 3-205 FEIS) and depends upon the fuel used to create the electricity. In Minnesota, 42% -50% of XCEL electricity is produced from coal, and the majority of the remainder is produced by nuclear power plants and from natural gas piped in from Colorado, obtained by fracking.

Energy sources vary in their political support by affiliated businesses. The political support for ethanol in Minnesota is high – by state law gasoline sold within the state must be 10% ethanol. Ethanol comes from corn, a crop grown in Minnesota and other neighboring Midwestern states. Major ethanol producers have production plants located by railways in, for example, South Dakota, and from there ethanol is shipped by rail to Minnesota.

Ethanol, a Class 3 liquid, is as volatile as oil. Within environmental circles, the actual benefit of ethanol, though deemed a renewable energy source, is highly controversial due to energy costs and GHG involved in massive corn production for ethanol, as well as the utilization of land available for plant based food crops to raise corn for ethanol. Nonetheless, the 10% ethanol gasoline requirement is state law. At the same time, state support for solar energy and independent solar energy production has been inconsistent. Conflict has arisen between XCEL Energy and independent solar producers. From an environmental point of view, overall reduction in demand is indicated for both electricity and carbon based fuels.

The above is simply to review that concern for climate change can be and has been misused on a large scale to support a variety of related businesses, while not positively impacting GHG. It is unfortunate that the same process is involved in some LRT projects. That is, support is elicited from the public on the basis of concerns about climate change, though the LRT project provides little to no benefit for precisely that metric.

SWLRT is an example of an LRT project that increases, rather than reduces, GHG. The FEIS states:

> The Project operation will increase the GHG emission in the Twin Cities area by approximately 2,000 metric tons per year in 2040, compared to No Build alternative (FEIS, p 3-2004).

The actual increase in GHG, if SWLRT is constructed, is minimized in the FEIS:

> "If amortized over the life of the Project, the GHG emission from this project is minimal. In addition, the Project is included in the regional RTP and TIP, which consider climate change mitigation, adaptation and resilience for sustainable development of the region. Therefore, GHG emissions from the proposed Project will not hinder the region's emission reduction efforts." (P. 3-205).

Though from the point of view of the Metropolitan Council's FEIS, SWLRT will not "hinder" the region's emission reduction efforts, in fact, if built, SWLRT will add to the GHG that requires those efforts. Without SWLRT, that is *the No Build condition*, the total annual metric tons of GHG will be 2000 tons *less than under the Build condition*. As such, under No Build, the benefits of state GHG efforts would be increased. Further, the cited "adaptation and resilience for sustainable development" considered in the regional RTP, is an extremely vague and elastic phrase, capable of interpretation as desired by a variety of interests not focused on providing the best environmentally, equitably, or cost-effective transit. These interests seem already to have been over represented in the planning of SWLRT.

In terms of GHG, it will be a net benefit to the State of Minnesota not to build SWLRT (FEIS Table 3.11-3). That is, per the FEIS, Southwest LRT adds to the annual total of GHG.

Put another way, even with the projected, very minimal 6500 cars off the road noted in the FEIS, in 2040*, there would be a net GREATER increase of GHG annually with SWLRT than if the 6500 cars stayed on the road.*

From the point of view of GHG, it is better not to build SWLRT and to shift to less GHG intensive modes of transportation. Though not uniformly pursued by transportation planners within the Metro, car pools lanes are an additional means to reduce single occupancy vehicle usage, and are utilized on

those freeways that have them. Carpooling means more than one passenger per vehicle and is a more GHG efficient use of vehicle transport than single passenger vehicle use.
It is noteworthy given the expressed dissatisfaction with congestion and the commute time periods in the Southwest suburbs, that carpooling is not more in evidence, even without a car pool lane, since it is both environmentally beneficial and shares the burden of both driving and parking among driver and passenger in each car.

"The proposed project construction may require removal of a limited number of tress and disturb some vegetated areas along the rail corridor. Trees and vegetation sequester CO2 through the process of photosynthesis and store the gas as carbon in their biomass. When trees and vegetation are removed, some of their stored carbon may be released as CO2 into the atmosphere, although the quantity and rate of CO2 that is emitted may vary, depending on the amount of removal and how the biomass would be handled afterwards. Because the number of tress and the area of vegetation disturbance would be limited during Project construction, the effects on the sequestered CO2 or the loss of carbon stored in the removed tress or vegetation would be minimal and are not further analyzed." (FEIS p 3-204)

It is erroneous to describe tree removal as a possibility that SWLRT "may require" and as "limited." Significant tree removal has already been identified as part of the co-location construction process for SWLRT in the Kenilworth Corridor. As such, this type of "analysis" makes a mockery of the environmental regulations with which this FEIS is purportedly complying, reducing the EIS process, intended to protect the environment that is being considered for an LRT construction project, to simply another piece of paperwork.

Previously, SPO staff minimized the value of the trees that would be removed by referring to them as mostly Buckthorn. Informal citizen survey found that the majority of trees were not Buckthorn. In terms of being CO2 sequesters, referred to as 'sinks' in the world of GHG reduction, trees are "sinks," regardless of the tree species. That is, trees remove CO2 from the atmosphere. In urban areas, they are even more important, as they mitigate against the heat increasing effects of asphalt and concrete. The impact of tree loss is not simply the release of carbon caused by tree removal, but the loss of tree "sinks" in the urban environment for ongoing CO2 sequestration.

3.11.3.2 Mobile Source Air Toxics Analysis

"Project operations will have the potential effect of increasing MSAT emissions in the vicinity of nearby homes, schools, and businesses; therefore, under the Project there may be localized areas where ambient concentrations of MSATs will be higher than under the No Build Alternative. The localized increases in MSAT emissions will likely occur near the proposed light rail stations, the park-and-ride lots, and OMF; however, as discussed in the Technical Memorandum, the magnitude and the duration of these potential effects cannot be reliably quantified due to incomplete or unavailable

information in forecasting project-specific health impacts. In addition, even if these increases do occur, they will be substantially reduced in the future due to implementation of EPA's vehicle and fuel regulations." (FEIS p 3-203)

In terms of air toxics, that which is most well known as 'smog', such toxics will increase due to congestion around SWLRT stations and Park and Rides. Not included in the FEIS analysis is the increased congestion associated with the frequent LRT crossings of urban roadways. Increased congestion at intersections has already occurred for both the Hiawatha and Central Corridor LRTs. To omit a known source of increased air toxics associated with LRT routes is both poor science and poor environmental analysis. Congestion and therefore air toxics will occur and will increase at roadways impacted by the SWLRT route. Further, SWLRT will add to air toxics at precisely those locations where people will congregate: at LRT stations, at Park and Rides, and at any planned TOD in the vicinity of those areas. Mobile Source Air Toxics are associated with the increase in asthma in urban areas, a significant public health concern. .

Per the FEIS, this should not be a concern, as federal regulations regarding vehicle emissions, not SWLRT, will continue to reduce air toxics in the future.

3.12.1 Noise Regulatory Context and Methodology

The erroneous definition in the SDEIS of the baseline condition of noise levels in the corridor is not altered or corrected in the FEIS. In the SDEIS, the baseline condition of noise levels in the corridor included the freight line, though its placement in the corridor was on a temporary basis. The freight placement was changed to a permanent basis by the Metropolitan Council when it decided not to move the freight out of the corridor.

This decision was made by the Metropolitan Council, yet framed as though it was "not possible" to move the freight, though the independent freight rail expert hired by the Metropolitan Council to evaluate moving the freight determined that it was, in fact, possible to move the freight, and possible to do so safely.

Again, to review factual history rather than Metropolitan Council rewrite, moving the freight was the condition upon which the City of Minneapolis accepted the route through the corridor. Several years later, after the City of Minneapolis' agreement has been obtained, rather than moving the freight, its location through a residential neighborhood has been made permanent, and over a hundred million dollars in public transit funds has now been allocated, as part of the proposed SWLRT project cost, to enhancing the rail track, for the benefit of private railroad companies using the corridor.
For the clear reasons stated above, the freight noise is now a permanent condition of the corridor only because the project planners decided it would not be moved, and, further, dedicated additional transit monies to its infrastructure. As such, permanent freight rail noise is a new feature of the

corridor, caused by the SWLRT project plan, and should not be included in the baseline noise condition when measuring noise impacts of the proposed project.

3.12.1.2 Noise Criteria

"FTA noise criteria are based on the land use category of the sensitive receptor:

> Land Use Category 1 Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet.
>
> Land Use Category 2 Residences and buildings where people normally sleep.
>
> Land Use Category 3 Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, theaters. Places for meditation or study …campgrounds and recreational facilities can also be considered to be in this category. Certain historical sites and parks are also included." (FEIS p 3-208)

The determination of impact is a combination of 2 factors: The Land Use Category, and the Environmental Noise assessment. "The standards include both daytime and nighttime limits for three different categories of land use or noise area classification" (FEIS, p 3 -210). In other words, depending on the Land Use Category, the same Environmental Noise level may be rated as no impact, moderate impact, or severe impact.

