



"Thorpe-Mease, Mary H"  
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M>

12/29/2012 08:53 PM

To <swcorridor@co.hennepin.mn.us>

cc <jmcolby@earthlink.net>, <wpmease@comcast.net>

bcc

Subject: Concerns related to LRT in Kenwood

To whom it may concern:

Please accept the concerns in the attached memo that my husband, Bill Mease and I have regarding LRT at 21<sup>st</sup> Street. Feel free to call me if you have further questions.

My best,

Mary Thorpe-Mease  
1944 Penn Ave So  
Minneapolis, MN 55405  
612-669-2806

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**Re: SW LRT in Kenwood**

**My apologies for being so late in getting my thoughts to you.**

**Freight rail**

**If light rail is going through the Kenilworth Corridor leaving the freight trains in basically the same location would dramatically reduce property values in the area. Much of the parkland and trails would have to be eliminated. These things are part of what the area so desirable.**

**D**

**E4**

**Bridge over Cedar Lake Parkway**

**Really!!! Realy ugly and lots of expense. Surely there is a better solution - especially for the kind of money that would have to be spent for such a bridge.**

**E8**

**Preservation**

**See my comments regarding the freight rail. I think it would be a mistake to change the park use beyond what might be necessary for the LRT.**

**N1**

**Park & Ride**

**I can not imagine where such a lot could be located. Why not just a stop? Many people will walk to the stop. Having grown up with street cars in the 50's I know that most walked to their stop. Granted there are more cars today but I really think LRT users will appreciate the opportunity to NOT use their cars for a few blocks.**

**I1**

**The above issues are my biggest concerns. I do believe, however, that the KIAA has made excellent points related to the potential impact of LRT on our neighborhood.**

**Mary Thorpe-Mease**

**1944 Penn Ave So**

**12/29/12**



Debra Berns  
<debra\_j\_berns@yahoo.com>

12/29/2012 09:35 PM

To swcorridor@co.hennepin.mn.us

cc debra\_j\_berns@yahoo.com

bcc

Subject Comment Letter on DEIS for LRT Project

**See Comment #789 for  
Theme Delineations**

December 29, 2012

Hennepin County  
Housing, Community Works & Transit  
ATTN: Southwest Transitway  
701 Fourth Avenue South, Suite 400  
Minneapolis, MN 55415  
swcorridor@co.hennepin.mn.us

Dear Project Manager,

**Introduction:**

This is a comment on the Draft Environmental Impact Statement ("DEIS") for the Southwest Transitway (LRT) project ("LRT Project"). As residential property owners of 2553 Washburn Ave. S., in the Cedar Isles Dean Neighborhood, we are personally and directly impacted by the LRT Project as our property is located between the proposed 21st Street and West Lake Street Stations immediately adjacent to Kenilworth Trail and the Kenilworth Corridor Bridge.

While there are many issues of importance related to the LRT Project, this comment letter will focus on specific themes related to the proposed 21st Street and West Lake Street stations and the area between these stations, as follows:

1. **Re-Location of Freight Trains:** We support the re-location of freight trains to accommodate light rail, and do not support the co-location alternative:
2. **Environmental Effects:** The DEIS is flawed in its analysis of noise and vibration implications and does not address light and electromagnetic concerns with regard to the location of the 21st Street and West Lake Street Stations and the area between these stations:
3. **Social Effects:** The DEIS is flawed in its conclusion that the operation of LRT along Segment A is not anticipated to adversely affect community cohesion.

**Discussion:**

1. **Re-Location of Freight Trains:**

The DEIS concluded (in the final paragraph of Chapter 11, pg. 11-11, 11.2.5) that the co-location of light rail and freight trains do not meet the project's purpose and need and is not a practicable alternative. As a result, co-location is not recommended as the environmentally preferred alternative. As impacted residential property owners, we agree completely with the conclusion that co-location is not a viable option.

A decision, however, to co-locate the freight and light rail would have material and detrimental effects on our property as it is not clear whether our property would need to be acquired to complete the project.

2. Environmental Effects (Noise, Vibration, Visual, and Electromagnetic Interference): As impacted residential property owners, we are significantly concerned about the environmental impacts of the LRT project due to the high number of trains that will travel by our property daily. The increase from a few freight trains per day to hundreds of LRT trains per day will drastically and severely impact our and our neighbors exposure to noise and vibration.

As to noise, our property is located in an area that is considered to have a "severe impact", and as a result, significant mitigation will be required. However, the impact of noise level and noise incident frequency has not been properly assessed in the DEIS. As a result, further study needs to be done.

Moreover, the DEIS incorrectly classifies Segment A property as Category 3 land use. However, in FTS's land use categories for Transit Noise Impact Criteria, Category 3 is most commonly associated with institutional land uses. In contrast, Category 1 is for tracts of land where quiet is an essential element on the intended purpose. The property in our neighborhood is aligned with Category 1 use - it is quiet, serene, and park-like. As a result, noise impacts should be re-evaluated under the standards set for Category 1 land uses.

As to vibration, while the DEIS (page 4-118, 4.8.6. Mitigation) provides that detailed vibration analysis will be conducted during the Final EIS, we urge that the range of frequencies and vibration incident frequency be taken into consideration.

The DEIS does not examine or discuss the impacts of LRT train light, corridor light, or the impact on presently dark areas of neighborhoods like ours. More analysis is necessary to determine the impacts and mitigation required.

In addition, the DEIS does not discuss potential health hazards related to electromagnetic interference for those people that live in close proximity (40 feet or less) to exposed overhead wires. Such information should be provided to the public and such hazards must be mitigated/avoided.

3. Social Effects Related to Segment A: The DEIS is flawed in its conclusion of the social effects related to Segment A. On page 3-58, the DEIS states that the implementation of LRT along the proposed Segment A "is not anticipated to adversely affect community cohesion because Segment A is currently bisected by a freight rail line and adding LRT service does not alter the existing barrier." This is unsubstantiated and incorrect, as currently, freight trains pass through infrequently, between 4-8 times per day, and the tracks are easily crossed. For example, there is an informal pathway immediately adjacent to our property that passes over the freight tracks and connects Washburn Ave. to Kenilworth trail, Kenwood Isles neighborhood and the Kenilworth Channel Bridge. High-speed high-frequency trains would absolutely eliminate the informal pathways, and would therefore create a barrier between CIDNA, the Kenilworth Trail and the Kenwood Isles neighborhood.

#### Conclusion:

As property owners that are directly impacted by the LRT Project, we respectfully request that you consider the above concerns related to the DEIS. We also urge you to consider all factors to assist in mitigation of short-term construction effects and long-term impacts related to noise, vibration, and visual effects of the LRT project between 21st Street and Lake Street. One possible solution could be a tunnel for the LRT to pass between the 21st Street and Lake Street Stations.

Thank you for the opportunity to comment. If you have any questions, please contact Debra Berns at (612) 208-0378 or [debra\\_j\\_berns@yahoo.com](mailto:debra_j_berns@yahoo.com)

Sincerely,

Debra Berns  
Amy Lederer  
2553 Washburn Ave. S.  
Minneapolis, MN 55416



**Karen Hroma**  
<karenhroma@yahoo.com>

12/30/2012 11:26 AM

Please respond to  
Karen Hroma  
<karenhroma@yahoo.com>

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>

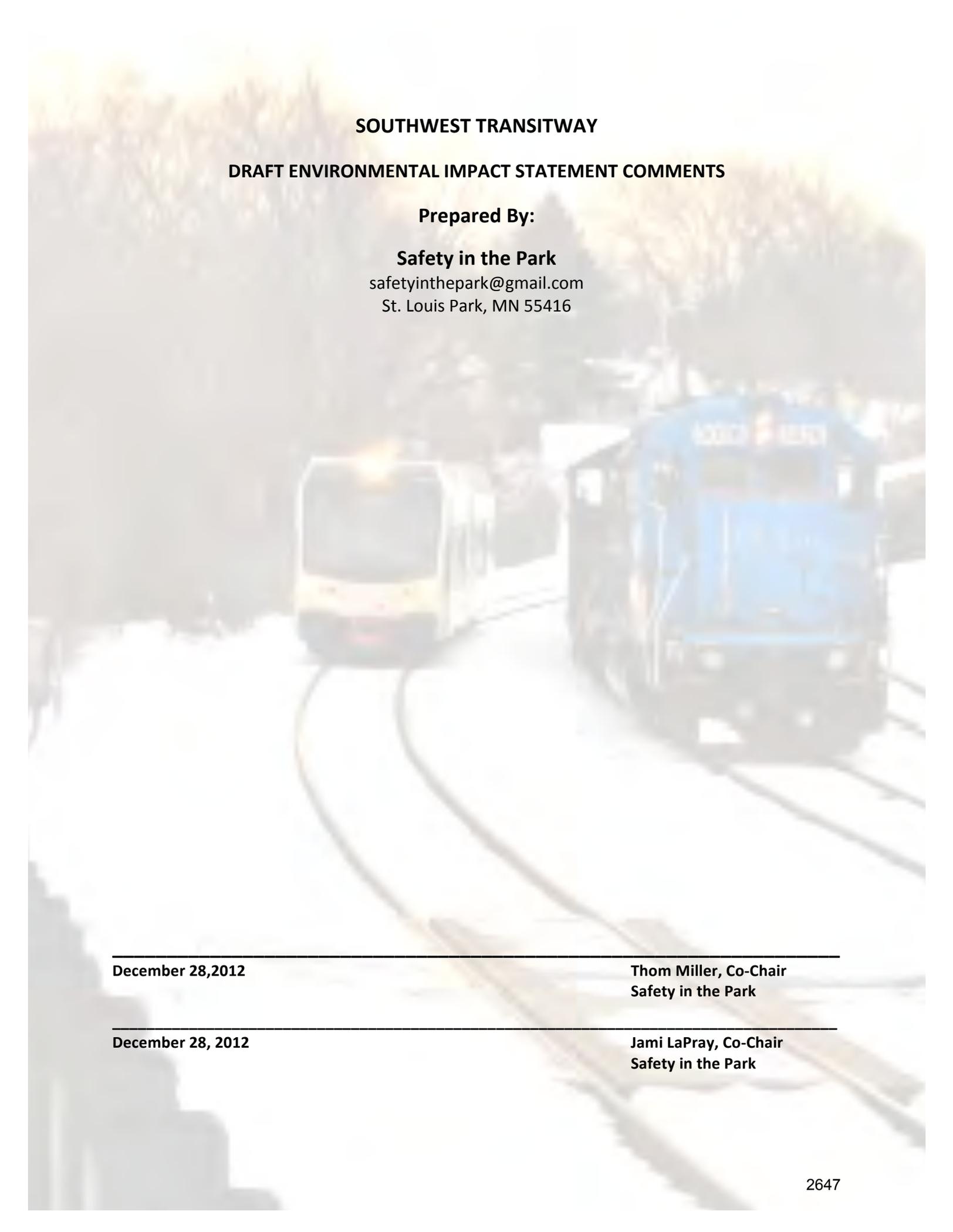
cc

bcc

Subject Southwest LRT Comment

See Comment #508 for  
Theme Delineations

Karen Hroma  
2752 Blackstone Ave  
St. Louis Park, MN  
55416

A faded background image showing a blue and black train engine on the right and a white bus on the left, both on tracks. The scene is set in winter with snow on the ground and bare trees in the background.

**SOUTHWEST TRANSITWAY**

**DRAFT ENVIRONMENTAL IMPACT STATEMENT COMMENTS**

**Prepared By:**

**Safety in the Park**

safetyinthepark@gmail.com

St. Louis Park, MN 55416

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**December 28,2012**

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**Thom Miller, Co-Chair  
Safety in the Park**

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**December 28, 2012**

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**Jami LaPray, Co-Chair  
Safety in the Park**

# **SAFETY IN THE PARK!**

## **RESPONSE TO THE SOUTHWEST LIGHT RAIL TRANSIT PROJECT-- DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) DECEMBER 30, 2012**

### **EXECUTIVE SUMMARY**

**Safety in the Park** is a St. Louis Park, Minnesota grassroots, non-partisan neighborhood organization. Safety in the Park promotes safety and livability by working with the county, city, and state to create an alternative solution for proposed increases in freight rail traffic on the former Minneapolis Northfield and Southern (MN&S) Railroad tracks. Safety in the Park is politically unaffiliated and does not endorse any candidates for political office. Safety in the Park represents a large community of concerned citizens in St. Louis Park as evidenced by the attached 1,500 plus signatures on our petition. Safety in the Park welcomes the addition of Southwest Light Rail Transit to St. Louis Park and supports its implementation.

The MN&S freight rail relocation portion of the SWLRT-DEIS is not in the best interests of public safety, railroad operating efficiency or conserving public funds.

**History of the proposed relocation:** In the mid-1990s the Minnesota Department of Transportation (MnDOT) and Hennepin County decided to sever, instead of grade separate, the Milwaukee Road railroad line at Hiawatha Avenue and the repercussions of that decision remain to this day.

Because there is no documentation of analysis or of public input, it can only be assumed that MnDOT and Hennepin County blithely displaced freight traffic from a major piece of railroad infrastructure, the 29th Street corridor and planned to move the freight to the “preferred location” on the MN&S a little-known, little-used former electric interurban line, and gave no thought to the negative impact of this action. Due to contaminated land the move to the MN&S was delayed and the freight trains were instead moved to the Kenilworth Corridor which was owned by the Hennepin County Regional Rail Authority (HCRRA).

Since the move to the to Kenilworth Corridor, the HCRRA has worked tirelessly to remove the freight from the Corridor and establish the freight in MnDOT’s “preferred location,” the MN&S. Each time MnDOT or the HCRRA brings up the wish to move the freight traffic the City of St. Louis Park has answered with a resolution stating that re-routed freight traffic would not be welcomed in the city. The first resolution was passed in 1996 with subsequent resolutions in 2001, 2010 and 2011.

Instead of honoring the resolutions and negotiating a compromise, the HCRRA has repeatedly ignored the St. Louis Park resolutions, maligned and marginalized the residents of the MN&S study area and then moved forward with its plans citing “promises made “ to the residents of the Kenilworth area as the reason for the action. These promises have no foundation in fact; documentation of the specific nature of the promises, who made the promises and to whom they were officially made, and why the alleged promises should be afforded the weight of public policy, does not exist.

On May 16, 2011 MnDOT issued an Environmental Assessment Worksheet (EAW) that spelled out how a re-route of freight traffic from the Bass Lake Spur owned by the Canadian Pacific Railroad (CP) to the MN&S Spur also owned by the CP might take place. The City of St. Louis Park and Safety in the Park appealed the findings of the EAW document. The EAW was later vacated and is no longer a valid document.

On September 2, 2011 the Federal Transportation Administration officially added the MN&S re-route to the SWLRT project.

**SWLRT-DEIS :** The proposed MN&S re-route is included the SWLRT-DEIS due to the FTA’s September 2, 2011 mandate that the re-route be considered a part of the SWLRT project. For 3A (LPA, relocation) to work the MN&S re-route must occur, making the re-route part of the SWLRT and not a connected action. As part of the SWLRT project the MN&S re-route must be included in the “study area” on a regular and consistent basis but the SWLRT-DEIS fails in this regard and violates the essential purpose of the National Environmental Protection Act (NEPA). The purpose of NEPA is to ensure that environmental factors are weighted equally before an infrastructure project can be undertaken by a federal agency. The omission of the proposed re-route leads to incorrect conclusions about the cost of the SWLRT.

Safety in the Park demands that relocation of freight traffic be analyzed as diligently as the rest of the SWLRT project. Unless the current version of the SWLRT-DEIS is amended significantly, the health, well-being and safety of St. Louis Park residents will be compromised by the proposed relocation of mainline freight rail traffic from the Bass Lake Spur onto the MN&S Spur. More than 1,500 residents have signed a petition insisting on fair treatment by the government agencies proposing the relocation.

Concerns about the inconsistencies in the SWLRT-DEIS can be found in detail in the following summary:

- Lack of reasoning behind the need for the re-route due to the fact that a viable, less costly and safer option exists with co-location of freight traffic and SWLRT in the Kenilworth Corridor (Chapter 1)
- Lack of concern for Interstate Commerce
  - The late notification about the existence of the SWLRT-DEIS to the Surface Transportation Board (STB) Wednesday, November 28, 2012
  - Implementation of SWLRT could cause disruption of rail service to TC&W clients (Chapter 1)
  - The Memo Dated December 10, 2012 from the STB to the FTA received incomplete answers. (Chapter 1)
- Lack of public input and documentation (Chapters 2 and 12)
  - No documentation of analysis for determining MN&S as preferred location for freight after the freight tracks in the 29th Street Corridor were severed
  - No documentation of promises made to the residents of Kenilworth area
  - The MN&S re-route was not part of the scoping and decision making when route 3A (LPA, relocation) was chosen
- Lack of accurate study into the direct impacts of the proposed relocation with respect to
  - Social Impacts (Chapter 3)
  - Environmental Impacts (Chapter 4)
  - Economic Effects (Chapter 5)
  - Transportation Effects (Chapter 6)
  - Section 4(f) Evaluation (Chapter 7) - Specifically the use of 0.81 acres of Cedar Lake Park which is currently being used for freight trains.
- Lack of inclusion of methodology used to determine the cost of the SWLRT project. (Chapter 8) This lack of methodology is particularly glaring in light of the fact that a \$100,000,000 “typo” occurred
- Lack of an analysis of the indirect and cumulative impacts caused by the proposed freight relocation (Chapter 9)
- Lack of analysis of Environmental Justice (Chapter 10)
- Lack of 23 CFR 771.111(f) analysis to determine if the relocation of freight is “feasible or prudent” (Chapter 11)

**Action requested:** Halt any decision on the freight relocation issue until further study is completed such that the missing information and flawed assumptions can be addressed. This secondary study needs to have a scope agreed upon by the city of St. Louis Park, Safety in the Park, and railroad companies. Furthermore, the secondary study must be conducted by a government agency and engineering firm not previously associated with the proposed re-route.

Once the new study is completed, a computer generated simulation representing all of the new findings should be produced. This simulation will help residents and elected officials who are not engineers understand the impacts of the proposed re-route prior to making decisions.

**Conclusion of analysis of this SWLRT-DEIS response:** Applying the “test” from 23 CFR Sec. 774.17 reveals that the proposed reroute in LRT 3A (LPA) is neither “feasible nor prudent.” Therefore, the use of 0.81 acres of Cedar Lake Park according to the Act of 1966 codified at 49 U.S.C. 303 and 23 U.S.C. 138 will not impede the building of SWLRT.

LRT 3A-1 (Co-location) best meets the Southwest Transitway project’s Purpose and Need Statement as expressed by the goals of improving mobility, providing a cost-effective and efficient travel option, preserving the environment, protecting quality of life, supporting economic development, and developing and maintaining a balanced and economically competitive multimodal freight system. **In light of the facts presented in this SWLRT-DEIS response Safety in the Park recommends that LRT 3A-1 (Co-location) be chosen as the only viable option for SWLRT.**

## CHAPTER 1 - PURPOSE AND NEED FOR THE PROPOSED ACTION:

1.0 - The essential purpose of the National Environmental Protection Act (NEPA) is to ensure that environmental factors are weighted equally before an infrastructure project can be undertaken by a federal agency. The SWLRT-DEIS does not fulfill the essential purpose of NEPA. The SWLRT-DEIS is not an objective analysis of the environmental impacts of the proposed freight rail re-route (3A, LPA re-route) and the proposed co-location freight rail alternative (3A -1 LPA co-location). Instead of being objective the SWLRT-DEIS is written as an advocacy for the favored outcome. SWLRT-DEIS employs a variety of methods to mislead the reader and the Federal Transportation Administration into believing that co-location is not a “feasible or prudent” (NEPA [23 CFR 771.111(f)]) alternative, when in fact the exact opposite is true. The methods used include, but are not limited to inconsistent use of vocabulary, highlighting aspects of co-location while glossing over the same aspects of relocation, manipulation of the co-location site to include more area and completely omitting information about the re-route option that would call the feasibility of that option into question.

1.1 - Although Safety in the Park! does not disagree with the need for the Southwest Light Rail Transit (SWLRT) Project, we do disagree with the need for the re-routing of freight trains from what is referred to in the SWLRT - DEIS as the Canadian Pacific(CP) Bass Lake Spur to the Minneapolis, Northfield and Southern ( MN&S) Subdivision and the Burlington Northern Santa Fe (BNSF) Wayzata Subdivision. Using the term “Subdivision” in relation to the MN&S is not only incorrect it but it is also misleading. According to officials at the CP the correct classification of the MN&S is a spur line that is part of the Paynesville Subdivision. The use of the term subdivision when describing both the MN&S and the BNSF in St. Louis Park misleads the reader into thinking the MN&S and the BNSF are similar if not equal in layout and usage. This could not be further from the truth. The Bass Lake Spur and the BNSF Wayzata Subdivision were both built to Main Line rail specifications. They both have wide R-O-W, few if any at grade crossings and they are relatively straight and free of grade changes. Conversely, the MN&S was built as an electric interurban and like all interurban has tight R-O-W, multiple aggressive curves and significant grade changes. Furthermore, the addition of the connections between these freight rail lines will increase both curves and grades on the MN&S. The connection between the Bass Lake Spur and the MN&S will have an eight degree curve and a grade of .86%. While the connection between the MN&S and Wayzata Subdivision will have a four degree curve and a 1.2% grade differential. (SWLRT-DEIS Appendices F parts 2 and 3 and SEH [http://www.stlouispark.org/webfiles/file/community-dev/techmemo\\_4.pdf](http://www.stlouispark.org/webfiles/file/community-dev/techmemo_4.pdf)) Adding to the misrepresentation of the different rail lines is the name given to the rail property owned by the Hennepin County Regional Rail Authority, locally and recently known as the Kenilworth Corridor. This “corridor” was until it was purchased by Hennepin County a major, mainline rail yard called the Kenwood Yard. This yard held as many as 14 sets of railroad tracks and with the exception of a short section, the land used as a rail yard has not been built upon.

The misrepresentation continues at the bottom of page 1-1 of the SWLRT-DEIS in the second bullet point which states, “The co-location of LRT and TC&W freight rail service on reconstructed freight rail tracks on the CP’s Bass Lake Spur and HCRRA’s Cedar Lake (Kenilworth Corridor)” suggesting that the TC&W tracks in the Kenilworth Corridor had to be “reconstructed” when in fact they had never been removed, and only underwent repairs to put them back into service (1-1). (Safe in the Park - Chapter 1 Appendix – Document 4)

A formal abandonment process never took place (an outline of this history was found in a document, T:TRE/3aTransitPlanning/Kwalker/SLP\_FreightRail/BackgroundforHCRRA\_120709.doc, obtained from the HCRRA through the Freedom of Information Act). (Hennepin County Repair announcements August 27, 2012 - Safe in the Park - Chapter 1 Appendix – Document 4).

Further misuse of the term “abandoned” is found in the last paragraph on page 1-3 , “The LRT line would operate in a combination of environments including operations in abandoned freight rail right-of-way (ROW) acquired by HCRRA, at- grade operations in street and trunk highway ROW, and operations in new ROW that would be acquired from public and private entities” (1-3). When the HCRRA purchased the property in question it was in disuse, but it had not formally abandoned, it was not in use. The difference appears subtle, but it is not. Formal abandonment requires a lengthy legal and administrative process to seek approval from the Surface Transportation Board, which only acquiesces when it has been convinced that the tracks are not needed by any customers or the overall rail system.

#### **1.1.1 - Public Involvement and Agency Coordination Compliance:**

During the scoping process portions of St. Louis Park were denied a voice. Potential participants in the scoping process were told that the freight rail issue did not belong in the discussions for a preferred alternative for the SWLRT. Consequently, the choice of LPA may have been different had the freight rail question been part of the discussion from the beginning. This issue will be documented and explored further in the Chapter 12 of the SWLRT-DEIS comment.

### 1.2.1 - Early Planning Efforts

On pages 1-6 and 1-7 a list of documents used in early planning of the SWLRT is presented. However there are several important documents left off of the list. These documents are not favorable to SWLRT and therefore seem to have been ignored.

- 1996--City of St. Louis Park Resolution--96-73 (Safe in the Park - Chapter 1 Appendix - Document 1)
- 1999--St. Louis Park Task Railroad Study  
[http://www.hennepin.us/files/HennepinUS/Housing%20Community%20Works%20and%20Transit/Regional%20Railroad%20Authority/Authority/Railroad\\_Study\\_March\\_1999.pdf](http://www.hennepin.us/files/HennepinUS/Housing%20Community%20Works%20and%20Transit/Regional%20Railroad%20Authority/Authority/Railroad_Study_March_1999.pdf)
- 2001 City of St. Louis Park Resolution--01-120 (Safe in the Park - Chapter 1 Appendix - Document 2)
- 2010 City of St. Louis Park Resolution--10-070  
[http://www.stlouispark.org/webfiles/file/freight\\_rail.pdf](http://www.stlouispark.org/webfiles/file/freight_rail.pdf)
- Short Elliot Hendrickson Inc. (SEH)--Comparison of the MN&S route and the Kenilworth route--[http://www.stlouispark.org/webfiles/file/community-dev/techmemo\\_4.pdf](http://www.stlouispark.org/webfiles/file/community-dev/techmemo_4.pdf)
- 2011 City of St. Louis Park Resolution 11-058  
[http://www.stlouispark.org/webfiles/file/community-dev/5-31-11\\_resolution\\_relating\\_to\\_freight\\_activity\\_in\\_slp.pdf](http://www.stlouispark.org/webfiles/file/community-dev/5-31-11_resolution_relating_to_freight_activity_in_slp.pdf)
- Evaluation of Twin Cities and Western Railroad responses(EAW)  
[http://www.mnsrailstudy.org/key\\_documents](http://www.mnsrailstudy.org/key_documents)

To understand the opposition to the proposed reroute the documents listed above must be included in an objective evaluation of re-route portion of the SWLRT project. Furthermore; the SEH study and the comments to the EAW need to be considered before a conclusion about the freight question in the SWLRT-DEIS can be made.

### 1.2.2 Environmental Review and Project Development Process

This DEIS fails to consider the environmental impacts of the proposed reroute portion of the SWLRT project , but instead promotes a course of action that will redistribute property values from lower income neighborhoods in St. Louis Park to higher income neighborhoods in Minneapolis. The result is a net decline not only of property values, but also to overall public safety of Hennepin County. The reason for the effort to promote the re-route option over the co-location option may be based on undocumented promises touched on in the link below:  
[http://hennepinmn.granicus.com/MediaPlayer.php?view\\_id=10&clip\\_id=1459](http://hennepinmn.granicus.com/MediaPlayer.php?view_id=10&clip_id=1459) (F)11-HCRR-0072

On July 20, 2010 a member of St. Louis Park City Staff requested documentation of the analysis that allowed MnDOT to designate the MN&S as the “preferred location” for TC&W freight traffic after the freight tracks were severed while rebuilding Hiawatha Ave. No documentation was ever received by the City of St. Louis Park. (Safe in the Park - Chapter 1 Appendix – Document 3)

1.2 and 1.2.1: Paragraphs discuss the Scoping Process that should comply with MEPA and NEPA rules pertaining to open-to-the-public meetings, comment sessions, and other public comments options with regard to the Alternatives Analysis. The DEIS admits during that time the city of St. Louis Park, residents and businesses were instructed in writing that the freight rail reroute was a separate issue not to be considered with the SWLRT. Therefore the entire time of “public comment” to decide the AAs should be considered null and void because citizens and municipalities were not properly informed of the environmental impacts of the LPA (1-6). During this same time the HCRRA was aware of resolutions made by more than one St. Louis Park City Council opposed the re-routing of freight trains. Had the reroute been considered a connected action during that time, it may have significantly changed support for the LPA by the city of St. Louis Park. Although the process may not have legally violated MEPA and NEPA standards, it did violate the spirit of the law.

#### 1.3.2.1 - Declining Mobility

The SWLRT-DEIS continues its misrepresentation of information in its discussion of declining mobility. At the bottom of page 1-9 and the top of page 1-10 a list of current “employment centers” is given. The second item in a bullet point list is “St. Louis Park’s Excelsior and Grand – 10,000 jobs” (1-9, 1-10). This information is false. According to the City of St. Louis Park web-site demographics of employment ([http://www.stlouispark.org/webfiles/file/stats/employment\\_stats.pdf](http://www.stlouispark.org/webfiles/file/stats/employment_stats.pdf)) there are a total of 10,078 jobs in St. Louis Park. Many of these jobs are not near the proposed SWLRT alignment. The list on the city web site does not assign any number of jobs to the Excelsior and Grand area.

Following the list of “employment centers” (1-10), there is a general discussion about the congestion that could occur should the SWLRT not be built. This information is based on the United States Census conducted in the year 2000. The U.S. Census web site no longer shows census data from the year 2000 (<http://quickfacts.census.gov/qfd/states/27000.html>) making substantive comment on the data in SWLRT-DEIS impossible for the average resident of Hennepin County. Also, based on this old, unavailable information that does not take into account the downturn in the economy in 2008, vague generalizations are made. For example: “Current express bus travel times may increase, despite the current use of shoulder lanes” (1-10).

A simple if/then statement can be used to sum up and sow doubt on the conclusions made. If the information about St. Louis Park is false then what other information in the document is false?

### **1.3.2.2 - Limited Competitive, Reliable Transit Options for Choice Riders and Transit Dependent Populations including Reverse Commute Riders**

Information and generalizations based on the unavailable and outdated 2000 Census are used and therefore all of the DEIS' conclusions are brought into question. When the 2000 Census is not the source of information the exact source and date of the information is often not provided. An example from page 1-10 of the SWLRT- DEIS is a case in point. "A number of major roadways in the study area such as TH 100 and TH 169 are identified by MnDOT as experiencing congestion during peak periods." (1-10) Who at MnDOT made this assertion? When was it made? Was the upcoming rebuild of TH 100 in St. Louis Park taken into account? (<http://www.stlouispark.org/construction-updates/highway-100-reconstruction.html>)

Although the information in section 1.3.2.2 does not discuss the proposed re-route portion of the SWLRT, it does speak to the general misrepresentation of information in the SWLRT.

### **1.3.2.3 - Need to Develop and Maintain a Balanced and Economically Competitive Multimodal Freight System**

It is easy to agree in theory with the need for a vibrant freight rail system in a growing economy. However, the unsubstantiated and false assertions in this section make it impossible to agree that rail connections between the Bass Lake and MN&S spurs and the MN&S spur and the BNSF Wayzata subdivision are necessary for the greater good.

The SWLRT-DEIS states, "The construction of a new connection between the Bass Lake Spur and the MN&S Spur, a new connection between the MN&S Spur and the BNSF Wayzata Subdivision, and the upgrading of track on the MN&S Spur are included as recommended actions in the Minnesota State Rail Plan" (1-12). No citation is provided as to where in the Minnesota State Rail Plan this assertion can be found. Presented on pages 4-11 and 4-12 of the Minnesota State Rail Plan (<http://www.dot.state.mn.us/planning/railplan/finalreport/MNRailPlanFinalReportFeb2010.pdf>) are text and charts describing the upgrades needed to both the BNSF and the CP prior to 2030. There is no mention of the connections mentioned in the SWLRT-DEIS (4-11& 4-12).

It needs to be noted that the new construction discussed in the SWLRT-DEIS is the same plan used in the EAW vacated by MnDOT on December 20, 2011 (SWLRT-DEIS Appendix F parts 2 and 3). This plan was rejected as unworkable by the TC&W railroad in their comments to the EAW. ([http://mnsrailstudy.org/yahoo\\_site\\_admin/assets/docs/Railroad\\_Comments.18891450.pdf](http://mnsrailstudy.org/yahoo_site_admin/assets/docs/Railroad_Comments.18891450.pdf))

The next three sentences in this section are also misleading. “Providing a direct connection to the north- south MN&S line would improve accessibility to CP’s Humboldt yard. Currently TC&W interchanges with the CP at their St. Paul yard. Although the Humboldt Yard is much closer, the inefficiency of the existing connection is so great that the extra distance to St. Paul is less onerous” (1-11 and 1-12). These sentences imply that most if not all of the TC&W’s business is with the CP. They also mistakenly imply that the TC&W will be happy to get the connection because it will improve the company’s efficiency. However, the comments made by the TC&W in the EAW show just the opposite ([http://www.mnsrailstudy.org/key\\_documents--TC&W](http://www.mnsrailstudy.org/key_documents--TC&W) comments, page 1, last paragraph; also page 3, first bullet point under “Inaccuracies in the EAW...”). The STB Memorandum to Federal Transit Administration, Region V: Questions and Responses for Surface Transportation Board dated December 10, 2012 received incomplete responses about the interconnection needed for the relocation plan to work. The maps given to explain the new interconnects lacked reference to the extreme grade changes that will take place. Figure 1: Relocation Alternative, MN&S Spur does not indicate the need for a mile long ramp to accomplish the .86% grade ([Figure 1: Relocation Alternative, MN&S Spur](#)) needed to connect the Bass Lake Spur to the MN&S Spur. Furthermore, Figure 3: Relocation Alternative, Re-Established Connection does not describe the 1.2% grade needed to reestablish the connection between the MN&S Spur and the Wayzata Subdivision. ([Figure 3: Relocation Alternative, Re-Established Connection - MN&S Spur to Wayzata Sub](#))

Missing completely from the discussion of the TC&W using the MN&S Spur to go to the Humboldt Yards in New Hope is the impact the added freight traffic will have on Northern St. Louis Park, Golden Valley, Crystal and New Hope. In St. Louis Park alone there are two at grade rail crossings on the MN&S north of the BNSF. One of the crossings is Cedar Lake Road, a major east/west roadway through St. Louis Park yet the SWLRT does not document the traffic counts and the impacts of the crossing being closed on a regular basis.

Reading the last sentence in the first full paragraph of page 1-12 and the non sequitur of the next full paragraph continues the misleading information.

*“The proposed connection in St. Louis Park allows the TC&W an alternate route at those times when the BNSF route is not available.*

*Moving commodities along freight rail lines rather than by semi-trailer truck on the roadway system has a significant effect upon the region’s mobility. TC&W reports that an average train load equates to 40 trucks on the roadway system. Maintaining freight rail connections as a viable method for transporting goods to, from, and within the Twin Cities region contributes to the healthy economy of this region. As the roadway network continues to become more and more congested, moving commodities by freight rail will become more competitive” (1-12).*

Placement of the above passage in the context of the discussion of the MN&S interconnects implies that without the interconnects the TC&W will have no choice but to use semi-trucks to move their freight. The HCRRA's praise for the economic and environmental virtues of freight railroads is laudable but at odds with HCRRA's continuing long-term policy of pushing freight rail traffic to ever more marginal scraps of infrastructure. Examples of the HCRRA's displacement of freight railroad traffic from their purpose-built and most direct and efficient routes includes the closure of the former Milwaukee Road mainline that was used by the TC&W and ran below grade through south Minneapolis, and the constriction of the BNSF mainline adjacent to Target Field in Minneapolis. In both of these cases freight rail traffic ceded right-of-way to relatively frivolous purposes, a bicycle trail for the Milwaukee Road mainline and a sports stadium and bicycle trail that constricts the BNSF Wayzata subdivision. The wording of the DEIS uses the phantom assumption that the further constriction of the BNSF line at Target Field by the SWLRT is a fait accompli and re-routing the TC&W is the only alternative to trucking, but leaving the TC&W traffic in its current route provides it a straighter, flatter, safer, shorter, less costly and more direct route to its most important destination in St. Paul. There are other alternatives to placement of the SWLRT and the bicycle trail that will not constrict freight rail traffic at Target Field.

Severing the TC&W's current route through the Kenilworth Corridor as proposed by the SWLRT-DEIS would have the opposite effect of "maintaining freight rail connections as a viable method for transporting goods" (1-12).

The multitude of unsubstantiated and false assertions in this section make it impossible to agree that rail connections between the Bass Lake and MN&S spurs and the MN&S spur and the BNSF Wayzata subdivision are necessary for the improvement of the Twin Cities rail network. Therefore the bullet pointed benefits at the end of this section are not benefits under the current engineering plan in the SWLRT-DEIS.

- *Access to the Savage barge terminal would improve.* The SWLRT-DEIS only has one connection from the Bass Lake Spur to the MN&S Spur. That connection curves north. For the access to Savage to improve there would also need to be a connection from the Bass Lake Spur to the MN&S Spur curving south.
- *Access to CP's Humboldt Yard and other locations on the east side of the metropolitan area would be improved.* The Humboldt Yard is on the north side of Minneapolis, not the east side of the metropolitan area. The problem would not be the access itself, but with the lack of efficiency and economic benefit to the TC&W of that access. The TC&W comments on this point in their EAW comments.  
[http://www.mnsrailstudy.org/key\\_documents](http://www.mnsrailstudy.org/key_documents)
- *An alternate route that avoids the downtown Minneapolis passenger station would be available to the TC&W.* Again, the route would be available, but would not prove to be of an economic benefit.
- *The quality of the north-south rail line would be upgraded.* Because the overall benefit of the interconnection does not exist, there is no need to upgrade the current track. (1-12)

#### 1.4 - ***Project Goals and Objectives***

The goals and objectives of the SWLRT-DEIS project are not applied equally to all residents in the study area and this is in violation of the essential purpose of NEPA. The 6 goals stated if implemented without alteration will have a detrimental impact on the residents of St. Louis Park. This details of the detrimental impact will be discussed further in this comment to the SWLRT-DEIS.

1. *Improve mobility* - Due to blocked crossings and the closed crossing at 29th Street mobility in the MN&S reroute area will decrease.
2. *Provide a cost-effective, efficient travel option* - The design as stated in the SWLRT - DEIS is not cost effective for the railroads, and there is no discussion of reliable funding for maintenance
3. *Protect the environment* - The environment in the vicinity of the MN&S will deteriorate. The problems include but are not limited to an increase of noise and vibration and diesel fumes from locomotives laboring to climb steep grades will impact air quality and the threat of derailment and crossing accidents impacts the safety of residents.
4. *Preserve the quality of life in the study area and the region* - Quality of life will decrease in the MN&S area.
5. *Support economic development* - Property Values and Small business will be negatively impacted.
6. *Support economically competitive freight rail system* - Should the proposed reroute be built the opposite to this goal will be accomplished. The rail system in St. Louis Park will not be safe, efficient or effective (1-13 & 1-14).

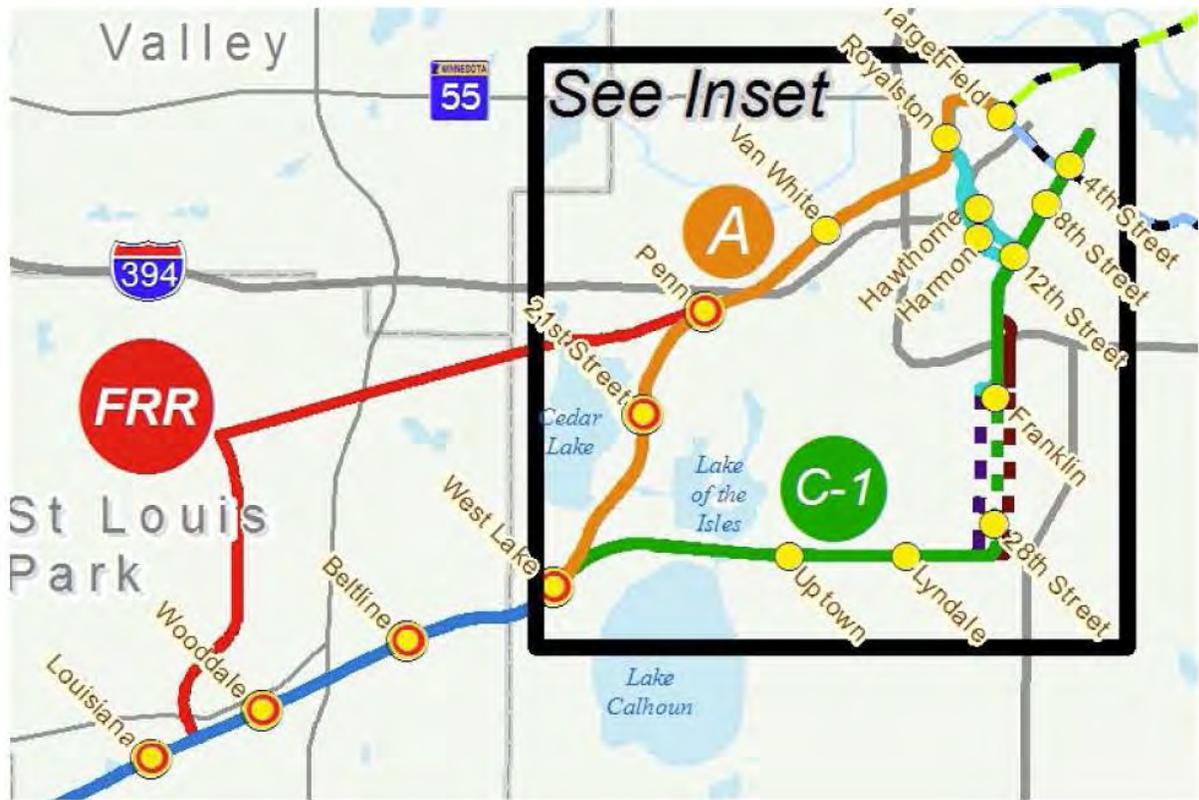
## CHAPTER 2 - ALTERNATIVES CONSIDERED

2.1.2 and 2.1.2.1: Paragraphs discuss the Scoping Process that should comply with MEPA and NEPA rules pertaining to open-to-the-public meetings, comment sessions, etc. with regard to the Alternatives Analysis.. However, as the DEIS admits; during that time the City Council of the city of St. Louis Park, the city's residents and businesses were instructed in writing that the freight rail was a separate issue not to be connected with the SWLRT. (The DEIS walks through those events in detail) Therefore this entire time of "public comment" to decide the alternatives should be considered null and void because citizens and municipalities were not properly informed of the environmental impacts of the LPA. That fact should void the entire process for selecting an LPA, an early step in the development of SWLRT, especially when considering that opposition to the re-route by the city of St. Louis Park was not merely implied but the topic of repeated resolutions passed by the city. The city's position was clear. Had the reroute been considered a connected action during that time, it may have significantly changed the question of support for the LPA by the city of St. Louis Park. Furthermore, the process was not consistent with MEPA and NEPA guidelines. Furthermore this influences all of the topics in the DEIS where it is noted that alternatives other than the LPA are not consistent with planned development. This phrase is used repeatedly and refers only to the fact that plans surround the LPA.

2.3.1.3 This is a discussion of the number of trains using the current route. This discussion is not up-to-date. The TCW has added additional trains in the last six months.

2.3.3.1: Discusses the easement rights of St. Louis Park for a portion of land. Though the easement is set aside for railroad development in St. Louis Park, the DEIS is written to appear as though St. Louis Park agreed to the re-route. As stated above, resolutions have repeatedly passed by the city opposing a re-route. In addition the state statute, 383B.81, is quite clear that the easement exists for railroad operations but DOES NOT provide any conditions for St. Louis Park agreeing to railroad operations, only that the land can be used for that purpose.

2.3.3.4 Build Alternative Segments: THERE IS A MAJOR FLAW HERE THAT AFFECTS THE ENTIRE DEIS. This section outlines the segments of the route to be analyzed throughout the DEIS but does so incorrectly. The FRR segment is correctly identified. However, segment "A" includes a long portion of track that will NOT BE AFFECTED by a re-route or co-location. It incorrectly adds all of the people, lands, buildings, institutions, etc. to the Segment "A" when that Section "A" should only include the area between the planned West Lake station and the planned Penn Station; the co-location area. The area from the planned Penn Station to the Target field station is common to both the FRR segment and Segment A. and effects in that area should not be attributed to any segment.



## CHAPTER 3 SOCIAL EFFECTS:

1-1.1 discusses the area studied--The study area is wholly incorrect in regard to the Freight Rail Reroute, and the areas chosen for study therefore affect all of the conclusions and render them inaccurate.

The DEIS discusses the area studied to be a ½ mile radius from the LRT track. However, that ½ mile radius is only applied to the LRT portion, not the FRR portion. The text says “the study area has been defined as the area within a one-half mile radius of the proposed Build Alternatives.... and includes the area of the Freight Rail Relocation segment.” The ½ mile area of study does indeed include the FRR area, but does not include a ½ mile radius from the FRR (MN&S tracks) Therefore, much of the area that includes people, schools, institutions, and lands that will be affected by the re-route are not being tallied as an affected area.

An argument can actually be made that not only should the FRR track area of study be a ½ mile radius, but in fact because the weight, vibration, noise, etc. are greater for freight trains than light rail trains, an even broader area should be studied for the FRR.

In section 3.1.2.7, the reported MN&S land use is generalized as follows: the largest proportion of land use along this segment is at over 40% housing; park and undeveloped over 15%; schools about 7%, and industrial/retail/office about 7%. That these figures are generalizations (“over 40%” and “about 7%”) indicates cursory attention to the affected areas. In addition, the land use area along the MN&S is not specified. The DEIS does not report the area being considered. To illustrate my point, it is stated that the co-location area of consideration is within ½ mile of the track, but there is nothing stated about the distance from the track for the reroute.

In section 3.1.2.4, the reported land use along the co-located route is far more specific, indicating careful study: 19.8% housing; 14.1% parks and open space; 10.7% water; and 11.3% industrial.

In spite of the fact that more than 70% of land use along the MN&S directly impacts human activity—but only 45.2% of land use surrounding co-location impacts human activity—the DEIS claims the reroute is the preferred option.

It is unacceptable that the decision to move main-line freight to a spur track be made without careful, serious study. Hennepin County has not seriously considered the negative impacts on community cohesion or safety impacts on residents, school children, and commuters within St. Louis Park. The DEIS fails to accurately or objectively report impacts on rerouted freight traffic.

3.1.8 Summary of Land Use: it's unclear why the 3A-1 is not compatible with existing land use and the 3A is when the freight trains currently run on 3A-1.

On the same summary under the metric: Consistent with adopted regional and local plans, the 3A-1 is listed as Incompatible. This is because the Met Council and others have simply planned for freight rail to go away. (See above argument about the choice of the LPA.

On page 3-15 in the land-use section, the DEIS claims that six separate studies “concluded the best option for freight rail operations was to relocate the TC&W freight rail operations to the MN&S line” (3-15). However, what is missing in chapter three is a list of these “six separate studies.” If the DEIS is referring to studies, then there are serious flaws in each “study,” including the fact that most of them are not true studies at all. The possible studies are listed and outlined in the document below:

### **Freight Rail Studies**

#### Freight Rail Realignment Study, TDKA—November 2009

- Undertaken for Hennepin County after the locally preferred alternative for SWLRT was chosen. Needed to support SWLRT locally preferred alternative
- No engineering took place

#### Analysis of co-location of Freight and SWLRT, HDR—August 2009

- Written for Hennepin County to support what is now the locally preferred option.
- No engineering took place

#### Evaluation of Twin City & Western Railroad (TCWR) routing alternatives, Amphar Consulting—November 2010

- Co-location and re-route are not discussed in this report.

#### Analysis of Freight Rail/LRT Coexistence, RL Banks—November 29, 2010

- December 3, 2010 – Francis E. Loetterle, lead engineer for RL Banks study issued a letter admitting mistakes made in co-location analysis.
- Study is flawed.

#### MN&S/Kenilworth Freight Rail Study, SEH—February 2011

- Used best-fit engineering
- Co-location and re-route possible **without** taking properties
- Co-location less costly

#### MN&S Environmental Assessment Worksheet (EAW), MnDOT—issued May 16, 2011

- Co-location not mentioned in this document
- December 19, 2011—EAW was vacated.
- It is no longer a valid document.

On page 3-22, the HCRRA Staff Report on Freight Rail Relocation (August 2011) is cited as evidence that relocation is the preferred option. Yet, when I click on the link, the web page cannot be found.

In section 3.1.3.1, the DEIS concludes that “re-locating the freight rail activity . . . is identified most frequently by the plans as being the desired alternative for the SW Transitway” (3-26).

Further down, the DEIS includes **Table 3.1-2 Summary of Local and Regional Comprehensive Plans and Studies** (3-20 – 3-26) which identifies three plans that make co-location incompatible, but re-location the desired option.

The three plans are the *Hennepin Transportation Systems Plan (2011)*, the *Hennepin County Sustainable Development Strategy 2011*, and the *Minneapolis Parks & Recreation Board Comprehensive Plan (2007)*.

The link provided for the *Hennepin County Transportation Systems Plan (2011)* connects to a page that states, “The webpage cannot be found.” Regardless, the fact that the plan was published in 2011—AFTER the Environmental Assessment Worksheet was vacated by MNDOT because the document couldn’t defend its position to reroute freight traffic to the MN&S suggests the reroute plan by Hennepin County is biased and invalid.

The problem of validity is the same for the *Hennepin County Sustainable Development Strategy 2011*. However, this document is problematic for a variety of reasons. The link does not lead to a document that clearly states the co-location is incompatible with LRT, nor does it comment on rerouting freight from the Kenilworth Corridor to the MN&S at all. The following excerpts included below are the only comments in the document that allude to freight traffic:

Midtown Greenway: this six-mile linear corridor across south Minneapolis, opened in phases from 2000 – 2006, exemplifies how a multi-use trail through a low- and middle-income community can create jobs, stabilize property values, foster redevelopment, and encourage non-motorized transportation choices while preserving the opportunity for future transit. The success of this corridor has been enhanced by the Midtown Community Works Partnership, which has provided leadership through its public and business partners and resources for implementation. (9)

Southwest LRT Community Works: This project exemplifies the county’s sustainable development strategy. The proposed 15-mile, 17-station Southwest LRT line, projected to open in 2017, will run from downtown Minneapolis to the region’s southwestern suburbs. The project has advanced through a decade of feasibility studies, an alternatives analysis, and a draft environmental impact statement. A locally preferred alternative for the LRT line was selected in spring 2010. The project is expected to receive federal approval to enter preliminary engineering in spring 2011.