"As shown in Table 3.12-6, the Project will result in one moderate noise impact at the Kenilworth Channel. The Kenilworth Channel was assessed as a Category 3 land use, which represents parks and other similar uses. The lagoon bank at the Kenilworth Channel was assessed as a Category 1 land use, which represents locations with very high sensitivity to noise." (FEIS p 3-219)

In spite of a classic depiction of serenity being a kayak gliding on a quiet lake – such a photo of a kayak in the Kenilworth lagoon recently was published in the Minneapolis Star and Tribune --the lagoon has been classified as Category 3 land use. As such, the impact of noise from 12 LRT trains per hour overhead are put in a lower category than the impact of the same noise on a "sensitive receptor" sitting on the lagoon banks, looking at the same Kayak floating in the water. Since the "sensitive receptor" on the banks is at a further distance from the LRT trains overhead than the Kayak in the lagoon, the noise impact, though reaching a "sensitive receptor" in a location designated as a Category 1 land use and having a very high sensitivity to noise, is rated as having no impact whatsoever, and therefore not requiring mitigation.

Remarkably, the Project Noise Level impact for the Lagoon Bank, 54 Leq (dBA) is exactly the same as the Existing Noise Level Leq (dBA), 54, for the Lagoon Bank. Per the FEIS, the addition of 12 LRT trains

per hour overhead does not add any additional noise to the area designated as a location with very high sensitivity to noise. While the “sensitive receptor” in the Kayak on the lagoon, though even closer to trains crossing the lagoon overhead, is deemed only to suffer a moderate impact, as the lagoon location is not deemed an area with a very sensitivity to noise. And therefore, the threshold to reach criteria for severe noise impact is higher, and not met.

Mis-categorizing the Lagoon as an active recreational area, and then using the misleading category to downgrade impacts to the Lagoon as moderate, does not fulfill the purpose of EIS regulations to protect environmental areas.

In spite of public testimony as to the nature of the recreational use of the Lagoon, and that the waterways of Lake of the Isles permit only non-mechanized watercraft, the FEIS maintains the category 3 designation for the Lagoon and defines the resulting impact on the park as moderate.

Further, when sound travels over water, the reverse is closer to the reality of impact on “sensitive receptors.” From the point of view of the science of sound on water, sound travels further, and is amplified, over water. That is, sound will be experienced as louder on the Lagoon by the “sensitive receptors” in kayaks and canoes.

On calm lakes, bays, creeks, or in restricted visibility, sound carries exceptionally well. If ever went camping around a lake, knowledgeable campers often would tell you to keep the noise down at night, since cool air, and a flat-water surface amplified the sound you were making, so that everyone on the lake heard you.

According to Howard Shaw, Ph. D. and Cheryl Jackson Hall, Ph. D., "Experience suggests that sound, like light, travels (more or less) in straight lines. However, to the contrary, sound actually tends to curve downwards over a lake's surface.

Sound traveling along straight lines would disperse quickly into the space above the lake. Instead, sound that "should" rise up and be lost typically curves back down to the lake/ground level. Therefore, it sounds louder than it "should." This is a well-known and easily demonstrated observation, measurable out there on real lakes (American Boating Association, 2016).

FEIS Table 3.12-7 Summary of Mitigation Measures and Residual Impacts for Residential and Institutional Locations

From the FEIS Table 3.12-7:

> Minnetonka: Claremont Apartments Noise Impacts: Moderate Impacts without Mitigation Noise Level Increase (dB)a 3.7 Mitigation Measure: 8 foot high noise barrier extending 1,800 feet.
>
> Hopkins: Monroe Avenue Noise Impacts: Moderate Impacts without Mitigation Noise Level Increase (dB)a 3.2 Mitigation Measure: 3 foot high parapet barrier extending 500 feet on elevated structure over Excelsior Boulevard
>
> Minneapolis: Kenilworth Channel Noise Impacts: Moderate Impacts without Mitigation Noise level Increase (dBa) 7.2 Mitigation Measure: 2 foot high parapet wall and rail dampers, 300 feet.

To mitigate the "moderate impact" of 12 trains an hour over the lagoon, the FEIS and SPO has determined that a 2 foot high parapet wall is sufficient to mitigate a 7.2 Noise Level increase in urban parkland that is a rare and unique resource within urban borders. Given the need for areas of tranquility in urban settings, increasingly validated by new research on the impact of noise on health and cognitive functioning, it would seem that every effort, including an 8 foot high sound wall to effectively wall off LRT noise from the Lagoon, would be made to mitigate the noise impacts on this sensitive environmental area. However, it be that any parapet wall higher than 2 feet would block the view of the Lagoon by suburban SWLRT passengers commuting into the city.

The impact of noise in urban areas is coming under increasing scrutiny by urban planners. Rather than the old-fashioned belief that the urban environment is simply one of skyscrapers and industrial areas that urban dwellers are and should be able to adapt to, it is becoming more apparent than human beings need areas of quiet to function adequately, for learning, sustained cognition, and for regular physiological restoration in a built environment. Though receiving renewed attention by urban planners now, this fundamental understanding was the impetus that spurred the foundation of the Minneapolis Park System. Community leaders who founded the Minneapolis Park System as a separate entity from Minneapolis City Government, witnessed firsthand the destructive impact of industrialization on neighborhoods in places such as Chicago, and did not want the same degradation of quality of life to be created in Minneapolis.

Parkland is always threatened by development, and urban parkland exponentially more so. Yet urban residents are faced with higher and more constant levels of noise than their suburban counterparts, from commuter traffic, trains, airports, and industry, and consequently have greater needs for the quiet and green space provided by urban parks.

> Researchers report in the Southern Medical Journal that sustained growth in highway, rail, and air traffic are especially concerning, in a way that is analogous to second-hand smoke, second-hand noise is an unwanted airborne pollutant produced by others; it is imposed on us without our consent, often against our wills, and at times, places, and volumes over which we have no control. Researchers found that it took only 30dB to disturb sleep and cardiovascular

> effects are seen after exposure to 65dB (CityLab 2012, Benfield, "Just How Bad is Noise Pollution for Our Health?").

Further, noise is correlated with public health risks:

> Laboratory studies carried out on humans have shown that the exposure to noise affects the autonomous nervous system and the endocrine system. Heart rate, blood pressure, cardiac output, blood flow in peripheral blood vessels and stress hormones (including epinephrine, nor-epinephrine, cortisol) are affected. At moderate environmental noise levels such acute reactions are found, particularly, when the noise interferes with activities of the individuals (e.g. concentration, communication, relaxation). Noise-induced instantaneous autonomic responses do not only occur in waking hours, but also in sleeping subjects even when they report not being disturbed by the noise ("Cardiovascular Effects of Noise on Man," Wolfgang Babisch, presented at the 2015 Acoustical Society of America annual meeting).

Even moderate noise impacts increase stress hormones, not only in adults, either when awake or sleeping, but children as well. When an old airport closed near a school and opened at a distant site, the students near the former airport site demonstrated improved tests on memory and reading, while students near the new airport site showed a decline in scores after the new airport opened (Weiss, cited in CityLab 2012, op cit).

3.15.3.1: Electromagnetic Fields and Electromagnetic Interference

The SWLRT FEIS, Section 3.15.3, does consider the effects of electromagnetic fields (EMFs) on public utilities, but the effects of EMF on riders and residents is cursory and incomplete. Not addressed in the FEIS is the fact that EMFs created by pantographic/catenary power lines have been associated with detrimental impacts on human health. Pantographs/catenary lines will run close to residences along the SWLRT route. Some studies link EMF exposure with childhood leukemia (Ahlbom, IC, Cardis E, Green A, et al. Review of epidemiological literature on EMF and Health Environmental Health Perspectives, 2001; 109 Suppl 6:911-933) and while controversial, there is a duty to protect members of the public (including pregnant women, infants, the unborn, children and the infirm) from short-term and long-term exposure to EMF. Further analysis is needed.

3.17: Cumulative Impacts

We don't see evidence that safety concerns raised by co-location are adequately understood or addressed. LRT Done Right fully supports the comments submitted by Citizen's Acting for Rail Safety - Twin Cities.

Chapter 7: Financial Analysis

Table 7.1-3 sets forth the various sources of funds for the local share of the Project. Language should be added to reflect that the 2016 Legislature adjourned sine die without making any provision for the remaining local funding needed for the Project. The missing funds are part of the $165 million listed as the State's contribution. The Met Council has been able to obtain some of the funds the State has decided not to appropriate so far (and make up for the $30 million the legislature actually rescinded last year) by taking funds from a reserve fund and making it up with some MVST revenue not intended for SWLRT.

The $165 million listed for HCRRA's contribution does not include the value of the land that HCRRA is transferring to Hennepin County who will donate it to the Project. This should be clarified.

The Met Council should disclose who will be financially responsible for the cost of any derailment or other incident arising from the close proximity of freight rail and light rail, and include that cost as a Project cost.

The public should be informed that according to Table 7.2-2, both the State AND CTIB are shown as having to increase their Metro Transit subsidies by $18.93 in 2040 if the Project is built compared to the No Build scenario. Please explain these figures, compared to the $20.8 million total operating cost of SWLRT shown on the New Starts rating summary description from November, 2015.

The public should also be aware that Table 7.2-2 shows an increase in the annual subsidy needed for SW Transit in the amount of $14.88 million in 2040, without having an identified source to make up for that loss. Please disclose how many SW Transit Express bus riders the Met Council is projecting will change to SWLRT, and how much of the additional subsidy noted above is the result of the commitment to maintain SW Transit, with reduced ridership.

Please explain to the public what is meant by this statement in section 7.3: "Across all scenarios, it is noteworthy that the financial structure of the Metropolitan Council Transportation Division and the Southwest LRT Project are dynamically resilient."

From:	Mark Wegner
To:	swlrt
Subject:	Corrected Comments on the FInal Environmental Impact Statement
Date:	Monday, June 13, 2016 3:13:08 PM
Attachments:	20160613145518333.pdf

To Whom it may concern:

The comments this morning inadvertently referenced the "DEIA" when it should have read "DEIS" .

Please accept these corrected comments with that change.

Sincerely,

Mark

Mark Wegner
President
Twin Cities & Western Railroad Company
Glencoe, Minnesota

T&W
TWIN CITIES & WESTERN RAILROAD COMPANY

2925 - 12th Street East
Glencoe, MN 55336
(320) 864-7200
FAX (320) 864-7220

June 13, 2016

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

Dear Ms. Jacobson,

There was a typographical error in the comments sent earlier today.

Attached please find corrected Twin Cities & Western Railroad Company's response to the Southwest LRT Final Environmental Impact Statement.

Sincerely,

Mark

Mark Wegner
President
Twin Cities & Western Railroad Company
Glencoe, Minnesota

Twin Cities & Western Railroad Company Response to Metropolitan Council's Southwest Transitway Final Environmental Impact Statement (FEIS)

Twin Cities & Western Railroad Company (TC&W), along with its subsidiary railroads Minnesota Prairie Line, Inc. and Sisseton Milbank Railroad Company provide the freight rail link to the national freight rail network in Saint Paul for communities in central and western Minnesota and eastern South Dakota. TC&W is able to provide this safe, economical, efficient and greenhouse gas friendly freight transportation utilizing the freight rail tracks in Hopkins, Saint Louis Park and Minneapolis. TC&W has cooperated to facilitate SWLRT, but under federal law we must ensure that the producers, businesses and communities TC&W serves will not be harmed by this project. TC&W will continue to coordinate with the SWLRT project office while ensuring TC&W's federally mandated responsibility to serve our freight customers' needs is met.

Twin Cities & Western Railroad Company (TC&W) responded to the Southwest Transitway Draft Environmental Impact Statement (DEIS) in December 2012, and the issues raised in that response remain in effect and should be considered part of this response. Additionally, TC&W responded to the Supplemental Draft Environmental Impact Statement (SDEIS) in July 2015. At that time TC&W specifically stated that the freight track capacity lost due to the proposed freight rail alignment change east of Highway 169 (from the south side of the corridor to the north side of the corridor to accommodate increased Transit Oriented Development) MUST be replaced. While this understanding exists at the staff level as a result of our SDEIS comments, the Final Environmental Impact Statement (FEIS) does not explicitly address the replacement of this freight track capacity as a necessary part of the project, and it must do so.

TC&W believes that the 30 day comment period for responding to the FEIS is too short. It does not allow our impacted customers, communities and counties an adequate time to respond to this 17,000-page document. It should be understood that the concerns raised by these stakeholders in their 2012 DEIS comments remain valid and should be considered in the context of the FEIS.

TC&W's comments should be viewed in the context of the critical freight rail service TC&W provides to the counties, communities and customers in Minnesota and South Dakota. Over the last 10 years these stakeholders have invested in excess of $100 million dollars in their freight rail facilities, creating additional jobs and economic growth in this region of rural Minnesota and South Dakota.

Since southwest metro area development has expanded to Chaska in Carver County, the only realistic option for replacing the lost track capacity mentioned above is 25 miles farther west of the exiting side tracks now located in Saint Louis Park and Hopkins. This will place a permanent additional cost burden on TC&W and its customers as a minimum additional 50 miles (round trip) will be added to the movement of customer carloads hauled by TC&W which currently use the existing sidings now scheduled to be removed. TC&W has been working with SWLRT

project office to arrive at a way to ameliorate these additional permanent costs as part of the project.

Freight rail changes are governed by the federal Surface Transportation Board (STB), which exists to protect the interstate freight rail interests of freight rail customers. One of the assertions within the FEIS is that the STB will not have jurisdiction over the alignment change. TC&W contends that the STB will indeed have jurisdiction, as the alignment change will permanently deny property owners on the south side of the corridor the same access to freight rail they currently have. Under federal law this requires notice and also potential hearing by the STB.

TC&W has called attention to the inherent safety issues of co-location of freight rail alongside the SWLRT, from the point in Hopkins where the alignment parallels TC&W's route all the way east and especially in the space-constrained Kenilworth Corridor. It is imperative that safety measures be put in place for freight rail as well as LRT not only during the construction of the SWLRT alongside the active TC&W freight corridor, but also for future freight rail operations.

While TC&W has had productive conversations with SWLRT engineering staff, we are concerned that the freight rail aspect of the overall project may be a focus of cost-cutting efforts. In order to meet our federally mandated responsibilities to our customers, TC&W cannot and will not accept any compromises that impair our ability to operate safely and efficiently along the SWLRT route in the Twin Cities or as we travel through the communities we serve in outstate Minnesota.

Our specific comments to the FEIS are as follows:

Within the executive summary (page ES-4), one paragraph incorrectly asserts that TC&W was [primarily] concerned about costs with respects to a re-route. TC&W's primary concerns have been and continue to be the physics of rerouting freight trains and the inherent safety issues associated with the proposed re-routes.

Within the executive summary (page ES-7), one paragraph incorrectly asserts that "they will not result in substantial long-term impacts to freight rail operations," -but there is no mention of the need to replace the lost siding track capacity in the bullet points above. There MUST be an acknowledgement of that need, otherwise the concluding paragraph is false.

On page ES-8, the second paragraph refers to freight rail having been in operation in the Kenilworth corridor for nearly 20 years. A more accurate description would be for the last 135 years, with a short period of dormancy from 1993 to 1998.

With respect to the safety discussion on page ES-9, TC&W will work with the SWLRT staff to ensure that all of these measures meet freight rail safety standards. There can be no compromise on safety.

The comment on page ES-10 about the southerly connection is misleading and represents a lack of understanding about freight rail economics. A southerly connection must be maintained, but the freight rail traffic that would flow via that southerly connection (existing or proposed) is

completely dependent on the Upper Mississippi River grain market, relative to other grain markets.

Page ES-18 again asserts there are no adverse impacts to freight rail operators and ignores the need to replace the lost freight rail track capacity.

Page ES-35 contains the assertion that there will be "…No adverse impacts as there are no substantial changes to freight rail operations." This statement is completely inaccurate. There must be an acknowledgement that the project will bear the cost of replacing the lost track capacity, so as not to reduce freight rail capacity. Without that information, the statement is false and misleading.

Page ES-42 – For clarity, the fourth full paragraph should read "The Final EIS documents and responses to all…" –so the average reader will understand that responses to comments on the SDEIS are part of the FEIS. It was not clear, upon first reading of the FEIS that responses to comments on the SDEIS were contained in the FEIS.

On pages 2-13 – 2-14 STB action is required as a result of the southerly properties permanently losing their access to freight rail. Additionally, should the siding track lost not be replaced as part of the project, commerce to south central Minnesota and eastern South Dakota will be significantly impacted, requiring STB involvement.

On Page 2-45, in paragraph 2. , it should be noted that physics were a primary concern of the TC&W (before operational and economic, but physics implied safety issues).