In anticipation of the Southwest LRT project's entry into preliminary engineering, the Hennepin County Board established the Southwest LRT Community Works project to integrate corridor-wide land use, development, housing, and access planning with the LRT line's engineering and design. Southwest LRT Community Works, in collaboration with the Metropolitan Council and its Southwest LRT Project Office, will integrate LRT engineering and land use planning from the outset of the preliminary engineering process. This coordinated work, which also engages the cities and many other stakeholders along the corridor, seeks to maximize economic and community benefits of public transit investments and stimulate private investment within the corridor. [See box for additional information]. (10)

[Box with additional information] ORGANIZATIONAL MODEL

To achieve the objective of integrating LRT engineering with land use and development planning, the county and the Metropolitan Council have jointly developed an innovative organizational model with the following features:

- Multiple organizational linkages between the SW LRT Project and the SW LRT Community Works project, including shared business and community advisory committees, to advise and inform both the SW LRT and the SW LRT Community Works governing bodies.
- A project office housing both the SW LRT project engineering and Community Works staff, including two full time professional staff, an engineer and a planner, charged with actively promoting and managing the dialogue between engineering and land use, both within the project office and throughout the community.
- Community meeting rooms and public space for residents to learn about the LRT project and review plans for associated development. Residents will also be able to submit ideas for consideration, view models of LRT and station area plans, and learn of scheduled public meetings and other community engagement opportunities.

Drawing on Community Works' successful program emphasis on employment development, community connections, natural systems, tax base enhancement, and public and private investment coordination, the county is updating old and adding new programmatic elements. These changes reflect the connections between housing, transportation, employment, environment, health, and energy and their emerging integration in national public policy, finance, and philanthropy. (11)

Place matters: While not highly prescriptive, county plans recognize the importance of transportation choices, enhanced economic competitiveness, and equitable, affordable housing in fostering sustainable communities. (11)

Finally, the *Minneapolis Parks & Recreation Board Comprehensive Plan (2007)* contains one brief excerpt included below that mentions transportation corridors, and again, there is no mention of freight traffic whatsoever:

Work with the City of Minneapolis and other entities to identify and support multi-mode transportation corridors between parks, with preference given to routes that encourage non-motorized linkages between parks. (24)

Section 3.1.3.1, “Land Use and Comprehensive Planning: Conclusions” states the following: “Based on the analysis of local and regional plans and studies, it has been determined that . . . relocating the freight rail activity from the Kenilworth Corridor to the previously planned and existing CP Rail corridor through St. Louis Park (Figure 2.3-2), is identified most frequently by the plans as being the desired alternative for the Southwest Transitway” (3-26).

There is no mention in the “plans and studies” listed in the Land Use Chart of the four separate resolutions signed by St. Louis Park city councils and two different mayors in the document. These resolutions are outlined below. In addition, the St. Louis Park Mission Statement and Vision St. Louis Park are not included in the chart, but the visions and mission statements of Minneapolis are included. Nowhere in the vision statements of St. Louis Park is there a desire for rerouting freight traffic from the CP to the MN&S line. These St. Louis Park plans make rerouting freight the incompatible option.

### **City Council Resolutions**

#### *St. Louis Park*

- 1996 resolution 96-73—Opposes any re-routing of freight trains in St. Louis Park. Signed by Mayor Gail Dorfman (now Hennepin County Commissioner)
- 2001 resolution 01-120—Opposes re-routing of freight in St. Louis Park, but points out that the city is willing to negotiate should the need arise.
- 2010 resolution 10-070—Reinforced the 2001 resolution opposing a freight rail re-route.
- 2010 resolution 10-071—Reinforced the 2001 resolution asking for proof that no other viable option for freight exists
- 11-058—Opposes the re-routing of freight because the engineering study commissioned by the city of St. Louis Park proved there is a viable alternative to the proposed re-route.

*Minneapolis* – There are no Minneapolis City Council Resolutions opposing freight continuing in the Kenilworth Corridor.

St. Louis Park did **NOT** agree to accept the re-route in exchange for the cleanup of a superfund site. Below is a link to the statute and an explanation of pertinent passages.

**MINNESOTA STATUTES 2010 383B.81 ENVIRONMENTAL RESPONSE FUND.**

- SUBD 6, which states that an easement is being granted to St. Louis Park for economic development and for rail improvements to replace the 29th St. corridor. This can be interpreted to sound like “it **will** replace the 29th St. corridor and freight trains will be re-routed” and that is why the city of St. Louis Park made their intentions clear in their resolutions. The resolutions were passed in 2001, 2010 and most recently May 2011.
- Nowhere does it state that this money is conditionally granted upon the land being used for a re-route. It merely states that the priority for the site is enough **right-of-way** for railroad operations to replace the 29th St. corridor
- SUBD 8, states that the city must approve any work done on the site.
- The statute is vague as to what the rail improvements would be. If the intent of the statute were to absolutely re-route freight trains to the MN&S, it would say so in those words.
- The reality: If this statute meant that SLP accepted the re-route, the county would merely move forward and cite this statute:  
<https://www.revisor.mn.gov/statutes/?id=383B.81&year=2010&format=pdf>

**Missing documents...**

There are no known documents which support the assertion that the people of Minneapolis were promised the freight trains would be removed.

In 3.1.5.1 “Effects to Land Use and Socioeconomics—Segment A,” the DEIS states, “in order to achieve adequate ROW for placement of the three facilities [existing freight rail, LRT rail, and a bike trail], up to 57 town homes would be removed in the area north of the West Lake Station on the west side of the corridor and 3 single-family houses would be removed north of Cedar Lark Parkway along Burnham Road” (3-34).

Moving the bike trail is not included as a consideration in this DEIS. Even though the DEIS itself cites an additional cost of \$123 million to reroute freight traffic, there is no cost analysis or even consideration for rerouting a bike trail. In addition, the city of St. Louis Park funded its own study regarding the feasibility of co-location when it became clear Hennepin County was not going to study the matter seriously, and this study found co-location possible without taking the 57 town homes. The three houses mentioned in segment A have never been mentioned before, so this property take is unclear.

The DEIS states that for relocation, “land use is not anticipated to change along the primarily residential areas . . . because improvements are within the existing corridor” (3-34). Failure to mention the increased speed (from 10-25 mph), increased grade (to 0.86% ), increased vibrations which have not been studied according to this DEIS, and change in freight (from construction materials to coal and ethanol) constitutes negligence. This DEIS fails to adequately study the very serious impacts on the “primarily residential areas,” not to mention the five schools within ½ mile of the MN&S.

The only mitigation mentioned in section 3.1.7 Mitigation is mitigation for construction. No other mitigation is mentioned. A DEIS of this nature should include mitigation for the community accepting freight rail regardless of its route. A full list of mitigation items has been submitted as a DEIS comment by the City of St. Louis Park

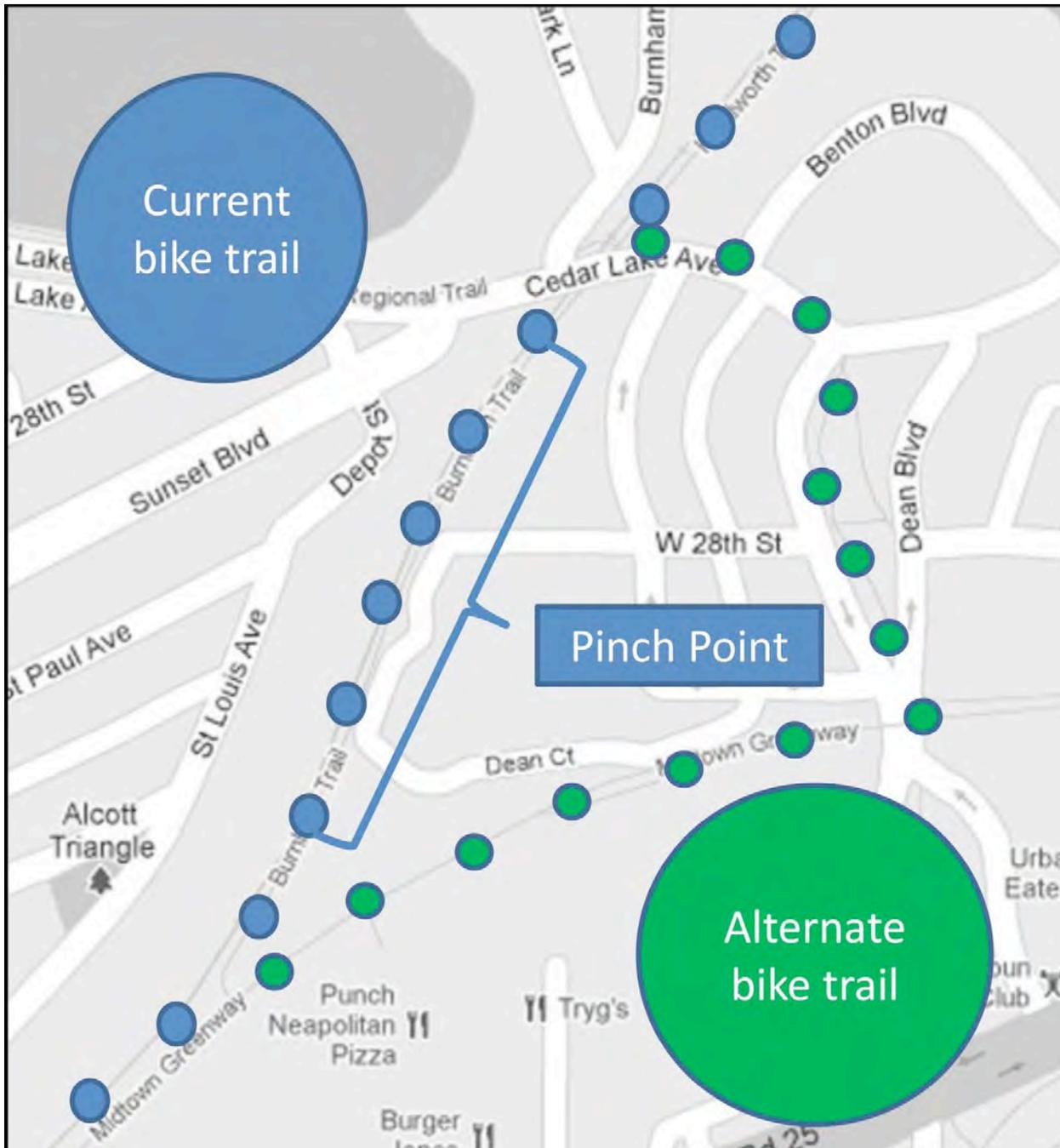
Figure 3-2.1. In this section, neighborhoods are discussed. Again, a very small radius of area is analyzed. The neighborhoods included should be all neighborhoods that where a portion of the neighborhood is within ½ mile of the FRR tracks.

In section 3.2.2.6, “Neighborhoods and Community Cohesion—Segment A,” the DEIS states, “Disruption to the community’s character [with co-location] is the introduction of additional rail facilities, i.e. LRT would be added to existing freight rail operations. With the additional tracks using a wider portion of the HCRRA corridor, the potential to alter historic properties and characteristics of the neighborhood . . . is introduced. The wider corridor with rail operations closer to residences and recreation areas decreases the opportunities for community cohesion” (3-58).

The comment that co-location has “the potential to alter historic properties and characteristics of the neighborhood” fails to recall the historic fact that as many as 14 tracks once occupied that section of the corridor. The historic characteristics of the neighborhood would not be altered at all, but rather, restored—slightly—in the form of one additional resurrected rail line. As described in Minneapolis And The Age of Railways by Don L. Hofsommer (copyright 2005 by Don L. Hofsommer, Published by the University of Minnesota Press) the Minneapolis & St. Louis (M&StL) railroad was operating its line from Minneapolis to Carver, which would have passed through what is now the Kenilworth Corridor, as early as 1871 (pages 36 and 37). At this time in history the MN&S line did not yet exist. The Kenilworth Corridor, then known as Kenwood Yard, continued to be used for mainline freight until the 1980s. The DEIS’ description of the Kenilworth Corridor as “historic,” without consideration of the factual history of the area, further demonstrates bias against co-location rather than serious study.

3.2.2.6 Discussion of neighborhood Cohesions ASSUMES that the 60 townhomes would need taking because of the assumption that the width of the Kenilworth corridor in 1/4 mile section is not wide enough for freight and light rail tracks. In fact, moving the bike trail in that same space would eliminate such a need. “With the co-location alternative, the largest disruption in community cohesion would be the acquisition of 60 housing units” (see Section 3.3).

There is absolutely no discussion of moving the bike trail instead of taking the 60 homes which artificially overstates the costs for co-location. Here is a simple diagram that shows how the bike trail can be re-directed which would cost almost nothing since the entire suggested trail is already a designated bike trail.



In the same section, namely, 3.2.2.6, “Neighborhoods and Community Cohesion—Freight Rail Re-Location Segment,” the DEIS states, “The level of freight rail service through St. Louis Park is not anticipated to change, but would be redistributed to the MN&S Line (Figure 2.3-2). Since the MN&S is an active freight rail corridor and the relocation of the TC&W traffic to the MN&S would add only a small increase in freight rail traffic, significant impacts to community cohesion along the MN&S would not be anticipated” (60).

These statements are flatly incorrect. The relocation of freight will add a significant increase in freight traffic through densely populated residential areas with narrow ROW. Rerouted freight will pass within ½ mile of five schools—within 75 feet of the St. Louis Park Senior High School. In fact, according to the DEIS itself, freight traffic will increase by 788%.

Furthermore, community cohesion will be profoundly, negatively impacted by the increased noise and vibrations due to mile-long coal- and ethanol-carrying trains climbing a grade of .86%, maneuvering through three tight curves in which engineer sightlines are limited to as few as 178 feet. Six at-grade crossings will be blocked simultaneously as the longer rerouted trains travel along the MN&S. The MN&S has never serviced unit trains of coal or ethanol, nor have the trains been longer than 45 cars. Currently, the MN&S services one, 15-20-car train per day, Monday through Friday between 9 a.m. and 6 p.m.—it travels south and returns north once per day. The rerouted traffic will send an additional 258 cars per day, and the trains will effectively travel seven days a week, twenty-four hours per day. These numbers do not include any projected increases in freight traffic.

This DEIS does not seriously consider the detrimental impact on community cohesion for St. Louis Park. It does not include the noise and vibration studies needed for determining real impact as well as necessary mitigation; it does not include traffic counts at the six, at-grade crossings that will experience prolonged blocking due to the rerouted train; it does not include traffic studies that take into account the school bus traffic traveling between the two schools bisected by the MN&S—the St. Louis Park Senior High School and Park Spanish Immersion; it does not take into account the dangerous freight passing within 100 feet and above grade through densely-populated residential areas; and it does not take into account that trains carrying hazardous materials, going around tight corners, accelerating hard to climb the steep grade, or braking hard to travel down the steep grade, will cross on bridges over Highway 7 and Minnetonka Boulevard—two very busy roads—in a compromised position. The rerouted trains would ideally cross on bridges over busy highways/roadways going straight; this is not the case for the MN&S, and there are no derailment studies included in the DEIS that discuss the impacts of this reroute.

3.2.2.6 Quotes “a small increase in freight rail traffic, significant impacts to community cohesion along the MN&S would not be anticipated.” A 788% increase is not small. The average train cars a day traveling the MN&S today is 28. The average daily train cars if the re-route would go forward would be 253 (per S.E.H. Study, April 2011 commissioned by the City of St. Louis Park). It goes on to dismiss other “community cohesion” issues such as:

A. The added freight rail bisects the high school campus, a high school with over 1300 students. This is the primary concern of most St. Louis Park residents. The tracks runs within 35 feet of the high school parking lot and 75 feet of the building itself. The school’s main athletic field is across the tracks from the high school. Children need to cross the tracks very frequently. An entire analysis of this issue along should be in the DEIS. The dangers here are enormous regardless of any planned “whistle quiet” zone. This is particularly dangerous because of the curves of the track and the speed and weight of the trains to be re-routed. The TC&W has publicly stated, and experts agree, that if a child/children are on the tracks for whatever reason, a train WILL NOT BE ABLE TO STOP to avoid a tragedy. With today’s slower, smaller, lighter traffic on that line, trains CAN stop. This is a core issue.

B. The traffic issues of blocking six at-grade auto/ped crossing including school busses entering/exiting the high school and the ripple effect of those issues because our school system “cycles” those buses from school to school.

C. The inherent danger of the longer, faster, heavier freight trains running near hundreds of homes, in some places on elevated tracks.

D. The noise, vibration issues for all residents and schools in the area.

Ironically, the DEIS states that “moving Freight rail service to the MN&S line will benefit the bus transit system by eliminating delays caused by freight rail operations. The removal of freight rail service from the Wooddale Avenue and Beltline Boulevard areas of St. Louis Park and the West Lake Street area of Minneapolis will make these areas more attractive for development/redevelopment, especially for housing” (60).

If moving freight out of an area will benefit that area, then it is certainly reasonable to assume that moving that same freight into another area will cause harm. The DEIS clearly states that “community cohesion along the MN&S would not be anticipated” (60). The document itself contradicts a fundamental issue that it purports to seriously study. This DEIS does not represent a legitimate look at co-location or re-location. It simply documents a wish by county officials to move freight traffic from its historical, logical, and safe location to a different, less-desirable location.

In section 3.2.2.7 titled “Summary of Potential Impacts by Build Alternative,” the following is stated: “LRT 3A-1 (co-location alternative) has the potential for adverse community impacts because of the conflicts that could result from having an excess of activity confined to an area not originally intended for such an intense level of transportation. In this scenario a relatively narrow ROW corridor would be forced to accommodate a freight rail line, LRT, and a multi-use trail creating an even greater barrier to community cohesion in Segment A” (3-61).

Again, the assertion that the co-location area was “not originally intended for such an intense level of transportation” is ludicrous in light of the historical facts. The Kenilworth Corridor (where co-location can occur) was originally an intensively used rail route that contained 9 separate rail lines at its narrowest point, and 15 lines at its juncture with the BNSF. In fact, the bike trail is currently using an old rail bed; this could be used by the LRT line, and safety would not be compromised as a result. Additionally, at-grade crossings would not be blocked simultaneously with co-location, nor would the freight and LRT pass residential housing above-grade, nor would the lines pass five schools within ½ mile, nor would taxpayers needlessly spend an additional \$123 million.

The DEIS also states that “the addition of the Freight Rail Relocation to all of the alternatives above would have a positive impact to adjacent neighborhoods or community cohesion because removal of freight operations along Segment 4 would eliminate a barrier to community linkages” (3-61).

This sentence simply ignores the fact that relocation would profoundly impact community cohesion in St. Louis Park. If the train is rerouted, six at-grade crossings will be blocked simultaneously by unit trains—cutting off emergency vehicle routes; the St. Louis Park Senior High School’s campus will be blocked by these same unit trains for 10-15 minutes at a time; the school’s bus transportation system will be seriously impaired due to the blocked intersection between the high school and Park Spanish Immersion; residents will face the introduction of noise and vibrations never experienced before (and not studied) in St. Louis Park as a result of the intensive grade increase to get the trains from the CP line to the MN&S. There is not one single “positive impact to adjacent neighborhoods” along the MN&S, and the DEIS itself fails to mention how relocation is an “improvement.”

In Table 3.2-2. “Summary of Neighborhood, Community Services, and Community Cohesion Impacts by Build Alternative,” co-location is cited as incompatible because “Some neighborhoods are concerned about keeping freight rail and some neighborhoods about additional freight rail traffic” (3-67). What is missing from this table are the robust concerns that St. Louis Park city officials have expressed over a decade in the form of four different resolutions. In addition, St. Louis Park residents/neighborhoods have been extremely vocal. They have expressed their concerns in the following ways: Over 1500 people signed a petition requesting co-location rather than relocation; hundreds of residents attended and spoke at two separate listening sessions held by the City Council of St. Louis Park which Gail Dorfman, county commissioner, attended. Notably, Ms. Keisha Piehl of 6325 33rd St. West in St. Louis Park spoke directly to the question of community cohesion during the April 2012 listening session ([http://www.stlouispark.org/webfiles/file/Comm\\_Dev/freight\\_comments.pdf](http://www.stlouispark.org/webfiles/file/Comm_Dev/freight_comments.pdf)).

St. Louis Park citizens, city council members, and the mayor attached extensive mitigation requests to the EAW before MNDOT vacated the document—much of that EAW is repeated in this DEIS, but the city’s and residents’ requests are not acknowledged; the Project Management Team assembled by Hennepin County included residents that represented each of the neighborhoods of St. Louis Park, and the representatives repeatedly voiced concerns about the engineering plans—those concerns were completely ignored. There are many more ways in which St. Louis Park neighborhoods voiced concerns (i.e. letters to the editor in the *Minneapolis Star Tribune* as well as other local newspapers, letters to city, county, state, and federal representatives, and so on). These concerns have been consistently ignored by Hennepin County officials and continue to be disregarded in this DEIS, but they must be included.

There is a core analytical flaw in section 3.2.2.8. It compares effects between section FRR and section A. However, it is flawed because the effects of segment “A” take into account the area north of Kenilworth corridor even though that area will be affected with or without the FRR. Therefore, this is not a reasonable conclusion. The conclusions should be drawn only from a comparison of the FRR vs. Segment A minus the area north of the point approximately at the planned Penn Station. In addition the parkland affected is overstated in the co-location alternative because in this portion entire parcels are counted while the actual amount of space affected by the freight train is nominal. Because the Cedar Lake Park is so large, it appears there is a potential large impact even though the actual area impacted is quite small.

Table 3.6-3. Visual Effects by Segment listed ZERO visual effects for the FRR because the actual Re-route is not examined, only the effects of the LRT. Even though it is clear that there will be major visual effects by the building of the ramp and the enormous increase of freight traffic in the relocation area.

3.3.3.3 Relocation plans assume purchasing of all of the town homes on the Kenilworth corridor as opposed to moving the bicycle trail. It also arbitrarily assumes the Co-location homes need taking but none of the Relocation home needs taking without any apparent analysis of how that is determined. i.e; # of feet from the tracks, etc.

In section 3.4.5.3 titled “Build Alternatives,” the DEIS states that “No National Register listed or eligible architectural resources have been identified within Segment 3” (3-79) which is the co-location segment. However, further down this page, the DEIS states that because of “the construction of new bridge structures within the historic district[,] the design and footprint of these structures may affect the banks of the historic channel and may affect the district’s overall feeling and setting” (3-79).

The language on this page suggests a direct contradiction. If there are not nationally registered resources in the corridor, why will the “historic channel” be affected? What determines “historic”? The language itself demonstrates bias against co-location and helps to explain the numerous, puzzling exclusions in the DEIS of the negative impacts related to relocation.

To be fair, the DEIS does acknowledge the following regarding relocating freight to the MN&S:

#### 3.4.5.3 Build Alternatives: Freight Rail Relocation Segment

Architectural properties in Segment FRR, which are listed in or eligible for the National Register include two historic districts and two individual properties. See the summary table and map for Segment FRR in the tables in the Section 106 Consultation Package in Appendix H.

Potential long-term effects may occur at the following properties:

- Brownie and Cedar Lakes, including the connecting channel, part of the Grand Rounds historic district (potential effects of new track construction on the features and settings of lakes and channel)

Other potential effects to historic properties in Segment FRR relate to potential noise issues.

Three areas with archaeological potential, comprising 3 acres, were identified in the Supplemental Archaeological Phase 1A along Segment FRR. Any of these that are found eligible could experience impacts from construction. (3-81)

In spite of the acknowledged impacts to historical resources along the MN&S, the DEIS favors rerouting freight rather than co-locating because the “overall feeling and setting” of the Kenilworth Corridor may be impacted (3-79). It is not made clear by the DEIS how one determines “feeling and setting” or how one even defines these attributes. What is missing from this section is commentary on how the “overall feeling and setting” will be negatively impacted along the MN&S.

In Table 3.5-2: “Potential Direct Impacts to Parkland by Segment,” the DEIS states that “no permanent impacts [are] anticipated” for the three parks along the reroute, namely Roxbury, Keystone, and Dakota (3-94). However, further down, the DEIS states that “construction footprints for the Freight Rail Relocation segment have not been developed, so acreage of temporary and long-term impacts have not been developed” (3-96). Any statement regarding impacts do not reflect reality when “construction footprints for the [FRR] segment have not been developed” (3-96). Nothing intelligent can be said about the impacts on these parks when the areas have not been studied.

Not surprisingly, the DEIS reveals that “conceptual engineering indicates that Segment A (co-location) would have a long term impact on approximately 0.88 acre. This includes a long term impact on approximately 0.81 acre in Cedar Lake Park, approximately 0.07 acre in Cedar Lake Parkway and approximately 0.01 acre in Lake of the Isles for widening the corridor to accommodate the freight rail line” (3-95). It is unclear why the corridor needs to be widened to accommodate the freight-rail line when the line already exists in the corridor, but the DEIS does not explain this mystery. In addition, as stated earlier, at its narrowest point, the corridor housed nine separate rail lines. The bike trail that now parallels the freight line is on the freight ROW; it is using an old rail bed. There is no need to widen an already wide corridor.

### 3.7 Safety:

- A. No derailment study. merely a mention of “no recent derailments”. There was at least one derailment on the MN&S within the last 20 years. And there was one derailment just two years ago of the actual trains that are to be relocated.
- B. Only two schools are listed as being “nearby” the freight rail reroute. Why is the area studied simply “nearby” and not the ½ mile rule that is used in the rest of the DEIS. If that rule was used 6 schools would be listed. Only 2 parks are listed on the FRR using the same methodology. In fact, there are more.
- C. At grade safety evaluation looks at HISTORY only when it recaps that no incidents have happened. However, this is an incorrect statement because the evaluation does not examine the new train traffic that will be realized.
- D. The entire examination of properties list the “dwellings within 50 feet” versus “property within 50 feet”. It is reasonable to assume that homeowners whose backyards and garages are within 50 feet of the tracks will experience a significant safety risk because that property is inhabited.
- E. The schools are listed as merely “entities” versus people. Therefore, an incorrect comparison is done when considering people impacted. The high school alone contains over 1300 students. Other schools contain hundreds of students as well. These numbers should be included in safety hazards.

## CHAPTER 4--ENVIRONMENTAL EFFECTS:

4.6 Air Quality, pages 66-76

MN&S Freight Rail Report from Appendix H part 1, pages 109-113

The conclusion reached in the air quality section excludes important criteria and flawed assumptions. The proposed action for the Freight Rail Relocation will result in significant increased exposure to a multiple health risk sources and decreased livability for residents.

Flawed Assumption: The DEIS states that 'freight relocation will not be a net increase in train operations but rather a relocation.' This overarching statement fails to consider that the relocation of freight is from a highly industrial land use to a high-density residential area with park and school facilities. Population density maps indicate that the majority of the area along the MN&S Sub is 1000-7500 with pockets of 7500+. In comparison, the area adjacent to the Bass Lake Spur has significantly less population density (Attachment Appendix 4).

Flawed Assumption: The relocation of freight is from the Bass Lake Spur with a straight, relatively flat track and larger ROW. The MN&S ROW is significantly smaller which means that the residents will be in closer contact to the pollution source.

Missing Information: The grade characteristics of the MN&S Spur will cause an increase in the amount of locomotive throttle needed. The necessary connection will introduce gradients that are not currently part of operational activities in St Louis Park: Wayzata Subdivision connection is 1.2% and Bass Lake Spur connection is 0.86%. TCWR commented on this aspect during the MN&S Rail Study EAW: greater grades will result in increased diesel emissions due to the need for more horsepower because of the increased grade (Supporting data A, page 4). There is no assessment for this fact.

Missing Information: The Freight Rail Re-Route design includes a siding track along the Wayzata Subdivision in St Louis Park, Minneapolis. The purpose of this siding to allow for the TCWR to wait for access to the shared trackage along Wayzata Subdivision, from approximately Penn Ave through the Twins Station congestion area. This area is shared with BNSF and Metro Transit NorthStar line. There is no discussion of how this idling of the locomotives will negatively impact air quality. Furthermore, once the the siding is in place it will be possible for not only TC&W trains to use the siding, but also BNSF trains. It is possible that the siding could be in use twenty-four hours a day, seven days a week, three-hundred-sixty-five days a year. There is no discussion about how this very possible increase in idling trains will affect air quality.

Flawed Assumption: page 4-76. It states that the queuing of vehicles when freight blocks an intersection will be similar with or without Freight Rail Reroute and would not impact air quality. This statement fails to consider the following: 1. Wooddale and Beltline Blvd are the roads in St Louis Park that would have freight removed. However, these intersections will still have significant congestion from SWLRT crossing and blockage 2. The re-routing of freight will be to an area that has more at-grade crossings (5 vs 2) and within closer proximity of each other. All five crossing on the MN&S are within 1.2 miles but the crossing on the Bass Lake Spur are approximately one mile apart. Motor vehicles will be idling significantly more while waiting at multiple at-grade crossings 3. The close proximity of the at grade crossing on the MN&S will have an accumulative impact. Trains of 20 or 50 cars will be block three intersection simultaneously. Trains of 80 or 100 cars will block all five intersections simultaneously (MN&S Report, Table 5 on page 105).

Inconsistent Statements: Page 4-72. The Freight Rail ReRoute is described as not regionally significant according to MnDot definitions. It is therefore not evaluated or accountable to air quality conformity, including CAAA requirement and Conformity Rules, 40 C.F.R 93. This application of being not significant is contradicted in other areas of the SWLRT DEIS. Including the finding in Chapter 1 of the SWLRT-DEIS that there is a "Need to Develop and Maintain a Balanced and Economically Competitive Multimodal Freight System "(1-10)

Action requested: The EPA has tightened the fine particulate regulations in December 2012. One possible source for soot pollution is diesel emissions which is a possible issue with the freight rail relocation. The locomotives that struggle with the increased grade changes will release an increased amount of diesel fumes. the air quality section should be revised and updated to reflect the tighter regulations.

Action requested: Halt any decision on the freight issue until further study is completed such that the missing information, flawed assumptions, and inconsistent statements can be answered. This secondary study needs to have a scope which the city, residents, and railroad company can agree on. Once the new studies are complete and the scope is decided, a computer generated simulation representing all of the new findings should be produced. This simulation will help residents and elected officials who are not engineers understand the impacts of the proposed reroute prior to making decisions.

4.7.7 Noise Impacts to the Freight Rail Reroute  
Section 4.7.7, pages 99-104  
MN&S Freight Rail Report from Appendix H part 1, pages 114-124

It is important to highlight the current existing traffic is during day hours, specifically from 9 a.m. to 4 p.m., on a Monday-Friday basis. With this situation, a resident with a traditional 9-5 job pattern would have very minimal exposure to the current freight. The proposed action will expand the hours of noise impact to 7AM through evening hours. In addition, the unit trains travel during the overnight hours whenever needed for business. Also, the days of service will increase to weekend usage with at least 6 days of service, if not everyday. This is significant because the current impacts to residents are limited to weekday hours with minimal impact on social, family, or neighborhood events.

It is also important to highlight that the information and hard data used to assess impacts SWLRT DEIS is a repurposing of the MN&S Freight Rail Study EAW. The EAW was in appeal process with both the City of St Louis Park and a residential group when the document was 'vacated'. It has been used in the SWLRT DEIS as the hard data, included in the Appendix H as a the MN&S Freight Rail Study. It is reasonable to state that the same issues that were being appealed with methodology, impact assessment, and environmental act violation exist in the SWLRT DEIS.

Comment on Section 4.7.7 regarding the field study, noise analysis

There is disagreement with the methodology used in the Noise Section in the MN&S report in the appendix. This report is the document used as the field work to evaluate the noise impacts for the Freight Rail Reroute in the SWLRT DEIS. The noise analysis is located in the MN&S Report on pages 114-124. The noise assessment is both missing important criteria and has flawed assumptions within the scope of the field work.

Missing Information: There is no noise assessment or field data gathered for the existing noise along the Bass Line Spur. This data is critical for the full understanding of the existing noise level of the TCWR traffic and how this level of noise compares to the noise measurement taken along the MN&S tracks.

Missing Information: The Bass Lake Spur to MN&S Spur connection will be a mile long structure that has a 0.86% grade change. The noise assessment in the MN&S Report does not discuss or evaluate how this new structure will impact noise. TC&W commented to this aspect- specifically stating that there will be increased and significant noise due to accelerating locomotives struggling to make the increased grades (Supporting data A, page 4). In addition, the City of St Louis Park Appeal to the MN&S Freight Rail Study EAW stated that the noise section did not address the noise created by additional locomotives needed to pull trains up the incline (Supporting data B, page 15).

Missing Information: The Bass Lake Spur to MN&S connection is a large and significant bridge structure with a tight curve. The noise assessment in the MN&S Report does not study or consider the impacts to the homes located on southeast corner (east of the MN&S Spur, south of the Bass Lake Spur). The residents will have an introduction of noise from a new source due to the additional locomotive throttle and curve squeal.

Missing Information: The MN&S Report and the noise assessment does not consider the grade needed to connect from the BNSF Wayzata Subdivision to the MN&S Spur. This is the area of the project that is known as the Iron Triangle. It is identified as a 1.2% grade on the MN&S Alignment Profile (Attachment Appendix 4). TC&W identified this missing information in their comment to the MN&S Freight Rail EAW (Supporting data A, page 4).

Missing Information: The MN&S Report does not assess the noise impacts to the residential homes near the Iron Triangle. The use of the Iron Triangle for the connection from the MN&S Spur and the BNSF Wayzata Subdivision includes changing the land use from an inactive to an active rail corridor. The adjacent residential homes are located at 50-100 ft distance from the proposed connection. In addition, this is an introduction of freight noise not current experienced by the community.

Missing Information: The Bass Lake Spur to MN&S Spur connection will include an eight degree curve. The field data in the MN&S Report does not evaluate the potential of this curve to be a noise source. Again, a comment by TC&W states that “the increased curvature creates additional friction, which amplifies the noise emissions including high frequency squealing and echoing” (Supporting data A, page 4). The City of St Louis Park also included the squealing wheel as a noise source in the appeal to the EAW (Supporting data B, page 15).

Missing information: The MN&S Report does not include assessment on the noise source of the stationary crossing signals and bells. It does not assess the noise generated from these stationary sources as either a solo intersection or as multiple intersection events. The characteristics of the MN&S sub includes 5 at grade crossing within close proximity. It is fact that multiple crossings will be blocked simultaneously with the re-routed freight causing all stationary sources of noise to be generated simultaneously. This characteristic will compound noise impact.

Missing Information: FTA Noise and Vibration Manual, Section 2 3.2.2: It is recommended that Lmax be provided in environmental documents to supplement and to help satisfy the full disclosure requirement of NEPA.

- The Lmax was not included in the noise section of the MN&S Report which would satisfy full disclosure.
- FTA Noise and Vibration Manual, Appendix F Computing Maximum Noise Level or Lmax for Single Train Passby (Attachment Appendix 4).
- The net change of Lmax will be significantly increased due to the increase in variables from the existing traffic to the proposed traffic. The variables expected to increase are speed (10 MPH to 25 MPH proposed), Length locos (2 locomotives current vs 4 locomotives for proposal to re-route) and Length cars (average current traffic is 20 cars vs 120 cars in the proposed rerouted traffic). This is a significant and important measurement that could be used to better understand the change in noise impacts.
- MN&S Freight Rail Study EAW Brief of Relators Appeal, Jami Ann LaPray, et al cites the lack of information on the Lmax as evidence that the noise study is inadequate. In detail, the appeal states that the use of Ldn is inadequate because it is an average noise level over 24 hours, not reflective of the noise impacts that a resident will actually hear (Supporting data C, page 23).

Flawed assumption: The noise section assumes that the re-routed freight will be able to travel at 25 MPH without consideration of the grade change of both the current MN&S profile and the new constructed interconnect structure.

Flawed assumption, improper analysis: The noise assessment was done with the current MN&S freight which has 2 locomotives and 10-30 cars. The freight traffic that will be rerouted will have trains that have up to 4 locomotives and 120 car length and it is projected to be a 788% increase as compared to the current freight. The noise assessment in the MN&S Report uses the current freight noise without consideration that the train profile will change, the amount of time of exposure to the noise will increase due to more trains per day with expanded hours of operation, and the duration per pass by will increase.

Missing information, improper analysis: Table 11 on the MN&S Report has a list of properties that are expected to have severe noise impacts. The distance to the impacted sites vary from 80 to 355 feet, with 273 out of the 327 total sites within 120 ft. In general, this analysis is improper because the impacts to the LRT sections are discussed as within half mile. The greatest distance discussed for freight is 355ft so the methodology for noise impact is not equally applied. Specifically, it is highly probable that expanding the impact footprint will increase the numbers for both moderate and severe impacts. Therefore, the number of sites with impacts is grossly underestimated.

Flawed assumption: There are currently no trains on the MN&S during night hours. The proposed re-routed freight will include unit trains at night. This is briefly discussed in the noise analysis but it was minimized and not properly described as a significant negative impact. The City of St Louis Park appeal asked that this noise source be considered a severe impact (Supporting data B, page 15).

Flawed assumption: The noise impact section for the FRR section describes that all severe noise impacts are a result of the train whistle at at-grade intersections. It is also a flawed assumption to state that a quiet zone will eliminate all severe noise impacts. Page 4-101. The assertion is not correct because the noise assessment within the MN&S Rail Report is missing data as described above.

Table 4.7-13 MN&S Relocation Noise Impacts: This table describes that there would be moderate noise impacts at 95 sites and severe noise impacts at 75 sites. This data is grossly underestimated. It is not possible to understand or evaluate the impacts because the field work and assessment had missing data and flawed assumptions as described above.

Figure 4.7.2- The figure does not include the noise sites for the Freight Rail Reroute. This is missing information and should be considered as an argument that the project proposer has not studied all sections equally or with due diligence.

Comments on the mitigation proposed for noise impacts

Federal guidelines:

FTA Noise and Vibration Manual 2 Section 3.2.4- Mitigation policy considerations--Before approving a construction grant--FTA must make a finding that ...ii the preservation and enhancement of the environment and the interest of the community in which a project is located were considered and iii no adverse environmental effect is likely to result from the project or no feasible and prudent alternative to the effect exist and all reasonable steps have been take to minimize the effect.

Reasonable steps have not been taken to minimize the effect. The only mitigation for noise is a Quiet Zone but after this mitigation, the level of noise impact is still moderate. Assuming that the assessment is valid and complete.

The noise mitigation section of the manual (section 3.2.5) state that moderate level noise should be further mitigated under certain circumstances/factors. There is a compelling argument for mitigation when a. large number of noise sensitive site affected b. net increase over existing noise levels c. community views. The NEPA compliance process provides the framework for hearing community concerns and then making a good faith effort to address these concerns.

The Freight Rail Relocation is within a high density residential community and within half mile of 5 schools. The MN&S tracks have a narrow Right of Way with many adjacent residential parcels at 50-100 ft. It is within reason to state and request that further mitigation should be part of this SWLRT DEIS due to FTA noise and vibration manual description (section 3.2.5).

A Quiet Zone is described as reasonable mitigation for the noise impacts for the FRR section. A quiet zone evaluation is done with the FRA, MNDot, and Rail companies. The evaluation of the possible improvements needed are based on vehicle traffic traditionally. In fact, the rules on how pedestrians and pedestrian safety should be treated is not clear. It is improper to consider and/or a design a quiet zone in FRR without proper weight on the high pedestrian use of the St Louis Park High School area. In addition, it is critical to note that the traffic analysis within the MN&S Report includes no data on pedestrian or bike traffic for the FRR section. The residents and communities requested this additional count information but were repeatedly ignored during the PMT meeting on the MN&S Study.

The real life situation is that the school is bookended by two blind curves, making it impossible for a rail conductor to view a dangerous situation in time to divert a disaster. The conductor has the right to blow their horn in situation that are considered hazardous, regardless of a quiet zone status. The characteristics of the MN&S have innate conditions with close populations of students, division of a school campus, and blind curves. It should be factored in the noise analysis that the railroad companies will continue to use whistles.

The proposal for a Quiet Zone was also included in the MN&S Freight Rail EAW. Both the Canadian Pacific Railway and TC&W Railroad commented in a negative manner during the comment phase. CP stated "designing and constructing the improvements needed for FRA requirements may be difficult- especially considering the site and geometrics of the corridor." Supporting document d. The comment by TC&W was that they "have safety concerns due to a number of factors: 1. increase in train size, speed, and frequency: 2. proximity to schools, businesses, and residential and 3. an increased number of at grade crossings" (Supporting document A, page 5).

Action requested: Halt any decision on the freight issue until further study is completed such that the missing information, flawed assumptions can be answered. This secondary study needs to have a scope which the city, residents, and railroad company can agree on. Once the new studies are complete and the scope is decided, a computer generated simulation representing all of the new findings should be produced. This simulation will help residents and elected officials who are not engineers understand the impacts of the proposed reroute prior to making decisions.

Action requested: SWLRT DEIS should include a diagram, discussion, and specifics of the quiet zone designs proposed. This is necessary prior to a decision on the freight issue in order to understand if a Quiet Zone is even feasible or realistic for the FRR.

Action requested: SWLRT DEIS should include a full list of mitigation that could be considered for both moderate and severe noise impacts for the FRR.

Action requested: SWLRT DEIS should include mitigation option if the implementation of a quiet zone is not plausible.

Action requested: The project management for the SWLRT should engage and include the EPA in the discussion of the noise impacts to the FRR. It should act in accordance to the Noise Control Act (1972) Pub.L. 92-574 (sec. 1). "The Congress declares that it is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health or welfare." This interaction should include all stakeholders, including the City of St Louis Park, operating rail companies, and impacted residential groups.

Action requested: The project management should include consideration of the legal precedents for noise impacts and inverse condemnation. *Alevizos et al. v. Metropolitan Airport Commission* no 42871 on March 15, 1974 is an example. In this case: Inverse condemnation is described as "direct and substantial invasion of property rights of such a magnitude that the owner of the property is deprived of its practical enjoyment and it would be manifestly unfair to the owner to sustain thereby a definite and measurable loss in market value which the property-owning public in general does not suffer. To justify an award of damages, these invasions of property rights must be repeated, aggravated, must not be of an occasional nature, and there must be a reasonable probability that they will be continued into the future." Although the noise source in this lawsuit was airport based, it is reasonable to use the same guiding principles for the Freight Rail Re-Route section. The FRR, if implemented, is an introduction of a transit method which will have significant impacts to the communities.

source:<http://airportnoiselaw.org/cases/alevizo1.html>

4.8.4 Vibration Impacts to the MN&S Freight Rail Relocation, page 117  
MN&S Freight Rail Report from Appendix H part 1, pages 124-130

It is important to highlight the current existing traffic is during day hours, specifically from 9AM to 4PM, on a Monday-Friday basis. With this situation, a resident with a traditional 9-5 job pattern would have very minimal exposure to the current freight. The proposed action will expand the hours of noise impact to 7AM through evening hours. In addition, the unit trains travel during the overnight hours whenever needed for business. Also, the days of service will increase to 7 day per week. This is significant because the current impacts to residents are limited to weekday hours with minimal impact on social, family, or neighborhood events. The neighborhoods were developed around a secondary infrequently used track. The re-routed freight will increase the tracks to a moderate use freight line.

It is also important to highlight that the information and hard data used to assess impacts SWLRT DEIS is a repurposing of the MN&S Freight Rail Study EAW. The EAW was in appeal process with both the City of St Louis Park and a residential group when the document was 'vacated'. It has been used in the SWLRT DEIS as the hard data, included in the Appendix H as a the MN&S Freight Rail Study. It is reasonable to state that the same issues that were being appealed with methodology, impact assessment, and environmental act violation exist in the SWLRT DEIS.

There is disagreement with the methodology used in the Vibration Section in the MN&S report in the appendix. This report is the document used as the field work to evaluate the vibration impacts for the Freight Rail Reroute in the SWLRT DEIS. The assessment is both missing important criteria, improper analysis, and flawed assumptions within the scope of the field work.

Missing Information: There is no vibration assessment or field data gathered for the existing vibration along the Bass Line Spur. This data is critical for the full understanding of the existing vibration level of the TCWR traffic and how this level of noise compares to the vibration measurement taken along the MN&S tracks. TC&W commented on this missing information during the comment phase for the MN&S Rail Study EAW (Supporting document A, page 4).

Missing Information: The Bass Lake Spur to MN&S Spur connection will be a mile long structure that has a 0.86% grade change. The vibration assessment in the MN&S Report does not discuss or evaluate how this new structure will impact vibration.

Missing Information: The Bass Lake Spur to MN&S connection is a large and significant bridge structure with a tight curve. The vibration assessment in the MN&S Report does not study or consider the impacts to the homes located on southeast corner (east of the MN&S Spur, south of the Bass Lake Spur). The residents will have an introduction of vibration from a new source which is missing for the scoping of the field study.

Missing Information: The MN&S Report and the vibration assessment does not consider the grade needed to connect from the BNSF Wayzata Subdivision to the MN&S Spur. This is the area of the project that is known as the Iron Triangle. It is identified as a 1.2% grade on the MN&S Alignment Profile (Attachment Appendix 4).

Improper analysis: The same impact guidelines were not used in the vibration impacts for the LRT and the Freight Relocation. For the MN&S Report, the locomotive events were considered infrequent and the rail car events was considered occasional. Appendix H, page 127. For the vibration impacts on the alternatives, the SWLRT DEIS describes the locomotive events to be infrequent also but the rail car events was described as heavy. Page 4-107, 108. The distance for heavy, frequent impacts are at distances of 150 ft. The DEIS statement and the MN&S Report statement do not support each other, conflicting data presented. In addition, the only impacts discussed was at 40 ft but the proper distance should be 150 ft. This improperly underestimates the number of sites which would have vibration impacts.

Missing information: The MN&S Report does not include any information on the proximity of the MN&S tracks to structures at adjacent parcels. The MN&S Report also does not discuss how the building of the connection in the Iron Triangle will introduce a vibration source to the adjacent residents.

Improper analysis: The field work and vibration measurements were established with two train passages: both with two locomotives, one with 6 cars and the other with 11 cars. The existing freight conditions on the MN&S are described in the MN&S Report as 2 locomotives, 10-30 cars. Based on this, the vibration measurements were taken with either below or at the low end of the current vibration conditions. It is improper to consider these measurement as representative of the existing vibration.

Improper analysis: The vibration impacts to the Freight Rail Relocation was evaluated with the current freight traffic. This is improper because the re-routed freight will be significantly different: increased locomotives from 2 to 4, increased rail cars from 20 to 120, increased of speed from 10 MPH to 25 MPH. The result of this error will be that the vibration impacts will not be accurate. The City of St Louis Park commented on this in the appeal to the MN&S Freight Rail Study EAW: vibration analysis doesn't accurately reflect existing and proposed rail operations because the field work is based on existing short train (Supporting data B, page 16).

Improper analysis: An independent vibration study was done by a Lake Street business owner during the MN&S Freight Rail Study (Attachment Appendix 4). With consideration of the independent study, the vibration information within the SWLRT DEIS and the MN&S Report are improper due to 1. Measurements within the building were 84 VdB. According to the MN&S Rail Study, impacts for category 2 is 72 VdB for frequent events. The impacts specs for frequent events in category 3 is 75 VdB. The conclusion in the independent study is that vibration currently exceeds federal guidelines. 2. the independent measurements were taken within a 24 second time frame. The proposal to re-route traffic is expected to travel past a fixed point for 10 minutes. 3. The independent measurements were taken within a brick construction structure. In

comparison, vibrations have increased impacts within 'soft' construction which is typical of residential house construction. It is reasonable to state that the vibration within an adjacent residential structure would be greater at the same distance. 4. Note: The independent study was conducted on April 13, 2011. The MN&S Study measurements were taken in February 2011 during a year with record snow accumulations. It is possible that the MN&S Report Field study is improper because weather and normal winter ground conditions allowed for an erroneous low measurement. The MN&S Freight Rail Study EAW Brief of Relators Appeal, Jami Ann LaPray.... appealed on the independent study and the failure of the project management for the MN&S Report to address inconsistencies between the two field studies (Supporting data C, page 26).

Improper Analysis: The MN&S Report discusses the vibration impacts based on the vibration levels needed for property damage. It fails to discuss the level of vibration considered for human annoyance. The MN&S Freight Rail Study EAW Brief of Relators Appeal, Jami Ann LaPray.... appealed on this omission (Supporting data C, page 27).

Action requested: Halt any decision on the freight issue until further study is completed such that the missing information, flawed assumptions can be answered. This secondary study needs to have a scope which the city, residents, and railroad company can agree on. Once the new studies are complete and the scope is decided, a computer generated simulation representing all of the new findings should be produced. This simulation will help residents and elected officials who are not engineers understand the impacts of the proposed reroute prior to making decisions.

Action requested: the FTA noise and vibration manual points out that vibration control measures developed for rail transit systems are not effective for freight trains. Consideration of this information should be weighted within the discussion of impacts.