On page 3-46, within the table and footnote, again it is not made clear that replacing the lost freight rail side track capacity is part of the process to move the freight rail alignment. While CP is mentioned in the footnote, nowhere does it mention the impact on TC&W's current freight rail operations of the loss of the siding track capacity, which is in close proximity to TC&W's large railroad connections. As part of the SWLRT project, this track capacity must be replaced, and due to suburban development, it will be at least 25 miles farther west than the current track capacity locations, adding permanent costs for freight operations due to increased distance to and from Twin Cities freight rail connections.

Currently some freight rail traffic is hauled by TC&W from Saint Paul to the side tracks in Saint Louis Park and Hopkins, where it is stored on behalf of customers until the customers determine where in North America the freight is to be sent, and the cars are hauled back to Saint Paul. Adding at least 50 miles round trip to this traffic will increase the costs for this movement permanently. These costs need to be ameliorated as a part of the SWLRT project.

On page 3-50, 3.2.4.3, A, the FEIS asserts that no mitigation measures are warranted. It needs to be explicit in stating that replacing TC&W's lost track capacity is a MUST in order to protect the communities in Minnesota and South Dakota that TC&W serves. The statement, as written, is false.

On page 4-47, the reader could be misled by the assertion that a direct southerly connection could increase freight rail traffic over that connection. Freight rail traffic will occur over that connection (pre or post LRT) based on grain market conditions on the Upper Mississippi River, relative to other grain markets. The design of the connection does not impact the amount of freight rail traffic over that connection - market conditions do.

On page 4-49, there is no mention of the need to replace the 11,770 feet (2.23 miles) of freight rail track. Additionally, the Southwest Project Office has recently identified an extra 4,000+ feet (.78 miles) of freight rail side track to be removed to accommodate the project. Nor is there a mention that additional side track may be needed to be removed as a result of this SWLRT project. All of this track capacity, factoring in its close proximity to TC&W's interchange point with other railroads, will need to be replaced as a part of the SWLRT project.

In Appendix F, page F-79, the paragraph describing the "Swap" and "Southerly Connection" does not describe how the project would replace all of the lost side track capacity. Integral to TC&W's consideration of this concept is the understanding that the siding track capacity will be replaced. If the siding track capacity is not replaced, then TC&W, on behalf of the communities and customers it serves, will be forced to invoke federal protection on their behalf.

Conclusion:

TC&W has long recognized the need for a transit solution to serve the southwestern metropolitan area, and has worked cooperatively with the communities and the governmental agencies to accomplish this.

At the same time, TC&W has studied the long-term freight rail needs of the primarily agricultural area it serves. In our service area, crop yields per acre have increased steadily over the past 20 years, and there is every reason to expect this trend to continue. As the entire SWLRT process has demonstrated, transportation planning is not a process that occurs quickly. TC&W must plan responsibly now in order to continue moving Minnesota and South Dakota produce to market far into the future. This is why TC&W has worked collaboratively and in good faith to ensure that the SWLRT can become a reality while not compromising TC&W's ability to transport the products of south central Minnesota and eastern South Dakota efficiently and safely.

The FEIS needs to be more explicit on the essential need to replace the side track capacity that will be lost as a result of the decision to locate the SWLRT on the southerly side of the corridor, east of Highway 169 to facilitate Transit Oriented Development. This is an essential part of the project and cannot be discounted or ignored.

TC&W stands ready to cooperate, but under federal law we must ensure that the producers and communities TC&W serves will not be harmed by this project. TC&W will continue to coordinate with the SWLRT office while meeting TC&W's federally mandated responsibility to ensure that our freight customers' needs are met.

From:	Joan Vanhala
To:	swlrt
Cc:	maya.sarna@dot.gov; Russ Adams
Subject:	SWLRT FEIS comment from Alliance for Metropolitan Stability
Date:	Monday, June 13, 2016 5:17:02 PM
Attachments:	Southwest LRT FEIS AMS comments June 13th 2016.pdf

Dear Metro Transit,

Please accept our attached comment to the Southwest LRT Final Environmental Impact Statement. Please provide receipt of this comment.

Thank you,

Joan Vanhala, Coalition Organizer
Alliance for Metropolitan Stability
2525 E. Franklin Avenue #200
Minneapolis, MN 55406
612-332-4471; http://www.metrostability.org/

"When the power of love overcomes the love of power the world will know peace." - Jimi Hendrix

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

From: Alliance for Metropolitan Stability
2525 E. Franklin Avenue
Minneapolis, MN 55406
Contact: Joan Vanhala, Coalition Organizer
612-332-4471; joan@metrostability.org

Public Comment for the Southwest Light Rail Transit Final Environmental Impact Statement

June 13th, 2016

The Alliance for Metropolitan Stability (AMS) is a coalition of grassroots organizations that advances racial, economic and environmental justice in growth and development patterns in the Twin Cities region. Our 35 member groups represent communities of color, low-income communities, housing advocates, faith-based organizations, research and policy organizations, economic developers and environmental, transit and land-use policy advocates.

For the past 9 years AMS has been providing technical and organizing support to Environmental Justice communities along our metropolitan region's planned transitways to ensure that they are included in the decision making and receive community benefits from these major infrastructure investments.

The Southwest LRT FEIS has one major oversight in Chapter 5 Environmental Justice Table 5.2-5 by recording that there is NO low income housing identified at the Louisiana Station – Meadowbrook Manor at 6860 Excelsior Blvd, Minneapolis, MN 55426. This privately owned affordable housing is within the ½ mile station area of the Louisiana Station. The light rail transit project has increased the marketability of these privately owned 350 unites affordable housing at Meadowbrook Manor As quoted in the Star Trib newspaper "Hundreds of families could be forced out of affordable housing in St. Louis Park, as the new owner of one of the Twin Cities' largest apartment complexes begins an upgrade of sprawling Meadowbrook Manor." "…*most of the residents at Meadowbrook work low-income jobs and many hold down more than one. About 40 percent are immigrants from countries including Kenya, Nigeria, Liberia, Tibet and Mexico.*" (3/23/16, Star Trib *Hundreds of families could be forced out of Meadowbrook Manor in St. Louis Park*).

The concerns of the environmental justice communities are now coming to fruition as the natural occurring affordable housing begins to transition to market rate and displace low income communities of color from the housing units they occupy. The rent is simply no longer affordable to the existing tenants.

TABLE 5.2-5 Location of Affordable Housing **Station**	**Affordable Rental Housing (Total Number of Affordable Units)**
SouthWest	1 multifamily low-income development – 70 units
Eden Prairie Town Center	2 multifamily low-income developments – 435 units
Golden Triangle	1 multifamily low-income development – 163 units
City West	1 multifamily low-income development – 280 units
Opus	2 multifamily low-income developments – 367 units
Shady Oaks	5 multifamily low-income developments – 580 units
Downtown Hopkins	4 multifamily low-income development – 167 units
Blake Road	No low-income housing identified
Louisiana	No low-income housing identified
Wooddale	No low-income housing identified
Beltline	No low-income housing identified
West Lake	No low-income housing identified
21st Street	No low-income housing identified
Penn	No low-income housing identified
Van White	No low-income housing identified
Royalston	No low-income housing identified

The kids know me
place where they ca
worry about the fan

"I think there may b
community, and the

From:	Stefonowicz, Rob A.
To:	Jacobson, Nani; swlrt
Subject:	EVINE Live Comments on FEIS (SWLRT project)
Date:	Monday, June 13, 2016 6:24:12 PM
Attachments:	EVINE Live Comments on Final EIS.pdf

Ms. Jacobson –

Please see attached comment letter on the FEIS, submitted on behalf of our client, EVINE Live.

Thank you.

Rob A. Stefonowicz
Shareholder
direct | 952-896-3254
fax | 952-842-1718
www.larkinhoffman.com

8300 Norman Center Drive
Suite 1000
Minneapolis, MN 55437-1060

Larkin Hoffman
ATTORNEYS

Larkin Hoffman

8300 Norman Center Drive
Suite 1000
Minneapolis, Minnesota 55437-1060

GENERAL: 952-835-3800
FAX: 952-896-3333
WEB: www.larkinhoffman.com

June 13, 2016

VIA EMAIL ONLY (SWLRT@metrotransit.org)

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: SWLRT Comments on the Final EIS
Our Client: EVINE Live
Our File No.: 29758.45

Dear Ms. Jacobson:

Our firm represents EVINE Live in connection with the proposed Southwest Light Rail Transit project. EVINE Live occupies two buildings on Shady Oak Road in Eden Prairie that are directly adjacent to the planned Southwest Light Rail Transit alignment and the Golden Triangle Station. We have reviewed the Final Environmental Impact Statement that was published on May 13, 2016 and the 90% plans dated January 2016. We have the following comments and concerns:

1. The 90% plans show the alignment will be within 76 feet of our buildings. Further, a traction power substation will be located under an elevated track structure at this close location. There is no assessment of substation noise or electromagnetic interference for EVINE Live in the FEIS. We are concerned these effects have been overlooked and may negatively impact our live broadcasts.
2. We are concerned the FEIS noise assessment underestimates the impact on our site for the following reasons:
    a. Train bells were not included in the calculations even though all trains will use bells as they approach and depart from the Golden Triangle Station.
    b. The calculations appear to include an adjustment for ground attenuation of soft soil or grass, even though there is an asphalt parking lot between the alignment and the EVINE Live properties.
    c. The calculations appear to use the average number of trains per hour rather than the peak number of trains per hour.
3. We have significant concerns that our outdoor studio, located 100 feet from the alignment, will be become useless due to noise from the passing trains and from the train bells. This outdoor studio is used regularly for live broadcasts.