Action requested: SWLRT EIS should include a full list of mitigation that could be considered for both moderate and severe vibration impacts for the FRR.

#### 4.9 Hazardous and Contaminated Material page 119-130

Missing information: Table 4.9-1 has sites listed for the Freight Rail Reroute section. Diagram 4.9-3 to 4.9-5 has the FRR located on the diagram but the sites are not diagrammed as expected. It is not possible to evaluate the impacts of hazardous material without knowing where the sites are located. Therefore, it is not possible to comment effectively

Missing information: Page 4-127. There is a brief description of the Golden Auto Site. The comments by Canadian Pacific during the MN&S Freight Rail EAW should be considered: Due to the possibility of disturbing contaminants at the Golden Auto National Lead Site, it is unlikely that CP would be interested in taking responsibility for construction or ownership of the new connection between the Bass Lake Spur and the MN&S. The City Of St Louis Park also documented concerns on this site in their appeal to the EAW: The proposed interconnect structure will be constructed between city maintained wells near the Golden Auto site that may be impacted by construction or vibration (Supporting data B, page 20).

Missing information: Highway 7 and Wooddale Ave Vapor Intrusion site is located on the Freight Rail Reroute section. The SWLRT DEIS does not describe this MPCA, EPA site in the Hazardous Material section or analyze how the introduction of longer, heavier trains with increased vibration will impact the pollution potential.

Improper Analysis: Table 4.9-6 lists Short Term Construction Costs of Hazmat/Contaminated Sites. It is improper for the cost of the FRR to be added to alternative 3C-1, 3C-2. Both of these routes have the LRT traveling in the Midtown Corridor which makes it possible for the freight to remain in the Kenilworth Corridor.

Missing information: The SWLRT DEIS fails to analyze the long term costs. In detail, the long term expense of building the Bass Lake Spur to MN&S Spur connection on contaminated soil or the Golden Auto National Lead site.

Action requested: Halt any decision on the freight issue until further study is completed such that the missing information, flawed assumptions can be answered. This secondary study needs to have a scope which the city, residents, and railroad company can agree on. Once the new studies are complete and the scope is decided, a computer generated simulation representing all of the new findings should be produced. This simulation will help residents and elected officials who are not engineers understand the impacts of the proposed re-route prior to making decisions.

## CHAPTER 5 - ECONOMIC EFFECTS:

### 5.0 Economic Effects:

On September 2, 2011 the FTA mandated that the proposed freight rail reroute from the Bass Lake Spur to the MN&S Spur must be added to the SWLRT-DEIS (Letter from Marisol Simon, FTA to Susan Haigh, Met Council Safe in the Park - Chapter 5 Appendix – Document 1)

Because of this mandate addition of the proposed re-route must be included in the “study area” in a regular and consistent basis. Unfortunately, the inclusion of the proposed reroute in the analysis of this section is inconsistent. The inconsistency of the inclusion of the proposed re-route leads to inconsistent and incorrect conclusion about the cost of the SWLRT.

### 5.1 - Economic Conditions

Section 5.1 does not present any analysis, it is just cheerleading. Broad generalizations are made without substantiation. Terms such as “study area, market reaction and earning and output” are used, but the study area is not defined, which market is reacting is unclear and how earnings and output are determined is not explained (5-1).

In the last paragraph of this section the names of the resources used to determine output, earning and employment are given, but no links are supplied for reference. Furthermore, not only does the source used for the analysis of multipliers is the 1997 Benchmark Input-Output Table, not have a link, but it will also be over 20 years old by the time the SWLRT is complete (5-2). It seems irresponsible to base the cost of a multi-billion dollar project on decades old data.

Without links or data tables in the Appendix of the SWLRT-DEIS it is difficult if not impossible for the average resident to make substantive comments about the data tables in this sections. Due to the November 26, 2012 revelation (Correction Letter from HDR and updated table Safe in the Park - Chapter 5 Appendix – Document 2) about “typos” the need for reference materials is all the more important.

#### 5.1.1 - Output, Earnings and Employment Effects from Capital expenditures

Capital cost estimates/constructions values are presented in year of expenditure (YOE) dollars. However, the year actually used for analysis in this document is not shared. Also, the YOE must change since the construction of the SWLRT will cover more than one year. Without hard data and a moving YOE substantive comment is impossible creating an analysis that is opaque and not transparent.

### **Table 5.1-1 - Summary of Capital Cost (in YOE dollars) by Build Alternative**

The re-routing of freight trains from one area to another is not unique to St. Louis Park. Train rerouting has occurred throughout the United States, Canada and Western Europe. Multiple studies about the impacts of such re-routes exist. One item that consistently appears in all the studies (Property Valuation Articles and summary - Safety in the Park - Chapter 5 Appendix - Documents 3-8) is the negative impact of the re-routed freight trains on the community that is forced to accept the trains. Although the negative impacts on small business and the loss of property value in these cases can't be called a capital cost, the negative impacts are costs nonetheless.

Because the table 5.1-1 does not include the loss of property value and loss of small business revenue in the re-route area of LRT 3A (LPA - Re-Route) the true cost of LRT 3A (LPA- Re-Route) route and how it compares to the other LPA routes is not known (5-3).

#### **5.1.1.2 Funding Sources**

As with section 5.1 the names of the reference sources are given, but no links or actual data tables are provided. This lack of information puts the average resident who does not have a paid staff to help with their SWLT-DEIS comment at a disadvantage. Despite or perhaps because of the disadvantage, questions about the conclusions arise and are as follows:

- Final demand earnings--Are these earnings adjusted or disappear if a construction company or engineering firm from outside the Minneapolis—St.Paul-Bloomington Metropolitan Statistical Area (MSA) is chosen?
- The state participation dollars are considered “new” dollars, but the MSA is the biggest funding source for the state, so are they truly “new” dollars?
- When the number of jobs and earnings are calculated are the jobs lost to business takes or floundering small businesses in the study area figured into the final numbers?

#### **5.2.1 Land Use**

5.2.1.3 - It is unclear from the text of this section if the land use in the re-route area along the MN&S is included in the percentages given. If not, why not?

## 5.2.2 and 5.2.3 Short Term Effects and Mitigation

Although the titles of Table 5.2-2 and 5.2-3 include the words “Station Area” the text of 5.2.2 and 5.2.3 state that the tables will explain the short term effects and needed mitigation for the entire alignment of each LRT route (5-4 and 5-5). The text in each table also refers to the entire alignment of the LRT routes with the exception of the LRT 3A (LPA-reroute.) Because the MN&S Spur area is part of the LRT 3A (LPA-re-route) alignment it must be included in the analysis of the short term effects and needed mitigation . If the re-route portion of the LRT 3A (LPA-reroute) is not included in the analysis, the conclusion drawn will be incorrect.

The re-route are of LRT 3A (LPA-re-route) appear to have been left out of the tables 5.2-2 and 5.2-3. Below are comments about short term effects and mitigation that need to be added to LRT 3A (LPA re-route) so it can be compared equally to the other LRT routes.

Table 5.5-2 - Short Term Effects

- Environmental Metric: Access Circulation - LRT 3A (LPA-reroute) **High**
  - Potential impacts to the CP along the MN&S Spur during construction of the new tracks eight feet east of the current track alignment. During regular track maintenance during the summer of 2012 there were anomalies in rail service.
  - Potential to impact access to homeowners whose properties are properties abut the MN&S.
- Environmental Metric: Traffic - LRT 3A (LPA reroute) **Medium-High**
  - During construction temporary closures of at-grade crossings. Depending on the crossing that are closed and the duration of the closings there could be impacts to small businesses and access by emergency vehicles to homes.
  - The building of the new rail bridge over TH 7 will cause service interruptions to the CP. The rail companies commented in the EAW about service delays that could be a month or more during MN&S track reconstruction.  
[http://www.mnsrailstudy.org/key\\_documents](http://www.mnsrailstudy.org/key_documents)

Table 5.2.3 - Mitigation

- Proposed Mitigation for Short-term Effects - LRT 3A (LPA-re-route) - Besides listed construction mitigation will the CP need a temporary bridge over TH7 or temporary trackage while a new berm is built and new trackage laid?

## 5.2.4 Long-Term Effects

Although the title of Table 5.2-4 includes the words “Station Area” the text of 5.2.4 states that the table will explain the long effects and needed mitigation for the entire alignment of each LRT route (5-8). The text in the table also refers to the entire alignment of the LRT routes with the exception of the LRT 3A(LPA reroute.) Because the MN&S Spur area is part of the LRT 3A (LPA reroute) alignment it must be included in the analysis of the long-term effects. If the re-route portion of the LRT 3A (LPA-reroute) is not included in the analysis, the conclusion drawn will be incorrect.

Table 5.2-4 - Long Term Effects - Environmental Metrics

- Environmental Metric: Consistency with Land Use Plans
  - LRT 3A (LPA - re-route)
    - Inconsistent with city vision which does not mention as desire for the freight rail to be moved from the Bass Lake Spur to the MN&S Spur [http://www.stlouispark.org/vision-st-louis-park/about-vision-st-louis-park.html?zoom\\_highlight=vision](http://www.stlouispark.org/vision-st-louis-park/about-vision-st-louis-park.html?zoom_highlight=vision)
    - Multiple St. Louis Park City resolutions that state the re-routing of freight is unacceptable (1996--City of St. Louis Park Resolution - 96-73 (Safety in the Park Chapter 1 Appendix- Document 1) 2001 City of St. Louis Park Resolution - 01-120 (Safety in the Park Chapter 1 Appendix - Document 2) 2010 City of St. Louis Park Resolution - 10-070 [http://www.stlouispark.org/webfiles/file/freight\\_rail.pdf](http://www.stlouispark.org/webfiles/file/freight_rail.pdf) 2011 City of St. Louis Park Resolution 11-058 [http://www.stlouispark.org/webfiles/file/community-dev/5-31-11\\_resolution\\_relating\\_to\\_freight\\_activity\\_in\\_slp.pdf](http://www.stlouispark.org/webfiles/file/community-dev/5-31-11_resolution_relating_to_freight_activity_in_slp.pdf))
  - LRT 3A-1 (LPA - Co-location)
    - The Minneapolis and Hennepin County Land Use plans do not predate the St. Louis Park City resolutions rejecting the freight rail reroute.
    - SEH Plan safer and less costly than Re-route ([http://www.stlouispark.org/webfiles/file/community-dev/techmemo\\_4.pdf](http://www.stlouispark.org/webfiles/file/community-dev/techmemo_4.pdf).)
    - Issues with transit-oriented development are surmountable. The Cleveland trains pages 41 to 43 in the common corridors document clearly demonstrates feasibility and safety of running lrt and freight at grade, at high speeds, and without safety fences. Nearly 50 years without incident in this co-location corridor <http://www.fra.dot.gov/downloads/research/ord0316.pdf>

- Environmental Metric: Displacement Parking/Access Regulations
  - LRT 3A (LPA - re-route)
    - Small Businesses in the re-route area are likely to experience negative impacts caused by blocked intersections, noise and vibration due to re-routed freight trains
    - Schools in the re-route area are likely to experience access issues due to longer more frequent freight trains
  - LRT 3A-1 (LPA - Co-location) - Access issues in the co-location area are similar to the access issues faced at Blake Rd. and on the proposed Bottineau Line. All are surmountable.
  
- Environmental Metric: Developmental Potential
  - LRT 3A (LPA - re-route) -
    - Potential development for Lake Street small businesses will be negatively impacted
    - Potential for homeowners to take part in St. Louis Park City Plans to upgrade their homes will be impacted by the negative implications of increased freight traffic on property values  
(<http://www.stlouispark.org/remodeling-incentives.html>)
  - LRT 3A-1 (LPA - Co-location) - No changes needed to text

### 5.2.5 Mitigation

The statement in section 5.2.5.3 “All Build Alternatives are anticipated to have some degree of positive effect on development potential for the local community and region. No mitigation is required” (5-22) might be true for the alignment areas near the SWLRT, but it is completely untrue about the alignment portion of LRT 3A (LPA - re-route) that includes the re-route. There are no benefits from the SWLRT that are great enough to override the negative impacts of the re-route.

## CHAPTER 6 - TRANSPORTATION EFFECTS:

### Section 6.2 Effects on Roadways

Table 6.2-1 lists all of the Build Alternatives which all include the FRR with the exception of 3A-1. All of these alternatives should be re-evaluated to determine whether the re-route is necessary or that extended co-location of light rail and freight rail can continue east of the MNS crossing.

#### 6.2.2 Long-Term Effects

##### 6.2.2.2 Physical Modifications to Existing Roadways

Missing are modifications for the Freight Rail Re-Route at grade crossings. No evaluation for circulation patterns for the proposed closing of 29th street. Evaluation of impacts of the proposed Whistle Quiet Zones at the MNS/Library Lane/Lake Street intersection and Dakota Ave are also missing. This section requires further study.

##### 6.2.2.3 Operational Impacts at Intersections

According to the criteria for selecting crossings for evaluation, the second criteria is *“Intersections where a signal, roundabout, or stop sign controlling the roadway crossing the tracks was located within 600 feet of the LRT crossing.”* MNS crossings at Walker Street, Library Lane, and Dakota all fall into this category and require LOS analysis. Additionally it should be noted that the Lake Street crossing lies within 600 feet of State Highway 7. A more thorough evaluation of the roadways in the vicinity of the MN&S tracks is clearly required. Cedar Lake Road???

Missing are factors for growth both for vehicle traffic and freight train traffic with regard to traffic impacts on the Freight Rail Re-route on the MN&S track at-grade crossings.

On page 6-38, in the queuing analysis for the freight rail re-route, the analysis of traffic delays refer to the afternoon school bus crossing at Library lane/Lake St. The delay was stated to be 3-4 minutes and involved queuing of 2 to 6 vehicles. We conducted our own traffic count over the course of three days this fall and made the following observation:

	DEIS Survey	Tue, 12/4/12	Wed, 12/5/12	Thu, 12/6/12
Blockage Time mm:ss)	03:00-04:00	02:01	02:09	02:18
Eastbound Lake St	6	9	6	10
Westbound Lake St	2	11	8	9
Southbound Library Ln	4	3	2	1

A brief interview with the police officer who routinely conducted the traffic stoppage stated that the traffic we observed was typical and that occasionally the eastbound Lake St. traffic backs up past Walker St. Extrapolating our counts using the train blockage times listed in the DEIS for the FRR we calculate queues greater than 120 cars (12.5 minutes worst case scenario) may be possible. The discrepancy noted in these observations warrant further study using accurate measurement tools and growth factors for both the vehicle and freight train traffic.

The evaluation using the school bus scenario explained on page 6-38 also completely misses the opportunity to analyze the effect a 12.5 minute delay would have on the afternoon school bus traffic between PSI and the High School. Delays of this magnitude would severely delay and complicate the scheduled bus movements for the rest of the afternoon. A thorough evaluation of both the morning and afternoon school bus traffic is needed to fully determine the impacts to the schools and community.

On page 6-39 during the analysis of Segment A of 3A-1 Alternative a 20 year growth factor of 1.12 were applied to the vehicle counts. This is not comparable to the method used on the FRR segment.

#### Section 6.2.4 Mitigation

The DEIS suggest the addition of street signage warning motorists of an approaching train to grade separated crossings. The plural on crossings is interesting because to our knowledge no additional grade separated crossings on the MN&S are proposed so only the current Minnetonka Blvd crossing would apply. The placement of these signs would be problematic in that they would need to be far from the affected sites in some cases and have no direct bearing on the local situation. For example, signs indicating train traffic for westbound Lake St traffic would need to be located at Hwy 100 in order to re-direct them onto Minnetonka Blvd. These signs would also have the unintended consequence of putting drivers unfamiliar with the neighborhood on local streets.

## 6.3 Effects on Other Transportation Facilities and Services

### 6.3.1 Existing Facilities

#### 6.3.1.2 Freight Rail Operations

This section has a discussion of the current freight traffic on the four active rail lines in the study area. Due to the longevity of the decision being made regarding freight rail traffic, any evaluation that does not include predicted future growth of freight and /or commuter rail operations on both the MN&S and Kenilworth configurations seems very short sighted.

#### Section 6.3.1.4 Bicycle and Pedestrian Facilities

The bicycle and pedestrian trails are referred to as “interim-use trails.” Alignments of the LRT and Freight rail tracks in the Kenilworth corridor should be considered with additional co-located configurations and alternate locations of the bicycle and pedestrian trails.

### 6.3.2 Long-Term Effects

#### 6.3.2.2, Freight Rail Operations

Discussion of the freight rail track bed in the Bass Lake Spur corridor for the co-location alternative fails to recognize that these improvements would be necessary regardless of which alternative is used. Unless a southern interconnect to the MN&S is built and the Skunk Hollow switching wye is removed these tracks will be necessary to facilitate the use of the wye. This would include the bridge over Hwy 100. This cost must be included in the estimates for either the 3A or the 3A-1 alternatives.

## CHAPTER 7 - SECTION 4(f) EVALUATION:

### 7.0 Section 4(f) Evaluation

Chapter 7.0 of the SWLRT DEIS includes an analysis of the potential use of federally protected properties for the various proposed routes of the project. This response specifically relates to Section 4(f) impacts to routes 3-A (LPA) and 3A-1 (co-location); the remaining routes are not included as a part of this comment. The comment is organized by route, using 3A as a basis for comparison. This comment surfaces omissions, inconsistencies, and route alternatives not included in the DEIS, but that must be addressed in further analysis by the design team and included in the subsequent FEIS.

Before analyzing and comparing Section 4(f) impacts to routes 3A and 3A-1, it is important to make clear that the bike and pedestrian trails currently within the HCRRRA ROW are not protected via Section 4(f) rules and guidelines as stated in Section 7.4 on page 7-6 of the DEIS: *“ The existing trails adjacent to Segments 1, 4, A and a portion of Segments C (the Cedar Lake LRT Regional Trail, Minnesota River Bluffs LRT Regional Trail, Kenilworth Trail, and Midtown Greenway) were all constructed on HCRAA property under temporary agreements between the HCRRRA and the trail permittees. As documented in each trail’s interim use agreement, HCRRRA permitted these trails as temporary uses with the stipulation that they may be used until HCRRRA develops the corridor for a LRT system or other permitted transportation use. Therefore these trails are not subject to protection as Section 4(f) property “.*

#### Route 3A

Table 7.4-1 of the DEIS states that 0.00 acres of section 4(f) property is affected in Section A of the proposed route. The DEIS also states that a historic channel between Brownie Lake and Cedar Lakes may be affected by construction of this route. A calculation of the affected area is not included in Table 7.4-1, and it is not mentioned whether this affected area is considered a permanent or temporary use. This is an omission from the DEIS and an inconsistency between analysis and comparison of routes 3A and 3A-1. For contrast, the analysis of Route 3A-1 includes very detailed Section 4(f) area calculations, down to the hundredth of an acre, for bridge and other related construction at both Cedar Lake Parkway and Lake of the Isles. A revised DEIS or FEIS must address this omission and inconsistency by providing a calculation of the area impacted at the historic channel between Brownie Lake and Cedar Lake.

Section 7.4.1.4, page 7-20 of the DEIS explicitly states that land ownership along the segment from downtown Minneapolis to Cedar Lake Park is complicated and may need additional survey or a detailed title search to determine ownership of the underlying land . This is another omission. The U.S. Department of Transportation Federal Highway Administration's Office of Planning, Environment, and Realty Project Development and Environmental Review Section 4(f) Policy Paper dated July 2012, section 3.2, page 7 states:

"In making any finding of use involving Section 4(f) properties, it is necessary to have up to date right-of-way information and clearly defined property boundaries for the Section 4(f) properties. For publicly owned parks, recreation areas, and refuges, the boundary of the Section 4(f) resource is generally determined by the property ownership boundary. Up-to-date right-of-way records are needed to ensure that the ownership boundaries are accurately documented."

Without up-to-date property records and boundaries, an accurate representation of Section 4(f) property cannot be stated. The admitted complexity of property boundaries and incomplete understanding of these boundaries shall be rectified by including additional survey and title searches in a revised DEIS or the FEIS to provide a more accurate and transparent representation of Section 4(f) property impact for route 3A.

Table 7.4-1 of the DEIS states that 0.227 acres of Section 4(f) property within the Nine Mile Creek area is necessary for construction of route 3A. According to Chapter 7, Section 7.4.1.4, page 7-20 of the DEIS, the 0.227 acres of Section 4(f) area required for construction of route 3A is considered *de minimus*. This is an important figure as it sets precedent for analysis of the other routes considered for the project. These 0.227 acres of area shall be used as a basis for determining the *de minimus* quantity of Section 4(f) property for the remaining routes considered for this project. Taking this basis into consideration, the Section 4(f) property uses at Lake of the Isles of 0.01 acres, and at Cedar Lake Parkway of 0.07 acres (a total of 0.08 acres) for Route 3A-1 thus become immaterial or *de minimus*. Therefore the only material point of contention in discussing Section 4(f) property uses between routes 3A and 3A-1 is the 0.81 acres of Minneapolis Park Board property listed in the DEIS Table 7.4-1.

#### Route 3A-1

Taking into consideration the points made above regarding *de minimus* quantities of Section 4(f) property, the Section 4(f) uses at Cedar Lake Parkway and Lake of the Isles are negligible; the remaining 0.81 acres of Section 4(f) property use (Minneapolis Park Board property) is the only material quantity of land that should be analyzed for route 3A-1.

Section 7.4.1.5 of the DEIS discusses conceptual engineering as follows:

*“Segment A of LRT 3A-1 (co-location alternative), which would co-locate freight rail, light rail and the commuter trail within this segment would necessitate additional expansion of ROW outside of the HCRRA-owned parcels into adjacent parkland. Section 4(f) uses could occur for the Cedar Lake Park, Cedar Lake Parkway and Lake of the Isles portions of the Minneapolis Chain of Lakes Regional Park for reconstruction of existing bridges, construction of new LRT tracks and realignment of the existing freight rail tracks. The conceptual engineering complete to date for the project identifies approximately 0.81 acres of permanent use of Cedar Lake Park for the location of the reconstruction of the freight rail track.”*

The DEIS then contradicts the above statement, two sentences later, with this statement:

*“Construction limits have not been determined for the co-location segment, but it is likely that additional temporary uses of parkland will occur.”*

Without determining construction limits for the co-location segment, it is unclear how the figure 0.81 acres of Section 4(f) parkland use was calculated. The DEIS calls out this 0.81 acres of use, but it does not clearly delineate the boundaries of the park property that must be used. The only representation of the 0.81 acres is shown in a visual aid - Figure 7.4-6, page 7-16. From this graphic, it appears that the Section 4(f) use would occur in Section A of the route between the proposed 21st Street and Penn Avenue Station. The graphic only contains visual representations of where park land use may be required. No detailed engineering drawings containing plan views of construction limits or cross-sections are provided to demonstrate the required use of park land for route 3A-1. This is a critical omission from the DEIS; a revised DEIS or FEIS must clearly show the limits of construction causing the required use of Section 4(f) property within section A of this project. If the delineation of construction limits demonstrates that use of Section 4(f) park property is in fact required for Route 3A-1, alternative permutations of this same route must be given consideration as viable alternatives as outlined in the 1966 FHA Section 4(f) documents. Just because one configuration of route 3A-1 requires park land, does not imply that other configurations of the same route would also require temporary or permanent park land use. Alternative configurations of route 3A-1 that eliminate or minimize Section 4(f) property uses must be included in a revised DEIS or FEIS. From this point forward, this comment will focus on the portion of the project between Burnham Road and the proposed Penn Avenue station, as this is the area that the DEIS states Section 4(f) park land is required for construction of the project.

Again, a thorough representation of property boundaries and ownership along section A of routes 3A and 3A-1 is not included within the DEIS. The DEIS explicitly states this in Section 7.4.1.4, page 7-20 "Land ownership along section A is complicated and may need additional survey information to accurately represent property boundaries, etc..." Appendix 7A shows Hennepin County property boundaries and a representation that the existing freight rail tracks in the Kenilworth Corridor appear to be on Cedar Lake Park property. Appendix 7 C also shows how skewed the Hennepin County property boundaries are depicted in conceptual engineering drawings. Hennepin County produced a memorandum attempting to address the issue. The document is in Appendix H,, Part 1, page 50 of the DEIS. It is titled "Technical Memorandum" by Katie Walker, dated March 23, 2012. This memorandum outlines a problem with Hennepin County parcel data, and very generally dismisses the property boundary issues, additionally stating that the existing freight tracks through the Kenilworth Corridor are on HCRRA property and that survey quality data will be provided during preliminary and final design stages. This is not acceptable. Without accurate survey drawings the Section 4(f) analysis has absolutely no factual survey basis to stand on, rendering the analysis useless and arguably laughable. This is a major omission from the DEIS and project as a whole; accurate definition of property boundaries and ownership is a fundamental and absolutely essential piece of due diligence required for sound planning and design of any land development project.

Taking the above points into consideration and upon further investigation of property boundaries and ownership along Section A of route 3A-1, it is apparent that more property, and subsequently, various permutations of route 3A-1 are available for consideration in eliminating or minimizing Section 4(f) property use. Hennepin County property records show a ROW corridor owned by HCRRA where proposed LRT and trails would be located together. This corridor is generally 50 feet in width. If this corridor is considered as the only property available for construction of LRT, Freight Rail, Pedestrian and Bike trails, it is apparent that there is not enough width to accommodate all of these uses. A blatant and obvious omission from the analysis is the property directly adjacent to the east of this ROW corridors is owned by HCRRA and provides an additional 100 feet to 200+ feet of width to the corridor adjacent to Cedar Lake Park. The DEIS does state on page 7-21 that: "The majority of the land along Segment A through the Kenilworth Corridor by Cedar Lake Parkway belongs to the HCRRA. The additional parcels of property adjacent to the project corridor, owned by HCRRA, and that could be considered for additional configurations of route 3A-1 are recorded in Hennepin County property records and displayed on Hennepin County Property Records website. The parcels that must be included in additional configurations of route 3A-1 include PID 2902904410044, PID 3202924120046, PID 3202924120045, PID 3202924120005, and PID 320292413001. Please see Appendix 7 B for visual representations of these parcels in relation to Cedar Lake Park and the existing HCRRA ROW.

In summary the DEIS calls out 0.81 acres of Section 4(f) property as required for Co-location. This simply is not necessary. As outlined above and shown in appendix 7 of this DEIS comment document there is plenty of width from 21st St to Penn avenue to accommodate lrt, freight, and trails without using any parkland whatsoever. This is a major omission from the DEIS, and a blatant misrepresentation of facts that must be addressed in a revised DEIS or FEIS. With this said, use of Section 4(f) property becomes a non-issue for co-location, and this should be stated as such in the DEIS. Please see appendix 7 D for a discussion of legal aspects of Section 4(f) analysis as it relates to this project. A St. Louis Park resident, Mark Berg, discusses legal ramifications of Section 4(f) analysis on co-location of SWLRT and freight rail. Please consider his written letter as a companion document to this DEIS response. The analysis above combined with the legal aspects discussed by Mr. Berg demonstrate that the DEIS's 4(f) analysis is flawed and a new analysis must be undertaken by the project to rectify omissions, misrepresentation of facts, and ambiguities related to property boundaries, proposed project boundaries and overall section 4(f) property use.

## CHAPTER 8 - FINANCIAL ANALYSIS:

### 8.0 - Financial Analysis

In September of 2011 the FTA mandated that the proposed freight rail reroute from the Bass Lake Spur to the MN&S Spur must be added to the SWLRT-DEIS (Letter from Marisol Simon, FTA to Susan Haigh, Met Council Safe in the Park - Chapter 5 Appendix – Document 1) Because of this mandate addition of the proposed re-route must be included in the “study area” in a regular and consistent basis. Unfortunately, the inclusion of the proposed reroute in the analysis of this section is inconsistent. The inconsistency of the inclusion of the proposed re-route leads to inconsistent and incorrect conclusion about the cost of the SWLRT.

In section 8.1.2 methodology a list of the resources used to determine the cost of the SWLRT project are given. No links or data tables are actually shared in the SWLRT-DEIS (8.1).

Without links or data tables in the Appendix of the SWLRT-DEIS it is difficult if not impossible for the average resident to make substantive comments about the data tables and information in this section. Due to the November 26, 2012 revelation (Correction Letter from HDR and updated table Safe in the Park - Chapter 5 Appendix – Document 2) about “typos” the need for reference materials is all the more important. In fact, the errors in this section coupled with the misrepresentations, inconsistencies, omitted information and other mistakes, bring the validity of the entire SWLRT-DEIS into question.

Are there any other “typos” in the DEIS? Claiming a \$100,000,000 “typo” conveniently narrows (but does not eliminate) the cost disadvantage of the HCRRA’s favored LRT 3A (LPA- Re-route) relative to the less expensive LRT 3A-1(LPA - co-location). How will the additional \$100,000,000 cost of the project be funded? The HCRRA’s “Corrected Table 8.1-1” shows the additional \$100,000,000 in “Professional Services”. (8-2) Presumably the numbers in Table 8.1-1 come from spreadsheets, and where in the supporting spreadsheets did the error occur? Were the underestimated Professional Services costs in civil engineering, or public relations or project accounting? Who entered the wrong number and how is the public to know that the numbers are now correct?

Table 8.1-1 - Cost estimate for build alternatives.

The re-routing of freight trains from one area to another is not unique to St. Louis Park. Train rerouting has occurred throughout the United States, Canada and Western Europe. Multiple studies about the impacts of such re-routes exist. One item that consistently appears in all the studies (Property Valuation Articles and summary - Safety in the Park - Chapter 5 Appendix – Documents 3-8) is the negative impact of the re-routed freight trains on the community that is forced to accept the trains. Although the negative impacts on small business and the loss of property value in these cases can’t be called a capital cost, the negative impacts are costs nonetheless. Furthermore, the slim cost margin between re-route and co-location seems inconsistent with the amount of building needed in each alignment.

Section 8.1.4.1: Federal Section 5309 New Starts. This section states, “The local project partners have assumed that the Southwest Transitway will be funded 50 percent with New Starts funding” (8-3). Justification for this assumption is not provided and a different assumption could just as easily be made that would fundamentally change the cost/benefits outcome of the project.

Section 8.1.4.4: Regional Railroad Authorities. As noted in this section, Regional Railroad Authorities exist “...for the specific purpose of providing for the planning, preservation, and improvement of rail service including passenger rail service and to provide for the preservation of abandoned rail right-of-way for future transportation uses” (8-4). (Contrary to this purpose, re-routing freight trains from the Kenilworth Corridor would sacrifice a relatively straight, flat, direct and efficient railroad route in order to preserve a bike path. If the purpose of “preservation of abandoned rail right-of-way for future transportation uses” had occurred as intended, the land for townhouses at the “pinch point” would never have been sold. HCRRA is not fulfilling the purpose for which it was intended.

## **8.2 - Operating Funding Strategy**

Section 8.2.1: Operating and Maintenance Costs. This section states, “No freight rail operating and maintenance costs will be attributed to the project because HCRRA has no obligation to the freight railroads operating in the study area to reimburse either operating or maintenance costs” (8-5). The TC&W stated publicly during the PMT process that it would cost more for it to operate its trains along the re-route than on their present route through the Kenilworth Corridor and that it needed to have “economic equilibrium” before agreeing to the re-route. As made clear by Section 8.2.1, there is no provision in the DEIS to provide “economic equilibrium” to the TC&W. Leaving a critical stakeholder’s needs unaddressed undermines the credibility of the DEIS. The HCRRA joins the TC&W and the CP in explicitly renouncing responsibility for maintenance of the new MN&S interconnects that would be necessitated by the re-route, leaving this ongoing economic requirement to become an open sore for future county/railroad relations. ([http://www.mnsrailstudy.org/key\\_documents](http://www.mnsrailstudy.org/key_documents))

Section 8.2.2: Bus O&M Costs. This section states that bus operating and maintenance (O&M) costs vary with the level of service provided, and that, “Fixed costs do not change with the level of service...” while the same paragraph also states. “Therefore, the fixed costs are 20 percent of the total (O&M costs)” (8-5). However, if O&M costs vary with activity levels and fixed costs are 20 percent of total bus O&M costs, the fixed costs are not really fixed and may be understated in the DEIS.

Section 8.2.3: Light Rail Transit Operations and Maintenance Costs. This section states, “Variable costs of LRT are assumed to be 86 percent of the total cost with the fixed cost being 14 percent of the total” (8-5). Left unexplained is what items are included in fixed cost for LRT and why fixed costs for LRT are only 14% of total O&M costs when LRT has a much higher level of fixed assets to maintain (track and overhead power lines) than the bus alternative. If fixed costs for the bus alternative are only 20% of O&M and fixed costs for LRT are 16% of O&M, the ongoing fixed costs of maintaining the larger capital base required for LRT may be understated by the DEIS.

Table 8.2-3 . “system O&M costs for building alternatives” shows the cost for LRT 3A (LPA, re-route) and LRT 3A-1 (LPA, co-location) to have exactly the same operating costs. However, LRT 3A (LPA, re-route) needs to include the costs of maintenance for the two interconnects. According to the responses from the CP in the MN&S EAW ([http://www.mnsrailstudy.org/key\\_documents](http://www.mnsrailstudy.org/key_documents)), they have declined to be responsible to maintain the interconnect (8-7). Therefore, the cost of maintenance must fall on the SWLRT and be represented in the cost table.

Section 8.2.5.1: Fare Revenues. This section states, “Ridership i anticipated to grow along with increasing population and employment” (8-7 & 8-8). Unacknowledged in the DEIS is the growth of telecommuting which might reduce demand for transit in the future, leaving the SWLRT as underused as the Northstar commuter line.

The DEIS states, “In 2011, 26 percent of the total MVST (Motor Vehicle Sales Tax) revenues were dedicated to transit needs in the Twin Cities metropolitan area” (8-8). This percentage could go up or down in the future but without explaining why, the numbers in Table 8.2-4 show the percentage increasing to 26.47% in 2012 and the following years, a higher percentage than 21.7% to 26% range observed since 2009 (8-8). Left unexplained is which part of Minnesota will give up some of its share of MVST revenues to provide more to the metropolitan area.

Section 8.2.5.2: CTIB Operating Funding. As described in this section, the Counties Transit Improvement Board has agreed to provide a percentage of the operating assistance required for the SWLRT and other light rail projects as well as the Northstar commuter line (8-8). If Northstar continues to miss its budget targets how will CTIB continue to subsidize the SWLRT?

Section 8.2.5.5: State General Funding. This section states, “State funding for transit operations has grown over recent biennia” (8-9). The numbers provided show that state funding declined 32.45% in the most recent biennium and funding declined in two of the last four biennia. The DEIS takes an optimistic case for continued state funding.

Section 8.3: Strategy for Potential Funding Shortfalls. It is asserted in this section that, “Short term shortfalls are covered by the operating reserves. In the longer term, Metro Transit relies on the MVST growth and its fare policy.” “The MVST revenues are projected to increase at a rate of 4.6 percent per year in the long run. This forecast is viewed as conservative for financial planning purposes as historical trended MVST receipts for the period of 1973 to 2008 averaged 5.7 percent” (8-9, 8-10). Assuming the above percentages indicate real growth rather than inflation-based growth, the 1973 to 2008 growth was calculated from a recession year to a year at the end of a financial bubble that may have artificially exaggerated growth. Normalized long-term growth in U.S. Gross Domestic Product is generally forecast in the 2% to 3% range, and Minnesota’s gross domestic product is likely to be in the same range, but if MVST receipts increase at a faster 4.6 percent rate over the long term, eventually 100% of Minnesota’s gross domestic product will be collected in MVST, an arithmetically unlikely outcome rendering the DEIS’ long-term operating funding projections questionable.

Another source of operating funding noted in this section is higher fares, which admittedly reduce ridership. The DEIS states, “The state’s commitment to transit in the Metro region may be regarded as an opportunity of financial risk management for operations” (8-10) which might be rephrased, “maybe they will bail us out.” Also mentioned as sources of supplemental operating funding are “non-farebox revenue sources” which raises the question of why these potential sources haven’t been previously developed.

## CHAPTER 9 - INDIRECT EFFECTS AND CUMULATIVE IMPACTS:

As stated in the comment for Chapter 1 of this SWLRT-DEIS response the essential purpose of the National Environmental Protection Act (NEPA) is to ensure that environmental factors are weighted equally before an infrastructure project can be undertaken by a federal agency. The extent to which this SWLRT-DEIS does not fulfill the essential purpose of NEPA is particularly evident as the indirect and cumulative impacts of the SWLRT are discussed.

In September of 2011 the FTA mandated that the proposed freight rail reroute from the Bass Lake Spur to the MN&S Spur must be added to the SWLRT-DEIS (Letter from Marisol Simon, FTA to Susan Haigh, Met Council Safe in the Park - Chapter 5 Appendix – Document 1). Because of this mandate addition of the proposed re-route must be included in the “study area” in a regular and consistent basis. Unfortunately, the inclusion of the proposed reroute in the analysis of this section is inconsistent. The inconsistency of the inclusion of the proposed re-route leads to inconsistent and incorrect conclusion about the cost of the SWLRT.

In sections **9.1- 9.2** The methods used and criteria of indirect and cumulative impacts are defined. Section 9.1.12 - states that “ Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” [40 C.F.R. § 1508.7] (9-1). On the next page of the SWLRT-DEIS section 9.2.2 states “Build Alternative and other actions, including past, present, and future, were identified and added to the direct effects of each alternative (as presented in Chapters 3, 4, 5, 6, and 7 of this Draft EIS) to arrive at the total potential cumulative impact” (9-2). What is left out of these sections is the fact that the re-route area of the SWLRT-DEIS has never been evaluated in respect to 40 C.F.R. § 1508.7 and that in Chapters 3, 4, 5, 6 and 7 of this DEIS the direct impacts of the re-route portion were not evaluated in a good faith effort.

### **9.2.3 Study Area Definition**

Section 9.2.3.1 defines the area “½ mile around the station areas” (9-3) as the area for indirect impact while section 9.2.3.2 defines the cumulative impact area as the area “about one mile on each side of the Build Alternatives’ alignments” (9-3, 9-4). This is true for all of the SWLRT build options except for the MN&S re-route area. Despite being an official part of the SWLRT project, the area “about one mile on each side” of the MN&S re-route area has been left out the evaluation of cumulative impacts. An argument can actually be made that not only should the MN&S re-route track area of study be a one mile radius, but in fact because the weight, vibration, noise, and other factors are greater for freight trains than light rail trains, an even broader area should be studied for the freight re-route area.

It must be pointed out that although segment A is part of the 3A(LPA - Re-route) the area from approximately Penn Station east to Downtown Minneapolis has not been included in the discussion of the re-route. However, that same area is considered part of the co-location discussion of 3A-1(LPA-Co-Location). This is thoroughly discussed in Chapter Two comments of this document.

### **9.3 - Existing Conditions and Development Trends**

There are so many vague assertions in this section that it is difficult if not impossible for the average resident of Hennepin County to substantively comment on this section . It is asserted that the economy of the Southwest metro is vibrant and growing, but in Chapter one of this DEIS document errors were found in regard to the number of jobs near the SWLRT alignment. It stated that the information comes from the October 2008 Market assessment (9-4). However, using the search bar on this DEIS and a close scrutiny of Appendix H, it is impossible to find the 2008 Market assessment or the data about population, household, and employment as it relates to the re-route portion of the 3A (LPA-re-route)

The existing conditions and the impacts regarding the proposed reroute area were NOT covered in Chapters 3,4,5 and 6 of the SWLRT-DEIS. The conclusions drawn in section 9.3 about the proposed reroute area are at best under represented and at worst completely wrong.

### **9.4 - Reasonably Foreseeable Future Actions**

The proposed new intersection at TH 7 and Louisiana in St. Louis Park seems to be missing. The St. Louis Park City Council voted unanimously on December 3, 2012 to move forward with the project.

## 9.5 Potential for Indirect Effects and/or Cumulative Impacts

Missing from the SWLRT-DEIS is a comprehensive look at the indirect and/or cumulative impacts on the proposed re-route area. Using the Report done for the City of St. Louis Park by Short, Elliot and Hendricson (SEH) [http://www.stlouispark.org/webfiles/file/community-dev/techmemo\\_4.pdf](http://www.stlouispark.org/webfiles/file/community-dev/techmemo_4.pdf)

the responses to the MN&S EAW ([http://www.mnsrailstudy.org/key\\_documents](http://www.mnsrailstudy.org/key_documents)) and the Comments to Chapters 3,4, 5 and 6 from this document, a table detailing the indirect and/cumulative impacts is presented. For purposes of evaluating the indirect and cumulative impacts of the proposed re-route area, we define the area for both indirect and cumulative impacts as the area about one mile on either side of the re-route alignment beginning just east of Minnehaha Creek on the west and the point where the new alignment joins the BNSF near Cedar Lake in the east.

Indirect impacts are the things that can only be qualified, while the cumulative impacts are as defined in section 9.1.12: “ Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” [40 C.F.R. § 1508.7] (9-1).

Table 9.5-1. Resources with potential for indirect effects or cumulative impacts

<b>NEPA TOPIC</b>	<b>POSSIBLE INDIRECT IMPACT TO RE-ROUTE AREA</b>	<b>POSSIBLE CUMULATIVE IMPACTS TO RE-ROUTE AREA</b>
Land use and socioeconomics	Yes, Parks will be less attractive as noise and pollution from freight trains increases.	Yes, small businesses in the area will experience difficulty due to traffic conditions
Neighborhoods, community services and community cohesion	Yes, Loss of community pride after FRR is 'forced'. Areas around the MN&S will become blighted as homes suffer from effects of extreme vibration	Yes, Loss of property value will cause higher rate of foreclosure and rental vs ownership rates. Emergency vehicles will have difficulty moving about the re-route area, STEP will be impacted by noise and vibration. Gentrification will become impossible!
Acquisitions and displacements/relocations	Yes, homes will need to be taken to create a safer ROW or if not taken neighborhood blight will occur	Yes, removal of homes or decline in value of homes that are not taken will result in a lower tax base for St. Louis

		Park. Inverse condemnation due to loss of enjoyment from negative impacts.
Visual quality and aesthetics	Yes, garbage stuck in fencing needed to create the supposed whistle free zones will be an eyesore. The interconnect structure will be site for graffiti.	Yes, The interconnect structure needed to accomplish reroute will dwarf everything in the area and change the overall look of the community. Maintenance and upkeep will be neglected because ownership of interconnect is not clear.
Safety and security	Yes, the amount of hazardous material transported will increase with increased track usage. Increase usage will decrease the enjoyment of residential backyards, as this is used as a buffer zone for derailment.	Yes, safety concerns will be a factor in the housing and resale of the residents, leading to increased housing turnover, higher rental percentages. Concerns for students will be a factor in considering school facilities for families as they establish households.
Environmental justice	Yes, Students at St. Louis Park High and Peter Hobart (both schools have significant minority populations) will be impacted.	The FRR will decrease school morale and possibly increase destructive behavior as the community reflects on the significance of forcing the FRR. A 'Rondo' effect.
Air quality	Yes, laboring locomotives will spew diesel fumes, and vehicles on the roadways will spend more time idling while waiting for trains.	Yes. negative impacts to resident health from increase pollution exposure. Property maintenance, upkeep will increase due to the settling of pollution on structures.
Noise	yes, inverse condemnation, loss of property rights as residents can no longer enjoy their backyards. Lack of direct south connection may cause the FRR area to become a defacto switching yard.	Yes, introduction of a direct route will encourage more freight traffic, use of ports and yards will change which allow for more traffic also. Noise level, exposure are not stagnant but should be expected to increase.

Vibration	Yes- increased vibration will impact structure foundations and could increase radon exposure.Lack of direct south connection may cause the FRR area to become a defacto switching yard.	Yes, introduction of a direct route will encourage more freight traffic, use of ports and yards will change which allow for more traffic also. Vibration level, exposure are not stagnant but should be expected to increase.
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Economic effects	Yes, due to lower property values the tax base of St. Louis Park will no longer be raked as one of the 100 best Cities in America	Yes, a lower tax base due to lower property values will raise taxes on the homes a distance from the tracks and will also result in fewer services for residents.
Station Area Development	No, Most of the re-route area is too far from a station to benefit.	No, Community works dollars will be spent on station areas and the re-route area will be left to flounder
Transit effects	Yes, The MTC bus that crosses the MN&S at Lake Street, Library Lane and Dakota Ave. could experience schedule problems due to trains in crossing.	Yes, because of problems with scheduling the busses could be removed from service leaving people who need the bus and make transfers in uptown or downtown in Minneapolis without transportation
Effects on roadways	Yes, side streets will be difficult to traverse because of queues of cars. Since these queues will be at random times people will not be able to effectively plan their day.	Yes, emergency vehicles will have difficulty traversing the area. People will suffer because of delayed response time. Because people will attempt to avoid the roads in the re-route area as much as possible, traffic on Minnetonka Boulevard will become even more congested.

## 9.6 Long-Term Effect

This section states that no mitigation is “needed, proposed or anticipated” for the MN&S spur. It is difficult to believe that a 788% increase in the number of rail cars moving on the MN&S spur will need no mitigation, yet that is what is proposed in section 9.6. The section even goes on to say that “Because the indirect effects and cumulative impacts (of SWLRT) are considered desirable and beneficial no mitigation is required.” The benefits of Light rail will in no way ameliorate the negative impacts done by the re-routed freight. Light rail will not straighten tracks to save neighborhoods from derailments, it won’t decrease noise and vibration or fix any other of the negative impacts caused by increased rail traffic.

As pointed out in the comments to Chapters 3, 4, 5 and 6, the negative impacts from moving freight traffic to the re-route area are extensive but these impacts are unaddressed by the SWLRT-DEIS which simply asserts in section 9.6 that no mitigation is needed for the freight rail re-route area. Should freight be re-routed from a former Chicago to Seattle mainline to tracks that were built to accommodate electric interurban trains, the mitigation needs will be extensive. Lists that include, but are not limited to all of the mitigation that will be needed in the MN&S re-route area, from just east of Minnehaha Creek to the junction of the new BNSF siding with the BNSF main line, can be found in the City of St. Louis Park comments and the SEH report. [http://www.stlouispark.org/webfiles/file/community-dev/techmemo\\_4.pdf](http://www.stlouispark.org/webfiles/file/community-dev/techmemo_4.pdf) (SEH document); [http://www.mnsrailstudy.org/key\\_documents\\_EAW](http://www.mnsrailstudy.org/key_documents_EAW) Comments. These lists are in no way definitive. No matter how much mitigation is done, the MN&S Spur will always be a retro fitted interurban carrying freight trains that belong on tracks built for mainline rail traffic.

## 9.7 - Greenhouse Gasses

Increased diesel fumes caused by locomotives laboring up the two steep interconnects, idling for long periods of time, perhaps making multiple trips through the neighborhoods will have a cumulative impact. The area around the MN&S re-route area will become intolerable because of the added pollutants. The community further afield will suffer indirectly because of the increase of smog.

## CHAPTER 10 - ENVIRONMENTAL JUSTICE:

Improper Analysis: Section 10.3.1: The same methodology was not used in both identifying census blocks for the five alternatives and the Freight Rail Relocation. It is discussed that a half mile buffer was created but there is a footnote 2 on Page 10-2. The footnote clearly states that the area of impact for the Freight Rail Relocation was geographically narrower to ensure the analysis did not miss a minority population. First, it is poor process and suspect when a project doesn't use equal parameters. Second, it is not logical to state that a narrower impact area would help include more information. A narrower area can only leave a segment with lower impact due to less geographical area. And finally, it should also be considered that Hennepin County did not take serious consideration of the Sept 2011 letter by FTA. The letter requested that the Freight Rail and impacts be a part of the SWLRT. It is suspect that the information used in the SWLRT DEIS for the FRR environmental impacts was pulled from the MN&S Report (Located in Appendix H, Part 1). The MN&S Report is essentially the same information as the Minnesota State MN&S Freight Rail EAW which didn't include a half mile impact buffer because the scope of the state project would only consider adjacent properties. The fact that the area of impact is narrower for the FRR correlates the small scope of the original project.

Improper analysis: Table 10.3.1: The percentage of minority population impacts increases with the Co-Location option. Figure 10.3-2 with the LPA 3A indicates that there are pockets of high minority census blocks along the FRR, with the largest section in the Iron Triangle area of the FRR project. Co-Location would both eliminate these areas and is geographically smaller. Action requested to have the analysis of this percentage increase with co-location explained further.

Improper Analysis: There is a core analytical flaw in figures 10.3 when it describes the FRR and the Co-location area. It is flawed because the effects of segment "A" take into account the area north of Kenilworth corridor even though that area will be affected with or without the FRR. Therefore, this is an improper comparison. The figures should be divided as a.) FRR from the Interconnect structure to the BNSF siding. b.) Co-location section from West Lake to Penn Station area. c.) common area which is north and east of Penn Station to Target Field. Including the common area can only unfairly overestimate the impacts to the co-location segment.

Improper Analysis: It is important to highlight that the FRR segments have areas with high minority population. In comparison, the co-location area in Kennilworth Corridor have none. If the Re-Route section is chosen, the project will have a disproportionate negative impacts to minority in the freight decision- which is concern for the EPA and the principles of environmental justice and fair treatment. It is improper for the conclusion that the re-route is the environmentally preferred alternative for the freight. Maps of the FRR area vs co-location with minority populations (Attachment Appendix 10).

Missing from the environmental impacts for minority and low-income groups is an analysis of the demographics of the St Louis Park schools within half mile: Peter Hobart Elem., St Louis Park Senior High, and Park Spanish Immersion.

'A minority population means any readily identifiable group or groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed or transient persons such as migrant workers or Native Americans who will be similarly affected by a proposed DOT program, policy or activity.' FTA C 4703.1. The population of a school can be accurately described as a geographically dispersed people that gather for the purpose of education. In addition, the school board and each school administration has the liability of protecting and policing students while on campus, similar to the responsibilities of a local government.

School	Population	Percent Minority	High Minority Population Fit <sup>1</sup>	Percent Free and Reduced Meals
St Louis Park School District	4472	38.9%	yes	31.2%
Senior High	1381	38.4%	yes	32.9%
Peter Hobart Elementary	549	43.5%	yes	37.2 %
Park Spanish Immersion	513	26.5%	no	14%

<sup>1</sup> The percentage used to determine high minority population kit was 28.3%, Section 10.3.1.1

Source: slpschools.org- Fall 2012 Enrollment Comparison and Demographic information. (<http://www.rschooltoday.com/se3bin/clientgenie.cgi?butName=Fall%202012%20Enrollment%20Comparison%20and%20Demographic%20Information&cld=0&permission=3&username=>)

Missing Information: The percentage of free or reduced meals is significant for the St Louis Park School District, Senior High, and Peter Hobart. it is difficult to determine from the free/reduced meals if there is an impact to low income population because the criteria is not a match. However, this is information that the project should investigate further to prevent improper high impacts.

Improper Analysis: The LPA discusses that the adverse effects on environmental justice populations. The different segments and criteria (construction, transit service and accessibility, air quality, multimodal environment) reach a conclusion that there is no disproportionate high or adverse effects anticipated. This conclusion is improper because the populations of minorities in the community of the FRR segment, school populations minorities, and possible low income students at the schools are not considered. In addition, it is stated the LRT will provide benefits to the environmental population. The Freight Rail Re-Route section of the LPA will have no benefits to the impacted populations, only negative impacts. Therefore, no offset of negative impacts by the LRT benefit. The conclusion of the Environmental Justice for the LPA is incorrect and improper.

Action requested: Halt any decision on the freight issue until further study is completed such that the missing information, flawed assumptions can be answered. This secondary study needs to have a scope which the city, residents, and railroad company can agree on.

Action requested: Change the scope of the impact areas for the FRR and co-location segments to exclude the area that is north and east of the Penn Station.

Action requested: More weight should be given to the minority areas of the Freight Rail Re-Route because the impacts will be negative with no positive LRT offset.

Action requested: Include the minority and possibly low income populations of the impacted schools in the analysis.

## CHAPTER 11 - EVALUATION OF ALTERNATIVES:

On November 29, 2011 Hennepin County Commissioner Gail Dorfman stated, "How do we explain co-location being added without people thinking that co-location is on the table in a serious way, promises were made going a long way back"

[http://hennepinmn.granicus.com/MediaPlayer.php?view\\_id=10&clip\\_id=1459](http://hennepinmn.granicus.com/MediaPlayer.php?view_id=10&clip_id=1459)

Consequently, the comparison done on the proposed reroute of freight from the Bass Lake Spur to the MN&S Spur then from the MN&S to the BNSF Wayzata Subdivision and the co-location of the same freight trains was not done to ensure that the essential purpose of NEPA was fulfilled.

The purpose of this comment and our evaluation of each chapter is to show that the conclusion of the SWLRT-DEIS prepared by the HCRRRA concerning the co-location or re-routing for freight trains is incorrect. We submit that based on our evaluation the conclusion that the re-route is preferable co-location should be re-evaluated.

- The inconsistencies and inaccurate information in Chapter 1 bring into doubt the need for the proposed reroute. The claims that the interconnects are part of the MnDOT State Freight Rail plan are unsubstantiated.
- The lack of public process discussed in Chapter 2 should bring into question the choice of Build Alternative 3A even being considered as an option much less chosen as the LPA
- The evaluations on impacts and indirect and cumulative impacts caused by the proposed reroute discussed in Chapters 3,4,5 , 6 and 9 do not fulfill the the purpose of each chapter.
- Chapters 7 and 10 of the SWLRT-DEIS fail to address the Federally mandated questions.
- The financial chapter 8 not only is suspect because of the "typo" found on November 26, 2012 but also because it does not discuss the ongoing maintenance cost associated with the building of two large pieces of infrastructure.
- The last Chapter 12, as with Chapter 2 spells out the lack of public process and the contempt with which the residents of St. Louis Park have been treated.

The following Table 11.1-1 is based on the table of the same number in the SWLRT-DEIS (11-2 to 11- 7). The information in this chart has been compiled to evaluate and compare the proposed reroute to co-location. The SWLRT-DEIS presents comparison tables for several aspects of the SWLRT but fails to provide a comparison table showing the attributes of the re-route and co-location. Using the table comparison format featured for other purposes in the SWLRT-DEIS, a reroute/co-location comparison table is presented below. Please note that only publicly available information is included in the table below, and that publicly available information does not include specifics of the SWLRT Light Rail alignment. All public documents used in this table are referenced in this SWLRT-DEIS Comment.

**Table 11.1-1 Re-route Option/Co-Location Option**

Goal and Evaluation Measure	Re-Route Option	Co-location Option
Traffic impacts - queue lengths (in vehicles) at freight rail at-grade crossings	Numbers for the re-route options looked at only one day in time.	Numbers looked at projected growth of area and traffic that impact on queue lengths.
Air Quality impacts	Higher emissions due to laboring diesel freight locomotives.	No change from emissions from diesel freight locomotives
Noise	Extreme increase not only because of increase in the number of trains, but also due to freight locomotive noise caused by steep grades of interconnects. Brake and wheel noise will also increase. Quiet Zone will not stop noise from trains	Noise from Freight trains will remain the same. The only increases in freight will cause by normal market factors.
Vibration	Extreme increase due to a 788% increase in rail cars	No, number of freight trains will remain consistent with current number
Hazardous Regulated materials	High - Potential to encounter more hazardous and regulated materials sites along the MN&S Spur and the BNSF Wayzata Subdivision as well as with the construction of the interconnect at the contaminated Golden site.	
Construction Impacts	High - The building of two interconnects and moving tracks eight feet east above grade in close proximity to homes and businesses will be disruptive	Information in the DEIS is vague on the subject

Community Cohesion	Extreme impact	Impact caused by freight trains will not change, therefore, no impact
Property Acquisitions	At the very least the homes east of the MN&S between West Lake St. and Minnetonka Blvd. must be removed for safety reasons	Townhomes taken in the “pinch point” If they are removed a r-o-w wide enough for LRT, bicycles and freight will occur
Environmental Justice	St. Louis Park High School and Peter Hobart School both within ½ mile of the MN&S tracks have minority populations large enough to be considered a protected group	Impacts to minority groups caused by freight trains will not change. Freight trains already exist in the area.
Land use consistent with comprehensive plan	Yes	Yes, links in Chapter 3 are not conclusive.
Compatible with planned development	Yes	Yes, co-location occurs west of Louisiana Blvd. and on much of the Bottineau line, therefore LRT and development are compatible
Economic Effects	No, beneficial effects to the local economy	Yes, co-location occurs west of Louisiana Blvd. and on much of the Bottineau line, therefore LRT and development are compatible
Development Effects	No, beneficial effects to development	Yes, co-location occurs west of Louisiana Blvd. and on much of the Bottineau line, therefore LRT and development are compatible
Safe, efficient, and effective movement of freight throughout the region, state and nation	No, the proposed re-route is not safe, efficient or effective	Yes
Continuous flow of freight throughout the study area	Yes	Yes

**Table 11.2-1 - Evaluation of Alternatives**

	Re-route Option	Co-location Option
Improved Mobility	does not support goal - re-route area will be congested	supports goal - co-location occurs west of Louisiana Blvd. and on much of the Bottineau line, therefore LRT/ mobility issues are compatible
Provide a cost-effective, efficient travel option	supports goal	supports goal
Protect the environment	does not support goal - improper use of infrastructure is dangerous	supports goal, the co-location area was an active main line Freight rail yard for 110 years and then an active rail line. It has never been legally abandoned
preserve and protect the quality of the life in the study area and the region	does not support goal, improper use of infrastructure is dangerous	Supports goal, the co-location area was an active main line Freight rail yard for 110 year and then an active rail line. It has never been legally abandoned. Nothing about the freight changes
Supports economic development	Does not support goal, small businesses in the re-route area will be negatively impacted by the increased number or freight trains.	Supports goal, co-location occurs west of Louisiana Blvd. and on much of the Bottineau line, therefore LRT and development are compatible
supports economically competitive freight rail system	Does not support goal, re-route is unsafe, inefficient and ineffective	Supports goal
Overall performance	Supports goal, LRT will be able to proceed as hoped	Supports goal, LRT will be able to proceed as hoped

**11.2.43 and 11.2.5 - LRT 3A (LPA- re-route) Compared to LRT 3-1 ( LPA-Co-location)**

In a September 2, 2011 letter the FTA informed the HCRRA that since the proposed freight rail reroute is a connected action to the SWLRT, it must be added to the SWLRT-DEIS (Letter from Marisol Simon, FTA to Susan Haigh, Met Council Safe in the Park - Chapter 5 Appendix - Document 1)

This letter also instructed the HCRRA to add co-location to the SWLRT- DEIS study. Since NEPA was written to ensure that environmental factors are weighted equally, it should be assumed that all factors concerning the re-route as part of SWLRT and co-location as part of SWLRT would be given the same scrutiny. In fact, statute 23 CFR Sec. 774.17 under NEPA, which contains a "test" for determining whether an alternative is "feasible and prudent," should have been applied equally to both the proposed reroute and co-location options. The lack of effort to do a true "feasible and prudent" analysis of the freight rail reroute as part of the SWLRT--DEIS is staggering.

Had the "test" from 23 CFR Sec. 774.17 been applied equally to the re-route portion of LRT 3A and the co-location portion of LRT 3A-1 the following would easily have been determined:  
**LRT 3A / LRT 3A-1 - "Test" 23 CFR Sec. 774.17**

<b>"Test" Category</b>	<b>LRT 3A - Re-route</b>	<b>LRT 3A-1 - Co-location</b>
<b>(i)</b> It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;	Yes	No
<b>(ii)</b> It results in unacceptable safety or operational problems;	Yes, Safety issues include, but are not limited to, aggressive curves, excessive grade changes, multiple at grade crossing that are blocked simultaneously, narrow right of way. Operational issues include but are not limited to, locomotives pulling 100+ car trains up steep grades, more miles to St. Paul destination.	No, Safety issues caused by co-location of freight and LRT are surmountable. They are similar to problems at Blake Road on the SWLRT and most of the proposed Bottineau LRT line.

<p><b>(iii)</b> After reasonable mitigation, it still causes:</p>	<p>The City of St. Louis Park estimates a minimum of \$50 million needed for mitigation yet the reroute still causes:</p>	<p>Cost of mitigation for co-location has not been estimated, but since the issues are not unusual it is logical to think mitigation will take care of issues</p>
<p><b>(A)</b> Severe social, economic, or environmental impacts;</p>	<p>Yes, Mitigation will not straighten tracks, lesson grade changes or move crossings or lesson the increase in heavy rail cars.</p>	<p>No, Impacts to communities will all be caused by LRT because mainline freight has been established in the area for over 100 year.</p>
<p><b>(B)</b> Severe disruption to established communities;</p>	<p>Yes, The increase of 788% in the number of rail cars on the MN&amp;S is excessive. The noise from the locomotives on the interconnects will be greater than any noise currently cause by freight trains, (a whistle-free zone will not solve noise issues) and the length of vehicle queues at grade crossing will be disabling</p>	<p>No, The number of rail cars in the area will not change. Any disruption will be cause by the addition of LRT.</p>
<p><b>(C)</b> Severe disproportionate impacts to minority or low income populations;</p>	<p>Yes, Minority populations at two of the 6 area schools will be impacted.</p>	<p>No</p>
<p><b>(D)</b> Severe impacts to environmental resources protected under other Federal statutes;</p>	<p>Yes, there is potential for additional water resource impacts along the MN&amp;S Spur and the BNSF Wayzata Subdivision.</p>	<p>No, freight rail in this area will not change and therefore, any impact on the environment will be caused by LRT</p>
<p><b>(iv)</b> It results in additional construction, maintenance, or operational costs of an extraordinary magnitude;</p>	<p>Yes, the building of the interconnects and new track needed will be very disruptive in the short term. Long term costs of the project also may be excessive since the railroads have not agreed to maintain the interconnects. Also, the cost to the CP during construction and the TC&amp;W following</p>	<p>Yes, during construction of SWLRT there could be some additional costs however, once implemented co-location will be no different for freight traffic than what occurs today.</p>

	implementation or the interconnect could be extensive	
(v) It causes other unique problems or unusual factors;	Yes, there is potential to encounter more hazardous and regulated materials sites along the MN&S Spur and the BNSF Wayzata Subdivision. There is also potential to encounter hazardous materials from the construction of the interconnect over the contaminated golden site.	No. The freight will not be any different than the freight today.
(vi) It involves multiple factors in paragraphs (3)(i) through (3)(v) of this definition, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.	Yes, the cumulative impacts of the problems faced by the rerouting of the TC&W freight are unprecedented in their magnitude.	No. Although there will be some minor issues cause by the introduction of the SWLRT to the area, the problems are all not unusual to LRT and are surmountable.

Applying the “test” from 23 CFR Sec. 774.17 reveals that the proposed reroute in LRT 3A (LPA) is neither “feasible or prudent.” Therefore, the use of 0.81 acres of Cedar Lake Park according to the Act of 1966 codified at 49 U.S.C. 303 and 23 U.S.C. 138 will not impede the building of SWLRT.

LRT 3A-1 (Co-location) best meets the Southwest Transitway project’s Purpose and Need Statement as expressed by the goals of improving mobility, providing a cost-effective and efficient travel option, preserving the environment, protecting quality of life, supporting economic development, and developing and maintaining a balanced and economically competitive multimodal freight system. **In light of the facts presented in this SWLRT-DEIS response it is recommended that LRT 3A-1 (Co-location) be chosen as the only viable option for SWLRT.**

## 11.4 - Next Steps

Should, despite overwhelming evidence that LRT 3A-1 ( LPA - co-location) is the option that best fits the needs of the SWLRT, LRT 3A (LPA - reroute) be chosen as the route for the SWLRT the next steps by Safety in the Park will include but not be limited to the following:

- A request for an independent investigation of “typos” in the SWLRT-DEIS and the time it took to find and correct the “errors”
- A request for an independent investigation as to the reason for the STB from being notified of the publication of the the SWLRT-DEIS and the time it took to find and correct the over-site.
- An appeal of the SWLRT-FEIS
- An effort to convince the City of St. Louis Park that municipal consent should be denied based on resolution that make it clear the City of St. Louis Park opposes the rerouting of freight trains from the CP’s Bass Lake Spur to the CP’s MN&S Spur if a viable option exists. (St. Louis Park City Resolutions, 1996--City of St. Louis Park Resolution - 96-73 [Appendix 1]; 2001 City of St. Louis Park Resolution - 01-120 [Appendix 1]; 2010 City of St. Louis Park Resolution - 10-070 [http://www.stlouispark.org/webfiles/file/freight\\_rail.pdf](http://www.stlouispark.org/webfiles/file/freight_rail.pdf); 2011 City of St. Louis Park Resolution 11-058 [http://www.stlouispark.org/webfiles/file/community-dev/5-31-11\\_resolution\\_relating\\_to\\_freight\\_activity\\_in\\_slp.pdf](http://www.stlouispark.org/webfiles/file/community-dev/5-31-11_resolution_relating_to_freight_activity_in_slp.pdf)).
- An effort will be made to convince the State of Minnesota not to fund SWLRT until further study is completed such that the missing information and flawed assumptions can be addressed. This secondary study needs to have a scope agreed upon by the city of St. Louis Park, Safety in the Park, and railroad companies. Furthermore, the secondary study must be conducted by a government agency and engineering firm not previously associated with the proposed re-route. Once the new study is completed, a computer-generated simulation representing all of the new findings should be produced. This simulation will help residents and elected officials who are not engineers understand the impacts of the proposed re-route prior to making decisions.

## Document list for chapter 11

- 1996 - City of St. Louis Park Resolution - 96-73 (Appendix 1)
- 1999 - St. Louis Park Task Railroad Study  
[http://www.hennepin.us/files/HennepinUS/Housing%20Community%20Works%20and%20Transit/Regional%20Railroad%20Authority/Authority/Railroad\\_Study\\_March\\_1999.pdf](http://www.hennepin.us/files/HennepinUS/Housing%20Community%20Works%20and%20Transit/Regional%20Railroad%20Authority/Authority/Railroad_Study_March_1999.pdf)  
-
- 2001 City of St. Louis Park Resolution - 01-120 (Appendix 1)
- 2010 City of St. Louis Park Resolution - 10-070  
[http://www.stlouispark.org/webfiles/file/freight\\_rail.pdf](http://www.stlouispark.org/webfiles/file/freight_rail.pdf)
- Short Elliot Hendrickson Inc. (SEH) - Comparison of the MN&S route and the Kenilworth route - [http://www.stlouispark.org/webfiles/file/community-dev/techmemo\\_4.pdf](http://www.stlouispark.org/webfiles/file/community-dev/techmemo_4.pdf)
- 2011 City of St. Louis Park Resolution 11-058  
[http://www.stlouispark.org/webfiles/file/community-dev/5-31-11\\_resolution\\_relating\\_to\\_freight\\_activity\\_in\\_slp.pdf](http://www.stlouispark.org/webfiles/file/community-dev/5-31-11_resolution_relating_to_freight_activity_in_slp.pdf)
- Evaluation of Twin Cities and Western Railroad responses(EAW)  
[http://www.mnsrailstudy.org/key\\_documents](http://www.mnsrailstudy.org/key_documents)

## MnDot Finding of Facts and Conclusions

c. City of St Louis Park appeal

d. MN&S Freight Rail Study EAW Brief of Relators Appeal, Jami Ann LaPray, et al

e. Office of Hennepin County letter, dated Dec. 19, 2011

f. MnDot Dot Resolution, dated Dec. 20, 2011

## CHAPTER 12 - PUBLIC AGENCY COORDINATION AND COMMENTS:

### 12.1.1

The statement is made that “the public and agency involvement process has been open and inclusive to provide the opportunity for interested parties to be involved in planning. Stakeholders had an opportunity to review and comment on the analysis and results at major milestones reached during the course of the study. The program was conducted in a manner consistent with National Environmental Policy Act (NEPA) and Section 106 regulations.” This statement is completely false considering the public concerned about the freight rail re-route issue.

NEPA 1500.2(d) states that the leading agency must “encourage and facilitate public involvement in decisions which affect the quality of the human environment.” This regulation was clearly ignored in regards to the potential freight rail re-route issue. Hennepin County did not “encourage and facilitate” public involvement concerning this issue. Hennepin County did not allow the “opportunity to review and comment on the analysis and results at major milestones reached” In fact, Hennepin County refused attempts for public comments and concerns regarding the freight rail issue at all of the outreach meetings prior to September 2, 2011. This included major milestone including the selection of the LPA. Because of the deliberate exclusion of the freight issue, the LPA selection process must be reopened and reexamined allowing public input to become part of the process.

### 12.1.1.2

**CAC Process** - After the proposed re-route was added to the SWLRT project Safety in the Park was added to the Community Advisory Committee of the SWLRT. The CAC group had a reputation of being well run, open minded and inclusive. Our wish was to explain that our opposition to the re-route is not (as has been heralded by the county) to be anti-LRT. We wanted it known that our concern is simply that our county and state governments are misusing a piece of infrastructure and in doing so creating an unlivable, unsafe environment for a significant segment of the population.

Instead of listening to our concerns, the leadership of the CAC committee took the highly unusual step of changing the CAC Charter that had just been accepted by the committee. The original charter allowed for alternate members to take part in meetings as long as the leadership was notified in advance of the alternates attendance. (Appendix 12.1.1.2) The new charter rescinded the rights of alternates. Making it impossible for residents to be adequately represented.

The Community Engagement Steering committee is a local coalition of community groups formed around the Corridors of Opportunity within the Minneapolis- St Paul metro area. This body has met with the staff of the SWLRT, in regards to the principles and strategies of the CAC meeting.

The following is a list of recommendations that were adopted in Spring 2012.

Based on lessons learned from community engagement on the Central Corridor, SWLRT, Gateway Corridor, and Bottineau, the Community Engagement Steering Committee makes these recommendations on the formation, structure, and process for Community Advisory Committees (CAC):

- a) CACs will be formed early in the transitway corridor planning process at the start of the scoping phase.
- b) The purpose of CACs will include being a resource and check point for community engagement throughout the transitway corridor and the adjacent communities. They will review and approve a corridor project community engagement plan.
- c) CACs will identify the community issues and assign problem solving teams that include community members and project staff.
- d) Community Advisory Committees will be a community driven body facilitated and provided staff support by corridor project staff.
- e) CAC membership will be selected by communities they represent along transitway corridors.
- f) CAC and Business Advisory Committees will meet together on a quarterly basis.
- g) The Community Engagement Steering committee will support transitway corridor project staff with connections to underrepresented groups along the transitway corridors such as contacts to:
  - Faith communities
  - Cultural communities
  - Place based groups
  - Communities of color
  - Small and Ethnic businesses
  - Community Engagement Steering Committee members
  - Disability community
  - New immigrant communities
  - Low-income communities
  - Students at high schools, community colleges
- h) The orientation for the CAC will include environmental justice, equitable development, and cultural awareness training in their orientation that includes a combined map identifying where the underrepresented communities (low income, communities of color, new immigrants, and disabled) live.
- i) CACs will have the ability to set their own agenda, pass motions, and make recommendations to the corridor policy advisory committee and the corridor management committee through their voting representative.

- j) CACs will elect a chairperson from their membership who represents a grassroots community along the transitway corridor
- k) A community representative will be elected to serve by the CAC on the transitway corridor policy advisory committee as a voting member.
- l) Construction Communication Committees should be set up at least one month in advance of construction, with representatives appointed by grassroots community groups.

The SWLRT CAC has not been conducted in good faith on some of the recommendations that were adopted. It should be considered that the recommendations were agreed upon but not acted upon or implemented in process.

1. The SWLRT CAC was expanded in April 2012. The BAC was formed also in August 2012. To date, the CAC and the BAC has not met, nor is it in the agenda for the near future. part f.
2. The CAC does not have representations for the minority group along the Freight Rail Re-route or students from the St Louis Park High School. There has been no active recruitment for these group by the SWLRT Staff. part g.
3. The CAC members have not been able to set the agenda, pass motions, or make recommendations to the policy advisory committee. If there is a voting representative, the members of the CAC are not aware of this ability, who is the voting member, or how this vote is conducted. part i.
4. There has been no election to establish a chairperson. part j.
5. There has been no election to establish a representative the Management Committee. part k
6. Community issues were identified in a “dot-mocracy” survey, however details of the survey were denied the CAC committee and no subcommittees have been established. part c
7. The CAC has not been included as a resource and check point for community engagement throughout the transitway corridor and the adjacent communities. They have not reviewed or approved a corridor project community engagement plan. part b

#### 12.1.1.4

Table 12.1-1 lists meetings of Neighborhood, community and business groups where Southwest Transitway information was presented. The discussion of the freight issue was not allowed at any of these meetings.

#### 12.1.1.5

Since the DEIS was launched, three additions of the Southwest Newsline were published and distributed. The freight issue was deliberately excluded from all three publications.

#### 12.1.1.6

Table 12.1-2 lists community events where staff attended southwest materials were distributed. The opportunity to learn about the freight issue or discuss the freight issue was deliberately excluded from every one of these community events.

#### 12.1.1.8

Information about the freight issue was deliberately excluded from the southwesttransitway.org website prior to Sept, 2011.

#### 12.1.2

None of the articles on SW LRT listed in Table 12.1-4 included the freight issue. Table 12.1-5 lists media outlets contacted to run stories about the SW LRT project. None of the media outlets were contacted by project staff and asked to run a story about the freight issue.

#### 12.1.3

Twenty-five public meetings and open houses were held at locations within the Southwest Transitway project corridor to provide information to affected and interested communities and parties. The primary purpose of these meetings was to inform of the public about the study's process and to give all interested parties an opportunity to provide input, comments, and suggestions regarding the study process and results. The opportunity to provide input, comments and suggestions regarding the freight issue was deliberately excluded from each and every one of these 25 meetings.

#### 12.1.3.1

The scoping process is designed to inform the public, interest groups, affected tribes, and government agencies of the Draft EIS and to present the following items for comment:

1. Purpose and need for the project;
2. Alternatives to be studied; and
3. Potential social, economic, environmental, and transportation impacts to be evaluated.

The freight issue is the most controversial issue of the SW LRT project. The freight issue has the greatest potential social, economic and environments negative impacts yet it was not included during the vast majority of the SW LRT scoping process. The freight issue was deliberately excluded after multiple requests to include it in the scoping process. A specific and formal request from the City of St. Louis Park was made on October 14, 2008 to include the freight issue under the scope of the SWLRT DEIS. (Appendix 12.1.3.1a) The St. Louis Park Public Board of Education made a similar request on November 3, 2008. (See Appendix 12.1.1.3.1b) The NEPA Implementation Office of Enforcement and Compliance Assurance wrote a letter dated November 6, 2008 that stated the “impacts and contributions to the existing transportation network including freight/industrial, automotive, pedestrian, and bicycle modes should be fully presented in the DEIS”.(Appendix 12.1.3.1c) Despite all of these requests, the freight issue was denied inclusion in the DEIS scope prior to Sept 2, 2011. The reason for this exclusion is unknown and not published in the DEIS.

#### 12.1.3.2

The discussion of the freight issue was deliberately excluded from all three of the open houses held on May 18, 2010, May 19, 2010 and May 20, 2010.

#### 12.1.5

The only opportunity the public was given by Hennepin County to discuss the freight rail re-route was at the PMT meetings discussed in section 12.1.5. However, any discussion of possible alternatives to the re-route (co-location) or the freight re-route’s connection with SWLRT was strictly forbidden at these PMT meetings. In addition, the vast majority of PMT members and St. Louis Park community were not satisfied with the PMT process. The last PMT meeting included a public open house where over 100 St. Louis Park citizens attended and expressed their outrage regarding the PMT process. The comments made at the open house need to be part of the DEIS since the freight issue was excluded from all other opportunities for public input. The open house can be viewed at <http://vimeo.com/17945966>

In addition, Sue Sanger and Paul Omodt (St. Louis Park Council Members) wrote a letter to Hennepin County Commissioner Gail Dorfman and described the PMT as an “illegitimate and indefensible process” The complete letter can be found in the appendix. (Appendix 12.1.5a) Another letter was written by Ron Latz (State Senator), Steve Simon (State Representative) and Ryan Winker (State Representative) to Hennepin County Commissioner Mike Opat. (Appendix 12.1.5b)The letter was written because of the multitude of complaints made about the PMT process from their constituents. The letter asked that the residents of St. Louis Park receive fair treatment as Hennepin County makes a decision about a the possible re-route. They asked that fair studies and a transparent process. Despite these letters, Hennepin County did not change the way they treated St. Louis Park residents.

The following are comments made by PMT members to provide an overview of the severe shortcomings of the PMT process.

**Kathryn Kottke (Bronx Park):** “The ‘process’ was very frustrating because the questions I asked were not answered. In addition, during the open session residents were allowed to ask questions, but they were openly ignored; at some points, Jeanne Witzig, who facilitated the meetings, would simply respond, ‘Next?’ after residents had asked a question. Any discussions about SW LRT or possible alternatives to the reroute were not not allowed.

“Perhaps most frustrating was that we were asked to list our mitigation requests, but when the engineers had completed their work, they not only ignored every single mitigation request we had made, but they added mitigation we openly rejected such as a quiet zone by the high school and the closure of the 29th street at-grade crossing. Instead of making the reroute safer, Kimley-Horn planned for welded rails that would enable trains to run faster through a very narrow corridor.”

**Karen Hroma (Birchwood Neighborhood):** “The PMT meetings were held only so Hennepin County can check a box and claim that they gathered “public input”. The experience was frustrating and insulting. Several questions of mine went unanswered. None of the Birchwood residents’ mitigation requests were given consideration. In fact, quite the opposite happened. Although the Birchwood residents very specifically asked that the 29th Street intersection remain open, the PMT concluded that the 29th Street be closed and that is was considered “mitigation”. When the PMT wanted to discuss possible alternatives to the re-route we were told that this was not the appropriate time or venue to discuss.”

**Jake Spano (Brooklawns Neighborhood Representative) and current St. Louis Park Council Member):** “I do not support increasing freight rail traffic through St. Louis Park or the rerouting of freight rail traffic North through the city until it has been proven that there is no other viable route. To do this, we need objective, honest assessments and an acceptance of mitigation requests by the people of the St. Louis Park. What was presented during the Project Management Team (PMT) process was lacking in all three of these areas.”

**Claudia Johnston (City of St. Louis Park Planning Commission):** "PMT meetings were conducted to get input from cities, residents and businesses impacted by the SWLR and rerouting freight. The document that was produced from those meetings – the EAW – completely ignored the input of those stakeholders. Therefore the conclusion is that Hennepin County never had any serious intention of working with those stakeholders and used that process to complete one of their required goals which was to conduct public meetings. Hennepin County has continued to withhold information from public authorities like the Met Council, Regional Rail Authority and the FTA by producing documents like the EAW and the DEIS that contain false information."

**Kandi Arries (Lenox Neighborhood):** "I participated in the PMT as a concerned resident of Lenox neighborhood. The PMT was 'pitched' as a chance to problem solve and discuss issues openly. It became apparent though that the PMT was a poster child for government decisions that are made at the top, regardless of the input of the residents and the people impacted. Residents asked questions during the open forum but no answers were given. PMT members gave input to the consultant staff but responses were rare, if at all. Major changes were implemented by the county and the engineer- the lose of the southern connection and change of the cedar lake bike trail to a bridge. These changes were just implemented without the input of the members. The PMT was the forcing of the county wishes regardless of the resident concerns. Shameful."

**Jeremy Anderson (Lenox Neighborhood):** "I participated in the PMT meetings as a representative--along with Kandi Arries--of the Lenox neighborhood. Together, we solicited many pages of comments and suggestions for remediation, and submitted that information to the County. Everything we submitted was summarily ignored. At every turn, the County pretended that the changes THEY wanted were the ones which we had submitted, and that we had never submitted any suggestions. When questions were asked, the answer given by the representatives of the county was: 'this meeting is not to address that question.' -- it didn't matter WHAT the question was. My time was wasted, every citizen who attended had their time wasted, and the County wasted a significant amount of money on a consultant who did nothing other than look confused or defer to a representative of the county. I have never experienced anything so frustrating in my years of dealing with government at all levels. I have learned from this process that Hennepin County does what Hennepin County wishes, regardless of what the citizens say. I would expect government like this in a Monarchy, an Oligarchy, or some sort of despotic Dictatorship. Behavior such as this from a supposedly representative government is absurd, shameful, and should not in any way be encouraged. The irregularities around the EAW and DEIS are so massive, so coordinated and so mind-boggling as to suggest fraud and graft on a quite noticeable scale. The County has continually dodged funding questions, and whenever a number is suggested which looked unfavorable to the freight reroute, that number has magically been declared a typo at a later date. It is my suspicion that if the proposal were shown to violate several of Newton's Laws, that Hennepin County would declare that Newton had been incorrect in his fundamental discovery."

**Lois Zander (Sorenson Neighborhood):** “As a member of the PMT and representative of the Sorensen Neighborhood, I was able to see first hand how the public process was manipulated to make it look as though our neighborhood concerns were actually going to be considered in making a determination about the re-route. Prior to the meetings, PMT representatives were asked to get input from their neighborhoods regarding mitigation, should the reroute go through St Louis Park. In good faith, a neighborhood meeting was called and a list of concerns and possible mitigations was put together. This process put me in the position of getting our hopes up that our position would be heard, just to be dashed when exactly zero mitigations were revealed in the final document. I then needed to go back to my neighbors with this unhappy news and an explanation as to why I bothered them in the first place.

“During PMT meetings, faulty results were given as proof we needed no mitigation for vibration, noise and safety. For example: an "expert" took a reading next to the current small train as it passed along the MN&S. He had beautiful charts and graphs all proving the noise was below any level of concern and therefore did not need to be mitigated. This certainly does not represent the noise of the mile long 2 or 3 engine train which will be passing through our neighborhood and by our schools. The same ploy was used to prove to that vibration would not be a concern to our homes and schools. Do they take us for fools? This is a waste of taxpayer money and an insult to all of us who worked in good faith at our meetings.

“When we raised safety concerns about students being on the tracks going to the football field or to lunch, we were told the trains cannot stop and if someone were killed it would be their fault for trespassing. Students will still be at risk simply by walking across a sidewalk crossing and there they will not be trespassing.

“I was extremely disappointed to find that the SWLRT-DEIS was also a sham. Instead of a new study, the same faulty results were once again used to disprove our need for mitigation or co-location. Even though studies have clearly shown the MN&S is not suitable for the reroute and that co-location is a cheaper and more viable alternative, the powers that be inexplicably insist on going through on the MN&S in St Louis Park.

“We do not want this hideous reroute through the middle of our city for which we have worked so hard to gain model city status as a top 100 city in the country to live. We are very disappointed by this process, which took so much of our time and energy, and we will continue to fight this egregious ‘mistake’.”

**Joe LaPray (Sorenson Neighborhood) and Jami LaPray (Safety in the Park):** “Almost fifteen years ago we got involved in the effort to stop the proposed freight rail re-route. We started small, writing letters to our elected officials and commenting during the scoping of the SWLRT. Each time we commented we were ignored or told the relocation of freight will make someone else’s life easier. We vowed to continue to work toward a resolution that would not cost us our safety and home.

“When the PMT was formed we both volunteered to take part. The idea that we might finally be heard was wonderful. We were told the PMT members would have input on the design of the proposed re-route . We believed that even if we did not get everything we wanted, at least our ideas would be part of the design and life would be better for all of St. Louis Park. From the beginning this was not the case. Questions we asked either went unanswered or if answered after weeks of waiting the answers were cursory. We were told during the August 26, 2010 PMT meeting where in the process mitigation would be discussed and considered. In good faith we worked hard to reach out to our neighbors and compile a list that was not frivolous (we wanted things like bushes and sound barriers) we submitted that list to Kimley-Horn the engineering firm writing the EAW. When the EAW was finally published the list we worked hard to compile was not even a footnote in the EAW document.

“Other information gleaned during the PMT process that is pertinent to our concern was also left out of the EAW document and subsequently left out of the SWLRT-DEIS. For Example: during one of the meetings, Joseph asked, Bob Suko General Manager of the TC&W Railroad a question about the ability of a loaded unit train to stop should an obstacle be in an intersection near the Dakota and Library Lane intersections. The answer was “no” they could not stop.

“In the end it can only be concluded that the PMT process was designed to fulfill the duty of government agency to hold public meetings. Nothing else came from the process.”

**Thom Miller (Safety in the Park):** “The entire PMT process was clearly not designed for public input, but rather for the county ‘check the box’ that they had held public meetings. Each meeting included a rather heated exchange between the facilitators and members on the re-route issue because the facilitators tried to shut down any such discussion.”

The DEIS fails to mention the 2011 April 17 and 28 freight re-route listening sessions that were held by the city of St. Louis Park. Hundreds of St. Louis Park residents voiced their opposition to the freight reroute. Those comments should be included as part of the DEIS. These comments are especially valuable considering the freight issue discussion was excluded from the DEIS scoping process. Video of the listening sessions can be found at <http://vimeo.com/23005381> and <http://vimeo.com/23047057>.

### 12.2.1

SATETEA-LU Section 6002 states:

“(1) PARTICIPATION- As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in defining the purpose and need for a project.

'(4) ALTERNATIVES ANALYSIS-

'(A) PARTICIPATION- As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in determining the range of alternatives to be considered for a project.

'(B) RANGE OF ALTERNATIVES- Following participation under paragraph (1), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project.

'(C) METHODOLOGIES- The lead agency also shall determine, in collaboration with participating agencies at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

'(D) PREFERRED ALTERNATIVE- At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review process.”

Hennepin County purposely kept the freight issue out of the SW LRT scope despite multiple requests from the City of St. Louis Park, the City of St. Louis Park School Board and the public. They clearly were not following the SAFETEA-LU directive to involve the public and participating agencies as early as possible. In fact, they did quite the opposite. The reroute was purposely excluded from the SW LRT scope so that Hennepin County could keep its agenda to remove the freight from the Kenilworth Corridor. The preferred alternative was developed to a much higher level of detail than LRT 3A-1 (co-location). Hennepin County has made every effort to keep co-location off the table. By the time the FTA forced Hennepin County to include co-location in the scope of the DEIS, so much progress has been made on the SW LRT project that it is impossible for the Met Council to make an impartial decision on the reroute verses co-location. The Met Council is not seriously considering co-location because a vote on the LPA has already occurred. The LPA selection process must be reopened with the freight issue included in order for an impartial decision to be made.

### 12.2.2

The Section 106 review process is an integral component of the National Historic Preservation Act (NHPA) of 1966. Section 106 of the NHPA requires each federal agency to identify and assess the effects their actions will have on historic resources. The process requires each federal agency to consider public views and concerns about historic preservation issues when making final project decisions. The ultimate goal of Section 106 is to seek agreement among these participants regarding preservation matters arising during the review process. At the time that the Section 106 notification letters were sent out, the potential reroute of freight was not considered part of the SW LRT project. The Section 106 review process should be done with the potential reroute of freight included.

### 12.3.1

From the initiation of the Draft EIS process in the spring of 2008, Southwest Transitway project staff have been collecting public comments and filing a public comment database specifically designed for the project. Currently, this database contains more than 1,000 comments provided by approximately 250 commenters. The database excludes any comments regarding the freight issue because the freight issue was not part of the SW LRT scope prior to Sept, 2011. The LPA selection process must be redone with the freight issue included so that public input and an unbiased decision about the LPA can be obtained.

### 12.3.2

In this section the FTA and the Metropolitan Council state that they will continue to meet with interested parties and stakeholders throughout the NEPA process. This section describes Metropolitan Council developed Communications and Public Involvement Plan (CPIP) which recognizes the need to communicate with the public. The CPIP's goals are:

1. Develop, maintain and support broad public understanding and support of the project as an essential means to improve our transportation system and maintain regional competitiveness.
2. Build mutual trust between the Metropolitan Council, its partners and the public by creating transparency through information sharing and regular, clear, userfriendly, and two-way communication about the project with community members, residents, businesses and interested groups in the corridor.
3. Promote public input into the process by providing opportunities for early and continuing public participation and conversation between the Metropolitan Council and the public.
4. Maintain on-going communication with project partners and ensure that key messages are consistent, clear and responsive to changing needs.
5. Inform elected officials and funding partners of the project and status to ensure clear understanding of the project, timing and needs.
6. Provide timely public information and engagement to ensure that the project stays on schedule and avoids inflationary costs due to delays.

The Metropolitan Council has failed reaching any of these goals in regards to individuals concerned with the freight issue. Because the freight issue was excluded from the vast majority of the SW LRT scoping period, Safety in the Park has attempted to set up a conference call between the Met Council, the FTA and the Safety in the Park co-chairs. Safety in the Park believes that this conference call would not make up for the exclusion of the freight issue for the majority of the SW LRT scoping period but would be a small step towards helping the FTA and Met Council understand the public's concerns regarding the potential reroute. Safety in the Park is optimistic that a conference call can be set up in the near future.

## APPENDIX H, PART 1:

MN&S Rail Study, March 13 (pages 64-189)

In September 2011, the FTA requested that the SWLRT DEIS include an analysis of the impacts of re-routing the TC&W freight traffic. The FTA also requested an analysis of the co-location of the freight rail with the LPA or 3A such that a full analysis of alternatives would be completed according to the NEPA regulations.

The MN&S Report is the information and data that was used in the analysis of the environmental impacts for the FRR sections.

It is important to note that the information contained within the report is the same data that was presented as the MN&S Freight Study Environmental Assessment Worksheet completed by the Minnesota Department of Transportation, dated May 12, 2011, with collaboration from the Hennepin County Regional Rail Authority. During the 30 day comment period, Safety in the Park!, the City of St Louis Park, local agencies, Canadian Pacific and TC&W Rail companies, and many residents and neighborhood associations commented on the impacts discussed, including a request for further study.

The Minnesota Department of Transportation released a Finding of Facts and Conclusions on June 30, 2011 which listed the projects as a Finding of No Significant Impacts and that the project did not warrant further study as an EIS. The City of St Louis Park and a group of impacted residents and businesses appealed this decision to the Minnesota Court of Appeals, following the guidelines established within the State of Minnesota.

The City Of St Louis Park appealed on the basis of: 1) that the MN&S freight rail project and SWLRT was a connected action; 2) failure to treat the freight rail project as a connected action eliminated the option of including an environmental analysis of co-locating the freight rail and light rail in the Kenilworth Corridor and 3) the MN&S freight rail project as a stand alone project has the potential for significant impacts, requiring an Environmental Impact Statement.

The impacted residents and businesses appealed on the basis that: 1) the EAW violated Minnesota Environmental Protection Act (MEPA) because it fails to consider the SWLRT as a connected and phased action; 2) MN&S Freight Rail Study analysis of Noise and Vibration, and mitigation, is inadequate and 3) the analysis of the project's impacts to safety was inadequate.

After the September 2011 FTA letter and during the appeal process, representatives from Hennepin County requested that the appeals would be dropped. (LaPray Response to the motion to dismiss Jan 10, 2012)

Within two weeks of the scheduled appeal court date, the Office of the Hennepin County Attorney issued a statement dated December 19, 2011 from the Hennepin County Regional Rail Authority that the MN&S Freight Rail Project no longer warranted a separate environmental analysis as a stand alone project. On December 20, the Minnesota Department of Transportation issued a statement proclaiming that MnDot 'vacates' the EAW for the Proposed Freight project. The action of 'vacating' the document was an unprecedented end to an Environmental Assessment Worksheet in Minnesota but it forced the appeal to be dropped because there was no environmental document to appeal. This is a violation of the trust of constituents that governing bodies will act in good faith and without a predetermined objective - an important right within government projects.

It is with this history that the MN&S Report included as supporting documentation for the freight rail reroute must be considered. The MN&S report is the same hard field data that was presented as the MN&S Freight Rail Project EAW. The MN&S report does not include anything significantly different even though the EAW project was in the steps for an appeal, requesting more study of the impacts. It has the same inaccuracies and NEPA, MEPA violations. The SWLRT DEIS usage of this as supporting evidence therefore can only include the same inaccuracies and environmental act violations, partly due to the fact that the request for additional study was ignored by Hennepin County. A significant part of the EAW appeal was the request that the project was studied to the level of an Environmental Impact Statement. This only highlights that the MN&S Report and the included field studies are not to the level of study of an EIS. Yet, this is the information simply inserted into the SWLRT DEIS as an equal study and evaluation.

In addition, the MN&S Report is dated as March 13, 2012 but it is not clear who the report was released to. The staff at the City of St Louis Park were not consulted which highlights that the report did not have full disclosure with impacted stakeholders.

Whenever possible- comments from the EAW or the appeals have been used in this response.

Source for the MN&S Freight Rail Study:

[http://mnsrailstudy.org/yahoo\\_site\\_admin/assets/docs/FINAL\\_MNS\\_Freight\\_Rail\\_Study\\_EAW\\_05-12-2011.131184329.pdf](http://mnsrailstudy.org/yahoo_site_admin/assets/docs/FINAL_MNS_Freight_Rail_Study_EAW_05-12-2011.131184329.pdf)

Source for the MnDot Finding of Facts and Conclusions

[http://mnsrailstudy.org/yahoo\\_site\\_admin/assets/docs/MNS\\_Findings\\_of\\_Fact\\_June302011.187180927.pdf](http://mnsrailstudy.org/yahoo_site_admin/assets/docs/MNS_Findings_of_Fact_June302011.187180927.pdf)

SAFETY IN THE PARK!

APPENDIX

CHAPTER 1 DOCUMENTS

SAFETY IN THE PARK!

APPENDIX

CHAPTER 4 DOCUMENTS

SAFETY IN THE PARK!

APPENDIX

CHAPTER 5 DOCUMENTS

SAFETY IN THE PARK!

APPENDIX

CHAPTER 7 DOCUMENTS

SAFETY IN THE PARK!

APPENDIX

CHAPTER 10 DOCUMENTS

SAFETY IN THE PARK!

APPENDIX

CHAPTER 12 DOCUMENTS

# SAFETY IN THE PARK!

## APPENDIX

### OTHER SUPPORTING DOCUMENTS

- a. Rail Road comments to the MN&S Freight Rail EAW  
[http://mnsrailstudy.org/yahoo\\_site\\_admin/assets/docs/Railroad\\_Comments.18891450.pdf](http://mnsrailstudy.org/yahoo_site_admin/assets/docs/Railroad_Comments.18891450.pdf)
- b. City of St Louis Park appeal
- c. MN&S Freight Rail Study EAW Brief of Relators Appeal, Jami Ann LaPray, et al
- d. Office of Hennepin County letter, dated Dec. 19, 2011
- e. MnDot Resolution, dated Dec. 20, 2011
- f. LaPray Response to the motion to dismiss Jan 10, 2012
- g. April 18, 2011 SEH DRAFT Technical Memo #4 - Comparison of the MN&S Route & The Kenilworth Route.  
[Key findings from SEH DRAFT Technical Memo # 4](#)  
[http://www.stlouispark.org/webfiles/file/community-dev/techmemo\\_4.pdf](http://www.stlouispark.org/webfiles/file/community-dev/techmemo_4.pdf)

See Comment #777 for Theme Delineations

From: Colleen Dreher <coledreher@comcast.net>  
 Date: December 30, 2012 11:40:37 AM CST  
 To: Colleen Dreher <coledreher@comcast.net>  
 Subject: DEIS COMMENTS

To: Hennepin County  
 Housing, Community Works and Transit  
 ATTN: Southwest Transitway

From: THE LAKES CITIHOMES

The Lakes CitiHomes consists of 83 townhouses. Many homeowners have resided here since they were constructed in 1984.

We will be substantially affected by both the LRT and the West Lake Station because of our extreme close proximity; both rails and station will be no more than a few hundred feet from our homes.

We have many valid concerns about preserving a quality of life here at the The Lakes. We have chosen to comment on what we feel are the most important issues described in the DEIS.

- 1) Preserving Pedestrian Access in the Neighborhood
- 2) Visual Quality and Aesthetics / Buffers & Barriers
- 3) Support of Freight Rail Re-Route
- 4) Neighborhood Opposition to Park & Ride

Thank you for your consideration,  
 THE LAKES CITIHOMES ASSOCIATION  
 3029 Lake Shore Drive  
 Minneapolis, MN 55416

1)

3.2.2.6 Neighborhoods and Community Cohesion

COMMENT: The infrequency of the current freight trains allow tracks to be easily crossed allowing residences north and west of the tracks to access parks, trails and retail businesses. The natural crossings and paths encourage pedestrian traffic in the area. Proposed LRT will run frequently and clearly alters the linkages within and among the neighborhoods. The Lakes CitiHomes' high - density residential housing will be adjacent to the West Lake Station as well as the proposed line. The casual walking connections need to be preserved for pedestrian connections to retail, activity centers, parks and open spaces. There is also great opportunity to add more natural crossings encouraging local rail riders to walk and bike to the West Lake Station, therefore reducing automobile traffic.

See attached photos:

2)

3.6 Visual Quality and Aesthetics

COMMENT: The Lakes CitiHomes will be heavily affected visually by the LRT and the West Lake Station. Station noise is also an obvious concern for homeowners. Deciduous vegetation, between our homes and the proposed rail line / West Lake Station, is marginal in the summer months and provides no visual barrier in the winter months. Much will likely be removed in construction. Excellent landscape design, including evergreens, land berms, shrubs etc. are crucial for preserving privacy both indoors and outdoors for homeowners. We urge engineers to employ high standards of design to preserve quality of life here at The Lakes CitiHomes. As stakeholders, we ask that our opinions be considered during the planning process.

See attached photos:

3)

#### Support of Freight Rail Re-Route

COMMENT: The Lakes Cithomes Association supports the freight rail re-route as the only practical option. It is unworkable for freight rail and light rail to share the Kenilworth corridor.