4. The vibration assessment table contains errors related to the distance of our building to the track. Further, we were unable to duplicate the calculation results. We are concerned about the accuracy of the vibration impact assessment.
5. We are concerned that construction noise and vibration will be very difficult, if not impossible, to coordinate with contractors since we broadcast live from this location. Considering our broadcast needs, alternate construction methods that cause the lowest noise and vibration will be needed in the vicinity of our buildings.
6. As you are aware, the soil conditions are poor in this area of Eden Prairie. Settlement caused by short-term construction and long-term train vibration may cause damage to our facilities. This significant risk should be assessed in the FEIS.

EVINE Live is concerned that the FEIS does not fully address the impacts on our facilities and will affect our ability to continuously broadcast at the quality our viewers expect.

Sincerely,

Rob A. Stefonowicz, for
Larkin Hoffman Daly & Lindgren Ltd.

Direct Dial: 952-896-3254
Direct Fax: 952-842-1718
Email: rstefonowicz@larkinhoffman.com

cc: EVINE Live (via email)

4826-0217-0418, v. 1

From: Cathy Deikman
To: J Meath; swlrt
Subject: Re: A response to the FEIS for SWLRT on behalf of LRT Done Right
Date: Monday, June 13, 2016 6:50:36 PM

Thank you Judy!!

Sent from Yahoo Mail on Android

From:"J Meath" <meath@umn.edu>
Date:Mon, Jun 13, 2016 at 1:40 PM
Subject:A response to the FEIS for SWLRT on behalf of LRT Done Right

Dear Ms. Jacobson,

Attached please find our response to the Final Environmental Impact Statement for the Southwest Light Rail Transit project.

Thank you --

Judy Meath
On behalf of LRT Done Right
2700 Kenilworth Place
Minneapolis MN 55405

From:	Claire Ruebeck
To:	swlrt
Cc:	Frank Hornstein
Subject:	Comments on Southwest Light Rail Transit Final Environmental Impact Statement by Citizens Acting for Rail Safety - Twin Cities
Date:	Monday, June 13, 2016 11:56:30 PM
Attachments:	Microsoft Word - CARSTC_SWLRT_FEIS.docx.pdf ATT00001.htm

---

Ms. Jacobson,

Respectfully submitted for your consideration are the comments prepared by CARS-TC on the SWLRT FEIS. Please see the attached file.

Sincerely,

Claire Ruebeck
Representing CARS-TC

Date: June 13, 2016

To: Ms. Nani Jacobson, Assistant Director, Environmental and Agreements
Metro Transit - Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426
Email: SWLRT@metrotransit.org

From: Citizens Acting for Rail Safety – Twin Cities

Re: Comments on Southwest Light Rail Transit Final Environmental Impact Statement

Thank you for the careful consideration of public comments on the Southwest Light Rail Transit (SWLRT) Final Environmental Impact Statement (FEIS). Citizens Acting for Rail Safety - Twin Cities (CARS - TC) is a regional, non-partisan, grassroots advocacy group that works with residents, legislators, and agency officials to improve rail safety to benefit the health, safety, and security of people, wildlife and the environment. CARS-TC formed in response to the exponential growth of oil and ethanol transportation by rail over recent years and strives to bring the citizen voice to bear on issues associated with high hazard freight trains going through our communities.

Light Rail Transit Located with High Hazard Flammable Trains is Incompatible with Public Safety

It is not uncommon for LRT projects to utilize grade-separated, dedicated rights-of-way. However there are LRT projects that share rights-of-way corridors with freight rail, referred to as colocation. Colocation of a LRT project with freight rail is often pursued to contain LRT project construction costs as doing so typically reduces land acquisition costs. Initially colocation of LRT and freight rail operations might appear to be a reasonable, commonsense, and efficient strategy. However given the common carrier obligation of railroads coupled with the advent of high volume shipments of oil and ethanol by rail there are serious dangers associated with collocation of passenger LRT with active freight rail.

When initial planning for the SWLRT began, Bakken oil and ethanol shipments by rail were negligible to non-existent. Currently Twin Cities & Western Railroad (TC&W) operates in the rights-of-way corridor proposed for the SWLRT route and frequently runs trains consisting of approximately 100 tank-cars of ethanol. Ethanol is a Class 3 flammable liquid and is considered to present commensurate dangers as oil trains; see Exhibit I for Partial Listing of Ethanol Train Incidents.

The FEIS indicates that the Federal Railroad Administration (FRA) has been asked to issue waivers to exempt the SWLRT project from certain FRA requirements and jurisdiction. Given the routing of high hazard flammable trains in the SWLRT corridor, abdication of jurisdiction by the FRA does not serve the best interest of public safety.

The U.S. Department of Transportation requires rail carriers to develop a route risk analysis using 28 risk factors; see Exhibit II. It is prudent and reasonable for passenger rail route selection to be informed by the risk factor analysis that is required for freight rail routes. It does not appear that the SWLRT FEIS has taken these relevant factors in to consideration.

The SWLRT FEIS does not appropriately address the dangers of collocating passenger LRT with high hazard flammable (i.e., ethanol, oil, etc.) trains.

High Hazard Freight Train Liability Insurance Gaps and Indemnity

There are not U.S. federal or Minnesota state minimum insurance requirements for railroads carriers, shippers or producers of oil, ethanol or other kinds of hazardous cargo. Further there generally are not taxes imposed on the hazardous materials, such a tax could help fund an escrow account to cover casualty loss and cleanup cost associated with hazardous freight rail incidents. The Comptroller of the State of New York has recently called for federal regulations to govern freight rail liability insurance and self-reserve funds.[1] Transport Canada has recently

promulgated specific requirements for rail carriers operating in Cananda.[2] Generally in the U.S. rail carriers are not adequate insurance to cover damage caused by a catastrophic train incident which means that should an incident occur the rail carrier is likely to file bankruptcy.

The SWLRT FEIS does not address the liability insurance and/or self-reserve requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a shared rights-of-way exists between freight rail and passenger LRT. Goals of a liability insurance/self-funding plan should address:

- Allocating the liability from risks between the freight railroad and the transit agency
- Managing the additional risk of colocation by developing a prudent insurance strategy
- Ensuring the safety of passengers in mixed freight and transit operations
- The willingness of freight railroads to grant access to their rights-of-way for transit operations as applicable. In the case of SWLRT the right-of-way are currently owned by the Hennepin County Regional Rail Authority (HCRRA).
- Providing satisfactory conditions for continuing service to freight customers.
- Providing adequate compensation for property damage, environmental remediation and loss of life.

Statements by Mark Wegner, CEO of TC&W, indicate that the Class III railroad carrier is under-insured should a high hazard flammable train incident occur. If rail carriers operating in the SWLRT route do not have adequate liability insurance or the financial capacity to underwrite losses caused by a train incident the public is exposed to uncompensated losses when freight and transit disasters occur.

The SWLRT FEIS does not address this important operation concern of liability insurance and is silent on the matter of extending indemnity to rail carriers operating in the proposed SWLRT shared rights-of-way corridor which is currently owned by HCRAA who's intent is to transfer track ownership to Metropolitan Council.

Electromagnetic Fields Created by LRT can Impede Transit and Freight Rail Signaling

LRT projects that utilize electrified overhead catenary/pantographic power lines create electric magnetic fields. Electric fields result from the strength of the electric charge, while magnetic fields are generated from the motion of the charge. Together these fields are referred to as EMF, which are invisible, non-ionizing, low-frequency radiation. High-current electronic switches and controls are capable of producing transient signals that can be transmitted along the power supply network to other electronic systems. Magnetic fields can be generated by LRT paralleling and switching stations, as well as traction power substations[4.] These fields could affect the signal systems of the freight rail carrier. EMF can result in electromagnetic interference (EMI), which can cause disruptions and possibly malfunctions in sensitive equipment. Electromagnetic arcing from the pantograph is a commonly observed phenomenon occurring year round but is more pronounced in the winter. Pantograph arcing causes interference in both traction power and signaling systems. Possibilities of radiated interference to the wireless and radio based communication and signaling are also possible to both LRT and freight signaling systems[3]. Pantograph bouncing caused by discontinuities in the feeding or track circuit systems, are of particular concern, as such scenarios are not addressed by design standards or regulations despite causing significant problems on railways that waste precious time and resources and create dangerous safety conditions due to lapses in signaling[5] performance. Neither the federal government nor the State of Minnesota has currently set emission standards for EMF.