4)

#### 6.2.2.4 Transit Station Access

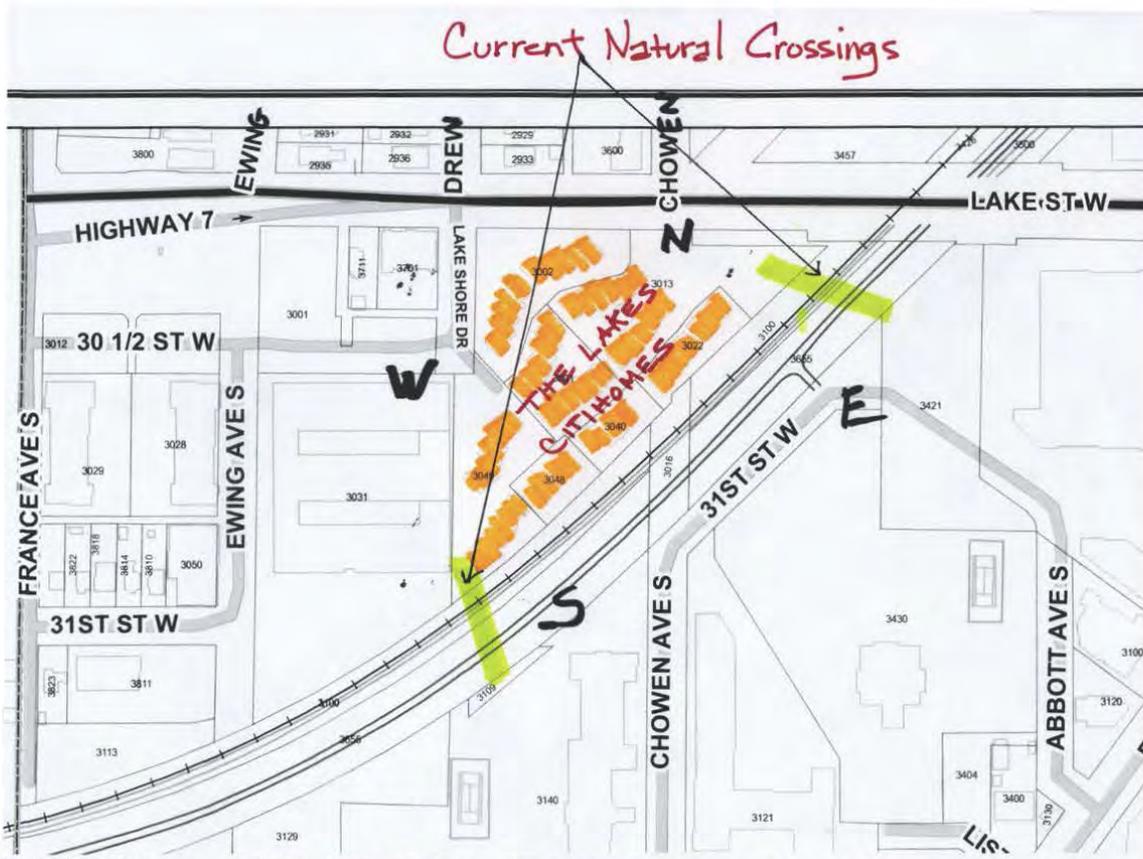
##### Neighborhood Opposition to Park & Ride

COMMENT: While we understand the necessity for Park & Rides along the suburban stretches of the Southwest LRT corridor, we are baffled by the suggestion of placing one near the proposed West Lake Street Station in a destination neighborhood. The intersections in the vicinity of West Lake Street and Excelsior Boulevard are already oversaturated with automobile congestion. Encouraging even more car traffic into this extraordinarily dense neighborhood by building additional parking would only exacerbate the problem. It would also further worsen the air quality near one of Minneapolis' most scenic locations. And the increased traffic congestion would deter far more people from using the local businesses than if the station were to be accessed only by pedestrians and bicyclists.

Furthermore, a Park & Ride would negatively alter the cultural identity of the neighborhood. The many parks and trails, "green" businesses, and the forthcoming light rail transit itself all help mold West Calhoun into an ecologically progressive neighborhood. To build a Park & Ride here, which, it should be noted, the City of Minneapolis has a policy prohibiting within the city limits, would be a giant cultural step backwards. A Park & Ride built in a destination neighborhood such as this would largely be used by people wishing to visit the second most popular attraction in the entire state of Minnesota, Lake Calhoun, defeating the purpose of using the light rail to get here instead.

For the above reasons, a Park & Ride at the proposed West Lake Street station would be counterproductive to the sustainability of the neighborhood, the health of its residents, and the very vision of the Southwest Transitway project.







Colleen Dreher  
 <coledreher@comcast.net>  
 12/30/2012 01:03 PM

To swcorridor@co.hennepin.mn.us  
 cc  
 bcc  
 Subject SOUTHWEST TRANSITWAY DEIS COMMENT

**See Comment #777 for  
Theme Delineations**

To: Hennepin County  
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For the above reasons, a Park & Ride at the proposed West Lake Street station would be counterproductive to the sustainability of the neighborhood, the health of its residents, and the very vision of the Southwest Transitway project.

Lakes CitiHomes Proximity To Rails And Proposed West Lake Station







jodie lampcov  
<jodiefahey@me.com>

12/30/2012 01:12 PM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>

cc

bcc

Subject 3325 Dakota slp

I live directly across from the high school and have the rail right behind my property. I understand when I bought my house I was purchasing on a low active rail line. That is now going to change. I am not happy. What bothers me more is there are other options such as the outer rim of the cities and the Kenwood area. But as usual, our community did not play politics with hennipen county board members as the Kenwood area did, so now it is our problem. So once again safety and the environment is being overlooked for capital.

C

Thank you,  
Jodie lampcov Fahey  
3325 Dakota ave  
St. Louis park 55416

Sent with Peace



Lee Lynch  
<Lee@greenroxpartners.com>

12/30/2012 02:00 PM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>

cc

bcc

Subject CedarLake Pkwy Bridge

I do not have the necessary skills to delve deeply into the Light Rail Deis concerning the complicated intersection at Burnam Rd. and Cedar Lake Parkway. It would seem to me that the underground alternative has not been considered. Is tunneling simply too expensive. If so, how much more?? We all agree that the lakes and the surrounding environment is priceless and worth preservation. The proposed bridge makes the un needed superbridge over the St. Croix River look like a thing of environmental beauty. Please consider going down, not up. It would reduce visual, noise and light pollution.

E8

--

PLEASE NOTE – MY EMAIL ADDRESS HAS CHANGED TO: [lee@greenroxpartners.com](mailto:lee@greenroxpartners.com)

Lee Lynch  
Greenrox Partners, LLC  
City Center  
615 Hennepin Ave., #140  
Minneapolis, MN 55403  
Phone: 612-455-9535



Lynne Stobbe  
<lynnestobbe@gmail.com>

12/30/2012 02:53 PM

To swcorridor@co.hennepin.mn.us

cc

bcc

Subject OPPOSED to Southwest Light Rail Transit

### To Whom It May Concern:

I am OPPOSED to the freight rail re-route as outlined in the SWLRT DEIS. By putting this proposed freight rail reroute through St. Louis Park - you will be endangering the lives of not only our St. Louis Park High School students, and families that live nearby.

C

We who live near the high school routinely see the students duck under the railroad gates to go to the McDonald's or the athletic fields - with the proposed longer and faster students this is putting them at risk to be killed. According to the Department of Transportation: 94% of all railroad crossing accidents are caused by risky behavior. These longer & faster trains can take over a mile to stop (18 Football Fields). Do you think any student or even local driver will try to rush instead of waiting for these longer trains.

"Nearly half of all rail crashes occur when a train is traveling under 30mph (Dept of Transportation). Approximately every two hours there is a collision in the US between a train and either a vehicle or pedestrian." That is 12 incidents a day and you want to increase this percentage to 788% by putting this train re-route in the middle of the St. Louis Park High School campus. When the first student is killed - the citizens of St. Louis Park will be lining up to testify against Hennepin County and the State of Minnesota. It is time for Hennepin County and the State of Minnesota to learn to be fiscally responsible. It would be less costly to leave the freight rail traffic where it currently is. In the last couple of years the State of Minnesota and Hennepin County has spent millions upgrading Highway 7, and putting in a new bridge at Wooddale, by forcing this re-route onto St. Louis Park you are wasting not only future money, but past money spent, because the freight traffic will cut many of us off from using this new access to Highway 7. Your plan that you are trying to force on us will create an unsafe and unlivable situation for our school children, our local

businesses, and our residents. This **NEGATIVELY** impacts our community.

Sincerely,

Lynne Stobbe

3056 Dakota Ave. S.

St. Louis Park, MN. 55416

(952)922-0893

--

[lynnestobbe@gmail.com](mailto:lynnestobbe@gmail.com)

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Jocelyn Simon  
 <jocelynsimon1@yahoo.com>

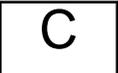
12/30/2012 02:55 PM

To swcorridor@co.hennepin.mn.us  
 cc  
 bcc  
 Subject SWLRT

To Whom It May Concern:

I am writing in response to the Southwest Light Rail Transit (SWLRT) – Draft Environmental Impact Statement (DEIS) published in regard the SWLRT which includes the proposed freight rail re-route in St. Louis Park, Minnesota.

The current SWLRT-DEIS has significant flaws and the planned re-route idea either needs to be dropped completely or a great deal more study must be done. As this action is proposed and described in Chapter 1, Section 1.3.2.3 as rebuilding a little known, lightly used spur line into a main freight rail line, which will initially allow a 788% increase of rail car traffic. What the SWLRT-DEIS does not address, but should, are the real world impacts of this action on the affected area.



Besides my general concerns about the SWLRT-DEIS, the portion of the report dealing with Noise (3- 93 and 94) and Vibration (4-117) causes me the greatest concern. The SWLRT-DEIS underestimates the effects of vibration for because it considers only the immediate traffic increase from the re-route and not additional traffic that is likely to occur. Currently trains travel on the MN&S for approximately two hours a month. If the re-route occurs there will be a minimum of 6 hours and 39 minutes or a 232.5% increase in train related vibration will occur each a month. Currently, all vibration and its negative impacts occur five days a week during regular business hours. In the future vibration will occur on weekends and nights as well as during business hours. Not only will the duration of vibration increase, but also the amount of vibration will increase with longer, heavier trains. The assumption stated in the SWLRT-DEIS that the increase in vibration is insignificant is incorrect. Listed below are reasons why the assumptions are incorrect:

We are also led to believe that creating a quiet zone will end all of the noise issues. This assumption is incorrect for the following reasons:

- 1.
- 2.
- 3.
4. 5. 6.

A quiet zone is not a sure thing.

1. Implementation could be denied by the school board because the building of a quiet zone will limit access to the Senior High School
2. Locomotive engineers are compelled to blow the horn if they perceive a dangerous situation. What kind of responsible person would drive a train through a series of blind crossings, past several schools without blowing the horn?

Quiet zones do not limit locomotive noise

1. Multiple locomotives will be necessary for pulling a fully loaded train up the .86% grade if the new interconnect.

2. Multiple locomotives laboring with long trains will make more noise than the locomotives that currently use the MN&S

Trains traveling west will need to use their breaks to maintain a slow speed going down grade and through curves

Train wheels on curves squeal; the tighter the curve the greater the squeal.

Bells on crossing arms in a quiet zone will ring the entire time a train is in the crossing. Because there are currently no trains at night, even one night train means diminished livability.

None of

considered. This mitigation is not frivolous; it is necessary to maintain the safety, livability and property values for the residents of St. Louis Park.

the mitigation requested by the City of St. Louis Park on behalf of her residents is being

Name: Jocelyn Simon, homeowner

Address: 3274 Blackstone Avenue City/State/zip: St. Louis Park, MN Telephone: 612-670-6765

E-Mail: [jocelynsimon1@yahoo.com](mailto:jocelynsimon1@yahoo.com)



Mark Christiansen  
<mchristiansen2002@gmail.com>

12/30/2012 03:10 PM

To swcorridor@co.hennepin.mn.us

cc

bcc

Subject Comment to DEIS

To Whom It May Concern:

Attached and pasted below is my comment I would like added to the DEIS for the SWLRT and proposed freight-rail reroute. I oppose the freight-rail reroute and ask for full and complete consideration of the truth before making any detrimental decisions. Thank you

To Whom It May Concern:

I am writing in response to the Southwest Light Rail Transit (SWLRT) – Draft Environmental Impact Statement (DEIS) which includes the proposed freight rail re-route in St. Louis Park, Minnesota.

C

**I oppose the freight rail re-route** as outlined in the SWLRT DEIS. I believe it will create an unsafe and unlivable situation for our school children, our local businesses, and our residents.

The proposed action of re-routing freight is described in Chapter 1, Section 1.3.2.3. The MN&S Spur tracks are a lightly used spur line within a high density urban, residential setting and directly adjacent to the St Louis Park Senior High. Using this as a proposed freight-rail route is of **deep concern** to many people in our community.

What is most concerning is the questionable approach many elected officials and state employees have taken while working on the SWLRT and the freight-rail reroute. There have been **reported errors and omissions** throughout the last few years, and decisions are being made based on this bad information, without full consideration of all the true details and facts around the issues. Beyond the trust deficit that's been created, **we just want a fair-shot** and fair consideration once everyone has correct information. And having communities work together, and not against each other should be the goal.

I can understand that change and progress will be met by opposition, and not always benefit 100% of people involved. With that understanding and empathy, **why can't we help those affected** to the best of our capabilities and creativity? No single person or group of people should feel like they are taking the brunt of this progress and made to feel like second-class citizens. There **should not have to be clear losers** that are ignored. We need to help our communities by providing safe, meaningful and legitimate mitigation. Make it worthwhile or desirable in some respects, to live next to the tracks. **Find ways to off-set the negative impacts** with positive reparations. For instance, **provide tax incentives** for property adjacent to the reroute. Or **provide sound-proof walls** and barriers, similar to what's used on our highways and interstates in the Twin Cities. Or financial assistance with selling or buying homes along the

route, or interest-free loans to repair homes that receive the increased vibration from the increased train traffic. **Please, if this has to happen, make mitigation a real, impactful thing.**

Thank you,

Name: \_\_Mark Christiansen\_\_\_\_\_

Address: \_\_3011 Brunswick Ave S.\_\_\_\_\_

City/State/zip: \_\_St. Louis Park, MN 55416\_\_\_\_\_

Telephone: \_\_612-220-4393\_\_\_\_\_ E-Mail: \_\_mchristiansen2002@gmail.com\_\_\_\_\_

To Whom It May Concern:

I am writing in response to the Southwest Light Rail Transit (SWLRT) – Draft Environmental Impact Statement (DEIS) which includes the proposed freight rail re-route in St. Louis Park, Minnesota.

**I oppose the freight rail re-route** as outlined in the SWLRT DEIS. I believe it will create an unsafe and unlivable situation for our school children, our local businesses, and our residents.

The proposed action of re-routing freight is described in Chapter 1, Section 1.3.2.3. The MN&S Spur tracks are a lightly used spur line within a high density urban, residential setting and directly adjacent to the St Louis Park Senior High. Using this as a proposed freight-rail route is of **deep concern** to many people in our community.

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I can understand that change and progress will be met by opposition, and not always benefit 100% of people involved. With that understanding and empathy, **why can't we help those affected** to the best of our capabilities and creativity? No single person or group of people should feel like they are taking the brunt of this progress and made to feel like second-class citizens. There **should not have to be clear losers** that are ignored. We need to help our communities by providing safe, meaningful and legitimate mitigation. Make it worthwhile or desirable in some respects, to live next to the tracks. **Find ways to off-set the negative impacts** with positive reparations. For instance, **provide tax incentives** for property adjacent to the reroute. Or **provide sound-proof walls** and barriers, similar to what's used on our highways and interstates in the Twin Cities. Or financial assistance with selling or buying homes along the route, or interest-free loans to repair homes that receive the increased vibration from the increased train traffic. **Please, if this has to happen, make mitigation a real, impactful thing.**

Thank you,

Name: Mark Christiansen

Address: 3011 Brunswick Ave S.

City/State/zip: St. Louis Park, MN 55416

Telephone: 612-220-4393 E-Mail: mchristiansen2002@gmail.com



Judy Meath  
 <meath@umn.edu>  
 12/30/2012 03:35 PM

To swcorridor@co.hennepin.mn.us  
 cc  
 bcc  
 Subject Comment on Southwest Transitway

To: Southwest Transitway Project Office

From: Judy L. Meath, resident of Kenwood neighborhood, Minneapolis

Home address:

2700 Kenilworth Place

Minneapolis, MN 55405

Home phone: 612-925-1771

Please consider my comments on the Draft Environmental Impact Statement (DEIS) for the proposed Southwest LRT/Transitway.

Concern about the overpass bridge over Cedar Lake Parkway: The bridge will impose a substantial negative visual impact on the scenic beauty of the area. The site of the proposed bridge is immediately adjacent to walking and biking trails, as well as to the Kenilworth Channel that links Lake of the Isles to Cedar Lake, and which thousands of Minnesotans and visitors to the state enjoy every year via canoe. The proposed bridge would detract significantly from the quiet and beauty of this area. I request that an alternative be found for the bridge (such as a tunnel or trench).

E8

S3

Concern about noise due to LRT trains: I think the DEIS is incorrect to categorize the park land to the west of the Kenilworth Corridor as a Federal Transportation Agency land-use noise category 3. Rather, this area should be designated Category 1, because *quiet is an essential element of its use* . This area offers precious opportunities to commune with nature. People walk and bike and canoe nearby, and birdsong is the predominant sound. Light rail noise will negatively impact enjoyment of this civic commonwealth. The DEIS fails to support adequate mitigation of noise caused by light rail trains and horns.

E4

O1

While I support noise mitigation for the enjoyment of the thousands of bikers, walkers, and canoists who use the Kenilworth Trail and Cedar Lake Trails, I also support noise mitigation for residents such as myself who live close to the proposed light rail. Noise caused by light rail trains and horns could drastically reduce quality of life for thousands of us who live nearby. I request that the noise imposed by light rail be mitigated, perhaps by trenching it, or by running it up Highway 100.

E4

G2

Concern about preservation of historic landscape: The DEIS does not properly assess the impact of light rail on Cedar Lake Parkway, correctly identified as an “historic landscape” and eligible for the National Register of Historic Properties. Specifically, Cedar Lake Parkway is a treasured segment of Minneapolis’ Grand Rounds, and features natural beauty enjoyed by thousands of Minnesota residents year-round, who use the Parkway for biking, walking, and enjoying the outdoors. The activity and noise of light rail poses a serious threat to the preservation of this historic landscape. I would like to see the landscape preserved.

E2

S2  
S4

Concern about biodiversity: On canoe trips along the Kenilworth Channel, I have seen mink, possum, coyote, deer, to name a few species. The DEIS fails to account for impacts on the habitat of these species.

N8

Sincerely,

Judy L. Meath



Mary Schwanke  
 <mjschwanke@gmail.com>  
 12/30/2012 04:09 PM

To swcorridor@co.hennepin.mn.us  
 cc  
 bcc  
 Subject DEIS

I am responding to the Draft Environmental Impact Statement in specific areas that impact our neighborhood of Kenwood.

**Relocation of Freight Rail:** The freight rail must be relocated as supported in the DEIS. Co-location would mean destruction of 60 homes, the taking of parkland, the elimination of trails as well as other adverse impacts.

D

**Bridge over Cedar Lake Parkway:** The proposed large cement bridge would be ugly, noisy and totally inconsistent with the area. It would look like an industrial park. I support a feasibility study of trenching or tunneling the LRT.

E8

**Noise:** the DEIS points to sever noise impacts on the residences, especially near stations. Noise mitigation needs to be the very best the planners can come up with.

O6

**Preservation:** Both the park and the trail are valuable assets. Existing park, trail and open green space must be preserved. What other city in the US has such a treasure for everyone to enjoy. Every year it is more and more utilized by an increasingly diverse population of families. I walk daily in the parks. I see the wildlife of fox, coyote, rabbits, deer, eagles in an urban environment. It must be preserved. We can do better than destroying everything for a people mover.

D

E2

**Traffic:** A traffic study needs to be done and the problems related to traffic need to be addressed to the neighborhood's satisfaction.

P4

**Light Pollution:** This was not considered at all. It must be, for it will impact the homes near the LRT as well as the wildlife.

N2

**Vibration:** A detailed assessment needs to be done in order to adequately mitigate the problems related to vibration.

O6

**Public Safety:** Kenwood has worked hard to increase the public safety at 21st street as well as Hidden Beach (Cedar Beach East). Safe access to the beach as well as ways to minimize illegal behavior in the secluded area that will be the 21st street station needs to happen. MPRB must be consulted. They have worked hard on this issue.

I2

**Environmental Impacts:** Groundwater and drinking water must be protected in an area of very high sensitivity to pollution of the water table system. Contaminated soils must be dealt with appropriately.

N4,  
N10

One last comment: I know this is the preferred alternative, but it seems to me that it was chosen to give the residents of Eden Prairie and the western suburbs a beautiful ride downtown through the park rather than considering the transportation needs of those north and south of Lake Street and east and west of Nicollet. It won't meet the needs of Minneapolis.

G1

Mary Schwanke  
 1977 Kenwood Parkway



D Lott <bunnybg1@aol.com>

12/30/2012 04:58 PM

To swcorridor@co.hennepin.mn.us

cc jacobsjeffrey@comcast.net, hallfinslp@gmail.com,  
spanoslpouncil@gmail.com, suesanger@comcast.net,  
annemavityslp@comcast.net, susansanta@aol.com,  
bcc

Subject Response to SWLRT DEIS

Please reference my attached letter regarding the Southwest Light Rail Transit Draft Environmental Impact Statement. I strongly oppose this reroute as outlined in my letter.



Thank you for your consideration.

Deborah W. Lott  
2754 Xenwood Ave. S.  
St. Louis Park, MN 55416  
(952) 435-5340

December 30, 2012

TO: Hennepin County Housing, Community Works and Transit

I am writing in response to the Southwest Light Rail Transit (SWLRT) – Draft Environmental Impact Statement (DEIS) , specifically the proposed freight rail re-route in St. Louis Park, Minnesota. I have several objections to the proposed reroute and question the validity of the DEIS which has so many inconsistencies, half-truths, and is riddled with misinformation and erroneous data. That this document was even submitted in support of a reroute through St. Louis Park only goes to show that, at best the writers did not do their homework or, at worst, are intentionally trying to mislead the community and decision-makers into thinking this reroute is truly the “preferred” alternative. Preferred to whom, I would ask?

C

While I have several issues with the reroute, my main issues are these:

- The reroute costs millions more than co-location. These costs will be paid for by taxpayers of Hennepin County and it does not include **any** mitigation for the people of St. Louis Park. In light of our current economic situation, spending a few extra million dollars here and there so haphazardly is greatly concerning to me. How can you make a recommendation on reroute vs. co-location without having an accurate cost analysis? It really makes me wonder about the motivation of those making the recommendations.
- There are five schools within a half-mile of the reroute (the St. Louis Park High School building is within 75 feet of the tracks); there are no schools along the current co-location route, where the trains are currently operating.
- Re-routed, mile-long trains will simultaneously block up to six crossings several times a day. It will take trains 10 minutes or more to clear an intersection. I occasionally drop my grandson off at the high school in the mornings and can attest to the already congested area around the school. I see the constant flow of distracted teenagers as they cross the tracks in the morning between the school and McDonalds and can almost visualize a “beat-the-train” scenario as they rush to school....or a football game....or a band concert....or whatever activity is just across the tracks.
- The reroute will increase freight traffic on the MN&S route by over 700%. These trains will be more frequent, louder, longer and heavier than ever before. These tracks were not built for this kind of freight traffic and to not include any of these mitigation costs in the DEIS is irresponsible.

C

T2

The quality of our neighborhoods is threatened. Our quality of life is threatened. The safety of our residence and visitors is threatened. Is this really the best plan we can come up with? Before you make a recommendation, please have all the facts, costs, and implications to our community.

Sincerely,

Deborah Lott  
2754 Xenwood Avenue South  
St. Louis Park, MN 55416  
952-435-5340  
Bunnybg1@aol.com

cc: St. Louis Park City Council



"Pelner, Dave C"  
<dave\_pelner@uhg.com>  
12/30/2012 06:38 PM

To <swcorridor@co.hennepin.mn.us>  
cc  
bcc  
Subject Comments regarding Southwest Transitway Draft  
Environmental Impact Statement

Dear Southwest Transitway

Please find attached UnitedHealth Group comments to Southwest Transitway Draft Environmental Impact Statement.

Regards

Dave Pelner  
Sr. Director, Workplace Development  
Real Estate Services | UnitedHealth Group  
952.936.1659

This e-mail, including attachments, may include confidential and/or proprietary information, and may be used only by the person or entity to which it is addressed. If the reader of this e-mail is not the intended recipient or his or her authorized agent, the reader is hereby notified that any dissemination, distribution or copying of this e-mail is prohibited. If you have received this e-mail in error, please notify the sender by replying to this message and delete this e-mail immediately.

December 30, 2012

Hennepin County  
Housing, Community Works & Transit  
701 Fourth Avenue South, Suite 400  
Minneapolis, MN 55414  
swcorridor@co.hennepin.mn.us

RE: Comments of UnitedHealth Group to Southwest Transitway Draft Environmental Impact Statement ("DEIS")

12

These comments to the DEIS are submitted on behalf of UnitedHealth Group ("United") as owner of an approximately 68 acre parcel adjacent to the proposed City West station. This parcel is currently being developed by United in a phased development (the "Shady Oak Project") in accordance with a Development Agreement with the City of Eden Prairie, dated March 6, 2012.

These comments are specific to the Locally Preferred Alternative (LRT 3A) and to the conceptual engineering drawings for (1) the proposed TH 62 overpass bridge and (2) the grade & elevation of the track and City West station adjacent to the Shady Oak Project (as shown in DEIS Appendix F — part 1, page 38, sheet 11 of 15, which is attached (the "Concept Plan")).

United is concerned that if the Southwest LRT line is built consistent with the Concept Plan, it will have negative cumulative effects on the Shady Oak Project and the City West station. The following list itemizes our general concerns regarding the current delineated configuration:

12

- The track from the TH 62 overpass bridge to and through the City West station to the US 212 overpass bridge will be raised above the natural elevation of the Shady Oak Project 22 to 33 feet above the ground level.
- We calculate that at a minimum the track height at the City West station will be approximately 22 feet above the adjacent elevation and the probable station and potential adjoining structures will be approximately 52 feet above the adjacent elevation.
- It appears the means for supporting the elevated track is to raise grade up to meet the track elevation presumably with either embankments or with retaining walls. The height of which would range from 22 to 33 feet.
- The length of the elevated portion of the LRT line which will be supported on either the berms or the retaining wall system is roughly 1,200 feet long.

12

These listed observations of the delineated configuration will result in numerous negative impacts on the Shady Oak Project.

12

- The station will become physically separated from the Shady Oak Project because of the 22 foot height elevation differential. United intends to integrate the City West station into its Shady Oak Project, but the raised track and station will make this a practical impossibility.

- The track will be raised along the approximately 1,200 lineal feet of the easterly boundary of the Shady Oak Project and TH 62. This will significantly impact the visual quality and aesthetics of the Shady Oak Project. 12
- The configuration of the adjoining structures that are likely to parallel the City West station area track alignment will by functional adjacency be required to also be upwards of 50 feet elevated above grade thereby creating further separation of the City West station from the Shady Oak Project. 12
- The footprint zone articulated on the preliminary City West station diagram indicates that the impact of the transit stop and its potential adjoining structures will significantly overlap with the approved/negotiated zone of the Third Phase of the Shady Oak Project. 12

In order to mitigate the above listed impacts, the track should be lowered to approximately the natural elevation adjacent to the Shady Oak Project and the City West station. A couple ways to accomplish would be to either tunnel the LRT under TH62 by going lower a few blocks north of TH62 or bridging TH62 over the LRT in an open-air configuration thereby reducing the depth that the LRT track elevation would need to be lowered. The advantages to the Shady Oak Project of this are:

- Visual connectivity from TH62 to the Shady Oak Project will be improved. 12
- The day-to-day connections for the employee base at the Shady Oak Project will be improved as visual and pedestrian access to the City West platform is improved.
- Neighborhood access to the City West station across the United property from the south is improved as the platform elevation is lowered closer to natural grade.
- The removal of 22 to 33 foot high easterly barrier wall for the Shady Oak Road development will improve the views from the work environment on the lower three to four levels of the workplace environment being created in the latter phases of the development.

Thank you for taking these topics into consideration in the continued planning and development of the City West station in the Southwest Corridor.

Sincerely yours,



Dave Pelter  
Senior Director, Enterprise Real Estate Services  
UnitedHealth Group



Mary Benbenek  
 <benbe001@umn.edu>  
 12/30/2012 07:26 PM

To swcorridor@co.hennepin.mn.us  
 cc  
 bcc  
 Subject SW light rail corridor

SW Light Rail Corridor:

I am a resident in the Kenwood neighborhood and live within 1 block of the proposed SW light rail line. My husband and I were adamantly opposed to running the light rail through here and continue to be so. I was told at a community meeting that I had until December 31 to submit comments, so I am submitting comments regarding the light rail line here. Due to the holiday period and work requirements, it was not feasible for me to write at an earlier time. In any case, now that the SW light rail line has been, unfortunately, approved, I am writing to request NOT running the freight trains through here as well. We chose to move here, because this was a quiet neighborhood with ready access to the lakes and bike trails, a good place to raise children with a nearby school. Contrary to popular belief, many residents in Kenwood are NOT inordinately wealthy, but we were willing to pay the high property taxes that continue to rise annually, because we had a quality of life we valued. The short-sightedness of Minneapolis and Hennepin County speaks volumes as they seem prepared to throw away the beauty of one of the gems of the city in the name of progress, which is so typical of the workings of this city. I attended numerous meetings during the deliberation phase and was struck by the inordinate amount of skewed statistics, flawed ridership numbers, and a blatant lack of foresight for any type of remediation to the neighborhood. I distinctly remember one meeting when questions were asked about remediation of traffic and the answer was, "We don't address that until it is built". I will tell you that in most professions, a lack of planning is really not an option, but it seems that this has been par for the course in this venture. Now a proposal indicates that 7 dwellings in the neighborhood will be torn down, yet there is no information as to where these dwellings are located. Real people live in these dwellings and it is unfortunate the statement is made without any clarification. There is also a proposal to construct a monstrous bridge that will be a huge eye sore and likely a safety concern to bypass Cedar Lake Parkway. It would have been helpful to consider these aspects at an earlier stage. The current proposal will still markedly change the landscape, upset the natural balance, and create safety concerns for neighbors and visitors. I wonder if anyone on this committee has ventured here during the summer when Hidden Beach is awash with teens, families, and young adults. I also wonder if there are any environmentalists among you who have bothered to get up early, hear the pair of loons that visits every spring or the nesting birds in the rushes, or the deer that frequently surprise you on the walking and biking trails. To have light rail noisily make its way through here is bad enough, but to also consider running freight trains through here is unconscionable. I am really tired of Minneapolis deferring the suburbs at the expense of its own people. I wonder who among you has experienced the shaking of your house, the crack in the dining room from trains rumbling past and now we are to put up with the bells and whistles of light rail on an all too frequent basis. This is one of the oldest neighborhoods in Minneapolis and you are prepared to mow down the trees to put in a parking lot and add reams of traffic to a quiet residential neighborhood. We do not even have a regularly scheduled bus line. This route does NOT serve Minneapolis, it

D

P2

M4

E8  
 E0

E4

serves the suburbs. I am sure those individuals will be only too happy to drive into our neighborhood and park our streets full to hop on the light rail to downtown. I will expect my taxes to go down to make up for this travesty and lack of foresight as well as to pay for the sound mitigation that we will no doubt require.

12

01

Thank you,

Mary Benbenek  
2052 Sheridan Avenue South



Vicki Moore  
<vicki\_moore@yahoo.com>  
12/30/2012 09:08 PM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>  
cc  
bcc  
Subject SWLRT DEIS Comments

To whom it may concern:

I have lived in Harrison neighborhood for the past 20 years and have been involved in the Harrison Neighborhood Association during this time. I am deeply involved in many aspects of the community planning process for the SWLRT line and I was involved in the development of the Bassett Creek Valley Master Plan.

A

I support the 3A Kenilworth alignment for SWLRT and I view it as an economic development opportunity for Harrison, which is an economic justice community. The Van White Station in Bassett Creek Valley is a critical anchor for economic development in the valley which represents an area of Minneapolis with a significantly underutilized parcel of publicly owned land. Its proximity to downtown Minneapolis should give it great potential for future successful economic development.

In addition, the station will serve as a link between impoverished North Minneapolis and the wealth of Lowry Hill to the south. Minneapolis will be better off as a city both morally and economically if north Minneapolis can be integrated into south Minneapolis.

12

Now is the time to unravel decades of institutionalized racism by integrating our city and the Van White station along the SWLRT line is a concrete step out of the shadows that our city's leaders chose to operate in decades ago.

Sincerely,

Vicki Moore

Sent from my iPhone



Mary Armstrong  
 <maryarmstrong212@yahoo.com>

12/30/2012 09:09 PM

Please respond to  
 Mary Armstrong  
 <maryarmstrong212@yahoo.com>

To "swcorridor@co.hennepin.mn.us"  
 <swcorridor@co.hennepin.mn.us>

cc

bcc

Subject comment on DEIS for Southwest LRT

Re: Comment on DEIS for Southwest LRT

Date: Dec. 30, 2012

From: Mary Armstrong

2565 Xenwood Ave. S.

St. Louis Park, MN 55416

646-824-4809

maryarmstrong212@yahoo.com

To Whom It May Concern:

I am a recent transplant to the Birchwood area of St. Louis Park (early 2012), and my in-laws are 30-year residents of 42nd and Wooddale. I'm 43 years old, and this is where my husband and I plan to raise our daughter and spend the rest of our lives. I support regional transit and the Southwest LRT, but I would like to express my vehement opposition to the rerouting of heavy freight rail traffic through St. Louis Park.

C

I would like to quote from a presentation by the nonprofit grass-roots group Safety in the Park:

"The MN&S corridor [here in St. Louis Park] ... features several blind tight curves, is elevated in multiple locations, crosses 6 tightly bunched roads at grade, and in order to be used for the re-route, a multi-million dollar ramp and bridge must be built to raise trains up 30 feet. Most importantly it runs directly adjacent to St. Louis Park High School."

Thomas Johnson, P.E. of Railroad & Metallurgical Engineering Inc., who professionally studies freight rail accidents, states:

.The main reason that there are few accidents now is that even with only 200 ft. of visibility at the Dakota and Library crossings, an 8 railcar/2 locomotive train at less than 10 mph can stop in 100 ft. or so without hitting anything that they can see. The new 132 railcar/3 locomotives/22,000 ton/ 8000 ft. long coal trains at up to 25 mph can take over a mile to stop..

.The proposed changes in frequency, weight, speed and volume of trains pose a significant increase in risk any way you look at it. .

The strikes against the reroute are not just about safety, accessibility and livability, although those are critical concerns: It simply does not add up in any common-sense way. The heavy freight trains are already in the Kenilworth Corridor, and the Southwest LRT could be accommodated there as well. Why on earth would you move the freight rail line instead of the bike trail? Why is co-location the preferred option for the future Bottineau line but not for the Southwest line? It appears that the standard shifts according to whatever the county has decided it would like to impose.

G2

I will not even address the shifting cost (is it \$123 million, or \$23 million?), but it does seem suspiciously convenient that the numbers changed in the county's favor as soon as the opposition to the freight reroute started getting attention in the news media.

These are not simply lines on a map: These are people's lives, homes and neighborhoods at stake. I have heard the vague and nonsensical argument that "promises were made to Kenwood" about moving the freight line, and another more plausible theory: that county employees, several years ago and without any real authority to do so, simply "moved" the freight trains around in the early planning stages for the LRT. Now, the machine of bureaucracy is unwilling or unable to admit that it may have made a mistake, gone beyond its authority, or failed to consider the potentially devastating impact on residents and other stakeholders.

It has been truly disconcerting to observe the dismissive manner that St. Louis Park residents have been treated by Hennepin County, the Metropolitan Council and some of our own city officials. Our mayor has compared the inevitability of the reroute to the coming of winter. If the mayor is correct then this entire process is an expensive charade – even a fraud. I have no doubts about winter, but I do have faith in the democratic process – the one in which the majority rules but may not trample on the rights of a minority. It might appear that this issue affects a relatively small number of people – but when there are feasible, cheaper and more common-sense options available, why not take them?

You, our leaders and decision makers, are supposed to be in the business of public service. The people here do not want the reroute, and it ultimately makes no sense. Please, listen to the public opposition in St. Louis Park and abandon the reroute. Co-location is the only way to go.



"George Puzak"  
<[greenparks@comcast.net](mailto:greenparks@comcast.net)>

12/30/2012 09:56 PM

To <[swcorridor@co.hennepin.mn.us](mailto:swcorridor@co.hennepin.mn.us)>

cc

bcc

Subject Comments on SW LRT DEIS dated 12-30-2012

Catherine and George Puzak  
1780 Girard Ave. S.  
Minneapolis, MN 55403  
cell 612-250-6846, h 612-374-3624  
[greenparks@comcast.net](mailto:greenparks@comcast.net)

December 30, 2012

Hennepin County  
Housing, Community Works & Transit  
ATTN: Southwest Transitway  
701 Fourth Avenue South, Suite 400  
Minneapolis, MN 55415  
via US mail and email to [swcorridor@co.hennepin.mn.us](mailto:swcorridor@co.hennepin.mn.us)

Re: Comments on the Southwest Transitway Draft Environmental Impact Statement

Dear Project Manager:

Please accept these comments on the Draft Environmental Impact Statement (DEIS) for the Southwest Transitway (LRT) project. The comments first address freight rail and LRT track siting issues. Subsequent comments discuss specific Minneapolis locations within the corridor.

Consistent with the DEIS recommendation, freight rail should be rerouted from the Kenilworth Corridor to a different freight rail corridor. Operating both freight and light rail in the Kenilworth Corridor would irreparably harm natural green space. It would destroy sixty homes. It would also eliminate highly used non-motorized recreational and commuter trails. By rerouting freight rail, the outcome of preserving this tranquil, park-like corridor and water channel may be achieved.

D

**Outcomes of LRT track siting:** LRT tracks should be placed to preserve as much open space as possible for people, wildlife, and nature. LRT tracks should also allow as much space as possible for mitigation on both sides of the LRT line, especially where residential properties are on both sides of the corridor. These outcomes produce two recommendations.

First, north of Franklin Avenue and below the Kenwood water tower, LRT tracks should hug the base of Kenwood bluff. This design places the tracks on the east side of the corridor. It makes trails and paths into a continuous loop around Cedar Lake without rail

G2

obstruction. This “cutting the corner” design would shorten the route and travel time to downtown Minneapolis. The base of Kenwood bluff would absorb noise and vibrations. Most importantly, it would achieve the outcome of preserving open space (“Conservancy”) between the SW LRT, the north-east corner of Cedar Lake and the Burlington Northern rail line for people, wildlife, and nature.

D

Second, between Franklin Avenue west and west Lake Street, LRT tracks should be sited in the center of the corridor. This placement would allow space for mitigation on both sides of the SW LRT line, where it is in closest proximity to peoples’ homes.

J10

Comments on SW LRT DEIS  
December 30, 2012  
Page 2 of 3

### Comments on Specific Minneapolis Locations

#### 1. Cedar Lake Regional Trail and SWLRT Crossing Area

**Outcome:** The Cedar Lake Regional Trail, Kenilworth Trail and Cedar Lake pathway should provide a continuous uninterrupted loop around Cedar Lake similar to the loop trails around Lake of the Isles, Lake Calhoun, and Lake Harriet. If the Kenilworth Trail remains east of the LRT tracks, trail users will be forced to cross tracks where 250 LRT trains/day will be passing. Trail users circulating Cedar Lake should have the same safe, efficient, and pleasant experience offered by the regional paths around the other three lakes in the regional trail system. If the Cedar Lake or Kenilworth trails cross the SW LRT line, the trails should be grade-separated from the LRT line.

G2

#### 2. Intersection of West 21<sup>st</sup> Street and SW LRT tracks

**Outcomes:** Uninterrupted access to east Cedar Lake beach and to homes on the 2000 block of Upton Avenue South. Station design should enhance safety for Cedar Lake Park users and local residents. Cedar Lake Park and the surrounding corridor should maintain their “up-north” feel. They are quiet spaces with multiple layers of vegetation—grasses, bushes, and trees. An estimated 250 LRT trains/day will mar the tranquil, green setting of this area. Tunneling or trenching LRT tracks and land bridging over them would best mitigate the visual and noise pollution caused by LRT service in this area.

E0  
E2

#### 3. Kenilworth Channel and Bridge

Dredging the Kenilworth Channel helped form the Chain of Lakes as a historic and regional amenity. **Outcome:** People and wildlife that are experiencing this area should enjoy naturally occurring lights and sounds. **This location is unique in its lack of artificial light.** No street-grid lighting is located here, due to the expanse of lake water, park land, and open space. Headlights from LRT trains during dark hours would forever change the character and night sky experience of this unique urban space.

S3,  
S4

N1,  
N2,  
N8

#### 4. Cedar Lake Parkway-Grand Rounds

**Outcome:** Preserve the integrity of the Grand Rounds National Scenic Byway by

maintaining the ambiance, views, and park experience at south end of Cedar Lake and Beach. An LRT bridge of Cedar Lake parkway is insufficient. It would spread noise and block views. It would also be visually jarring and inconsistent with the park setting. Tunneling or trenching LRT under Cedar Lake Parkway would minimize the adverse effects at this unique intersection.

E4

E8

N2

E0

G2

**Outcome:** Provide a continuous, safe, and pleasant trail experience for Kenilworth Trail users at Cedar Lake Parkway. The Kenilworth Trail should be grade-separated from traffic on Cedar Lake Parkway-Grand Rounds. If the trail is on the west side of the LRT tracks, it could directly connect to the South Cedar Beach and provide a continuous trail loop onto the Cedar Lake Pathway at South Cedar Beach. Going south after crossing Cedar Lake Parkway, the trail could use a landbridge to ramp over a depressed LRT line. The Kenilworth Trail would switch to the east side of the LRT tracks, providing access to Park Siding Park and then continue south to intersect with the Midtown Greenway.

Comments on SW LRT DEIS  
December 30, 2012  
Page 3 of 3

### Conclusion

Given the Kenilworth Corridor's value as a critical greenspace and waterway connector and as a non-motorized recreational and commuter pathway, LRT impacts must be substantially mitigated. Minneapolis has a history of mitigating impacts from rail traffic. A nearby example is the 2.8 mile east-west depressed rail trench from Cedar to Hennepin avenues. More recently, Minneapolis built a tunnel for new LRT service at the airport. These examples should apply to any LRT routing through Kenilworth.

E2

One component of the mitigation should include a rail tunnel from Lake Street to Franklin Avenue or to I-394. The length would be approximately one mile. The tunnel would go under Cedar Lake Parkway, the Kenilworth Channel, and West 21<sup>st</sup> Street. The tunnel would resurface in the open space below Kenwood Hill and the historic water tower.

E0

A tunnel in Kenilworth is essential to mitigate the impacts of 250 daily LRT trains in this sensitive corridor. A tunnel would follow Minneapolis' precedent of rail trenching. It would minimize traffic congestion at Cedar Lake Parkway, a **National Scenic Byway**, and at West 21<sup>st</sup> Street. Most importantly, the tunnel would help preserve natural assets of regional and state significance—the Kenilworth greenspace, the Minneapolis Chain of Lakes Regional Park, and Cedar Lake Park Wildlife and Nature Preserve.

S2

E0

An LRT route connecting Minneapolis to southwest Hennepin County is a 100-year decision. The environmental impacts of LRT service must be carefully considered. Substantial and meaningful mitigation must be designed, funded, and implemented for the SW LRT line to achieve its full potential.

Thank you for your consideration.

Catherine and George Puzak

Catherine and George Puzak  
1780 Girard Ave. S.  
Minneapolis, MN 55403  
cell 612-250-6846, h 612-374-3624  
[greenparks@comcast.net](mailto:greenparks@comcast.net)

December 30, 2012

Hennepin County  
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ATTN: Southwest Transitway  
701 Fourth Avenue South, Suite 400  
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Second, between Franklin Avenue west and west Lake Street, LRT tracks should be sited in the center of the corridor. This placement would allow space for mitigation on both sides of the SW LRT line, where it is in closest proximity to peoples' homes.

## **Comments on Specific Minneapolis Locations**

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### **2. Intersection of West 21<sup>st</sup> Street and SW LRT tracks**

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**Conclusion**

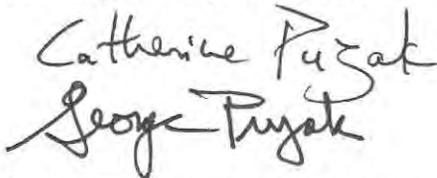
Given the Kenilworth Corridor's value as a critical greenspace and waterway connector and as a non-motorized recreational and commuter pathway, LRT impacts must be substantially mitigated. Minneapolis has a history of mitigating impacts from rail traffic. A nearby example is the 2.8 mile east-west depressed rail trench from Cedar to Hennepin avenues. More recently, Minneapolis built a tunnel for new LRT service at the airport. These examples should apply to any LRT routing through Kenilworth.

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An LRT route connecting Minneapolis to southwest Hennepin County is a 100-year decision. The environmental impacts of LRT service must be carefully considered. Substantial and meaningful mitigation must be designed, funded, and implemented for the SW LRT line to achieve its full potential.

Thank you for your consideration.



Catherine and George Puzak



**Jeff Urban**  
 <jeff.urban@solutiondesign.com>

12/30/2012 10:21 PM

To "swcorridor@co.hennepin.mn.us"  
 <swcorridor@co.hennepin.mn.us>  
 cc "jacobsjeffrey@comcast.net" <jacobsjeffrey@comcast.net>,  
 "hallfinslp@gmail.com" <hallfinslp@gmail.com>,  
 "spanospcouncil@gmail.com"

bcc

Subject SW Lightrail DEIS

Hello,

My name is Jeff Urban and my family and I reside in St. Louis Park. We have been following the discussions regarding the SW Lightrail DEIS. We do not feel the DEIS has fairly evaluated the freight rail alternatives, specifically, the freight rail colocation (3A-1). Relocating the freight rail through the heart of St. Louis Park's middle class neighborhood and high school is not only not safe, but will forever change the economics on the city. Simply by looking at a map of St. Louis Park and the existing neighborhoods and you realize the freight rail will travel through the heart of the largest section of middle-class housing in the city. This economic impact, the ripple effect, is not addressed.

C

E8

Speaking personally, we have lived in the Birchwood neighborhood for over 15 years. We have never imagined leaving St. Louis Park. We are now having this discussion. We would love to stay in SLP, but the housing options are very limited if the freight rail goes through. Houses are either too expensive or a step down. There are very few options. We are also very concerned about our daughter attending the high school with the proposed location of the freight rail. The DEIS does not consider these very real impacts on the city – middle class families leaving the city.

E0

We hope it is realized that the DEIS has not fairly evaluated or represented the freight rail options.

Thank you,

Jeff, Susan and Sydney Urban  
 2653 Xenwood Ave S  
 St. Louis Park, MN 55416

#### Jeff Urban

Director of Recruiting | sgd | 10275 Wayzata Blvd. Suite 300 | Minnetonka, MN 55305  
 612.868.7980 (mobile) | 952.278.2559 (office) | 952.278.2501 (fax) | [www.solutiondesign.com](http://www.solutiondesign.com)  
 LinkedIn: <http://www.linkedin.com/in/jeffurban> | Twitter: <http://twitter.com/jeffurban>

Minneapolis/St. Paul Business Journal's Best Places to Work & Fast 50 Company



Christopher Johnson  
 <coachpub@gmail.com>  
 12/30/2012 10:41 PM

To swcorridor@co.hennepin.mn.us  
 cc Christopher Johnson <coachpub@gmail.com>  
 bcc  
 Subject DEIS Southwest Light Rail - Christopher B. Johnson  
 Comments Submitted 12-30-12 @ 10:41pm

**Operating cost/revenue?**

- It's documented that the cost to operate & maintain the SWLRT in the 1st year is \$32.7M, with operating revenue of \$9.2M, with a net operating loss of \$23.5M.
  - *How is the net operating loss covered and who pays for it?*
  - *What about operating losses for subsequent years, if any how will they be paid?*
  - *What is the plan to grow the SWLRT revenue to \$32.7M to break even?*
  - *How many years will it take to make the SWLRT a break even concern?*
  - *How many riders per year will it take to make the SWLRT self-sufficient?*
  - *How many years of revenue will it take to pay for the amount it takes to build the rail line?*

T0

T1

T2

**Noise abatement:**

- The Metropolitan Airports Commission has a program for neighbors who are affected by airplane take-off and landings in a geographical area. Metropolitan Airports Commission neighborhood noise abatement efforts:
  - *What is the noise abatement plan or program for property tax payers who live along the Kenilworth trail if the SWLRT is built at grade or on a bridge at Cedar lake Parkway?*

O1

**Health and economic effects:**

- What are the impacts: given 258 trains per day
  - *What are the negative health effects on people who live within 100' of a LRT line along the Kenilworth trail?*
  - *What are the results of the environmental justice study for the entire SWLRT line?*
  - *What is the data on single family homes in an established neighborhood with homes that typically sell at prices well above the median home value in Minnesota?*
  - *How will property values be impacted by an LRT line?*
  - *What are the positive impacts of the SWLRT line along the Kenilworth trail?*
  - *Why would the people along and around the Kenilworth trail use the LRT?*
  - *Given there is already traffic congestion during rush hour on Cedar Lake Road, how will traffic be handled if there is a train every 3.5 minutes during peak time and the train is built at grade.*
  - *What is the plan to prevent random cars from parking on neighborhood*

M5

M2

M2

P9

E6

P4

streets near the rail stations?

- If Single family dwelling property values drop along the SWLRT, what will be done to help these people who are adversely affected by the existence of the rail line.

**Tunneling option:**

- The length of the tunnel that links the two terminals at the MSP airport is 7,400' at a depth of 70'. Per the attached article there was no disruption of at grade activities during construction. The cost to build the tunnel was \$120M or \$16,216 per foot.

<http://www.hatchmott.com/projects/twin-light-rail-transit-tunnel-underground-lindbergh-terminal-station-minneapolis-st-paul>

- Using inflation at 3% compounded annually since 2005 or 8 years the cost in today's dollars to build a "like" tunnel would be \$152M.  $\$152M/7400' = \$20,540$  per foot.
- The distance between the West Lake Street Station and the 21st Street Station is 1.08 miles or 5,702 feet.
  - Using the distance of 5,702' X \$20,540 per foot = \$117M to construct a tunnel 70' below grade from West Lake Street Station to 21st street station.
- Benefits of the tunnel:
  - No disruption of at grade activities on the roads, bike path or walking paths.
  - No re-routing of local streets or disruption, specifically Burnham Blvd. or at Cedar Lake Parkway.
  - Preserves the quiet natural neighborhood for decades and beyond.
  - No eminent domain required to accommodate the LRT at grade or with Bridge option at Cedar Lake Parkway.
  - no mitigation for the single family homes would be required sound or sight,
  - Co-location of freight rail saves \$52M to re-route through St. Louis Park (based on a \$48M 2009 estimate with 3% inflation).
  - There is no security check point between the Lindberg and Humphrey terminals, anyone can get on and ride the LRT between terminals.
  - The overall cost with the tunnel option along the Kenilworth trail would be a 3% increase over the total budget of \$1.25B up to 1.287B.
- Why has this option not been considered? It solves a lot of concerns of neighbors who live along the Kenilworth section of the SWLRT.

Sincerely,  
 Christopher B. Johnson  
 2838 Benton Blvd.  
 Minneapolis, MN 55416  
 email: [coachpub@gmail.com](mailto:coachpub@gmail.com)  
 612-928-9292



Anna Kabe  
 <annakabe@gmail.com>  
 12/31/2012 12:23 AM

To swcorridor@co.hennepin.mn.us  
 cc  
 bcc  
 Subject Southwest Corridor comment

To whom it may concern-My husband and I live about a block from the future Southwest corridor line in Hopkins, just west of Blake Road. Any of the options would pass closely to our home thus we have no particular opinion on which option is chosen and believe the Commissioners will make the correct decision based on ridership and costs. However, there are several adjustments that we request related to the proposed light rail line. One of the main attractions to our home that we bought in 2009 was the bike trail that runs from Lake Calhoun to Eden Prairie. This is a great asset for the community. Thus, we hope that the bike trail can stay in its present state with the addition of the light rail. Also, we live near the 43 Hoops Basketball Academy. The building that it occupies is owned by the Metropolitan Council and is the possible site of a light rail train station. This business has been a great asset to the community as many community events have been held there along with providing summer hot lunches to young people in a neighborhood that this is needed in. Also, having the train station on 2nd street would lead to more traffic issues and make it less accessible to riders. A train station on the other side of the tracks from 43 Hoops would make more sense as it would enter from Excelsior Blvd, a much busier and more accessible road. We hope the council considers these issues when planning the new light rail. Thank you for your consideration.

P9

I2



**Catherine M.  
Walker/PW/Hennepin**

12/31/2012 07:51 AM

To SWcorridor@co.hennepin.mn.us

cc Adele C Hall/PW/Hennepin@Hennepin

bcc

Subject Fw: NMCWD comments on SW LRT DEIS

Katie Walker  
Senior Administrative Manager  
Southwest LRT Community Works Manager  
Hennepin County  
Housing, Community Works & Transit

NEW ADDRESS: 701 Building Fourth Avenue South – Suite 400 | Minneapolis, MN 55415  
612.385-5655

----- Forwarded by Catherine M. Walker/PW/Hennepin on 12/31/2012 07:51 AM -----

From: "Kevin Bigalke" <kbigalke@ninemilecreek.org>  
To: <Katie.Walker@co.hennepin.mn.us>  
Date: 12/31/2012 07:44 AM  
Subject: NMCWD comments on SW LRT DEIS

---

Katie,  
Attached are the comments of the Nine Mile Creek Watershed District regarding the Southwest Transitway Draft EIS.  
I have placed the original letter in the mail.

Please let me know if you have any questions.

Sincerely,

Kevin D. Bigalke  
Administrator  
Nine Mile Creek Watershed District  
7710 Computer Avenue, Suite 135  
Edina, MN 55435  
Phone: (952) 835-2078  
Fax: (952) 835-2079  
E-mail: [kbigalke@ninemilecreek.org](mailto:kbigalke@ninemilecreek.org)



NMCWD comments on SW LRT DEIS 12-31-2012.pdf

# 9 Mile Creek

W A T E R S H E D D I S T R I C T

District Office: Edina Business Center • 7710 Computer Avenue • Suite 135 • Edina, MN 55435  
Ph. 952-835-2078 Fax 952-835-2079 Web Site: [www.ninemilecreek.org](http://www.ninemilecreek.org)

December 31, 2012

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

Dear Ms. Walker:

On behalf of the Nine Mile Creek Watershed District Board of Managers (NMCWD), I would like to thank you for the opportunity to review and comment on the Southwest Transitway Draft Environmental Impact Statement (DEIS). The NMCWD commends you on your efforts to develop a comprehensive DEIS. The NMCWD offers the following comments for your consideration.

1. The NMCWD is a local unit of government that has our own rules and regulatory program. This is referenced inconsistently throughout the DEIS. Please make sure that NMCWD is listed as a local regulatory agency throughout the whole DEIS. U
2. The NMCWD rules and regulatory program includes rules pertaining to sediment/erosion control, storm water management, floodplain management, wetland management, and water body crossings, and appropriations of public surface waters. Please make sure to acknowledge these the NMCWD regulatory requirements in the Final EIS and address all applicable rules during the design phase of the project. The NMCWD rules can be found on the NMCWD website at [www.ninemilecreek.org](http://www.ninemilecreek.org). L3
3. Table 2.3-4 lists the Park and Ride Stations Parking Spaces. The development of the Park & Ride stations are not considered linear projects. All impervious surface disturbances and increases will fall under all applicable NMCWD rules. N5,  
N6,  
N7
4. Section 2.3.3.6 – Traction Power Stations. The Traction Power Stations should be included in the project's overall impervious surface calculations. These stations will need to comply with all applicable NMCWD rules. N6  
I1
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Board of Managers

LuAnn Tolliver - Minnetonka

Corrine Lynch - Eden Prairie

Jodi Peterson - Bloomington

Steve Kloiber - Edina

Geoffrey Nash - Edina

2788

- 5. Section 2.3.3.9 – Operations and Maintenance Facilities. All OMFs will need to comply with all applicable NMCWD rules. They are not considered linear projects.

N6
- 6. Chapter 3 discusses impacts to parks and open spaces but is largely missing any consideration of impacts on wetlands, both those in parks and open spaces, and those not in park lands. The Final EIS should address impacts to wetlands and other water resources in this chapter.

N5
- 7. Chapter 3 does not discuss the impacts of land use changes on water quality and storm water runoff. What are the impacts of the land use changes on water quality and storm water runoff? This should be address in the Final EIS.

N6
- 8. Chapter 3 needs to include more discussion on Best Management Practices to mitigate water quality and storm water impacts.

N6
- 9. Chapter 3 notes that there are no impacts on areas developed for recreational purposes. While the recreational uses may not be impacted, there may be impacts on the water resources and habitat in recreational lands. This section should evaluate the impacts on the water resources and habitat present in recreational areas.

N6,  
N8
- 10. Section 4.1 discusses the suitability of soils in the project corridor. This section should also include information on the suitability and capacity of soils to meet NMCWD storm water management and retention requirements.

N6
- 11. Section 4.1.1 discusses the need for dewater and water appropriations permits. NMCWD requires a permit for water appropriations up to 10,000 gallons per day and up to 1,000,000 per year of water for a nonessential use from a public water basin or wetland within the District that is less than 500 acres in surface size or a protected watercourse that has a drainage area of less than 50 square miles. This should be included in this section.

N5
- 12. Figure 4.1-8 shows areas of likely dewatering. Birch Island Lake in Eden Prairie is just outside the potential impact area. The NMCWD recently completed a project to restore the water levels of Birch Island Lake and the lake is still susceptible to groundwater impacts. The potential impact area should be expanded to include Birch Island Lake.

N4
- 13. Section 4.1.61 discussed the need for further geotechnical data collection. Any additional geotechnical data collection and analysis should include an analysis for contamination to determine suitability for storm water retention and treatment.

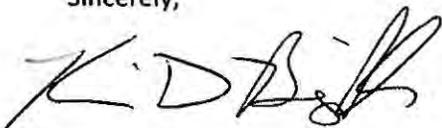
N4
- 14. Table 4.2-1 shows the regulatory and permit entities. NMCWD is the Local Government Unit (LGU) for the Minnesota Wetland Conservation Act (WCA) in the cities of Eden Prairie, Edina, and Hopkins but the table does not list this. Please include NMCWD as the WCA LGU for these cities.

U

15. Section 4.2.2.2 discusses the need for wetland delineations. All wetland delineations will need to include a Minnesota Rapid Assessment Method (MNRAM) assessment to determine wetland function and value for all wetlands in the vicinity of the project corridor. N5
  
16. Please review the NMCWD Wetland Rule for the wetland mitigation and wetland buffer requirements of the NMCWD. The NMCWD requires wetland buffers based on the MNRAM classification on all down gradient wetlands. The NMCWD also has additional wetland mitigation requirements beyond those of WCA. N5
  
17. Section 4.2.3.4 – Floodplains. This section describes impacts to the Nine Mile Creek floodplain. NMCWD rules do not allow any fill or impacts to the Nine Mile Creek floodplain without compensatory mitigation. See NMCWD Rule 2. N7
  
18. Section 4.2.3.5 – Wetlands and Public Waters. NMCWD regulates impacts to wetlands beyond the MN WCA. Please see NMCWD Rule 3. NMCWD also regulates water body crossings. Please see NMCWD Rule 6. N5
  
19. Section 4.2.5 – Mitigation. Floodplain impacts will need to be determined prior to permitting and construction. Floodplain impacts should be evaluated and mitigation needs determined during the design phase of the project prior to submitting to the NMCWD for permit review. N7
  
20. Nine Mile Creek is impaired for chlorides and is listed on the State of Minnesota’s Impaired Waters list. NMCWD has completed a TMDL for the chloride impairment. The DEIS does not mention the chloride impairment. How will winter maintenance of the rail line, transit stations, park and ride stations, and Operations & Maintenance Facilities be performed to minimize additional chloride impacts? The DEIS should address the chloride impairment. N6

The NMCWD thanks you for the opportunity to review and comments on the Southwest Transitway Draft Environmental Impact Statement. We look forward to working with you as the Final Environmental Impact Statement is developed and as you progress toward the permitting process for this project. Please contact the NMCWD office at (952) 835-2078 with any questions you may have regarding our comments on the DEIS or on our rules. L3

Sincerely,



Kevin D. Bigalke  
District Administrator



**Kevin Locke**  
<klocke@stlouispark.org>  
12/31/2012 08:54 AM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>  
cc "Hahne, Lynne (Lynne.Hahne@metc.state.mn.us)"  
<Lynne.Hahne@metc.state.mn.us>, Adele Hall-HC  
<adele.hall@co.hennepin.mn.us>  
bcc  
Subject Can you confirm that the City of St. Louis Park's comments  
on the SW DEIS have been received?

Wanted to make sure that our comments submitted last week were indeed received.

Thanks!

Ps: FYI - below is the link to the city's comments on our city webpage.

<http://www.stlouispark.org/webfiles/file/community-dev/sw-deis-comments-documents-123112.pdf>

Kevin Locke  
Community Development Director  
City of St. Louis Park Minnesota  
952-924-2580

**See Comment #487 for  
Theme Delineations**



Derek  
<dllindquist@gmail.com>

12/31/2012 09:06 AM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>

cc Rachel <rfrank23@gmail.com>

bcc

Subject St. Louis Park residents oppose expansion of Southwest  
Transit Line

SWLRT - DEIS;

I am writing to you today to express my disapproval of relocating the freight trains through the St. Louis Park community.

C

As a relatively new resident in SLP, let me begin by explaining why my wife and I chose this community to call home. First and probably most important, we love the neighborhood feel of SLP. It has always felt like a small, quaint neighborhood with all the added bonuses of being near Minneapolis. By relocating your freight trains through our neighborhood you will be destroying one of the main attractions for residents: our peace. Secondly, the properties in SLP, and Lennox neighborhood specifically, have been able to maintain a somewhat reasonable market value. As we all know, the housing market is not strong throughout the country, but due to several key factors, example; location, limited availability, and high demand, our little city of St. Louis Park continues to withstand the continuing downward spiral of the housing market. By expanding the train tracks you will not only be taking away our peace, you'll be crushing our property values as well. A financial blow that most residents simply could not withstand. Thirdly, we really value our safety. Safety in our streets, around our schools and safety in our community. Adding more bigger and faster trains to a train system that is already dangerously close to hundreds of homes, not to mention St. Louis Park High School, just isn't a good idea. Finally let me finish with one last reason we do not favor the expansion of the train system. Noise. The residents of SLP simply do not need more noise. Setting the existing train noise aside, we already tolerate the onslaught of airplanes flying over our homes on what seems to be an international highway for the MSP airport. Adding more freight trains to an already busy track system is going to exponentially increase the noise level throughout our peacefully quiet SLP neighborhood.

Thank you and please reconsider your proposal of moving your freight trains through our little community.

St. Louis Park Residents for over three years,  
Derek and Rachel Lindquist  
3232 Jersey Ave S.

Sent from my iPad



**Rachel Seurer**  
<rseurer@lvcinc.com>

12/31/2012 09:21 AM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>

cc

bcc

Subject: Community impact of SWLRT station

I would like to again state that placing a station at the current location of 43 Hoops (Hopkins at 2<sup>nd</sup> Street, just West of Blake Road) would remove a much needed (and much appreciated!) community asset. We understand that there is an alternative location for this station site, which would be South of the rail corridor, and it is overwhelmingly agreed upon by our near neighbors and others that this would be a much more positive location for the station as it would minimize negative impact on the immediate neighborhood, surrounding community and City of Hopkins in general.

12

The Light Rail itself is a much needed and long overdue asset to the Metro area, and although it will bring about multiple changes in multiple areas, we are all very concerned with keeping these changes moving toward the betterment of both our local community and of those around us. The opening of 43 Hoops has been a very positive change in our community – please don't force them out in order to replace one positive asset with another, especially when there is a possibility of keeping both.

Thank you for your time and attention.

Sincerely,

**Rachel Seurer**

**Blake Road Corridor resident, homeowner and parent.**



"Lundy, James (MDH)"  
<james.lundy@state.mn.us>  
12/31/2012 09:52 AM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>  
cc  
bcc  
Subject MDH Source Water Protection comments to Southwest  
Transitway DEIS

I am attaching our comments regarding the above Draft EIS, and a signed hard copy will follow by US mail. Please contact me if there are any questions.

Thank you for the opportunity to comment.

Jim Lundy, Hydrologist  
Source Water Protection  
Drinking Water Protection  
Minnesota Department of Health  
651-201-4649

**See Comment #776 for  
Theme Delineations**

December 31, 2012

Katie Walker, Senior Administrative Manager  
Hennepin County Housing, Community Works & Transit  
Attention: Southwest Transitway  
701 Fourth Avenue South, Suite 400  
Minneapolis, MN 55415

Dear Ms. Walker:

Subject: Comments on Southwest Transitway Draft Environmental Impact Statement

I am writing to comment on the Southwest Transitway Draft Environmental Impact Statement on behalf of the Drinking Water Protection Section of the Minnesota Department of Health (MDH). The Drinking Water Protection Section includes wellhead protection planning, a preventive program designed to safeguard public drinking water supplies.

The project appears to be in the planning stages, and several portions of the route may be modified. The provided maps are of limited resolution, but it appears that the proposed project area may overlap several low, moderate, and high vulnerability portions of the following Drinking Water Supply Management Areas (DWSMAs):

- St. Louis Park (moderate and high vulnerability)
- Edina (low, moderate, and high vulnerability)
- Hopkins (low and moderate vulnerability)
- Minnetonka (low vulnerability)
- Eden Prairie (moderate vulnerability)
- Chanhassen (low vulnerability)

Electronic files containing the geometry (ArcMap geographic information system shapefiles) of these DWSMAs are available at the following web page on the MDH website:

<http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>

In addition, the proposed project area also appears to traverse or approach Emergency Response Areas (ERAs) for the following community public drinking water supply wells:

- Edina (12, 13)
- Minnetonka (11, 11A, 13, 13A)
- Eden Prairie (3, 4, 5, 6, 7, 8, 9, 10)

Because the project site overlaps the above-listed DWSMAs and ERAs, carefully plan project activities to avoid unnecessary contamination of the drinking water supplies. In particular the submittal describes temporary and permanent dewatering that may become necessary, and this practice could negatively affect public drinking water supplies if not planned properly.

Because infiltration of stormwater in vulnerable settings has the potential to affect drinking water quality, please consider the enclosure “Source Water Protection Issues Related to Stormwater” as you finalize your plans.

Thank you for the opportunity to review and comment on the Southwest Transitway Draft Environmental Impact Statement.

Sincerely,

James R. Lundy, Hydrologist  
Environmental Health Division  
P.O. Box 64975  
St. Paul, Minnesota 55164-0975  
651/201-4649

JRL:

Enclosure: Brochure - Source Water Protection Issues Related to Stormwater  
cc: Joy Loughry, MDH Hydrologist, Source Water Protection Unit, St. Paul Office  
Amal Djerrari, MDH Hydrologist, Source Water Protection Unit, St. Paul Office  
Chad Kolstad, MDH Engineer, Administrative Unit, St. Paul Office  
Mike Baker, MDH Information Technology, Source Water Protection Unit, St. Paul Office



**Jane Cracraft**  
<jfcracraft@yahoo.com>

12/31/2012 10:07 AM

Please respond to  
Jane Cracraft  
<jfcracraft@yahoo.com>

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>

cc

bcc

Subject Southwest Light Rail Transit (SWLRT) project

Hello,

Please don't re-route freight via the proposed route. It will ruin the neighborhood, and I've heard that SEH says there are viable alternatives.

I am concerned about the proposed increase of heavy freight rail traffic on the north/south MN&S spur and the BNSF mainline in St. Louis Park. I understand that the MN&S spur was not intended and not designed to handle freight rail traffic of the density and frequency proposed by the Hennepin County Railroad Authority. We support the creation of light rail in our community.

Thanks,

Jane Cracraft

C



Gary Orcutt  
 <Gary.Orcutt@fwbt.com>

12/31/2012 10:14 AM

To "swcorridor@co.hennepin.mn.us"  
 <swcorridor@co.hennepin.mn.us>

cc

bcc

Subject We would like to point out a few possible issues with the light rail locations in Eden Prairie!

Hello,

I am a Vice President with First Western Bank & Trust at 100 Prairie Center Drive in Eden Prairie, at the intersection of Fly Cloud Drive and Valley View Road. The Southwest Corridor light rail line is to pass right in front of and next to our bank building before crossing Valley View Road. We have several issues which include the following;

M2

1. If the crossing is an at grade crossing it will block traffic on a very busy intersection during both rush hours. It is hard to get through this intersection currently closing it for trains every few minutes will increase traffic congestion.
2. If there is a bridge built over Valley View Road it will block the view of our building from our customers and people looking to find our building. Our building is our most visible point of advertising, and adding signage after the bridge is built it will be difficult to achieve a signage placement that is as highly visible.
3. Either option will take out numerous trees and decrease the aesthetics of the area and of our bank building.
4. The close nature of the building to the future tracks will probably cause some movement in the building when trains pass that close to the building every few minutes which could cause structural damage.

P4

N2

O5,  
O6

These are our most obvious issues currently there are probably several more issues that will probably arise as the plans and construction come together.

Sincerely,

Gary Orcutt  
 Vice President  
 First Western Bank & Trust  
 100 Prairie Center Drive  
 Eden Prairie, MN 55344

gary.orcutt@fwbt.com  
 Phone 952-516-7310  
 Fax 952-516-7301

<http://www.fwbt.com> Eden Prairie location

<http://www.bankfirstwestern.com> Minot ND locations

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**Jutta Ellermann**  
**<eller001@umn.edu>**  
12/31/2012 10:30 AM

To swcorridor@co.hennepin.mn.us  
cc Jutta Ellermann <eller001@umn.edu>  
bcc  
Subject COMMENTS ON LRT DEIS from Dr. Jutta Ellermann and Dr.  
Kamil Ugurbil

Please find attached our comments.

Dr. Kamil Ugurbil and Dr. Jutta Ellermann

2812 Benton Blvd, Minneapolis, MN 55416, phone 612-232-3020

Minneapolis, 12/31/2012

Dr. Jutta Ellermann  
Dr. Kamil Ugurbil

COMMENTS ON Southwest Transitway Chapter 4 Draft Environmental Impact Statement Environmental Effects /October 2012

**A. COMMENTS AND CONCERNS ON OVERALL IMPACT ON LAND USE CENTERED ABOUT THE KENILWORTH LAGOON ABOUT A MILE TO THE NORTH AND SOUTH**

1. The land centered about the Kenilworth Lagoon has been set aside for specific uses and therefore is eligible for special protection (National Register of Historic Places). This is in the constitution. This is one of the most amazing historic visions put into law, and is what keeps this country so extraordinarily beautiful. Whereas public transportation is an important task to be solved in this century, and I am in favor of it, it cannot be done in a way that overrides the historic protection of such a national treasure. There is, and there has to be the understanding, that those rules are there for us, for our children, for the future. E2
2. In other words, our generation cannot just destroy forever, such an area preserved up until now and used by millions strolling, running, biking, canoeing etc. for a short sided, "cheapest" solution for a transportation problem. The City Lakes are the "Central Park of Minneapolis" and in my opinion even much more beautiful and much more essential to the lifestyle or city affords and the desirability of living in the city as opposed to in suburbs surrounding it. Coming with your canoe from Lake of the Isles leaving the skyline of Minneapolis behind and experiencing the quiet tunnel of greenery of the Lagoon opening up again to the lightness of Cedar Lake far removed from the buzzing of everyday life is magical and it is here for all of us and for this city's long term viability. E2  
E0
3. The scope of the impact of the LRT on this most sensitive stretch has not been realized and is not at all appropriately addressed in the DEIS and the respective planning process. Therefore, I would like to suggest an official meeting of all authorities and citizen E0

representatives involved at this Kenilworth lagoon area to experience first hand what is at stake here, rather than just read it in reports and comments on reports like this one.

**COMMENTS:**

a) While the DEIS recognizes that “portions of the land between Cedar Lake and Lake of the Isles are very high sensitivity,” the DEIS puts no particular focus on this area, i.e. the Kenilworth Corridor, in its evaluation of the impact of the proposed LRT solution or possible measures that can be undertaken to mitigate the environmentally detrimental consequences.

E2

b) Instead, the environmental assessment is spread more-or-less evenly across the 15 miles of the proposed transit way (the “study area”). An exception is the Freight Rail Relocation Segment which receives much attention in terms of its potential impact on residents in St. Louis Park. This is not to fault an emphasis on the relocation analysis. It is simply to draw a contrast between the different levels of data gathering and technical analysis.

c) The entire study area is viewed as “dominated by urban land use.” This perspective comes across particularly clearly for the Kenilworth Corridor, in direct contrast with the perspective of the Minneapolis Park and Recreation Board. The MPRB, for example, views the Kenilworth Regional Trail as an area focused on “serenity, habitat restoration, minimal development and passive recreation.” Nor is the urban-land-use perspective consistent with the fact that the DEIS identified fourteen federal or state-listed species and native plants within one mile of the proposed transit way. Ten of the species and native plants are found in Segment A of the transit way (primarily the Kenilworth Corridor), which is significantly more than is found in any other segment. No adverse environmental impact is noted with respect to any of the ten species. Little-to-no analysis is offered to support this conclusion.

M1

E10

d) Few measures are proposed to mitigate the potential adverse environmental impacts of the project, and nearly none that are of a specific nature. For example, the DEIS notes that “[t]he impact of replacing an

existing bridge over the channel that connects Cedar Lake and Kenilworth Lagoon could be substantial because of sensitive receptors traveling the lagoon.” However, no mitigation measures are set out in the DEIS. Instead, the bridge design, bank treatment and aesthetics for the new bridge are to be addressed later, after the Final Environmental Impact Statement (FEIS) has been approved.

N2

e) The DEIS sees the habitat as typically of low quality, and states that the native habitats are mostly concentrated in areas other than the Kenilworth Corridor. Only 2.5% of Segment A is said to have native habitat, something that strikes me as an understatement. The DEIS does note, however, that increased habitat fragmentation “could be expected from the construction of required safety/security barriers to separate the light rail tracks from adjacent bicycle/pedestrian trails,” which could be mitigated “through the use of wildlife underpasses.” This is one of the few specific mitigation measures proposed in the EIS, and seems to run counter to the determination that there is little to mitigate.

E10

f) The DEIS is required to analyze the cumulative impact of reasonably foreseeable future developments. This is also true for the potential indirect effects that may occur in the future. For example, the stated intent of LRT stations is to precipitate development on nearby property. The environmental effects of that future development, when added to the impact of the LRT, may have a significant environmental impact. However, no analysis of the potential cumulative or indirect effects of the Southwest LRT within the Kenilworth Corridor was conducted. Instead, it is simply stated that those effects could be controlled by existing regulations.

N12

**B. COMMENTS ON SPECIFIC ISSUES:**

**4.7.3.4 Projected Noise Levels from page 4-84**

Table 4.7-2 in the DEIS summarizes the sound exposure levels used in Southwest Transitway detailed noise analysis. Noise Levels range from 84 dBA (light rail vehicle Pass-by on embedded track) to 106 (stationary

crossing signal) and 114 dBA for light rail curve squeal. This is in stark contrast to the actual ambient noise levels, which were measured as low as 48 dBA/ 51 dBA for Segment 1. FTA GUIDELINES ("Transit Noise and vibration Impact assessment (FTA 2006) defines for an existing noise level of about 55 db in increase of 4-7 db = moderate impact and above 7 dB = severe impact. The increase, however, would be 40 dB from an existing level of 55-56 dB to a projected noise level ranging from 81-116 dB.

***40 dB gain change should give about the ratio of 8 (eight times) for sensed volume and loudness, and a 40 dB change gives the ratio of 200 for calculated sound power and acoustic intensity. The data given, underline the SEVERITY of the noise impact.***

a) There is growing scientific evidence, that chronic noise pollution has severe health effects, specifically on the cardiovascular system (1) and cognition in children (2,3). A recent study by the World Health Organization summarizes the available study results, mostly from Europe in a meta-analysis (4). These results reveal that the Minnesota regulations for land use type 1 as the park lands have to be classified with day time (7.00 am - 10.00 pm) upper limits of 60 dB and night time 50 dB are to be considered safe. However, values imposed by the Light Rail of more than 80 dB are a significant health risk (. Note, that motor boats are prohibited on the city lakes.

1. Babisch, W., Cardiovascular effects of noise. Noise Health, 2011. 13(52): p.201-4.
2. Stansfeld, S.A., et al., Aircraft and road traffic noise and children's cognition and health: a cross-national study. Lancet, 2005. 365(9475): p. 1942-9.
3. Clark, C., et al., Exposure-effect relations between aircraft and road traffic noise exposure at school and reading comprehension: the RANCH project. Am J Epidemiol, 2006. 163(1): p. 27-37.
4. In March 2011, a joint WHO-JRC "[Report: Burden of disease from environmental noise. Quantification of healthy life years lost in Europe](#)", reviewing the evidence of health effects consequent to noise exposure, estimating the burden of disease in western European countries, and providing guidance on how best to quantify risks from environmental

noise.

b) FTA noise impact criteria are based on land use and existing noise levels. The Federal Transportation Agency (FTA) has three land-use noise categories: Category 1 is for land where quiet is an essential element of its use; Category 2 are residences and buildings where people normally sleep; Category 3 are institutional land uses such as schools, libraries and churches. ***The park land to the west of the Kenilworth Corridor is shown as a Category 3 land use in the DEIS. The residential properties to the east and west of the Corridor are shown as Category 2. This categorization is absolutely false and cannot be justified. It is at all not clear how it is or it can be justified. Appropriately, the Minneapolis Park and Recreation Board (MPRB) has objected to the characterization of its park land as Category 3, believing instead that it is Category 1.***

O1,  
O5

c) Low ambient noise levels cause the impact threshold to be lower. For example, if the existing noise level is 50 dB, then an increase to 55 dB is a severe impact according to FTA standards. If the existing noise level is 55 dB, then the noise level has to increase to 62 dB before the impact is severe. ***It does not appear as though any direct measurement of existing noise level was taken within the Kenilworth Corridor. The closest location appears to be Kenilworth Place and Upton Avenue South, which is identified as being “representative of noise-sensitive land use in the Kenwood Neighborhood, away from major thoroughfares.” This claim is not justifiable and cannot be justified.***

d) Within Segment A, the DEIS estimates that there are 73 moderate noise impacts and 183 severe impacts. It states that “[m]any of the impacts are due to low existing ambient noise levels combined with proximity of residential neighborhoods to the alignment and high speeds of operation.” Other impacts were associated with the warning signal use at the 21st Street station coupled with low ambient noise levels.

e) The DEIS states that noise levels that result in a severe impact presents a compelling need for mitigation. ***However, the DEIS does not recommend any specific mitigation measures for the Kenilworth Corridor and does not evaluate if the mitigation measures possible for a on-grade LRT system***

**can accomplish the necessary mitigation.** In fact, the only specific recommendation in the DEIS calls for the use of Quiet Zones and this is recommended only for the freight rail relocation segment in St. Louis Park.

O1,  
O5

f) The DEIS identifies 247 Category 2 vibration-sensitive land uses in Segment A, which are mostly single-family and multifamily residences. The DEIS assessment predicts that there will be 124 potential vibration impacts from the LRT caused by geological conditions (west of Van White station) and increased train speeds.

O1,  
O5

g) Potential mitigation measures listed in the DEIS include special trackwork, vehicle specifications, ballast masts and floating slabs. **However, the need for and selection of specific measures is deferred until the completion of a detailed vibration analysis** which “will be conducted during the FEIS in coordination with Preliminary Engineering.”

O1,  
O5

**City Proposed overpass bridge:**

***For the reasons listed below, the “adequacy” of the analysis and conclusions in the DEIS relating to the proposed LRT overpass is highly questionable and subject to challenge.***

a) The DEIS acknowledges that the proposed LRT bridge over Cedar Lake Parkway (CLP) “would have a substantial [visual] impact on this historic landscape.” A similar long-term architectural impact is acknowledged. However, further consideration of these impacts is deferred to the “Section 106 consultation process”, which likely means to occur after the approval of the FEIS.

E8

S2

b) Separate from these acknowledgements, Cedar Lake Parkway (CLP) is a part of the Grand Rounds Historic District, which is eligible for the National Register of Historic Properties(NLRP).

S3

S4

c) Because of Cedar Lake Parkway’s eligibility for the NRHP and because the SW LRT project has and will receive federal funding, the DEIS identifies

Cedar Lake Parkway as a “property” under Section 4(f) of the U.S. Department of Transportation Act of 1966. Section 4(f) is intended to prevent the conversion of historic sites, parks, recreation areas and wildlife and waterfowl refuges to transportation uses, except under certain limited circumstances. For purposes of Section 4(f), the prohibition applies whenever the protected property is directly incorporated into a project or the project is so proximate to a protected property that it results in an impact that causes substantial impairment to the property’s use or enjoyment (so-called “constructive use”). Substantial impairment occurs when the protected attributes of the property are substantially diminished. Exceptions to the prohibition arise when there is no feasible and prudent alternative to the use of the property and the action included all possible planning to minimize harm to the property resulting from the use. ***This Requirement has not been fulfilled in the DEIS document.***

S3

d) Instead, for an unstated reason(s), the DEIS concludes that the proposed LRT overpass is neither a direct or constructive use of the historic attributes of Cedar Lake Parkway. Therefore, the DEIS finds that there is no Section 4(f) prohibition applicable to the construction of the bridge. ***This is clearly unsupportable and unjustified. The DEIS contains no analysis of the proposed bridge’s proximity to park property as an independent basis for finding a constructive use under Section 4(f).***

E8

S3

e) Further, the DEIS does not make any assessment of the potential noise impact of elevating the transit way nor the visual intrusion of the elevated transit way to nearby residents or to bike/pedestrian trail users. ***However, the noise impact, will certainly be more severe at a given distance from the in an elevated track and will also extend further.***

f) ***Finally, the DEIS has no analysis of potential measures to mitigate the visual and noise impact caused by trains traveling across the proposed overpass nor any assessment of the impact of alternatively tunneling the transit way underneath the Parkway.*** While the MPRB did conduct a preliminary assessment of a trenched LRT underpass, no reference was made to a below grade crossing in the DEIS.

E4

**21st Street Station:**

a) The DEIS identifies the 21st Station as a “park and ride” site with parking for 100 vehicles and 1000 daily LRT boardings. ***No assessment of the traffic flow associated with parking at the site, nor the site plan showing the location of the parking lot is provided.***

I2

b) The MPRB believes that the western most track is on park land adjacent the proposed station. ***If this is true, the DEIS needs to conduct a Section 4(f) analysis of the use of park land. No such analysis has been undertaken. The DEIS does state that the land ownership adjacent the station is complicated and that additional survey work may be necessary.***

N1

S2

c) Separate from the track location, the proposed station and associated parking lot could constitute a constructive use of the adjacent park land. ***The DEIS does not address this issues specifically. Instead, the DEIS makes a general statement that there are no constructive uses of Section 4(f) protected property within the Kenilworth Corridor.***

I2

d) ***No analysis was conducted as to whether the proposed station and parking lot would comply with the requirements of the City’s Shoreland Overlay District, particularly those governing storm-water runoff and point and non-point source discharges of pollutants.***

I2

e)The DEIS acknowledges that the implementation of LRT service and stations along Segment A (mostly the Kenilworth Corridor) “would likely result in some land use change surrounding the stations...” ***No assessment was done of the cumulative impact of those changes nor was any mitigation proposed to protect the natural character of the area surrounding the proposed station.*** The City/HCRRA Design Team recommended only minimum infrastructure at the 21st Street station with no development at all on adjacent property. This recommendation is not included in the DEIS as a mitigation measure.

M1

N12

**C. SUGGESTED SOLUTIONS**

**Specific Land Use Preservation, Noise Mitigation etc. using a tunneling option:**

There is a specific advantage Minneapolis has because of its geological conditions, whereby the respective layer for the tunnel contains soft material, which can be excavated with in a very economical way. This has been done at the airport already. The length of the tunnel that links the two terminals at the MSP airport is 7,400' at a depth of 70'. Per the attached article there was no disruption of at grade activities during construction. The cost to build the tunnel was \$120M or \$16,216 per foot. <http://www.hatchmott.com/projects/twin-light-rail-transit-tunnel-underground-lindbergh-terminal-stationminneapolis-st-paul>.

The distance between the West Lake Street Station and the 21st Street Station is 1.08 miles or 5,702 feet. Using the distance of 5,702' X \$20,540 per foot = \$117M (adjusted for inflation) to construct a tunnel 70' below grade from West Lake Street Station to 21st street station.

- **Benefits of the tunnel:**
  - No disruption of at grade activities on the roads, bike path or walking paths.
  - No re-routing of local streets or disruption, specifically Burnham Blvd. or at Cedar Lake Parkway.
  - Preserves the quiet natural neighborhood for decades and beyond as it is defined by the .
  - No eminent domain required to accommodate the LRT at grade or with Bridge option at Cedar Lake Parkway.
  - no mitigation for the single family homes would be required sound or sight,
  - There is no security check point between the Lindberg and Humphrey terminals, anyone can get on and ride the LRT between terminals.
  - The overall cost with the tunnel option along the Kenilworth trail would be a 3% increase over the total budget of \$1.25B up to 1.287B.
  
- ***This option needs to be seriously considered.***

***THERE HAS TO BE AN ANALYSIS OF THIS OPTION, WHICH IS A FEASIBLE OPTION, AND SPECIFICALLY FEASIBLE IN AN ECONOMICAL WAY IN MINNEAPOLIS AREA due to its unique geology.***

**E0**

***TUNNELING A SHORT STRETCH WOULD SOLEVE ALL OF THE AFORE-LISTED PROBLEMS. IT REPRESENTS A HISTORIC CHANCE, THAT ONCE AGAIN MINNESOTA CAN LEAD THE COUNTRY IN PUBLIC TRANSSPORTATION, WHICH IS ENVIRONMENTALLY AND ECONOMICALLY SENSIBLE. THIS APPROACH IS ALREADY A TRADITION IN OUR STATE: WE PRESERVED THE LAKES IN THE CITY, WE ARE THE LEADING BIKE CITY IN THE COUNTRY. THE CURRENET ON-GRADE LRT, IN ADDITION TO VIOATING MANY ORDINANCES AND ENVIRONMENTAL CONCERNS AND REQUIREMENTS AND OVERLOOKING, IS ALSO NOT COMPATIBLE WITH THIS TRADITION.***

# See Comment #628 for Theme Delineations

Comment #629



Jutta Ellermann  
<eller001@umn.edu>  
12/31/2012 10:36 AM

To swcorridor@co.hennepin.mn.us  
cc Jutta Ellermann <eller001@tc.umn.edu>, Kâmil Uğurbil  
<kamil@cmrr.umn.edu>  
bcc

Subject Fwd: COMMENTS ON LRT DEIS from Dr. Jutta Ellermann  
and Dr. Kamil Ugurbil

Minneapolis, 12/31/2012

Dr. Jutta Ellermann and Dr. Kamil Ugurbil, 2812 Benton Blvd, Minneapolis MN,  
55416, phone:612-232-3020

COMMENTS ON Southwest Transitway Chapter 4 Draft Environmental Impact  
Statement Environmental Effects /October 2012

## **A. COMMENTS AND CONCERNS ON OVERALL IMPACT ON LAND USE CENTERED ABOUT THE KENILWORTH LAGOON ABOUT A MILE TO THE NORTH AND SOUTH**

1. The land centered about the Kenilworth Lagoon has been set aside for specific uses and therefore is eligible for special protection (National Register of Historic Places). This is in the constitution. This is one of the most amazing historic visions put into law, and is what keeps this country so extraordinarily beautiful. Whereas public transportation is an important task to be solved in this century, and I am in favor of it, it cannot be done in a way that overrides the historic protection of such a national treasure. There is, and there has to be the understanding, that those rules are there for us, for our children, for the future.

2. In other words, our generation cannot just destroy forever, such an area preserved up until now and used by millions strolling, running, biking,

canoeing etc. for a short sided, “cheapest” solution for a transportation problem. The City Lakes are the “Central Park of Minneapolis” and in my opinion even much more beautiful and much more essential to the lifestyle or city affords and the desirability of living in the city as opposed to in suburbs surrounding it. Coming with your canoe from Lake of the Isles leaving the skyline of Minneapolis behind and experiencing the quiet tunnel of greenery of the Lagoon opening up again to the lightness of Cedar Lake far removed from the buzzing of everyday life is magical and it is here for all of us and for this cities long term viability.

3. The scope of the impact of the LRT on this most sensitive stretch has not been realized and is not at all appropriately addressed in the DEIS and the respective planning process. Therefore, I would like to suggest an official meeting of all authorities and citizen representatives involved at this Kenilworth lagoon area to experience first hand what is at stake here, rather than just read it in reports and comments on reports like this one.

### **COMMENTS:**

a) While the DEIS recognizes that “portions of the land between Cedar Lake and Lake of the Isles are very high sensitivity,” the DEIS puts no particular focus on this area, i.e. the Kenilworth Corridor, in its evaluation of the impact of the proposed LRT solution or possible measures that can be undertaken to mitigate the environmentally detrimental consequences.

b) Instead, the environmental assessment is spread more-or-less evenly across the 15 miles of the proposed transit way (the “study area”). An exception is the Freight Rail Relocation Segment which receives much attention in terms of its potential impact on residents in St. Louis Park. This is not to fault an emphasis on the relocation analysis. It is simply to draw a contrast between the different levels of data gathering and technical analysis.

c) The entire study area is viewed as “dominated by urban land use.” This perspective comes across particularly clearly for the Kenilworth Corridor, in direct contrast with the perspective of the Minneapolis Park and Recreation Board. The MPRB, for example, views the Kenilworth Regional Trail as an area focused on “serenity, habitat restoration, minimal development and passive recreation.” Nor is the urban-land-use perspective consistent with the fact that the DEIS identified fourteen federal or state-listed species and native plants within one mile of the proposed transit way. Ten of the species and native plants are found in Segment A of the transit way (primarily the Kenilworth Corridor), which is significantly more than is found in any other segment. No adverse environmental impact is noted with respect to any of the ten species. Little-to-no analysis is offered to support this conclusion.

d) Few measures are proposed to mitigate the potential adverse environmental impacts of the project, and nearly none that are of a specific nature. For example, the DEIS notes that “[t]he impact of replacing an existing bridge over the channel that connects Cedar Lake and Kenilworth Lagoon could be substantial because of sensitive receptors traveling the lagoon.” However, no mitigation measures are set out in the DEIS. Instead, the bridge design, bank treatment and aesthetics for the new bridge are to be addressed later, after the Final Environmental Impact Statement (FEIS) has been approved.

e) The DEIS sees the habitat as typically of low quality, and states that the native habitats are mostly concentrated in areas other than the Kenilworth Corridor. Only 2.5% of Segment A is said to have native habitat, something that strikes me as an understatement. The DEIS does note, however, that increased habitat fragmentation “could be expected from the construction of required safety/security barriers to separate the light rail tracks from adjacent bicycle/pedestrian trails,” which could be mitigated “through the use of wildlife underpasses.” This is one of the few specific mitigation measures proposed in the

EIS, and seems to run counter to the determination that there is little to mitigate.

f) The DEIS is required to analyze the cumulative impact of reasonably foreseeable future developments. This is also true for the potential indirect effects that may occur in the future. For example, the stated intent of LRT stations is to precipitate development on nearby property. The environmental effects of that future development, when added to the impact of the LRT, may have a significant environmental impact. However, no analysis of the potential cumulative or indirect effects of the Southwest LRT within the Kenilworth Corridor was conducted. Instead, it is simply stated that those effects could be controlled by existing regulations.

## **B. COMMENTS ON SPECIFIC ISSUES:**

### **4.7.3.4 Projected Noise Levels from page 4-84**

Table 4.7-2 in the DEIS summarizes the sound exposure levels used in Southwest Transitway detailed noise analysis. Noise Levels range from 84 dBA (light rail vehicle Pass-by on embedded track) to 106 (stationary crossing signal) and 114 dBA for light rail curve squeal. This is in stark contrast to the actual ambient noise levels, which were measured as low as 48 dBA/ 51 dBA for Segment 1. FTA GUIDELINES ("Transit Noise and vibration Impact assessment (FTA 2006) defines for an existing noise level of about 55 db in increase of 4-7 db = moderate impact and above 7 dB = severe impact. The increase, however, would be 40 dB from and existing level of 55-56 dB to a projected noise level ranging from 81-116 dB.

***40 dB gain change should give about the ratio of 8 (eight times) for sensed volume and loudness, and a 40 dB change gives the ratio of 200 for calculated sound power and acoustic intensity. The data given, underline the SEVERITY of the noise impact.***

a) There is growing scientific evidence, that chronic noise pollution has severe health effects, specifically on the cardiovascular system (1) and cognition in children (2,3). A recent study by the World Health Organization summarizes the available study results, mostly from Europe in a meta-analysis (4). These results reveal that the Minnesota regulations for land use type 1 as the park lands have to be classified with day time (7.00 am - 10.00 pm) upper limits of 60 dB and night time 50 dB are to be considered safe. However, values imposed by the Light Rail of more than 80 dB are a significant health risk (. Note, that motor boats are prohibited on the city lakes.

1. Babisch, W., Cardiovascular effects of noise. *Noise Health*, 2011. 13(52): p.201-4.

2. Stansfeld, S.A., et al., Aircraft and road traffic noise and children's cognition and health: a cross-national study. *Lancet*, 2005. 365(9475): p. 1942-9.

3. Clark, C., et al., Exposure-effect relations between aircraft and road traffic noise exposure at school and reading comprehension: the RANCH project. *Am J Epidemiol*, 2006. 163(1): p. 27-37.

4. In March 2011, a joint WHO-JRC "[Report: Burden of disease from environmental noise. Quantification of healthy life years lost in Europe](#)", reviewing the evidence of health effects consequent to noise exposure, estimating the burden of disease in western European countries, and providing guidance on how best to quantify risks from environmental noise.

b) FTA noise impact criteria are based on land use and existing noise levels. The Federal Transportation Agency (FTA) has three land-use noise categories: Category 1 is for land where quiet is an essential element of its use; Category 2 are residences and buildings where people normally sleep; Category 3 are institutional land uses such as schools, libraries and churches. ***The park land to the west of the Kenilworth Corridor is shown as a Category 3 land use in the DEIS. The residential properties to the east and west of the Corridor are shown as Category 2. This categorization is absolutely false and cannot be justified. It is at all not clear how it is or it can be justified. Appropriately, the Minneapolis Park and Recreation Board (MPRB) has objected to the characterization of its park land as Category 3, believing instead that it is Category 1.***

c) Low ambient noise levels cause the impact threshold to be lower. For example, if the existing noise level is 50 dB, then an increase to 55 dB is a severe impact according to FTA standards. If the existing noise level is 55 dB, then the noise level has to increase to 62 dB before the impact is severe. ***It does not appear as though any direct measurement of existing noise level was taken within the Kenilworth Corridor. The closest location appears to be Kenilworth Place and Upton Avenue South, which is identified as being “representative of noise-sensitive land use in the Kenwood Neighborhood, away from major thoroughfares.” This claim is not justifiable and cannot be justified.***

d) Within Segment A, the DEIS estimates that there are 73 moderate noise impacts and 183 severe impacts. It states that “[m]any of the impacts are due to low existing ambient noise levels combined with proximity of residential neighborhoods to the alignment and high speeds of operation.” Other impacts were associated with the warning signal use at the 21st Street station coupled with low ambient noise levels.

e) The DEIS states that noise levels that result in a severe impact presents a compelling need for mitigation. **However, the DEIS does not recommend any specific mitigation measures for the Kenilworth Corridor and does not evaluate if the mitigation measures possible for a on-grade LRT system can accomplish the necessary mitigation** . In fact, the only specific recommendation in the DEIS calls for the use of Quiet Zones and this is recommended only for the freight rail relocation segment in St. Louis Park.

f) The DEIS identifies 247 Category 2 vibration-sensitive land uses in Segment A, which are mostly single-family and multifamily residences. The DEIS assessment predicts that there will be 124 potential vibration impacts from the LRT caused by geological conditions (west of Van White station)and increased train speeds.

g) Potential mitigation measures listed in the DEIS include special trackwork, vehicle specifications, ballast masts and floating slabs. **However, the need for and selection of specific measures is deferred until the completion of a detailed vibration analysis** which “will be conducted during the FEIS in coordination with Preliminary Engineering.”

**City Proposed overpass bridge:**

***For the reasons listed below, the “adequacy” of the analysis and conclusions in***

***the DEIS relating to the proposed LRT overpass is highly questionable and subject to challenge.***

a) The DEIS acknowledges that the proposed LRT bridge over Cedar Lake Parkway (CLP) “would have a substantial [visual] impact on this historic landscape.” A similar long-term architectural impact is acknowledged. However, further consideration of these impacts is deferred to the “Section 106 consultation process”, which likely means to occur after the approval of the FEIS.

b) Separate from these acknowledgements, Cedar Lake Parkway (CLP) is a part of the Grand Rounds Historic District, which is eligible for the National Register of Historic Properties(NLRP).

c) Because of Cedar Lake Parkway’s eligibility for the NRHP and because the SW LRT project has and will receive federal funding, the DEIS identifies Cedar Lake Parkway as a “property” under Section 4(f) of the U.S. Department of Transportation Act of 1966. Section 4(f) is intended to prevent the conversion of historic sites, parks, recreation areas and wildlife and waterfowl refuges to transportation uses, except under certain limited circumstances. For purposes of Section 4(f), the prohibition applies whenever the protected property is directly incorporated into a project or the project is so proximate to a protected property that it results in an impact that causes substantial impairment to the property’s use or enjoyment (so-called “constructive use”). Substantial impairment occurs when the protected attributes of the property are substantially diminished. Exceptions to the prohibition arise when there is no feasible and prudent alternative to the use of the property and the action included all possible planning to minimize harm to the property resulting from the use. ***This Requirement has not been fulfilled in the DEIS document.***

d) Instead, for an unstated reason(s), the DEIS concludes that the proposed LRT overpass is neither a direct or constructive use of the historic attributes of Cedar Lake Parkway. Therefore, the DEIS finds that there is no Section 4(f) prohibition applicable to the construction of the bridge. ***This is clearly unsupportable and unjustified. The DEIS contains no analysis of the proposed bridge's proximity to park property as an independent basis for finding a constructive use under Section 4(f).***

e) Further, the DEIS does not make any assessment of the potential noise impact of elevating the transit way nor the visual intrusion of the elevated transit way to nearby residents or to bike/pedestrian trail users. ***However, the noise impact, will certainly be more severe at a given distance from the in an elevated track and will also extend further.***

f) ***Finally, the DEIS has no analysis of potential measures to mitigate the visual and noise impact caused by trains traveling across the proposed overpass nor any assessment of the impact of alternatively tunneling the transit way underneath the Parkway.*** While the MPRB did conduct a preliminary assessment of a trenched LRT underpass, no reference was made to a below grade crossing in the DEIS.