SWLRT project documents indicate the use of an electrified overhead system thereby increasing sources of electromagnetic fields in the corridor shared with the TC&W rail carrier freight operations. During a 2016 legislative hearing of the Minnesota House Transportation Subcommittee, Brian Sweeney, an executive and lobbyist for BNSF Railway, testified that electric power transmission lines cause interference with the freight rail signaling systems.

The effects of EMF on the SWLRT and freight rail signaling function have not been properly studied or addressed in the FEIS and warrant further evaluation prior to the advancement of the project.

Risks of High Hazard Freight Train Operations During Construction and Operation of SWLRT

TC&W currently operates in a segment of the planned SWLRT route. TC&W regularly hauls high hazard flammable ethanol unit trains in this proposed shared rights-of-way corridor. Based on review of the FEIS and statements made by Mark Wegner, the CEO of TC&W, the rail carrier does not intend to relocate or cease operations during the construction phase of SWLRT. Further TC&W expects to operate in the shared corridor once SWLRT is fully operational. The following conditions have not been adequately addressed in the FEIS and raise concerns of an increased likelihood of a high hazard flammable train incident along the proposed SWLRT route:

- Shallow Tunnel Construction Pit to be Located Adjacent to Active Freight Rail - during construction freight rail including high hazard flammable trains carrying ethanol will continue to operate through the corridor in close proximity to the shallow tunnel construction pit which is described as measuring 35 foot wide and 25-35 foot deep trench with pilings positioned at approximately 50 feet deep. Construction activity may disrupt the safety of freight by disturbing freight tracks, infrastructure and operational protocols. Disturbed soil can be susceptible to embankment erosion and drainage washout issues.

- Lack of Crash Walls and Intrusion Fence – the FEIS does not appear to identify the placement of crash walls or an intrusion fence during the construction phase, which is anticipated to last for a period of two years. Derailment of an ethanol train tank-car into the construction pit would present a significant threat to public safety.

- Construction Site Impediments and Drainage - The construction corridor will be occupied by workers, heavy equipment and typical construction debris, which will heighten the risk of derailments. Analysis of previous derailments indicates that leading causes are operator error and track failures, including track impediments. Construction can displace the supporting structures that bolster rail. On a SWLRT project map, tip guardrails have been indicated, but snow build up along tip guardrails may cause derailments. Inclement weather like snow may mask destabilization of freight infrastructure and rain can washout surrounding already disturbed soils, increasing derailment risk during construction.

- Separation of Adjacent Freight and SWLRT Track - project documents indicate that in some areas of the SWLRT route passenger rail tracks would be separated from the active freight rail tracks by less than the 25 foot minimum set forth by AREMA guidelines and in one location the passenger rail and freight rail appear to be planned as close as 12 feet.

- Operation Times and Speed Restrictions - Nighttime running of freight trains will be perhaps even more dangerous than daytime. People will be asleep in their nearby homes as trains run only feet from a construction trench. Construction debris may be left near or on tracks and may not be visible to the freight train engineer/conductor at nighttime. Final day inspection of track is an imperfect science and human error could easily miss track impediments. Derailments can happen at any speed but case studies indicate that the risk of puncture to train tank-cars carrying hazardous materials is reduced if train is traveling 10 mph or less.

The SWLRT FEIS does not provide a comprehensive rail safety plan that addresses the risks of operating high hazard flammable trains in the corridor during the construction period. The FEIS does not provide a specific safety plan for operating high hazard flammable trains in the shared rights-of-way once SWLRT is operational. Routing risk factors do not appear to have been addressed in the SWLRT FEIS; see Exhibit II.

Emergency Planning and Incident Response Capabilities

- Emergency Planning - The railroad industry is generally exempt from the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, which was created to help communities plan for emergencies involving hazardous substances. EPCRA requires hazardous chemical emergency planning by federal, state and local governments, Indian tribes and industry. Since rail carriers claim exemption to the federal EPCRA the public

and emergency planners frequently do not have the benefit of rail carriers' hazard analysis data. The SWLRT FEIS does not appear to have developed route and cargo specific emergency planning protocols for the SWLRT route.

- First Responder Access and Equipment Availability - In case of any chemical freight derailment, chemical fires must be fought with specialized foam products. Typically these fires are not extinguished with water, which can actually worsen a fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at specific locations in Minnesota and it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire. Additionally, if a derailment were to occur during construction, access to fire safety equipment would be extremely limited because of the geometry of the corridor - in some places the only access to the rail tracks is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be limited. Fire equipment must be accessible in case of a derailment emergency. An in depth coordination between the fire department, Metropolitan Council engineers, and citizens has not been done.

The SWLRT FEIS does not reflect a coordinated emergency planning and response initiative in the event of a train derailment in the SWLRT route. Further the SWLRT project design does not appear to have integrated relevant safety protocols.

Final Environmental Impact Statement Adequacy Determination and Oversight

The Final Environmental Impact Statement (EIS) indicates that the Council (i.e., Metropolitan Council) will issue an Adequacy Determination for the Final EIS in accordance with Minnesota environmental law. Given that the Metropolitan Council SWLRT project office along with the FTA has prepared the Final EIS, a ***conflict of interest exists with the Metropolitan Council*** being the responsible body to issue an Adequacy Determination. To remedy this conflict of interest an independent third party should be responsible for the Adequacy Determination. In Minnesota the Environmental Quality Board (EQB) provides leadership and coordination across agencies on environmental issues that are multi-jurisdictional, and multi-dimensional, as well as provide for opportunities for public access and engagement. The EQB mission is to lead Minnesota environmental policy by responding to key issues, providing appropriate review and coordination, serving as a public forum and developing long-range strategies to enhance Minnesota's environmental quality. The EQB is an appropriate agency to issue an Adequacy Determination on the SWLRT Final EIS and can alleviate the Metropolitan Council conflict of interest.

Footnotes

[1] State of New York Office of the State Comptroller Letter to Secretary Fox of U.S. DOT regarding reducing risks of high hazard flammable trains, attention drawn to concerns related to the adequacy of rail carriers' liability insurance and/or self –funded reserves (4/25/2016).
http://www.osc.state.ny.us/press/releases/apr16/Foxx_USDOT.pdf

[2]Transport Canada, Liability and compensation regime under the Safe and Accountable Rail Act (January 2016)
https://www.tc.gc.ca/eng/mediaroom/infosheets-railway-safety-7683.html

[3] Peninsula Corridor Joint Powers Board (PCJPB). Electromagnetic Fields and Electromagnetic Interference - Settings, Impacts, and Mitigation Measures (2014).
http://www.caltrain.com/Assets/Caltrain+Modernization+Program/FEIR/3.5+EMF+EMI.pdf

[4] Midya, Surajit. Electromagnetic Interference in Modern Electrified Railway Systems with Emphasis on Pantograph Arcing. Uppsala University, Disciplinary Domain of Science and Technology, Technology, Department of Engineering Sciences, Electricity (2008, English).
http://www.diva-portal.org/smash/record.jsf?pid=diva2%3A290500&dswid=-3322

[5]Interference Technology. Study Highlights Need to Re-Evaluate Railway EMC Standards (06/24/2014).
http://www.interferencetechnology.com/study-highlights-need-to-re-evaluate-railway-emc-standards/

Exhibit I
Partial Listing of Ethanol Train Incidents

There have been notable ethanol train incidents. The high hazard flammable trains involved in these incidents are much like the ethanol unit trains operated by TC&W Railroad in the proposed SWLRT shared rights-of-way corridor. The following selection of train incidents highlights the risks poised by ethanol trains in general and underscores the exacerbated risk created if SWLRT is collocated with high hazard flammable trains:

- Cherry Valley, Illinois (June 19, 2009) - Ethanol train derailment with13 train tank-cars breached, one human death. Ethanol spill contaminates nearby waterways causing massive fish kills.

- Dubuque, Iowa (Feb. 5, 2015) Ethanol train incident with 14 tank-cars derailed, 3 in the Mississippi River, an estimated 55,000 gallons of ethanol released in to the Mississippi River.

- Alma, Wisconsin (Nov. 7, 2015) Ethanol unit train incident with 32 cars derailed, 5 breached resulting in18,000 gallons released into the Mississippi River. Environmental monitoring for damage continues.