#### **21st Street Station:**

a) The DEIS identifies the 21st Station as a “park and ride” site with parking for 100 vehicles and 1000 daily LRT boardings. ***No assessment of the traffic flow associated with parking at the site, nor the site plan showing the location of***

***the parking lot is provided.***

b) The MPRB believes that the western most track is on park land adjacent the proposed station. ***If this is true, the DEIS needs to conduct a Section 4(f) analysis of the use of park land. No such analysis has been undertaken. The DEIS does state that the land ownership adjacent the station is complicated and that additional survey work may be necessary .***

c) Separate from the track location, the proposed station and associated parking lot could constitute a constructive use of the adjacent park land. ***The DEIS does not address this issues specifically. Instead, the DEIS makes a general statement that there are no constructive uses of Section 4(f) protected property within the Kenilworth Corridor.***

d) ***No analysis was conducted as to whether the proposed station and parking lot would comply with the requirements of the City's Shoreland Overlay District, particularly those governing storm-water runoff and point and non-point source discharges of pollutants .***

e)The DEIS acknowledges that the implementation of LRT service and stations along Segment A (mostly the Kenilworth Corridor) “would likely result in some land use change surrounding the stations...” ***No assessment was done of the cumulative impact of those changes nor was any mitigation proposed to protect the natural character of the area surrounding the proposed station.*** The City/HCRRA Design Team recommended only minimum infrastructure at the 21st Street station with no development at all on adjacent property. This recommendation is not included in the DEIS as a mitigation measure.

## **C. SUGGESTED SOLUTIONS**

### **Specific Land Use Preservation, Noise Mitigation etc. using a tunneling option:**

There is a specific advantage Minneapolis has because of its geological conditions, whereby the respective layer for the tunnel contains soft material, which can be excavated with in a very economical way. This has been done at the airport already. The length of the tunnel that links the two terminals at the MSP airport is 7,400' at a depth of 70'. Per the attached article there was no disruption of at grade activities during construction. The cost to build the tunnel was \$120M or \$16,216 per foot.

<http://www.hatchmott.com/projects/twin-light-rail-transit-tunnel-underground-lindbergh-terminal-stationminneapolis-st-paul>.

The distance between the West Lake Street Station and the 21st Street Station is 1.08 miles or 5,702 feet. Using the distance of 5,702' X \$20,540 per foot = \$117M (adjusted for inflation) to construct a tunnel 70' below grade from West Lake Street Station to 21st street station.

- **Benefits of the tunnel:**
  - No disruption of at grade activities on the roads, bike path or walking paths.
  - No re-routing of local streets or disruption, specifically Burnham Blvd. or at Cedar Lake Parkway.
  - Preserves the quiet natural neighborhood for decades and

beyond as it is defined by the .

- No eminent domain required to accommodate the LRT at grade or with Bridge option at Cedar Lake Parkway.
- no mitigation for the single family homes would be required sound or sight,
- There is no security check point between the Lindberg and Humphrey terminals, anyone can get on and ride the LRT between terminals.
- The overall cost with the tunnel option along the Kenilworth trail would be a 3% increase over the total budget of \$1.25B up to 1.287B.

- *This option needs to be seriously considered.*

***THERE HAS TO BE AN ANALYSIS OF THIS OPTION, WHICH IS A FEASIBLE OPTION, AND SPECIFICALLY FEASIBLE IN AN ECONOMICAL WAY IN MINNEAPOLIS AREA due to its unique geology.***

***TUNNELING A SHORT STRETCH WOULD SOLEVE ALL OF THE AFORE-LISTED PROBLEMS. IT REPRESENTS A HISTORIC CHANCE, THAT ONCE AGAIN MINNESOTA CAN LEAD THE COUNTRY IN PUBLIC TRANSSPORTATION, WHICH IS ENVIRONMENTALLY AND ECONOMICALLY SENSIBLE. THIS APPROACH IS ALREADY A TRADITION IN OUR STATE: WE PRESERVED THE LAKES IN THE CITY, WE ARE THE LEADING BIKE CITY IN THE COUNTRY. THE CURRENET ON-GRADE LRT, IN ADDITION TO VIOATING MANY ORDINANCES AND ENVIRONMENTAL CONCERNS AND REQUIREMENTS AND OVERLOOKING, IS ALSO NOT COMPATIBLE WITH THIS TRADITION.***



**Jeanette Colby**  
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12/31/2012 11:01 AM

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bcc

Subject KIAA Response to Southwest LRT DEIS

Dear Friends,

Attached please find the Kenwood Isles Area Association (KIAA) response to the Southwest LRT Draft Environmental Impact Statement (December 2012), with the following addenda:

1. KIAA's 2008 Resolution Supporting Light Rail in the Best Interests of the City of Minneapolis (September 2008);
2. KIAA, CIDNA, and West Calhoun's Joint Goals for SWLRT Design and Mitigation (February 2011);
3. KIAA Resolution Opposing Co-location of Both Freight and Light Rail in the Kenilworth Corridor (June 2012).

We look forward to working with you.

Best regards,

Jeanette Colby

on behalf of the Kenwood Isles Area Association Board of Directors

**Kenwood Isles Area Association**  
**Response to the Southwest Transitway**  
**Draft Environmental Impact Statement**  
**December 31, 2012**

**Overview and Summary**

Bordered by the Kenilworth Trail and Cedar Lake Park to the west and Lake of the Isles to the east, the Kenwood Isles Area Association (KIAA) represents 1,414 citizens in 589 housing units (2010). Kenwood residents value the neighborhood's historic homes, our proximity to downtown and Uptown, and especially Minneapolis' unique park, lake, and trail system.

More than a mile of the 15 miles proposed for the Southwest Transitway LRT 3A (LPA) line passes through Kenwood. Two of the proposed stops would be part of our neighborhood, 21<sup>st</sup> Street and Penn Avenue (shared with Bryn Mawr).

After the release of the Draft Environmental Impact Statement (DEIS) on October 12, 20012, KIAA developed a draft response. To solicit input on this response, KIAA posted the draft on our website. We then held board meetings on November 5<sup>th</sup> and December 3<sup>rd</sup> focused primarily on the DEIS response. Both meetings were well attended by 25-35 individuals. Our annual fall newsletter, mailed to every Kenwood household in mid-November, centered on the DEIS and requested input by e-mail for those who could not attend our meetings. This newsletter was also sent to all e-mail addresses on our neighborhood list. The KIAA response to the SWLRT DEIS reflects this comprehensive outreach.

The DEIS articulates a number of environmental impacts to our neighborhood, but overlooks several others. If the SWLRT is to be built, we are pleased to see that the DEIS supports relocation of freight rail from the Kenilworth Corridor and affirm all the reasons given in the document. Kenwood citizens are appalled by the prospect of the Kenilworth Corridor being the route of *both* the LRT *and* freight rail.

D

We support excellent, context-sensitive design and mitigation for all communities affected by this project. Without the highest design standards and excellent mitigation, the environmental impacts in Segment A of the 3A (LPA) alignment – especially those related to noise, visual effects, and safety – will greatly affect the livability of our neighborhood, as well as adversely impact unique urban assets that benefit visitors from around the region (the Kenilworth Trail and Cedar Lake Park). Our concerns focus on the following:

**1. Preserving our unique cultural and natural heritage**

- We oppose land use changes beyond what is necessary for the LRT; existing park, trail and open green space should be preserved to the greatest extent possible. (3.1.5.1, page 3-34)
- There are important historic preservation issues related to the proposed SWLRT. KIAA looks forward to contributing as a consulting party to the Section 106 Review process. (3.4.5, Page 3-79)

E2

L1

- KIAA asserts that a bridge over Cedar Lake Parkway would have unacceptable visual and noise impacts. We request a feasibility study of depressing, trenching, or tunneling the LRT. (3.6.3, page 3-115) O1
- A bridge over Cedar Lake Parkway likely violates Shoreland Overlay District zoning requirements. (3.6.3, page 3-115) E8
- Cedar Lake Park and the Kenilworth Trail provide important wildlife habitat and environmental learning opportunities for both children and adults. KIAA urges design measures that would benefit biota and habitat. (4.3.5, page 4-53) N8
- The area for the proposed SWLRT currently has very low ambient noise levels. KIAA insists on the highest standards of design to mitigate noise impacts. (4.7.3.5, 4-92) O1

## 2. Safeguarding the safety and enjoyment of park and trail users

- Cedar Lake Park and the Kenilworth bicycle and pedestrian trails are regional assets. With well over 600,000 discrete annual visits, they are heavily used by local residents and people from throughout the metro area. (3.6.2.4, page 3-104) E2
- KIAA expects the City of Minneapolis' Resolution 2010R-008 will be respected. It asserts that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths must be preserved and protected. N1
- Substantial visual effects on trail users documented in the DEIS must be mitigated with well-designed landscape and hardscape elements, including land berms and evergreens. (3.6.3, page 3-115) N8
- This DEIS does not consider impacts of light pollution on park and trail users. (3.6.5.3, page 3-123) E2
- KIAA insists that the Minneapolis and MPRB Police be consulted on security issues related to the impact of a proposed station at 21<sup>st</sup> Street related to Cedar Beach East (Hidden Beach). An inadequately managed station would increase opportunities for illegal behavior. (3.7.2, page 3-129) E4 N1
- KIAA requests that the Minneapolis Fire Department, MPRB Police, and emergency medical responders be consulted in development of safety and security plans, especially for Cedar Lake Park and Cedar Beach East (Hidden Beach). (3.7.3.3, page 3-131) N2
- The adequacy of existing hydrants and other emergency infrastructure needs examination. (3.7.3.3, page 3-131) E9
- KIAA insists on the highest standards of design to mitigate noise impacts on trail users. The current experience of the trail is as a peaceful urban retreat. (4.7.3.5, page 4-92) R3
- KIAA expects that if safety fencing is used, it be integrated into an overall landscape design that includes land berms, evergreens, deciduous trees and shrubs, and hardscape elements. (6.3.2.4, page 6-58) E9 R3
- We expect high aesthetic standards for screening to reduce visual impacts of Traction Power Substations (2.3.3.6, page 2-50) E2 E4 O1

## 3. Maintaining the quality of life of residents

- A station stop at 21<sup>st</sup> Street with 1,000 people daily boardings will greatly change the character of this neighborhood. We insist on a study of traffic and other impacts of the station on the neighborhood. (Table 2.3-4, page 2-32) E0 P4
- We expect consultation with the community on Traction Power Substation placement and I2

screening plans. (2.3.3.6, page 2-50)

- Contrary to the DEIS assertion, there will be a significant impact on community cohesion given the change from slow, infrequent freight trains to high speed LRT trains that will pass homes, parks, and trails every few minutes from 5:00 a.m. to 1:00 a.m. (3.2.2.6, page 3-58)
- Substantial visual effects on residences will occur, as well as adverse privacy impacts to indoor and outdoor living areas, and must be mitigated. (3.6.3, page 3-115)
- Although the DEIS states otherwise, without explanation or verification, the proposed station area at 21<sup>st</sup> Street will have substantial visual impacts on nearby residences. This was pointed out during the DEIS scoping period. (3.6.3, page 3-117)
- This DEIS does not consider impacts of light pollution on homes near the station. The effects of engine lights, station lighting, and any other lights must be taken into account and remediated. (3.6.5.3, page 3-123)
- KIAA requests that the Minneapolis Fire Department, Police Department, and emergency medical responders be consulted in development of safety and security plans, especially for the 2000 block of Upton Avenue. (3.7.3.3, page 3-131)
- We appreciate that this DEIS points out substantial noise impacts that the SWLRT will have on our neighborhood and residents. Planners must not allow noise to destroy a quiet park and stable urban neighborhood. KIAA insists on the highest standards of design to mitigate noise impacts. (4.7.3.5, page 4-92)
- During the scoping period, residents showed that new construction in the 2500 block of Upton Ave. S. along the Kenilworth Trail required extra deep footings because the ground propagates vibrations to the detriment of structures. The DEIS did not address this issue. KIAA requests that detailed vibration assessments be done as early as possible to determine adequate mitigation measures. (4.8.6, page 4-118)

L1  
E1  
M3  
N2  
I1,I2  
N2  
R3  
E9  
O1  
E4  
O1  
E4

#### 4. Ensuring the tranquility and functionality of proposed station areas

- In accordance with City of Minneapolis policy and to protect neighborhood livability, KIAA opposes a park-and-ride lot at 21<sup>st</sup> Street. (Table 2.3-4, page 2-32)
- To improve safety of park and trail users, we request consideration of a split platform at the 21<sup>st</sup> Street station as proposed by the Cedar Lake Park Association design charette of November 2010. (Table 2.3-4, page 2-32)
- This DEIS points to severe noise impacts from a station at 21<sup>st</sup> Street. KIAA insists on the highest standards of design to mitigate noise impacts. (4.7.3.5 Assessment Page 4-92)
- MPRB Police absolutely must be consulted on security issues related to a proposed station at 21<sup>st</sup> Street. An inadequately managed station would increase opportunities for illegal behavior, which has been a long-standing problem at Cedar Beach East (Hidden Beach). (3.7.2, page 3-129)
- Groundwater and drinking water must be protected. KIAA requests information about how this will be done. (4.1, pages 4-19, 4-21)
- There is a great deal of landfill around Cedar Lake. KIAA needs assurance that contaminated soils will be dealt with appropriately during construction. (4.9.5, page 4-129)
- KIAA does not support changes in land use (development) near the 21<sup>st</sup> Street station. We expect parkland, trails, and green space to be protected for future generations. (5.2.5.1, page 5-21)
- A station area at Penn Avenue will have a significant impact on Kenwood residents. KIAA expects to be consulted on station area design and mitigation of impacts.

I1,I2  
I2  
R3  
I2  
E4  
O1  
R1  
E3  
N4  
E5  
N1  
L1  
I2

E1

KIAA strongly urges all actors involved with the SWLRT to establish the highest standards of design and mitigation for this project. Design measures that may be considered “betterments” by agencies outside of our community are justified by the disproportionate adverse environmental impact to residential and green spaces compared to the more commercial or industrial areas along the line. Such measures are required to ensure that the proposed SWLRT will not substantially harm, and may even enhance, our community.

N1

## Detailed Comments, Chapters 2 - 6

### Chapter 2: Alternatives Considered

#### 2.3 Draft EIS Alternatives

##### 2.3.3 Build Alternatives

##### Table 2.3-4, page 2-32, Stations

This table shows a station at 21<sup>st</sup> Street: At-grade, with center platforms, and a surface parking lot with room for 100 cars.

**Comment:** Minneapolis officials have informed the Kenwood Isles Area Association that a park-and-ride facility at the proposed 21<sup>st</sup> Street station would be contrary to the City's policy. We support this policy and oppose a parking lot at 21<sup>st</sup> Street. A parking lot would not be consistent with the quiet residential character of the neighborhood and would require destruction of wooded land or open green space adjacent to the Kenilworth Trail and Cedar Lake Park.

I1,  
I2

**Comment:** To improve safety of park and trail users, and possibly to reduce noise impacts, we request consideration of a split platform at the 21<sup>st</sup> Street station as proposed by the Cedar Lake Park Association design charette of November 2010. (Table 2.3-4, page 2-32)

I2

**Comment:** We expect a complete analysis of the traffic impacts of this proposed station on our neighborhood. A previous study projected 1,000 riders per day boarding at 21<sup>st</sup> Street. Given the low-density housing, the geography (much of the half-mile radius around the proposed station is either parkland or lake), and street lay-out of Kenwood, we conclude that either the figure of 1,000 riders per day is wrong, or our neighborhood will see tremendous change in traffic load. Such changes should be understood, planned, and managed. (Southwest LRT Technical Memo No. 6, Ridership Forecasting Methodology and Results, Preliminary for Review Only, September 9, 2009.)

I2

P4

##### 2.3.3.6 Traction Power Substations, page 2-50

TPSSs would be included at approximately one-mile intervals along the Build Alternatives to supply electrical power to the traction networks and to the passenger stations. ... The TPSS sites would be approximately 80 feet by 120 feet. The proposed general locations for TPSSs are shown in Appendix F. The proposed sites were located to minimize impacts to the surrounding properties; however, the site locations are subject to change during Preliminary Engineering and Final Design. TPSS sites are selected to meet a balance of safety, reliability, cost, and operational efficiency needs.

**Comment:** KIAA notes that in Appendix F, a TPSS is proposed just south of the Burnham bridge on the west side of the trail. This will impact trail users as well as adjacent residences. If this site is retained, we insist that designers work with KIAA and adjacent residents to adequately landscape and screen this facility.

E2

N2

# Chapter 3: Social Effects

The Kenwood Isles Area Association has a number of concerns regarding the Social Effects of the proposed SWLRT project. Specifically, the train will travel through a quiet, park-like area used for bicycling and pedestrian trails, adjacent to Cedar Lake Park and Cedar Beach East (Hidden Beach). These community assets were created more than 20 years ago through citizen initiative, and have been developed and maintained by volunteers and public entities since then. Further, the line will pass by quiet, stable residential areas that have seen significant private investment in the maintenance or improvement of the housing stock in recent years. We especially point to effects on land use, community cohesion, visual and aesthetic effects, and safety and security.

E1

N2

## 3.1 Land Use and Socioeconomics

### 3.1.5.1 Effects to Land Use and Socioeconomics, page 3-34

In Minneapolis, land use changes are anticipated along each of the planning segments. Residential land uses surrounding the Segment A alignment are mainly low- to medium-density, single-family detached housing near Cedar Lake and Lake of the Isles. [...] Implementation of LRT service and stations along the Segment A alignment would likely result in some land use changes surrounding the stations, particularly north of the lakes where tracts of undeveloped land are being considered for development.

**Comment:** While we support consideration of redevelopment within the Basset Creek Valley area, the Kenwood community has expressed the priority that existing park, trail and open green space in the Kenilworth Corridor between Lake Street and I-394 absolutely must be preserved to the greatest extent possible. The existing land use represents an important neighborhood, city, and regional asset. The City of Minneapolis’ Resolution 2010R-008 by Colvin Roy entitled “Supporting the Southwest Transitway Locally Preferred Alternative” reflects this priority:

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“Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained. “

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KIAA expects that zoning in the area will remain R1 and R2 with the exception of the R4 and R5 areas south of Cedar Lake Parkway, and Shoreland Overlay District restrictions will be respected.

E2

M1

## 3.2 Neighborhood, Community Services and Community Cohesion Impacts

### 3.2.2.1 Neighborhoods, p.3-49 – 3-52

#### Minneapolis

Each Build Alternative would operate through several geographically defined neighborhoods in the City of Minneapolis.

**Comment:** While the proposed LRT 3A (LPA) route would travel through the defined boundaries of nine Minneapolis neighborhoods, it will have the greatest impact on Kenwood, CIDNA, and West Calhoun due to the geography and existing land use of the area. The Kenilworth Trail and Cedar Lake Park – vital local and regional amenities – are both part of the Kenwood neighborhood, with the Kenilworth Trail continuing through CIDNA and West Calhoun. (Please note that the DEIS description of Kenwood includes areas that are actually part of CIDNA.)

E2

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### 3.2.2.6 Neighborhoods and Community Cohesion, page 3-58 Segment A [LRT1A and LRT 3A (LPA)] and Freight Rail Relocation

However, the operation of LRT service along Segment A is not anticipated to adversely affect community cohesion because Segment A is currently bisected by a freight rail line and adding LRT service does not alter the existing barrier. [...] The operation of LRT service along Segment A is not anticipated to adversely affect community cohesion.

**Comment:** Kenwood residents find this statement absurd. The infrequency and slow speeds of the current freight trains means tracks are easily crossed, as evidenced by the many informal pathways across the tracks that provide access from residences to parks, trails, and retail stores. LRT, on the other hand, would run every 7.5 minutes in each direction at high speeds. This change clearly alters the existing linkages within and among neighborhoods. Also, the Kenilworth trail now functions as a community connector where neighbors meet in a recreational context. So while KIAA agrees that new transit services and linkages would become available to neighborhood residents, we completely disagree that there would be no adverse impact on community cohesion.

E1

M3

## 3.3 Acquisitions and Displacements/Relocations

### 3.3.3.3 Build Alternatives, Page 3-70

LRT 3A would require almost twice the number of parcels LRT 1A. LRT 3A-1 (co-location alternative) would require almost three times the number of parcels as LRT 1A.

**Comment:** KIAA requests that the 79 individual commercial and 11 residential properties proposed for acquisition be identified. As stated in our Resolution Opposing Co-Location (see attached) KIAA opposes the taking of Cedar Shores Townhomes and other Minneapolis residences for the co-location alternative.

E10

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D

## 3.4 Cultural Resources

### 3.4.5 Cultural Resources - Long-Term Effects, Page 3-79

Architectural properties in Segment A which are listed in or eligible for the National Register include seven individual properties and five historic districts. The segment also includes three individual architectural properties and one historic district which are under evaluation for eligibility.

**Comment:** The Kenwood Isles Area Association looks forward to contributing as a consulting party to the Section 106 Review process. We urge SWLRT designers and engineers to adopt the highest design standards to protect our local, regional, and national cultural assets including, but not limited to, Cedar Lake Parkway and the Historic Grand Rounds.

S1 E0

### 3.6 Visual Quality and Aesthetics

#### 3.6.2 Existing conditions

##### 3.6.2.4 Segment A [LRT 1A, LRT 3A (LPA), and LRT 3A-1 (co-location)], page 3-104

Segment A is located on existing rail ROW owned by HCRRA that is currently used as a pedestrian and bike trail and parallels existing freight lines (Photo 3.6-4). The corridor travels through the Cedar-Isles-Dean and Kenwood neighborhoods, the Minnesota Chain of Lakes Regional Park, and travels between a pair of lakes (Cedar Lake and Lake of the Isles) in Minneapolis. Land uses adjacent to the segment between West Lake Street and I-394 include transportation uses for freight, parkland, and single- and multi-family residential land uses.

**Comment:** In addition to the land uses listed above, please note the heavy use of bicycle and pedestrian trails along the Kenilworth Corridor. Bicycle commuting constitutes a significant portion of this use. According to information provided to the Minneapolis' Park and Recreation Board's Community Advisory Committee, the Kenilworth Trail received 617,000 visits in 2009 and use has only grown since then. The Regional Park Visitor Survey 2008 indicates that 63% of these visits were non-local, meaning that more than six out of ten users came from outside of Minneapolis.

E2 P8

##### 3.6.3 Long-Term Effects, page 3-108

##### Segment A [LRT 1A and LRT 3A (LPA)], page 3-115

Visual impacts on sensitive receptors located at single-family and multi-family parcels throughout the corridor would generally not be substantial because of mature vegetation buffers and the presence of an existing freight rail corridor. Visual impacts may be substantial where the alignment is not screened by vegetation. Visual intrusion and privacy impacts of the project elements on the sensitive receptors may be substantial where views from the alignment into previously private spaces are created. Visual intrusion and privacy impacts on the outdoor living areas of residential properties could be substantial where vegetation or landscape buffers do not exist.

**Comment:** Much of the existing mature vegetation is not intentional landscaping. It is adequate to screen views from very infrequent freight trains that rarely run after dark, but is entirely insufficient for passenger trains (LRT) that run every few minutes from early morning into the late night – from 5:00 a.m. to 1:00 a.m. With the introduction of LRT, KIAA asserts that there will be substantial visual effects on trail users and residences not screened by well-designed landscape and hardscape elements, including land berms and evergreens. We agree that adverse privacy impacts to indoor and outdoor living areas of residential properties will also be significant without excellent landscape design. We urge project engineers to employ the highest standards of creativity and design as they attempt to preserve the quality of this vital urban green space and its surrounding neighborhoods.

E2 N2

**Page 115, cont. (Cedar Lake Parkway)** The proposed alignment is on a bridge over Cedar Lake Parkway. Visual impacts on sensitive receptors adjacent to the corridor in the multi-family residential parcel and Cedar Lake Parkway could be substantial. Visual intrusion and privacy impacts of the project elements on the residents in units with windows facing the alignment where it is bridged structure could be substantial.

**Comment:** KIAA asserts that a bridge over Cedar Lake Parkway would clearly have substantial adverse visual impacts on residences from Lake Street to the Kenilworth Channel. It would also have substantial adverse impacts on users of the Historic Grand Rounds (drivers, bicyclers, pedestrians), as well as Cedar Lake Park and beach users, a fact not mentioned in the present study. Such a bridge is also likely to violate the Shoreland Overlay District zoning requirements, which state:

“Except for structures subject to a more restrictive maximum height limitation in the primary zoning district, the maximum height of all structures within the SH Overlay District, except for single and two-family dwellings, shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.”

*Source: Minneapolis, Minnesota, Code of Ordinances; Title 20 – Zoning code; Chapter 551. – Overlay Districts; Article VI. – SH Shoreland Overlay District*

We do not see any evidence in the present study that the feasibility of trenching, tunneling, or depressing the LRT below Cedar Lake Parkway has ever been examined. We strongly request that a thoughtful and serious study of this possibility be undertaken, since a bridge would have such grave quality of life impacts on area residents and users, and an at-grade crossing may have significant adverse traffic and safety impacts. KIAA will look forward to participating as a consulting party during Section 106 consultation in this regard.

### Page 3-117

Four at-grade center-track platforms are proposed for each station in the segment. No sensitive receptors, with the exception of the aforementioned trail users, are located adjacent to the station sites; therefore no additional visual impacts are anticipated.

**Comment:** KIAA agrees that there will be substantial adverse impacts on trail users, recreational users, and residential areas along the trail. We wonder, though, if the DEIS authors visited the site of the proposed 21<sup>st</sup> Street station? If they had, they would have seen the various homes (sensitive receptors) within close proximity to the proposed station location that would be adversely affected. Clearly, the station area will create additional visual impacts for these Kenwood residents.

### 3.6.5.3 Mitigation, Build Alternatives, page 3-123

The need for additional landscaping to mitigate potential visual intrusion/privacy impacts following clearing and grubbing activities during construction will be addressed in the Final EIS. Station design and aesthetics will be addressed during Preliminary Engineering and Final Design. Mitigation treatments for visual impacts would be developed during the Final Design process

E8  
N2  
S2

E8

E2

I2

N2

through discussion with affected communities, resource agencies, and stakeholders. Measures would be taken to ensure the design and construction of the Build Alternative considers the context of the corridor and that sensitive receptors receive adequate mitigation. Possible mitigation measures could include:

- Landscaping vegetation such as shrubs and bushes to supplement existing vegetation buffers
- Evergreen vegetation screening to supplement deciduous vegetation buffers in leaf-off conditions
- Fencing
- Tunneling

**Comment:** Appreciating the present study’s approach that mitigation treatments would be developed through discussion with affected communities, KIAA requests definition of “measures [that] would be taken to ensure the design and construction of the Build Alternative consider the context of the corridor and that sensitive receptors receive adequate mitigation.”

E10

N2

**Comment:** While we welcome and are grateful for this list of possible mitigation measures, KIAA finds it woefully inadequate. Please see attached Joint Goals for SWLRT Design and Mitigation, a resolution passed by the Kenwood, CIDNA, and West Calhoun Neighborhoods in February 2011.

**Comment:** Based on the present study, we assume that consideration of placement and screening/mitigation of Traction Power Substations would also be done in cooperation with affected communities and stakeholders.

**Comment:** The DEIS does not consider impacts of light pollution – from station lighting and headlights and other vehicle lighting – which will impact trail users and residents. KIAA expects that these impacts will be analyzed and mitigated.

E4

N2

### 3.7 Safety and Security

#### 3.7.2 Existing Conditions, page 3-129

Public safety and security within the study area is provided by the police departments, fire departments, and emergency response units of the cities of Eden Prairie, Minnetonka, Hopkins, St. Louis Park, and Minneapolis. Emergency medical services are located in each city.

**Comment:** Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21<sup>st</sup> Street on Cedar Beach East (Hidden Beach) and their input be incorporated into final design plans. In the summer 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

R3

E9

**Page 3-129, cont.** Primary safety concerns associated with the freight rail relocation segment of the proposed project, as expressed by the community, are derailments, chemical spills, the

accessibility and safety of pedestrians (particularly near schools), and vehicular and traffic safety at grade crossings.

**Comment:** Please note that residents near the Kenilworth Corridor have no less concern about such issues as derailments, chemical spills, pedestrian and cyclist safety, and traffic safety.

D

E9

**3.7.3.3 Safety – Long Term Effects - Build Alternatives, page 3-131**

The project would be designed in a manner that would not compromise the access to buildings, neighborhoods, or roadways, and would not compromise access to the transitway in the event of an emergency.

**Comment:** Please note that operation of LRT 3A could hamper access by emergency service providers to Cedar Lake Park, Cedar Beach East (Hidden Beach), and residences in the 2000 block of Upton Avenue South. KIAA requests that the Minneapolis Fire Department, MPRB Police, and emergency medical responders be consulted and their input be incorporated into safety and security plans for our area. Furthermore, the adequacy of existing hydrants and other emergency infrastructure needs to be examined.

R3

E9

## Chapter 4: Environmental Effects

### 4.1 Geology and Groundwater Resources

#### 4.1.3.4 Existing Conditions, Groundwater Resources, page 4-11

Segment A (Figure 4.1-11): Concern exists [due to shallow groundwater] for the areas near Lake Calhoun, the channel between Cedar Lake and Lake of the Isles, and the low areas beginning near the 21st Street station and extending through the areas near the Penn and Van White stations to I-94.

#### 4.1.4.2 Long-term Effects, Groundwater, page 4-21

The Build Alternatives may have long-term impacts on groundwater if a permanent water removal system (dewatering) is required. Permanent water removal is anticipated where the cut extends below the water table. [There are] ...possible needs on Segment A and at a second cut along Segment 3, because of shallow groundwater.

**Comment:** The present analysis is inadequate. The low lying areas around the 21<sup>st</sup> Street station extending through the Penn and Van White stations are identified as areas of concern regarding groundwater. Additionally, there is a possible need for permanent water removal systems along segment A, although the specific location is not identified. Both the identification of the risks and potential mitigation efforts in this area are unclear in the document.

E3

N4

#### 4.1.3.6 Groundwater Sensitivity, page 4-19

Several areas in the study area lie within zones of very high sensitivity to pollution of the water table system (Piegat 1989).

**Comment:** The area surrounding the 21<sup>st</sup> Street station's underlying bedrock is the Prairie du Chien Group, in which resides a major aquifer supplying many municipalities potable water supply. In segment A, the area of land between Cedar Lake and Lake of the Isles is an area of "very high sensitivity to pollution of the water table system". The present study is inadequate and provides only general information as to efforts to be made to ensure our drinking water is not contaminated.

E3

N4

### 4.3 Biota and Habitat

#### 4.3.5 Mitigation, page 4-53

Impacts to regulated resources, such as wetlands, threatened and endangered species, and water resources/water quality, would be mitigated in accordance with the appropriate permits as discussed in other sections of this Draft EIS. This mitigation would also benefit biota and habitat.

**Comment:** A wide variety of migratory birds and other wildlife adapted to natural spaces in urban environments (deer, fox, turkeys, etc.) constitute a critical element of the Kenilworth Corridor and Cedar Lake Park. In addition to providing habitat, the area also creates environmental learning opportunities for both children and adults. KIAA insists that LRT design consider ways to benefit biota and habitat and minimize habitat fragmentation in this unique

E10

N8

urban green space.

## 4.7 Noise

### 4.7.3.5 Assessment, Page 4-92

Segment A [LRT 1A and LRT 3A (LPA)]: West Lake Station to Intermodal Station

#### Category 1

There are no noise impacts to Category 1 land uses in this segment.

#### Category 2

There are a total of 73 Moderate Noise Impacts and 183 Severe Noise Impacts to Category 2 land uses in this segment. The estimated number of impacted residential units is 85 Moderate and 406 Severe. Many of the impacts are due to low existing ambient noise levels combined with proximity of residential neighborhoods to the alignment and high anticipated speeds of operation. Some impacts are due to low existing ambient noise levels combined with light rail vehicle-mounted audible warning signal (bell) use at the 21st Street Station and the nearby 21st Street at-grade crossing.

#### Category 3

There is one moderate impact to a Category 3 land use. The impact is due to very low ambient background noise levels found in the walking-trails of the Cedar Lake portion of the Minneapolis Chain of Lakes Regional Park combined with close proximity to the tracks and bell use at grade crossings and crosswalks. This may not apply to the entire Cedar Lake portion of the park, especially in areas where park-goers themselves create higher noise levels, and in areas of the park farther from the tracks.

**Comment:** Light rail vehicle audible warning bells for at grade crossings have a sound exposure of 106 db (4.7.3.4, page 4-84), which is close to the sound level of a chain saw or a rock concert. It is estimated that there will be nearly 260 LRT trips per day from 5:00 a.m. to 1:00 a.m. During peak hours the frequency will be greater than one train every four minutes. There are 1,143 housing units along segment A that will be impacted by noise, nearly half of which (520) will suffer severe noise impacts at identified in the DEIS (Table 4.7-3, page 4-86). Of these, 406 housing units in CIDNA and Kenwood (segments A-A and A-B) will potentially experience severe noise impacts and 68 will experience moderate noise impacts (Table 4.7-8, page 4-93). KIAA insists that noise impacts on residences must be mitigated. This is currently a stable residential community with very low ambient noise levels.

O1,  
O4

E4

**Comment:** Cedar Lake Park should be categorized as a Category 1 land use. It is primarily a very quiet, tranquil wooded area, and will experience the same level of noise impact as the homes near the proposed 21<sup>st</sup> Street station. The station will be located at the entrance to the park, and sound carries long distances through the park because of the normally low ambient noise levels. Park users likely create slightly higher noise levels no more than two to three months out of the year when Cedar Beach East (Hidden Beach) is busy, often with hundreds of daily visitors. Other months, the Cedar Lake Park is a serene, “up north” experience where the sound of woodpeckers tapping trees can be heard from one side of the park to the other.

O1

E2  
E4

I2

**Comment:** There is no discussion of the impact of noise to the highly utilized Kenilworth bicycle and pedestrian trails. The Kenilworth Trail is a quiet, serene haven for bicycler commuters and recreational users within an urban environment.

O1  
E4

**Comment:** There is no discussion of the noise impacts that would be created by a bridge over Cedar Lake Parkway. These will clearly be significant.

**Comment:** KIAA insists that the highest standards of design must be employed to mitigate these noise impacts. Severe noise affecting a large number of the homes in our neighborhood is clearly not acceptable. We believe noise impacts to Cedar Lake Park and the Kenilworth Trail would go beyond moderate, which is equally unacceptable. Excellent mitigation is needed to safeguard the park and trails from noise impacts. The design of the SWLRT in the Kenilworth Corridor must be sensitive to the existing context and do everything possible to protect this unique space. KIAA expects involvement in developing and approving mitigation plans.

E4 O1, O5

## 4.8 Vibration

### 4.8.6 Mitigation, page 4-118

Detailed vibration analyses will be conducted during the Final EIS in coordination with Preliminary Engineering. The Detailed Vibration Assessment may include performing vibration propagation measurements. These detailed assessments during the Final EIS/preliminary engineering phase have more potential to reduce project-related effects than assessments of mitigation options at the conceptual engineering phase of the project. Potential mitigation measures may include maintenance, planning and design of special trackwork, vehicle specifications, and special track support systems such as resilient fasteners, ballast mats, resiliently supported ties, and floating slabs.

**Comment:** The Prairie du Chien bedrock associated with the area around the 21<sup>st</sup> Street station in the Kenwood Isles neighborhood is an efficient conductor of ground-based vibration and ground-based noise. The area is identified as having a “high potential of efficient vibration propagation” (4.8.3.4, page 4-115), and 231 units are identified as being impacted in Segment A (Table 4.8-4, page 4-115). Given that the infrequent freight rail traffic vibrations can certainly be felt four to five blocks distant from the tracks it seems quite possible that the number of housing units impacted will be greater than cited in the DEIS. It is unfortunate that actual vibration testing has not been done as part of the DEIS.

O1, O5

E4

**Comment:** During the scoping process, residents pointed out that new construction at 2584 Upton Avenue South required extra deep footings because the ground in this area propagates vibrations to the detriment of structures. An architect’s report was submitted. There is no evidence in the current study that this information was taken into account. KIAA insists that detailed vibration assessments be done as early as possible in Preliminary Engineering to determine the impact on area homes.

O1

## 4.9 Hazardous and Contaminated Materials

### 4.9.5 Mitigation, page 4-129

It is reasonable to expect that previously undocumented soil or groundwater contamination may be encountered during construction. A Construction Contingency Plan would be prepared prior to the start of construction to account for the discovery of unknown contamination. This plan would outline procedures for initial contaminant screening, soil and groundwater sampling,

laboratory testing, and removal, transport, and disposal of contaminated materials at licensed facilities. Contaminated material removal and disposal would be in accordance with this plan, monitored by qualified inspectors, and documented in final reports for submittal to MPCA.

**Comment:** Based on reviews of state databases there are three identified contaminated sites in Segment A around the 21<sup>st</sup> Street station (Figure 4.9-4, page 4-125). Given the historical usage of the area surrounding the 21<sup>st</sup> Street station and the Penn station areas for rail siding and transfer and the obvious existence of debris piles and old structures in the area it seems likely that additional contamination may be present in the area.

E5

N10

**Comment:** The neighborhood needs assurance that contaminated soils will be dealt with appropriately during construction.

N10

# Chapter 5: Economic Effects

## 5.2 Station Area Development

### 5.2.1 Land Use

#### 5.2.1.4 Segment A [LRT 1A and LRT 3A (LPA)] – West Lake Street Station to Royalston Station, page 5-12

Land use within one-half mile of Segment A is predominantly single family residential (detached housing, 20.0 percent), parks and open space (16.0 percent), and water features (10.7 percent). Industrial land uses make up 14.3 percent of the total land use; however these uses are primarily concentrated near downtown Minneapolis. Housing adjacent to Segment A includes single-family detached and multi-unit attached structures, which together encompass 29.6 percent of the land uses adjacent to this segment.

M1  
E1

#### 5.2.5.1 Mitigation for Land Use Plan Consistency, page 5-21

Changes in land use and denser development near stations are anticipated, consistent with existing plans and policies. Overall, positive economic effects are anticipated under all build alternatives for the local community and region. No mitigation is required.

**Comment:** KIAA opposes land use changes around the proposed 21<sup>st</sup> Street station. We urge protection and, if possible, enhancement of the Kenilworth Trail and Cedar Lake Park area as a unique and vibrant urban green space. We do not support denser development near the 21<sup>st</sup> Street station.

# Chapter 6: Transportation Effects

## 6.2 Effects on Roadways

### 6.2.2.2 Physical Modifications to Existing Roadways, page 6-24

Also in Segment A with LRT 3A-1 (co-location alternative) only, the ROW needed for this alternative will affect Burnham Road, which is adjacent to the corridor and accessed off of Cedar Lake Parkway. Burnham Road is the main access point for homes fronting on Cedar Lake.

### 6.2.2.3 Operational Impacts at Intersections

#### Segment A (LRT 3A-1 Co-location Alternative), page 6-39

The conceptual design for LRT 3A-1 (co-location alternative) includes the light rail and freight rail tracks crossing Cedar Lake Parkway at-grade. Therefore, a queuing analysis was performed for the Cedar Lake Parkway crossing including an analysis of impacts to Burnham Road and Xerxes Avenue in proximity to the Cedar Lake Parkway crossing.

E8

**Comment:** KIAA notes that at-grade crossing studies were done at Cedar Lake Parkway only for the 3A-1 co-location alternative. Given that we strongly oppose a bridge over this feature of the Historic Grand Rounds, preferring a depression/trench/tunnel for the LRT, the comments below consider facts about the at-grade crossing that apply whether or not trains are co-located. We reiterate here our opposition to co-location.

**Comment:** Please note that Burnham Road is also the main access point for many residences along the Kenilworth Corridor in both Cedar-Isles-Dean and Kenwood, as well as the only alternative to driving around Lake of the Isles for many Kenwood and Lowry Hill residents.

E8 P4

**Comment:** Not included in this analysis, Sunset Boulevard at Cedar Lake Parkway is also blocked and has significant queuing when freight trains cross under current conditions.

**Comment:** Not considered are potential noise impacts of an at-grade crossing at Cedar Lake Parkway. These would be considerable, especially for residents near the intersection and for users of Cedar Beach South.

E4 O1

#### 6.2.2.4 Transit Station Access, page 6-41-42

LRT station access would vary. [...]The following stations would provide public parking. Access to the following stations would be by walking, bicycling, driving an automobile, or transferring from local bus services:

- West Lake Street
- 21st Street
- Penn Avenue

**Comment:** Chapter 2 identifies that public parking would be provided at 21<sup>st</sup> Street as a surface lot for 100 cars. This is unacceptable to KIAA, and contrary to City of Minneapolis policy. We oppose a park-and-ride lot at 21<sup>st</sup> Street.

I1,I2

#### 6.2.2.6 Building/Facility Access, page 6-46

For the Build Alternatives, access to several buildings and facilities would need to be modified. In Segments 1 and 4, no changes to building and facility access would be required. In Segments 3 and A, the access to several private properties would be slightly realigned in the following locations:

[...]

- Cedar Lake Parkway and Burnham Road

**Comment:** KIAA requests information about which buildings at Cedar Lake Parkway and Burnham Road would see their access modified, what is the proposed modification, and under what conditions this would occur.

E8 P4

### 6.3 Effects on Other Transportation Facilities and Services

#### 6.3.1.4 Bicycle and Pedestrian Facilities, page 6-52

The City of Minneapolis and Transit for Livable Communities have conducted two- hour bicycle and pedestrian counts along these trails for the past several years. The annual counts are conducted in September and attempt to capture peak commuting hour traffic volumes. The two-hour bicycle and pedestrian volume counts are shown in Table 6.3-3. Although count data is not available, anecdotal accounts from many cyclists indicate that these weekday counts do not represent peak-hour trail volumes, which may occur on weekends when the trails are heavily used.

**Comment:** We note that Table 6.3-3 shows that the Kenilworth Trail through Kenwood and CIDNA has very high use by bicycle commuters, and concur that this study of the traffic volumes along the trail certainly does not capture the heavy weekend recreational use. Minneapolis Park and Recreation Board counts for 2009 estimate 617,000 annual “visits” to the Kenilworth Trail.

E2

P8

### 6.3.2 Long-Term Effects

#### 6.3.2.1 Build Alternatives, page 6-55

##### Parking Spaces Added for Build Alternatives

Additional parking would be added at many of the proposed stations as outlined in Section 2.2.3 of this Draft EIS. Depending on the number of spaces needed and the local constraints, parking may be in structures. The parking facilities are expected to generate additional traffic on local streets that provide access to the station areas.

**Comment:** The Kenwood Isles Area Association opposes a park-and-ride facility at the proposed 21<sup>st</sup> Street station, and our understanding is that such a facility would be contrary to the City of Minneapolis’ policy.

I1

P4

**Comment:** We request a complete analysis of the traffic impacts of this station on our neighborhood. A previous study projected 1,000 riders per day boarding at 21<sup>st</sup> Street. Either the figure of 1,000 riders per day is wrong, or our neighborhood will see tremendous change that must be better understood and planned. (Southwest LRT Technical Memo No. 6, Ridership Forecasting Methodology and Results, Preliminary for Review Only, September 9, 2009)

E10

#### 6.3.2.4 Bikeways and Major Pedestrian Facilities, page 6-58

The conceptual engineering developed for this Draft EIS indicates that there is sufficient space within the HCRRRA’s ROW for the Build Alternatives and the interim-use trails to coexist; therefore, with the exception of the Midtown Greenway in Segments C-1 and C-2, long-term impacts on the capacity and operations of the interim-use trails is not anticipated. For safety reasons, it is likely that fencing or other measures to separate the bicycles and pedestrians from the LRVs would be necessary, with crossing of the tracks allowed at roadway intersections and station locations.

**Comment:** See Chapter 3.2 comment on community cohesion. Also, KIAA urges that if fencing is used for safety reasons, it should be part of an integrated, overall landscape design that includes land berms, evergreens, deciduous trees and shrubs, and hardscape elements. This design should protect and value the existing park-like environment of the trail areas and the adjacent Cedar Lake Park, and should be done in cooperation with the community including KIAA, CIDNA and the Cedar Lake Park Association.

E4

E2

N2,  
N1

**September 8, 2008**

**Resolution supporting light rail transit for the long-term best interests of the City of Minneapolis, and supporting a Kenilworth Corridor alignment for the Southwest LRT only with neighborhood approved mitigation and betterment plans.**

Whereas the Kenwood Isles Area Association (KIAA) supports public transportation, including light rail, for the city of Minneapolis and the Metropolitan region.

Whereas the proposed Southwest LRT (“LRT”) represents a significant investment in public infrastructure that will serve the area for the next 50 to 100 years.

Whereas KIAA believes that in addition to providing economic stimulus and transportation services for fast growing suburbs, such an investment should also consider in equal weight the usage and the long-term best interests of Minneapolis residents, neighborhoods, businesses, and regional amenities.

**M2**

Whereas KIAA believes that such benefits as interlining the LRT with the Hiawatha Line should not outweigh the benefits of serving the usage and long-term best interests of Minneapolis constituents.

Whereas the LRT in the Kenilworth Corridor would have an adverse environmental impact on the unique urban green space along the Kenilworth Trail, currently used by recreational bikers, skaters, runners, walkers, bike commuters, children, families, domestic animals, and wildlife.

**E2**

Whereas many residences in the Kenwood-Isles Neighborhood abut or are located very close to the Kenilworth Corridor and the LRT would have an adverse environmental impact on these homes and negatively impact the quality of life in these homes.

**N1**

Whereas the LRT in the Kenilworth Corridor would have an adverse environmental impact to parts of Cedar Lake Park and its wildlife habitat, and would impede access to the Park by neighborhood residents.

**M3**

Whereas Cedar Lake Parkway, a National Scenic Byway, is an important traffic artery for area residents and LRT in the Kenilworth Corridor would cause adverse traffic flow impacts at that intersection and through Kenwood streets.

**P4**

Whereas there is precedent in Minneapolis for mitigation of rail traffic impacts (e.g., a 22-foot deep trench crossed by 28 street bridges along a corridor now used as the Midtown Greenway, and a tunnel under the Minneapolis-St. Paul International Airport built for the Hiawatha LRT line.)

Whereas whichever alignment is chosen for the LRT, KIAA residents currently have limited access to public transportation and such needs must be addressed through more inclusive public transportation policies.

P1

**Be it resolved** that the KIAA supports the thorough and balanced examination of the proposed LRT alignments 3C and Option E in view of serving Minneapolis residents, neighborhoods, employers, businesses, and regional amenities.

M3

**Be it further resolved** that KIAA supports an in-depth study, before the Southwest LRT alignment preference is chosen, to determine whether the needs of the proposed Basset Creek Valley Redevelopment District can be served by the proposed Bottineau Line currently under consideration by Hennepin County.

M1

**Be it further resolved** that if the Kenilworth Corridor alignment is selected for the LRT, KIAA expects to work closely with Hennepin County and the City of Minneapolis to design plans that include real and substantial mitigation and betterments that will be acceptable to the Kenwood neighborhood. **Until such plans have been developed, KIAA opposes the LRT in the Kenilworth Corridor.**

L1

**Be it further resolved** that KIAA supports LRT design measures that enhance rather than degrade the neighborhoods, parks, and green spaces along any selected alignment, including alignments 3C or E.

E0

N1

**Be it further resolved** that KIAA strongly urges Hennepin County and the City of Minneapolis to take all possible measures to identify and secure funding to pay for design measures considered “betterments” by agencies outside of our community regardless of which alignment is chosen. Design measures significantly above the minimum required mitigation in certain areas are justified by the disproportional environmental impact to residential and green spaces compared to the more commercial areas along the line.

E0

N2

# Joint Goals for SWLRT Design and Mitigation

February 7, 2011

The proposed \$1.2 billion Southwest light rail transit (SWLRT) line running between Eden Prairie and downtown Minneapolis will benefit many communities it serves.

In Minneapolis, the SWLRT is proposed to run along the Kenilworth Corridor. The busy and vibrant West Calhoun area anchors this corridor to the south. Going north, the LRT will pass through quiet neighborhoods, vibrant urban parks and trails, and natural greenspaces. These unique areas will pose challenges to designers and engineers. These challenges must be met so that SWLRT contributes to, enhances, and preserves our attractive and well-functioning Minneapolis communities.

We strongly urge our elected representatives and city officials to demand the highest design standards and most effective mitigation practices available to ensure long-term benefits for our city. This can be achieved through advocacy, zoning codes, historic designation, long-range planning, public-private partnerships, alternative funding sources and other tools. We hope that our governing bodies (Met Council, Hennepin County, City of Minneapolis, Minneapolis Parks and Recreation Board) will work together, along with neighborhood associations and non-profit organizations such as the Cedar Lake Park Association, on both immediate and long-term SWLRT design issues.

The undersigned neighborhood associations' general goals for LRT design and mitigation of environmental impacts from the proposed SW LRT within the City of Minneapolis include:

1. Maintenance of current healthy, stable, livable communities.
2. Safety and enjoyment of parkland and trails for recreational users and bicycle commuters.
3. Protection of vital urban green space and wildlife habitat.
4. Maintenance or creation of traffic patterns that would ease congestion and enhance neighborhood livability.