Exhibit II
U.S. Federal Regulations Requiring Risk Analysis of Rail Route Selection

Federal regulation establishes minimum criteria that must be considered by rail carriers when performing the safety and security risk analyses required by § 172.820. The risk analysis to be performed may be quantitative, qualitative, or a combination of both. In addition to clearly identifying the hazardous material(s) and route(s) being analyzed, the analysis must provide a thorough description of the threats, identified vulnerabilities, and mitigation measures implemented to address identified vulnerabilities. (73 FR 20772, April 16, 2008)

In evaluating the safety and security of hazardous materials transport, selection of the route for transportation is critical. For the purpose of rail transportation route analysis, as specified in § 172.820(c) and (d), a route may include the point where the carrier takes possession of the material and all track and railroad facilities up to the point where the material is relinquished to another entity. Railroad facilities are railroad property including, but not limited to, classification and switching yards, storage facilities, and non-private sidings; however, they do not include an offeror's facility, private track, private siding, or consignee's facility. Each rail carrier must use best efforts to communicate with its shippers, consignees, and interlining partners to ensure the safety and security of shipments during all stages of transportation.

Because of the varying operating environments and interconnected nature of the rail system, each carrier must select and document the analysis method/model used and identify the routes to be analyzed.

The safety and security risk analysis must consider current data and information as well as changes that may reasonably be anticipated to occur during the analysis year. Factors to be considered in the performance of this safety and security risk analysis include:

1. Volume of hazardous material transported
2. Rail traffic density
3. Trip length for route
4. Presence and characteristics of railroad facilities
5. Track type, class, and maintenance schedule
6. Track grade and curvature
7. Presence or absence of signals and train control systems along the route ("dark" versus signaled territory)
8. Presence or absence of wayside hazard detectors
9. Number and types of grade crossings
10. Single versus double track territory
11. Frequency and location of track turnouts
12. Proximity to iconic targets
13. Environmentally sensitive or significant areas
14. Population density along the route
15. Venues along the route (stations, events, places of congregation)
16. Emergency response capability along the route
17. . Areas of high consequence along the route, including high consequence targets as defined in § 172.820(c)
18. Presence of passenger traffic along route (shared track)
19. Speed of train operations
20. Proximity to en-route storage or repair facilities
21. Known threats, including any non-public threat scenarios provided by the Department of Homeland Security or
22. the Department of Transportation for carrier use in the development of the route assessment
23. Measures in place to address apparent safety and security risks
24. Availability of practicable alternative routes
25. Past incidents
26. Overall times in transit
27. Training and skill level of crews
28. Impact on rail network traffic and congestion

From:	Shawn Smith
To:	swlrt
Cc:	Ginis, Sophia
Subject:	KIAA FEIS Response - Addendum
Date:	Wednesday, June 15, 2016 10:01:47 AM
Attachments:	KIAA FEIS Response June 2016 Addendum.docx

Hello Nani,

Thanks again for coming to the neighborhood this week.

One of the conversations that happened triggered me to do some additional research on the FEIS. I realize that it is past the deadline, but I am hoping that you can make an exception and accept this addendum to the KIAA response.

Could you let me know so I can tell the board if you are able to accept it or not?

Thank you,
Shawn

Kenwood Isles Area Association

Southwest Light Rail FEIS response Addendum

June 15th, 2016

Light rail and freight rail co-location in a shared corridor is not an unusual occurrence in the United States. These are known as "Common Corridor Operations". The Southwest LRT Project Office collected and documented information on locations, including mitigation measures in place.

In the addendum – there are 10 examples cites where co-location of freight and light rail occur and are operating in common corridors (We exclude the line that is under construction). We want to call to attention however that there have been seven derailments of either light rail or freight rail, including an actual collision.

We therefore reiterate our position that not only does the FEIS fall short on providing assurance that the trains can share a corridor safely, it actually proves it and makes our position stronger.

21St St is a heavily used street due to pedestrians, bicycles, and vehicles crossing the rail lines to go to East Cedar Lake Beach. Based on the history of examples where derailments have occurred due to pedestrians or human error, it is not unreasonable to expect that there will be one in the 21St St Station area.

An ethanol train will make an emergency stop and derail – causing hundreds of tons of rail cars to push into the crash wall, pushing through and over the crash wall into a passing Light Rail train. That ensuing collision will derail the Light Rail Train, pulling down the electric cantanaries and causing a shower of sparks onto the leaking ethanol train. The subsequent explosion will be larger than the recent Oil train explosion in Oregon, referenced in the response sent in prior to this addendum.

We strongly object to this plan.

From:	Weicher, Richard E
To:	swlrt
Cc:	Clifford M. Greene (CGreene@greeneespel.com); Mitchell, DJ; Rankin, David T; Leibfried, Lynn M
Subject:	Southwest LRT Final Environmental Impact Statement
Date:	Wednesday, June 15, 2016 3:02:15 PM
Attachments:	BNSF Comments LRT GL EIS 6.15.16.pdf

Ms. Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office

Attached are comments on behalf of BNSF Railway in response to the Final EIS published by the Federal Transit Administration and the Metropolitan Council on the Southwest LRT /Green Line proposal. Also forwarding a copy to Cliff Greene.

Richard E Weicher
VP & Senior General Counsel
BNSF Railway
547 W. Jackson, Suite 1509
Chicago, IL 60661-5717
312-850-5679 (o)
817-832-0531(c)

Richard E. Weicher
Vice President and
Senior General Counsel
richard.weicher@bnsf.com

BNSF Railway Company

547 W. Jackson Blvd. Ste. 1509
Chicago, IL 60661

312-850-5679 Direct
312-850-5677 Fax

2500 Lou Menk Drive
Fort Worth, TX 76131-2828
817-352-2368 Direct

817-832-0531- cell

June 15, 2016

VIA OVERNIGHT DELIVERY AND EMAIL

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

RE: Southwest LRT Final Environmental Impact Statement (Final EIS)

Dear Ms. Jacobson:

This is in response to the Final EIS published by the Federal Transit Administration and the Metropolitan Council (Met Council) dated May 13, 2016. BNSF continues to review the Met Council's proposal to use a portion of BNSF's Wayzata Subdivision to construct and operate the planned Southwest LRT, and as we have expressed in numerous settings with representatives of Met Council and other local bodies, we have overriding concerns since the impact of these proposals on the safety and long-term mobility of our freight movements and existing Metro Transit system utilization in the Minneapolis area and across our interstate network do not appear to have been addressed in the Final EIS.

As we have expressed in our prior discussions and meetings with Met Council going back at least to March, 2015, and then in face-to-face meetings at the Dallas-Fort Worth and Minneapolis airports, because of the potential impact on our freight operations, the current proposed use of BNSF right of way presents significant problems; putting at risk the future fluidity of our freight operations both in general and in the vicinity of Target Field, for which we are not aware an effective solution has been proposed or developed. In addition to concerns we have communicated regarding the ongoing use of our freight network in these areas, below is a summary of specific concerns we have raised that have not been addressed in the Final EIS:

REGARDING SHARED USE OF THE EXISTING BNSF RIGHT OF WAY:

BNSF currently owns the land upon which a portion of the Southwest LRT proposes to exist. BNSF understands the Met Council proposes to occupy a varying parcel width of the existing BNSF right of way adjacent to our Wayzata Subdivision for the Southwest LRT. No agreement exists for use of BNSF right of way and the Final EIS as currently drafted does not provide a summary of possible alternatives or associated impacts. If a transaction in this area were possible, the nature and form of any transfer of any rights by BNSF for the construction and operating rights for Southwest LRT remains to be determined, and any such transaction must provide adequate provisions to ensure BNSF is capable of fully utilizing its remaining right of way for permanent freight operation with adequate capacity to safely meet current and future freight shipper demand.

REGARDING THE OVERHEAD CATENARY:

BNSF has been provided a proposed track and station layout, but has concerns with the overhead catenary system. BNSF is not aware of any inductance study to ensure that the electrical

system used to operate the LRT does not interfere with any existing or proposed BNSF signal equipment. We have also not seen a grounding and stray current study to ensure no BNSF assets will be negatively affected by stray current originating from the LRT electrical system. The Final EIS as currently drafted does not take these issues and their potential impact into consideration.

REGARDING INTRUSION PROTECTION:

BNSF also believes specific proposals for systems to prevent intrusion of a freight train into the light rail network in the event of a derailment (or vice versa) would need to be addressed. We understand there is anecdotal or other data that indicates that the debris field for a freight train derailment at 40 MPH could extend beyond 100 feet. The proposed barriers we understand Met Council proposes may not to our knowledge be sufficient to keep freight and passenger rail operations separate in this instance. In addition, we would request further information on any analysis the agencies conducted of any proposed barrier wall, or barrier wall combined with retained embankment, that would withstand the force of a freight derailment and keep freight separate from passenger rail in the event of a freight derailment. We would presume that any structure will be sufficient to accept and deflect the forces of a freight train derailment, and/or would like to understand the support for your proposal. Whatever system is eventually developed should be approved by a safety regulatory body to ensure that it is appropriately designed to protect both freight and passenger services in the event of a derailment by either service. Again, the Final EIS does not take these issues and their potential impact into consideration.

OTHER OUTSTANDING ISSUES:

The proposed Southwest LRT will affect corridor fluidity along BNSF's Wayzata Subdivision, in particular with respect to existing track design of the area beneath the Target Field promenade deck and to protect future additional mainline capacity for freight service of all kinds and commodities. Further, we are aware of several related proposals for passenger service that will also impact this key segment. As we have communicated previously, all of the proposed passenger projects that would impact our operations need to be considered in order to evaluate use of our right of way for Southwest LRT.

As far as we can determine based upon a review of the draft, these unresolved concerns are not addressed in the Final EIS, and use of BNSF right of way in a manner that addresses these impacts and preserves BNSF's ability to continue to meet its obligations as an interstate common carrier and preserve its ability to meet the current and future freight needs of our customers across our system are critical elements to evaluate such proposals given their impact on physical feasibility, project cost and property required.

Very truly yours,

Richard E. Weicher

Richard E. Weicher

cc: Clifford M. Greene
Greene Espel
222 S. 9th Street, Suite 2200
Minneapolis, MN 55402-3362

Lynn Leibfried, BNSF Railway
DJ Mitchell, BNSF Railway

https://www.campusship.ups.com/cship/create?ActionOriginPair=default___PrintWindow... 6/15/2016

VICKIE POPEJOY
817-352-2334
BNSF - LAW
2500 LOU MENK DRIVE
FORT WORTH TX 76131

0.0 LBS LTR 1 OF 1

SHIP TO:
MS. NANI JACOBSON
METRO TRANSIT-SW LRT PROJECT OFFICE
SUITE 500
6465 WAYZATA BLVD.
SAINT LOUIS PARK MN 55426-1724

MN 559 9-28

UPS NEXT DAY AIR **1**
TRACKING #: 1Z FV2 495 01 9519 1945

BILLING: P/P

BNSF Locally Associated Cost Center: 85413
Reference Data: Richard Weicher
CS 18.1.17. WNINV50 75.0A 04/2016

Richard E. Weicher
Vice President and
Senior General Counsel
richard.weicher@bnsf.com

BNSF Railway Company

547 W. Jackson Blvd. Ste. 1509
Chicago, IL 60661

312-850-5679 Direct
312-850-5677 Fax

2500 Lou Menk Drive
Fort Worth, TX 76131-2828
817-352-2368 Direct

817-832-0531- cell

June 15, 2016

VIA OVERNIGHT DELIVERY AND EMAIL

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

RE: Southwest LRT Final Environmental Impact Statement (Final EIS)

Dear Ms. Jacobson:

This is in response to the Final EIS published by the Federal Transit Administration and the Metropolitan Council (Met Council) dated May 13, 2016. BNSF continues to review the Met Council's proposal to use a portion of BNSF's Wayzata Subdivision to construct and operate the planned Southwest LRT, and as we have expressed in numerous settings with representatives of Met Council and other local bodies, we have overriding concerns since the impact of these proposals on the safety and long-term mobility of our freight movements and existing Metro Transit system utilization in the Minneapolis area and across our interstate network do not appear to have been addressed in the Final EIS.

As we have expressed in our prior discussions and meetings with Met Council going back at least to March, 2015, and then in face-to-face meetings at the Dallas-Fort Worth and Minneapolis airports, because of the potential impact on our freight operations, the current proposed use of BNSF right of way presents significant problems; putting at risk the future fluidity of our freight operations both in general and in the vicinity of Target Field, for which we are not aware an effective solution has been proposed or developed. In addition to concerns we have communicated regarding the ongoing use of our freight network in these areas, below is a summary of specific concerns we have raised that have not been addressed in the Final EIS:

REGARDING SHARED USE OF THE EXISTING BNSF RIGHT OF WAY:

BNSF currently owns the land upon which a portion of the Southwest LRT proposes to exist. BNSF understands the Met Council proposes to occupy a varying parcel width of the existing BNSF right of way adjacent to our Wayzata Subdivision for the Southwest LRT. No agreement exists for use of BNSF right of way and the Final EIS as currently drafted does not provide a summary of possible alternatives or associated impacts. If a transaction in this area were possible, the nature and form of any transfer of any rights by BNSF for the construction and operating rights for Southwest LRT remains to be determined, and any such transaction must provide adequate provisions to ensure BNSF is capable of fully utilizing its remaining right of way for permanent freight operation with adequate capacity to safely meet current and future freight shipper demand.

REGARDING THE OVERHEAD CATENARY:

BNSF has been provided a proposed track and station layout, but has concerns with the overhead catenary system. BNSF is not aware of any inductance study to ensure that the electrical

system used to operate the LRT does not interfere with any existing or proposed BNSF signal equipment. We have also not seen a grounding and stray current study to ensure no BNSF assets will be negatively affected by stray current originating from the LRT electrical system. The Final EIS as currently drafted does not take these issues and their potential impact into consideration.

REGARDING INTRUSION PROTECTION:

BNSF also believes specific proposals for systems to prevent intrusion of a freight train into the light rail network in the event of a derailment (or vice versa) would need to be addressed. We understand there is anecdotal or other data that indicates that the debris field for a freight train derailment at 40 MPH could extend beyond 100 feet. The proposed barriers we understand Met Council proposes may not to our knowledge be sufficient to keep freight and passenger rail operations separate in this instance. In addition, we would request further information on any analysis the agencies conducted of any proposed barrier wall, or barrier wall combined with retained embankment, that would withstand the force of a freight derailment and keep freight separate from passenger rail in the event of a freight derailment. We would presume that any structure will be sufficient to accept and deflect the forces of a freight train derailment, and/or would like to understand the support for your proposal. Whatever system is eventually developed should be approved by a safety regulatory body to ensure that it is appropriately designed to protect both freight and passenger services in the event of a derailment by either service. Again, the Final EIS does not take these issues and their potential impact into consideration.

OTHER OUTSTANDING ISSUES:

The proposed Southwest LRT will affect corridor fluidity along BNSF's Wayzata Subdivision, in particular with respect to existing track design of the area beneath the Target Field promenade deck and to protect future additional mainline capacity for freight service of all kinds and commodities. Further, we are aware of several related proposals for passenger service that will also impact this key segment. As we have communicated previously, all of the proposed passenger projects that would impact our operations need to be considered in order to evaluate use of our right of way for Southwest LRT.

As far as we can determine based upon a review of the draft, these unresolved concerns are not addressed in the Final EIS, and use of BNSF right of way in a manner that addresses these impacts and preserves BNSF's ability to continue to meet its obligations as an interstate common carrier and preserve its ability to meet the current and future freight needs of our customers across our system are critical elements to evaluate such proposals given their impact on physical feasibility, project cost and property required.

Very truly yours,

Richard E. Weicher

Richard E. Weicher

cc: Clifford M. Greene
Greene Espel
222 S. 9th Street, Suite 2200
Minneapolis, MN 55402-3362

Lynn Leibfried, BNSF Railway
DJ Mitchell, BNSF Railway

Executive Office / cad

BACHMAN'S

6010 Lyndale Avenue South, Minneapolis, MN 55419-2289

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

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BACHMAN'S

June 2, 2016

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

Dear Ms. Jacobson:

Thank you for the responses to our comments of July 17, 2015 for Bachman's, Inc., and our Eden Prairie location, at 770 Prairie Center Drive. We look forward to additional information regarding our concerns as it becomes available.

We continue to have great concern about the impacts of construction of the "bridge" and the vibrations over time, due to the operations of light rail, on our adjacent existing retaining wall. The retaining wall was engineered and installed prior to the development of the Costco storm water pond / wetland, and prior to construction and operation of light rail. We believe the existing retaining wall should be part of the project to ensure it will continue to perform, as it has in the past, through construction and light rail operations in the future. We further request that the Metropolitan Council and Project perform a study, prior to construction, at their expense, to determine the impacts of construction and vibrations from light rail operations over time on the structural integrity and performance of the existing retaining wall in the future.

Thank you for this opportunity to provide comments on the final EIS document.

Sincerely,

Dale Bachman

Dale L. Bachman
Chairman / Chief Executive Officer

DLB:cad

cc: Lee Bachman
Paul Bachman
Tom Shroyer