Specifically, we believe the following general mitigation approaches must be advocated:

E0

1. Tunneling or trenching the tracks must be included where necessary to reduce noise, traffic, and visual impacts. This includes full tunneling, cut and cover and trenching options.
2. A full range of fencing, berming, and landscaping alternatives must also be addressed.

N2

3. Track construction must reduce noise and other impacts. For example, mitigation should include single weld tracks, straightened tracks, and embedded tracks where appropriate. E10  
E4 N2
4. Visual impacts from overhead catenaries system must be minimized. For example, painted/fluted/tapered poles and appropriate trolley wire for power sources might be appropriate mitigation measures. O1
5. Disruption to neighborhood livability should be minimized through directional lights/horns for station and LRT operation through the neighborhoods; elimination or severely limiting the use of crossing bells; and carefully placed, judicious lighting. Q2
6. Speed limits of trains must conform to stated mitigation goals. Q0
7. No additional trackwork related installations (such as, switches, storage tracks, crossovers, etc.) should be allowed. I1
8. Affected neighborhoods must agree with all parking proposals, including parking lots and parking restrictions on neighborhood streets. E2 N1
9. Minneapolis Park Board properties must be respected, with solutions to key areas (such as Cedar Lake Pkwy, Kenilworth Channel, and Cedar Lake Park) negotiated with the MPRB and neighborhoods.
10. Bike and walking paths near SW LRT must be consistently maintained or improved and be safe and satisfactorily protected.
11. Public safety must be considered, including maintenance of access for emergency vehicles in neighborhoods adjacent to LRT and the need for police services around station stops. R1
12. Changes in car traffic patterns must be fully analyzed and addressed to the satisfaction of neighborhoods. P4
13. Economic development must be limited to and encouraged only in appropriate areas. M2
14. Freight rail must be relocated to another corridor and not co-located with the LRT on the Kenilworth corridor. D
15. During the construction period, neighborhood livability must be maintained, including bicycle trails and pedestrian connections through neighborhoods. E0/  
N1

In sum, our Minneapolis neighborhood associations have confidence that SWLRT can

have a positive impact in our communities if it is well designed and respects the above stated goals. Designers and engineers will face diverse challenges at the most southerly section of the SWLRT line in Minneapolis. They will need to enhance West Calhoun's commercial growth and recreational center with a station area that builds strong, visible and safe connections to the commercial community as well as the Chain of Lakes and the historic MPRB Grand Rounds. Car traffic must be mitigated and bicycle and pedestrian infrastructure should be enhanced. In the CIDNA area, designers must ensure livability in areas of denser housing and maintain attractive recreational opportunities. In the CIDNA, Kenwood and Lowry Hill areas, designers must seek all opportunities to preserve and enhance uniquely tranquil urban landscape, bicycle commuting, and recreational areas, including around the proposed 21<sup>st</sup> Street station. Every possible effort must be made to minimize the impact of additional traffic on Kenwood streets that are potential routes to the station.

1,  
12

With advocacy, high standards, creativity, and use of available tools and partnerships, the SWLRT can be a national example of excellence in transit design.

Michael Wagner, chair  
West Calhoun Neighborhood Council

Art Higinbotham, president  
Cedar-Isles-Dean Neighborhood Association

Sam Murphy, chair  
Kenwood Isles Area Association

**Resolution opposing co-location of freight rail and light rail in the Kenilworth corridor**

*Whereas* the Kenilworth corridor passes through the Kenwood Isles Area Association (KIAA) neighborhood; and

*Whereas* KIAA is sympathetic to the mitigation needs of St. Louis Park created by the relocation of freight rail due to the development of the Southwest LRT line in the Kenilworth corridor and encourages the highest standards of design and mitigation in all aspects of the SWLRT project; and

*Whereas* the City of Minneapolis affirmed the choice of the Kenilworth corridor as the “Locally Preferred Alternative” route based on the proposal that freight rail be removed from the Kenilworth corridor; and

*Whereas* the Kenilworth bicycle and pedestrian trails provide commuter and recreational opportunities to hundreds of daily users; and

*Whereas* co-location of freight and light rail in the Kenilworth corridor would reduce the amount of space for safe recreational and commuter use by at least 15 feet; and

*Whereas* the narrowest section of the Kenilworth corridor is only 62 feet, barely wide enough for light rail alone; and

*Whereas* co-locating freight and light rail in the Kenilworth corridor would necessitate the destruction of many townhomes, which are considered “smart development” (high density, attractive, well maintained, privately owned), and which provide substantial property tax revenue for the City of Minneapolis, Minneapolis Schools, and Hennepin County; and

*Whereas* co-locating freight and light rail in the Kenilworth corridor would create additional negative impacts to homeowners along the corridor, who will be significantly impacted by the new light rail line that will carry at least 200 trains per day; and

*Whereas* the visual, auditory, and physical conditions created by the combination of freight and light rail would negatively impact the uniquely natural and tranquil Cedar Lake Park experience for users; and

*Whereas* the Kenilworth Corridor intersects Cedar Lake Parkway, part of the Historic Grand Rounds, and freight trains coupled with more than 200 light rail trains per day would impact the experience of Grand Rounds visitors as well as automobile traffic on Cedar Lake Parkway;

**Therefore, be it resolved** that the Kenwood Isles Area Association opposes the co-location of freight rail and light rail in the Kenilworth Corridor.

D

M4

E0

N2

O1

S2

D



Cedar Lake Park Assn  
<info@cedarlakepark.org>

12/31/2012 11:31 AM

Please respond to  
Cedar Lake Park Assn  
<info@cedarlakepark.org>

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>

cc

bcc

Subject SWLRT DEIS comments from Cedar Lake Park Association

Please find attached the SWLRT DEIS comments from the Cedar Lake Park Assn.

Should you have trouble accessing our comments, please contact us at  
info@cedarlakepark.org

Thanks

Keith Prussing  
President--CLPA



314 Clifton Ave  
Minneapolis, MN 55403  
[www.cedarlakepark.org](http://www.cedarlakepark.org)  
[info@cedarlakepark.org](mailto:info@cedarlakepark.org)  
612 377 9522

## TRANSMITTAL LETTER

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

**Re: Cedar Lake Park Association Comments on the Southwest Transitway Draft Environmental Impact Statement**

Dear Project Manager:

The Cedar Lake Park Association (CLPA) welcomes this opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Southwest Transitway (LRT) project. It contains CLPA's issues and desired outcomes for the project relative to historical, cultural, visual, recreational, social, environmental, and safety impacts on—but not limited to—Cedar Lake, Cedar Lake Park, the Cedar Lake Regional Trail, the Kenilworth Trail and other the park and recreation resources.

In 1989, a group of citizen activists came together as "Save Cedar Lake Park." These citizen activists led the charge to create a nature park out of an abandoned rail yard at the north and east sides of Cedar Lake. Partnering with the Minneapolis Park & Recreation Board (MPRB), this group lobbied state legislators for public funding and sought private donations to turn the forty-eight acres of abandoned railroad land into a public nature park—ultimately raising one-third of the \$1.6 million asking price in private contributions. Having established Cedar Lake Park in 1991, the group changed its name to the Cedar Lake Park Association and led the drive to build a world-class, non-motorized commuter trail along the edge of it. To accomplish this task, CLPA raised an additional \$500,000 as a one-third match to help with the cost of building the Cedar Lake Regional Trail. Partnering with MPRB and the City of Minneapolis, it spent two years designing this award-winning trail that has become the lynchpin in Minneapolis' superb bicycle trail system. With remarkable perseverance, CLPA sustained a sixteen-year effort to complete the Cedar Lake Regional Trail to the Mississippi River.

### **The Mission of the Cedar Lake Park Association**

1. Create and nurture a park and Cedar Lake with a thriving nature preserve and connecting trails and greenways.

2. Provide opportunities for people to learn to live in community with nature and one another.
3. Continue to foster citizen leadership and private involvement in the development and management of the park and trails.
4. Support similar efforts throughout the metro area and beyond.

### Highlights of Cedar Lake Park Association's Comments

- CLPA, in general, is supportive of light-rail transit.
- CLPA supports and advocates a grade-separated crossing of the Cedar Lake Regional Trail and the Southwest LRT.
- CLPA supports grade separation at the intersection of the Southwest LRT and Cedar Lake Parkway, including grade separation between the Kenilworth Trail and the parkway.
- CLPA does not support the co-location alternative.
- CLPA supports MPRB's position and shares its concerns expressed in its comment letter. MPRB has noted that "current development and public use of the corridor within Minneapolis has an open and natural character that includes portions of the Minneapolis Chain of Lakes Regional Park, Grand Rounds National Scenic Byway, Kenilworth Regional Trail, and Cedar Lake Regional Trail. Park design in this area focuses on serenity, habitat restoration, minimal development, and passive recreation. To retain the area's character, the water table levels and quality, cultural landscapes, habitat, and open space must be protected and preserved." CLPA completely agrees with this statement.
- CLPA has standing to comment on the impacts of the SW LRT due to its 23 year stewardship of Cedar Lake Park, which will share a common border with the Transitway from Cedar Lake Parkway to the junction of the Transitway with the BNSF rail line at the base of the Bryn Mawr bluffs. This includes the Cedar Lake Regional Trail junction with the SW LRT, as well as the junction with the Kenilworth Trail.
- CLPA has worked jointly for many years with the Hennepin County Regional Rail Authority(HCRA) in maintaining their contiguous properties to Cedar Lake Park, which include the transit corridor, to enhance and maintain prairies and other wildlands in a manner consistent with the management and aesthetic goals and character of Cedar Lake Park and its connecting trails, including the trail corridor passing under I-394 and continuing through downtown Minneapolis to the Mississippi River.
- Greater Cedar Lake Park, which includes Cedar Lake Park, a unit of the Minneapolis Park and Recreation Board, the Cedar Lake Regional Trail, as well as the surrounding public lands, has been awarded the designation of an Important Birding Area(IBA) by the Audubon Society. <http://mn.audubon.org/important-bird-areas-3> .This has not been recognized in the DEIS, and must be studied further and protected. The nomination form at: [http://mn.audubon.org/sites/default/files/documents/minneapolis\\_chain\\_of\\_lakes\\_theowirth\\_park\\_iba\\_nomination\\_form\\_biotics\\_version\\_0.pdf](http://mn.audubon.org/sites/default/files/documents/minneapolis_chain_of_lakes_theowirth_park_iba_nomination_form_biotics_version_0.pdf) contains a far more complete study of the natural characteristics of the Transitway area than are described in the DEIS. We ask for further study and proposals for mitigation.

A

E8

E8

D

E2

N1

S3

E2

N1,

N8

Thank you for this opportunity to comment on the DEIS for the SWLRT. If you have any questions, please contact Keith Prussing, President of the Cedar Lake Park Association at [info@cedarlakepark.org](mailto:info@cedarlakepark.org).

Sincerely,

Keith Prussing  
President—Cedar Lake Park Association

### Cedar Lake Park Association Comments to the Southwest LRT DEIS December 20, 2012



Map courtesy of MPRB

## Introduction

The Cedar Lake Park Association (CLPA) embraces public transportation as the future of urban transit. In 2008, CLPA recommended selecting a Southwest Light Rail Transitway (SW LRT) alignment that best served the common good of the people and cities in the area. It further noted that if the Kenilworth Corridor was selected, people using Greater Cedar Lake Park<sup>1</sup> should continue to enjoy the aesthetic of experiencing a nature park.

The alignment has now been chosen and preliminary plans are being discussed revolving around a line that would run between downtown Minneapolis to Eden Prairie. The alignment would run through Greater Cedar Lake Park alongside the Kenilworth bicycle and pedestrian trails. Within Greater Cedar Lake Park, two transit stations have been proposed. A high volume transit line with multiple stations could significantly alter the character and experience of Greater Cedar Lake Park, as well as the surrounding neighborhoods.

E2

One goal of the Cedar Lake Park Association ([www.cedarlakepark.org](http://www.cedarlakepark.org)) is to preserve the natural experience for today's park users as well as for future generations. The park is a place of respite and enjoyment for lovers of flora and fauna—a natural and wild area but one mile from downtown Minneapolis. It also contains trails that serve a million visitors a year. Its bicycle and pedestrian trails connect hundreds of miles of non-motorized trails. Given the inevitable development that comes with population growth, it is imperative that we preserve the natural settings in and around Cedar Lake, while enhancing the public transit opportunities for ourselves and future generations. This dynamic poses a creative tension.

S2

The Cedar Lake Park Association has developed design principles for use as a basis to discuss the Southwest Light Rail Transitway through the Cedar Lake area. These include the following:

1. Safeguard human life, protect the water quality in Cedar Lake, and enhance the wildlife habitat, habitat connectivity, and the quality of natural environment.
2. Minimize any negative impact on people's experience of Cedar Lake Park and parklands.
3. Maintain neighborhood and regional access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail, and Midtown Greenway.
4. Minimize the intrusiveness of permanent and temporal changes to the environment of Cedar Lake Park and parklands.
5. Mitigate unavoidable changes in the environment with investments that provide exceptional value to the goal of nurturing nature.
6. Design any and all stations that are adjacent to the Cedar Lake Park in such a way that they are compatible with a park setting and the aesthetic of the neighborhood.

E2

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<sup>1</sup> Greater Cedar Lake Park: On the east side and north end of Cedar Lake, a pie-shaped park area stretches from the Kenwood bluff on the east to the Bryn Mawr bluff on the north. People enjoying Cedar Lake Park or using the Cedar Lake and Kenilworth Trails experience this bluff-to-bluff area as an integral green space, and refer to it as Greater Cedar Lake Park.

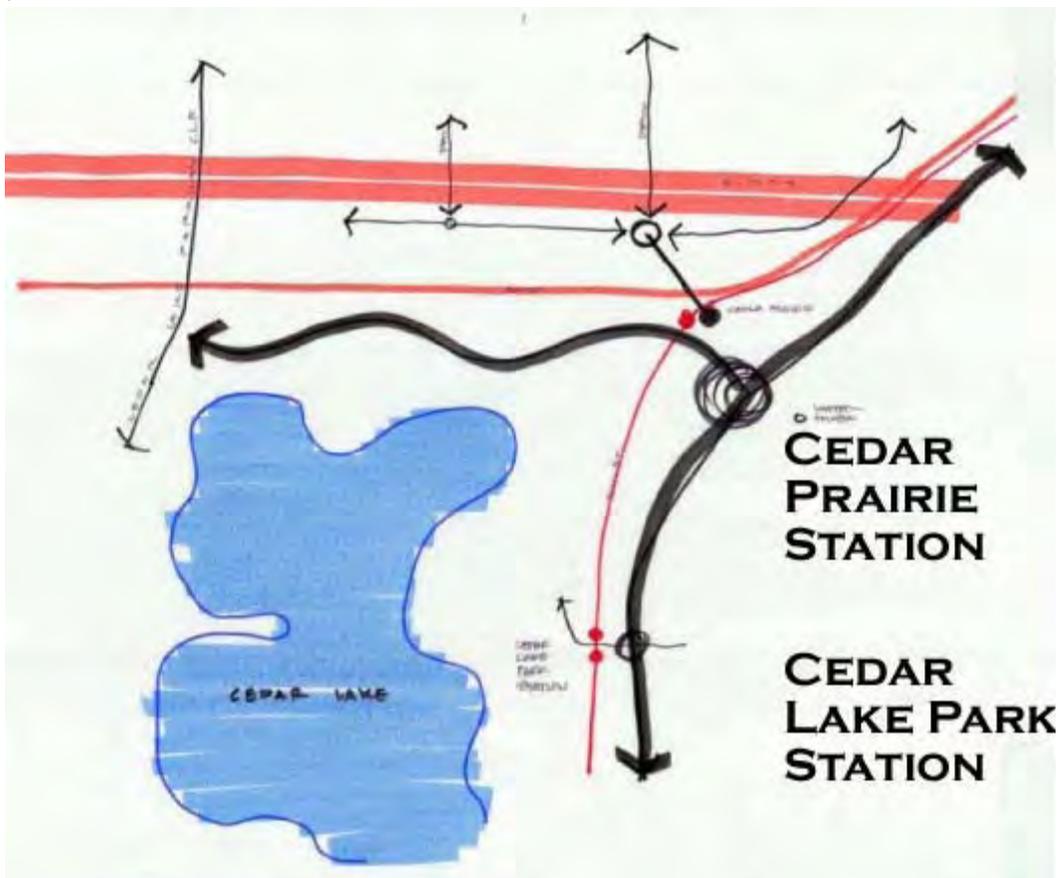
## Articulating the Concepts

Preliminary plans show two stations in Greater Cedar Lake Park: one adjacent to Penn Ave and Interstate 394 to service the Bryn Mawr and Harrison neighborhoods, and one near West 21<sup>st</sup> street and Upton Ave to service the Kenwood and Lowry Hills neighborhoods. Of key concern to the CLPA is how the SW LRT presents itself to the park and surrounding communities as well as how the park and surrounding communities present themselves to the SW LRT. The concepts below show how the character of the two stations differs.

E2  
I2

Based on its core principles, the Cedar Lake Park Association identified several issues related to the projected SW LRT. Seeking to gain a visual representation of those concepts, the CLPA and the Bryn Mawr Neighborhood Association hosted a design charrette. There citizens from the surrounding neighborhoods extenuated these core concepts and articulated the issues surrounding the juxtaposition of parks, trails, light rail, and transit stations. Based on that discussion, noted landscape architects (see appendix) created the following designs. These designs and the narrative that accompanies them are not meant to be specific to-the-inch scale construction documents, but seek to illuminate the *issues* and illustrate the *outcomes* available using imaginative *concepts*. They are meant to be a catalyst for further discussion.

D



## The Cedar Lake Regional Trail and the LRT Crossing Area



**Comment reference: 6.3.2.4 (In Segment A, the Cedar Lake LRT [sic] Regional Trail is proposed to cross the Build Alternatives in one location: 1,200 southwest of the I-394 bridge.)**

In its current alignment, the SW LRT will cross the existing *Cedar Lake Regional Trail* (CLRT) in Greater Cedar Lake Park. This intersection poses a critical challenge for creative design. The award-winning Cedar Lake Regional Trail is the first federally funded bicycle commuter freeway in the nation. The CLRT connects the western suburbs to Minneapolis and to the University of Minnesota. It also links the Kenilworth Trail, the Midtown Greenway, and the Mississippi River trails. Together, these trails form more than 100 miles of continuous off-road transit. Designed as a non-stop, flow-through commuter route, the CLRT serves as the linchpin of our country's largest, fully integrated, commuter bicycle system.

At the intersection of a major motorized freeway and a rail line, no one would consider an at-grade crossing; a grade separation would be mandatory. Certainly, the same should be true at the intersection of a major non-motorized commuter freeway and a light rail line.

At present the CLRT intersects with the Kenilworth Trail a few yards northeast of the freight rail line. In 2011, according to the Metropolitan Council's annual visit estimates, Kenilworth Trail had approximately 624,400 visits and the Cedar Lake Regional Trail had 381,400 visits. CLPA is very concerned about retaining safe and high-quality use and access to these regional trails in this area for all users and from designated access points.

**CLPA fully supports the outcomes articulated by the MPRB in section six of its comment letter:**

**6.2.1 Outcome:** Walkers, runners, bicyclists, and other non-motorized trail users safely and efficiently get from one side of the LRT tracks to the other, year-round and without interruption.

E9

P9

E2

6.2.2 **Outcome:** The federally funded, non-motorized Cedar Lake Regional Trail is fully functional, with uninterrupted flow and speed.

6.2.3 **Outcome:** All users have adequate access to the trails.

6.2.4 **Outcome:** All trail connections are safe and easy to navigate, and space is allowed for future expansion to meet demand.

6.2.5 **Outcome:** The Cedar Lake Regional Trail meets commuter bicycle standards of 20 mph design speed.

6.2.6 **Outcome:** Communities north of the LRT easily access the Cedar Lake Regional Trail, Cedar Lake, and Cedar Lake Park.

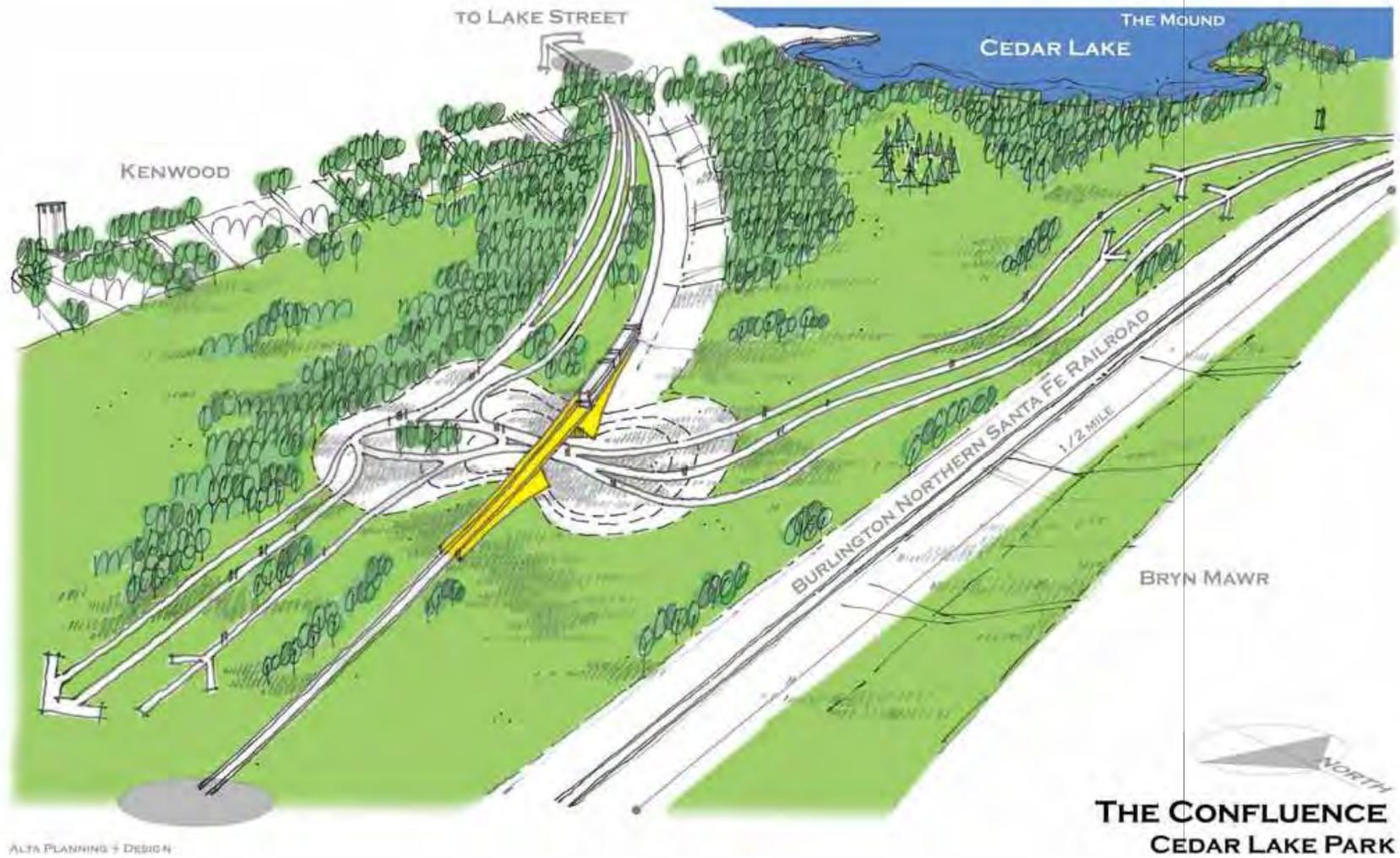
**Concept: The Confluence**

- Create a grade-separate crossing of trail and light rail.
- Flow the trail under the LRT including room for cross country skiing.
- Bridge the LRT over the trail.
- Link Cedar Lake Regional Trail (CLRT) to Kenilworth Trail via a roundabout.
- Access station from CLRT/Kenilworth Trails via spur.
- Ensure the safety of walkers, runners, bicyclists and other non-motorized users of the trail.
- Protect the Cedar Lake Park prairies, mitigate the LRT's impact on the park, and preserve the City of Lakes Loppet cross country ski trails.
- Eliminate pedestrian and bicycle safety issues that would occur if bicycle traffic had to cross the LRT tracks at the proposed Cedar Prairie Station.
- Promote compatibility and enhance connectivity between multiple modes of transit as well as the neighborhoods to the north and south.

E2

E2

**Below are three supporting documents. The first is an overview sketch of the confluence. The second is a more detailed diagram and the third provides estimated costs for building.**

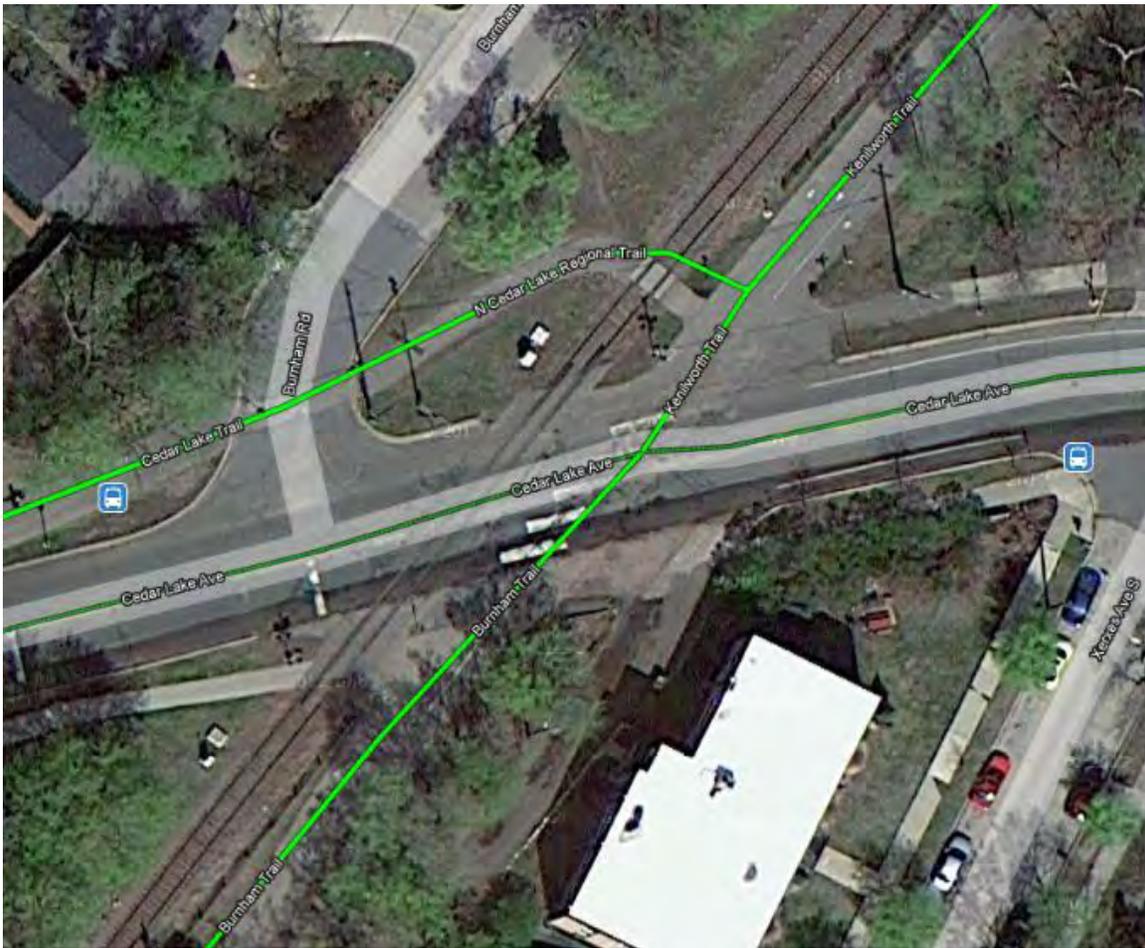




<b>CLT Confluence Path + Undercrossing</b>				
Item Description	Unit	Qty	Unit Cost	Total
Clearing and Grubbing	SF	150,000	\$0.20	\$30,000
Excavation	CY	3,600	\$15.00	\$54,000
Grading	SY	16,667	\$1.15	\$19,167
Erosion Controls	LF	1,800	\$1.25	\$2,250
Sedimentation Controls	LF	1800	\$7.15	\$12,870
4" base (16' width)	SF	2,880	\$0.65	\$1,872
4" base (12' width)	SF	8,640	\$0.65	\$5,616
4" base (6' width)	SF	2,160	\$0.65	\$1,404
Concrete Path (16' width)	SF	2880	\$9.00	\$25,920
Concrete Path (12' width)	SF	8640	\$9.00	\$77,760
Concrete Path (6' width)	SF	2160	\$9.00	\$19,440
Topsoil Shoulders	CY	1210	\$50.00	\$60,500
Retaining Walls	LF	234	\$500.00	\$117,000
Light Rail Bridge (32' wide)	LF	50	\$7,500.00	\$375,000
<b>Estimated Direct Cost</b>				<b>\$800,000</b>
Contingency (unforeseen costs)		25%	<b>\$200,000</b>	<b>\$1,000,000</b>
Design & Engineering		20%	<b>\$200,000</b>	<b>\$1,200,000</b>
Construction Overhead & Mobilization		15%	<b>\$180,000</b>	<b>\$1,380,000</b>
Construction Engineering & Administration		10%	<b>\$138,000</b>	<b>\$1,518,000</b>
<b>Total Construction Costs</b>				<b>\$1,518,000</b>

\* Note: planning level estimates do not include ROW acquisition costs; costs for potentially required bridges or retaining walls; or costs for amenities including lighting, benches, bicycle parking, interpretive kiosks, etc.

## Cedar Lake Parkway



Google Maps 2012

Cedar Lake Parkway has a long history as a strategic connector in western Minneapolis. As early as the 1880s, the Minneapolis Park and Recreation Board recommended acquiring property along the west and south side of Cedar Lake as part of what came to be known as the Grand Round National Scenic Byway. The final section, from Cedar Lake to Dean Parkway, was not acquired until the 1920s. At that time, Theodor Wirth recommended a grade-separated crossing of Cedar Lake Parkway at the rail intersection: a good idea then and now.

CLPA is concerned, as is the MPRB, about LRT impacts on the Kenilworth Regional Trail and Chain of Lakes Regional Park users and properties that contribute to the Grand Rounds Historic District. In 2011, according to the Metropolitan Council's annual visit estimates, Kenilworth Regional Trail had approximately 624,400 visits and the Chain of Lakes Regional Park had 5,122,900 visits (Chain of Lakes estimate does *not* include motorized or non-motorized traffic counts on the parkway). Cedar Lake Parkway, as part of the Grand Rounds Historic District, is considered eligible for the National Register of Historic Places (7.4.1.4 page 7-20).

The anticipated frequency of trains along the corridor will also increase potential conflicts between the trains and users of the trail parallel to Cedar Lake Parkway, thus raising serious safety concerns.

S4

E2

The DEIS makes several references to this issue, including the following:

- 7.4.1.4 Section 4(f) Properties Potentially Used by the Project, page 7-20: Cedar Lake Parkway and the Cedar Lake-Lake of the Isles Channel have been determined eligible for inclusion on the NRHP as part of the Grand Rounds Historic District.
- 3.4.5.3 Cultural Resources, page 3-79: Potential long-term effects may occur at the following properties: Cedar Lake Parkway, Grand Rounds (potential effects of the changes to the intersection of the LRT corridor with the historic parkway, including the LRT overpass bridge, and, under the co-location alternative, the effects of widening the trail/rail corridor; these changes may affect the parkway itself and may alter its setting.)

The Cedar Lake Park Association fully supports a MPRB's position in its comment letter (9.2.1 on page 25):

9.2.1 Statement: The MPRB conducted a preliminary feasibility study of a grade-separated crossing at this intersection, which revealed that lowering the tracks and trail, and bridging portions of the parkway would allow the train and trail to travel beneath the parkway (see Appendix A of MPRB's comment letter for illustrations). The MPRB recommends further exploration of this type of integrated solution that significantly reduces safety hazards, noise impacts, visual impacts, and delays for motorized and non-motorized vehicles."

E8 S3

N1

**CLPA fully supports the following outcomes from the MPRB comment letter:**

9.2.2 **Outcome:** The Grand Rounds (eligible for National Register of Historic Places) fully retains its integrity and intention.

9.2.3 **Outcome:** Motorized and non-motorized vehicles and pedestrians along the trail parallel to Cedar Lake Parkway experience continuous and safe flow.

9.2.4 **Outcome:** Trail users have direct access to the trails and trail connections that are currently provided at this location.

9.2.5 **Outcome:** Recreational and commuter trail traffic on both the Kenilworth Regional Trail and the trail parallel to Cedar Lake Parkway follows substantially the same route as at present.

9.2.6 **Outcome:** The view of and from Cedar Lake and surrounding parkland is preserved.

9.2.7 **Outcome:** The parkland around Cedar Lake remains a natural visual buffer between Cedar Lake and the LRT corridor.

P9

**Concept:**

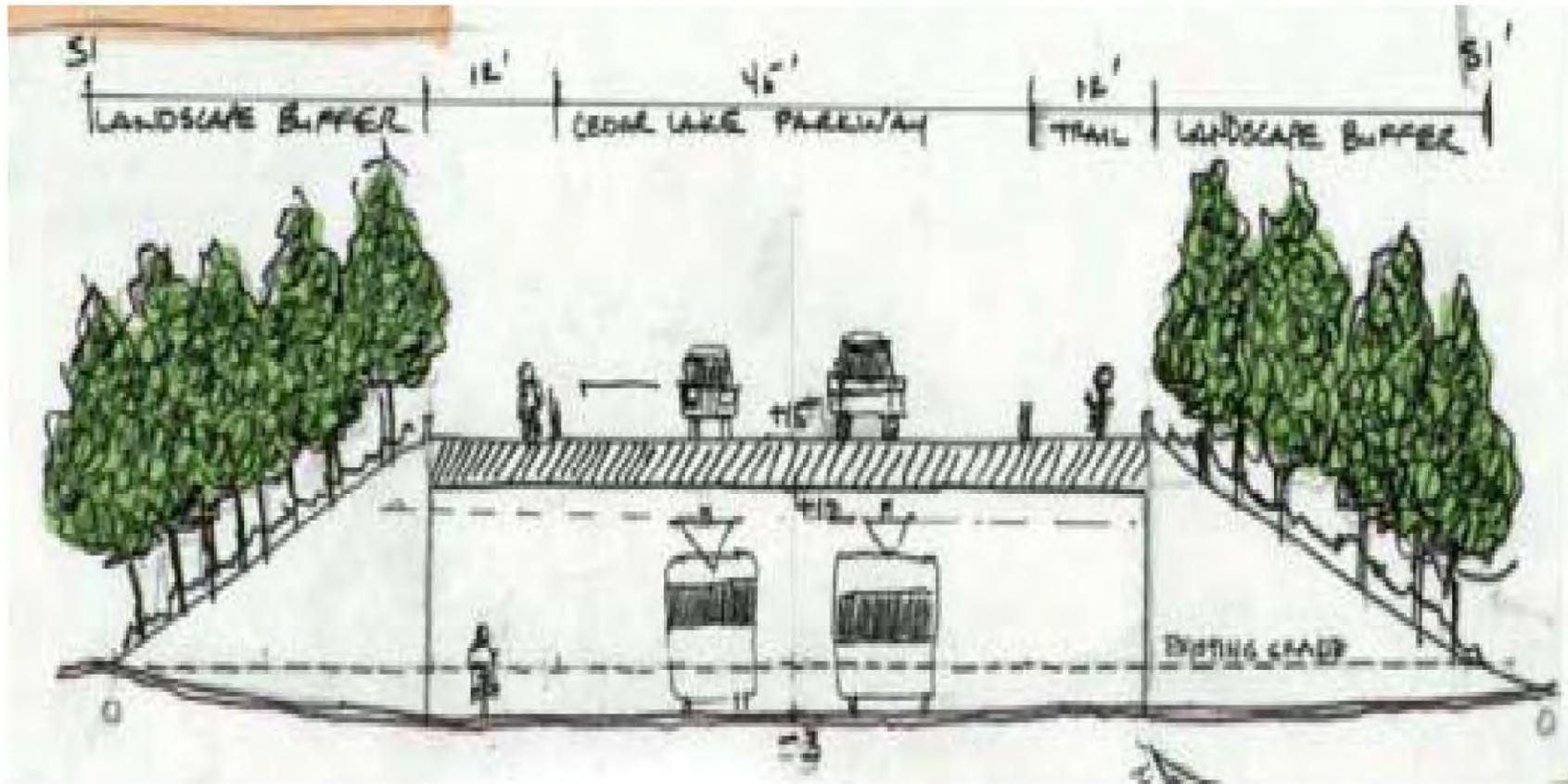
- Grade-separated crossing of LRT and Cedar Lake Parkway/Grand Rounds.

Below are drawings of what such a grade-separated crossing might look like.

E0



Here is a cross section of the design.



## The Cedar Prairie (Penn Ave) Station

The proposed Cedar Prairie (Penn Ave) Station will service the Bryn Mawr, Harrison, Kenwood, and Lowry Hill neighborhoods, as well as users of the trail system connecting to the Cedar Lake Regional Trail, the Luce Line Trail, and Kenilworth Trail. Any station on this site should promote safe access and connectivity between the north and south, as well as east and west. In addition, the Bryn Mawr neighborhood looks favorably at commercial development along the northern strip of Wayzata Boulevard.

I2

**DEIS reference 3.2.2.6** (Neighborhood Cohesion): CLPA supports the Bryn Mawr Neighborhood Association (BMNA) and its comments concerning the proposed Cedar Prairie (Penn Ave) Station and its beneficial effects for reuniting a neighborhood torn asunder by the construction of I-394. The station (as well as the Van White and Royalston stations) are also key to enhancing environment and social justice (**DEIS reference 10.0**) by promoting reverse commuting from the near north and north sides of Minneapolis out to suburban work sites.

E2

M5

M3

### Issues

- Disruption of access and connection between northern and southern neighborhoods.
- Negative impact on public access to trail system, (e.g., Cedar Lake Regional Trail, Kenilworth Trail) from Bryn Mawr and Harrison neighborhoods.
- Visual site pollution in respect to surrounding prairie land.

E7

N2

### Outcomes

- Facilitate commuting to downtown Minneapolis and further east as well as reverse commuting to the commercial areas in the southwest suburbs.
- Reconnect the neighborhoods north of I-394 to those to the south.
- Provide commercial stimulus to the areas on the northern ridge adjacent to the station.
- Provide bicycle and pedestrian-friendly access to station from surrounding community.
- Enhance transit opportunities for the north side neighborhoods.
- Enhance access to the Cedar Lake and Kenilworth Trails for bicyclists and pedestrians.
- Create architecture (i.e. station) at the edge of the prairie that would minimally impact the viewshed of the surrounding prairie land or might even enhance it.

M3

E10

### Concept: 'Bridging the Neighborhoods'

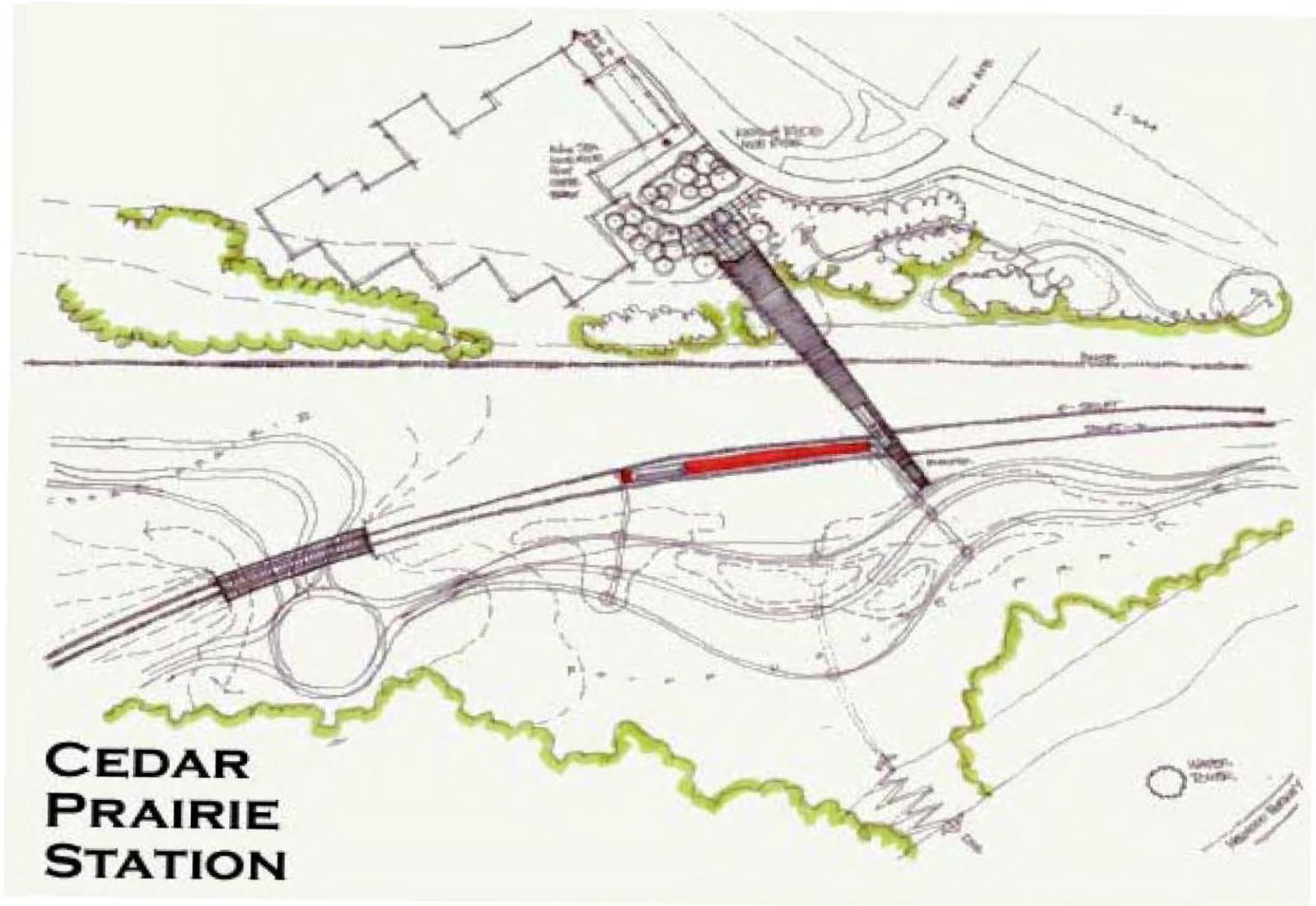
- Beautifully designed bridge traverses prairie from 'kiss and ride' drop-off area to Prairie station: aligned with Lowry Hill water tower. Bridge ramps down to an elevator at the station to provide access to the platform to the south and to Cedar Lake Regional Trail.
- Bridge narrows as it moves toward Lowry Hill. Narrowed perspective de-emphasizes its scale and focuses connection of prairie edges.
- Bridge could provide observation points (belvederes) along it and focus view of downtown with plantings, which would also break up horizontal axis across the prairie.
- Formal park access off of Penn Avenue with 'kiss and ride' drop-off, bus access, pedestrian sidewalk and access to park via bridge.
- Ramp from prairie to bridge provides access for bicyclists/pedestrians to station /trails.
- Pedestrian and bike access continues west to Kenwood Parkway, linking north and south.
- Potential trail connection up Lowry Hill with link to Douglas.

I2

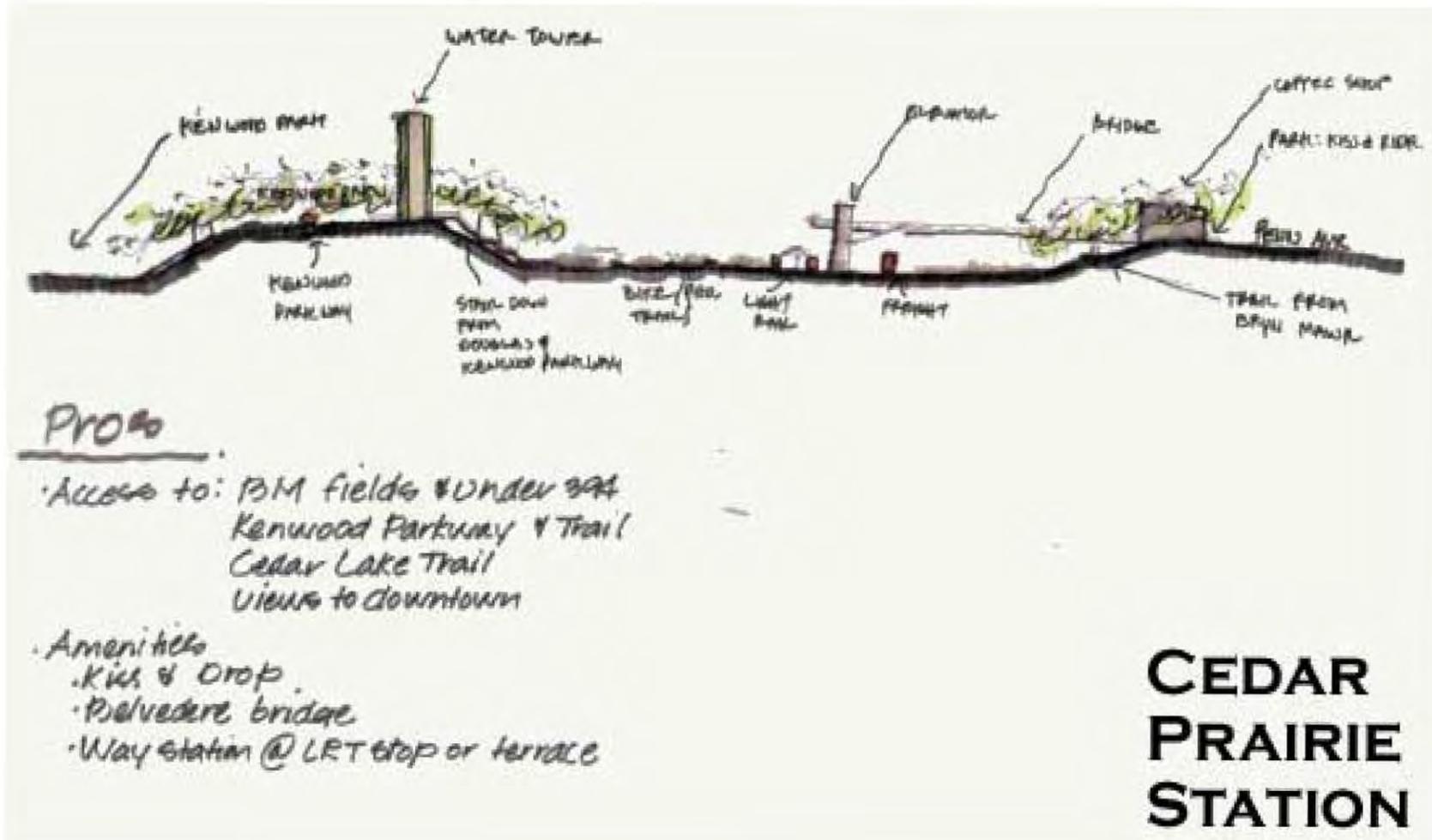
- Woodland Park at Lowry Hill base could be incorporated with bicycle/pedestrian trails.
- Commercial/residential development at top of north slope linking to downtown Bryn Mawr.
- Increased public access on Penn Ave and Cedar Lake Road, encouraging use of public transportation and acting as a calming device on these arteries through the neighborhood.

M1

Below are designs that show how these goals can be accomplished.



This cross cut drawing shows some of the connections can be made and some of the aesthetic considerations:



## Cedar Lake Park Station (W 21<sup>st</sup> Street and Upton Ave)

This station—if built—would service primarily the Kenwood and Lowry Hills neighborhoods, as well as serve as an entry point to Cedar Lake Park and East Cedar Lake Beach. The area around the station has had a long history of recreational and commercial use. The main Minneapolis & St. Louis Railway Shops and Yards were just the north, while for much of the first half of the twentieth century, boating recreationalists used Dingley’s Docks (just to the west of Upton) to launch their cruises.

This location is the sole access point for Cedar Lake Park and beach. Visitors arrive at this pristine area on foot, by bicycle, and using motorized vehicles, and via 21st Street, the Kenilworth Regional Trail, and in the future the LRT. Given that “Implementation of LRT service and stations along the Segment A alignment would likely result in some land use changes surrounding the stations...” (DEIS reference: 3.1.5.1), the natural character of this area and clear access must be ensured.

I2

### Issues

- Visual and auditory impact of LRT and station on neighboring residences.
- Loss of corridor character, including habitat and woodland values.
- Traffic congestion at 21<sup>st</sup> St. intersection.
- Potential for parking and idling congestion by commuters and beach users.
- Emergency access to stations and to beach.
- Concerns about commercial development in residential neighborhood.

E2

N2

P10

O1

S2

M1

### Outcomes

- Minimize visual and auditory pollution amid quiet residential neighborhood.
- Provide safe access to the lake from surrounding neighborhood and trail corridors.
- Emphasize a natural setting by plantings along the corridor to enhance its park-like character and provide opportunities for appropriate recreation.
- Blend the site into the surrounding park and neighborhoods by plantings and berming, as well as architectural station design that emphasizes its bucolic setting.
- Preserve and enhance the primary eastern access to Cedar Lake Park.

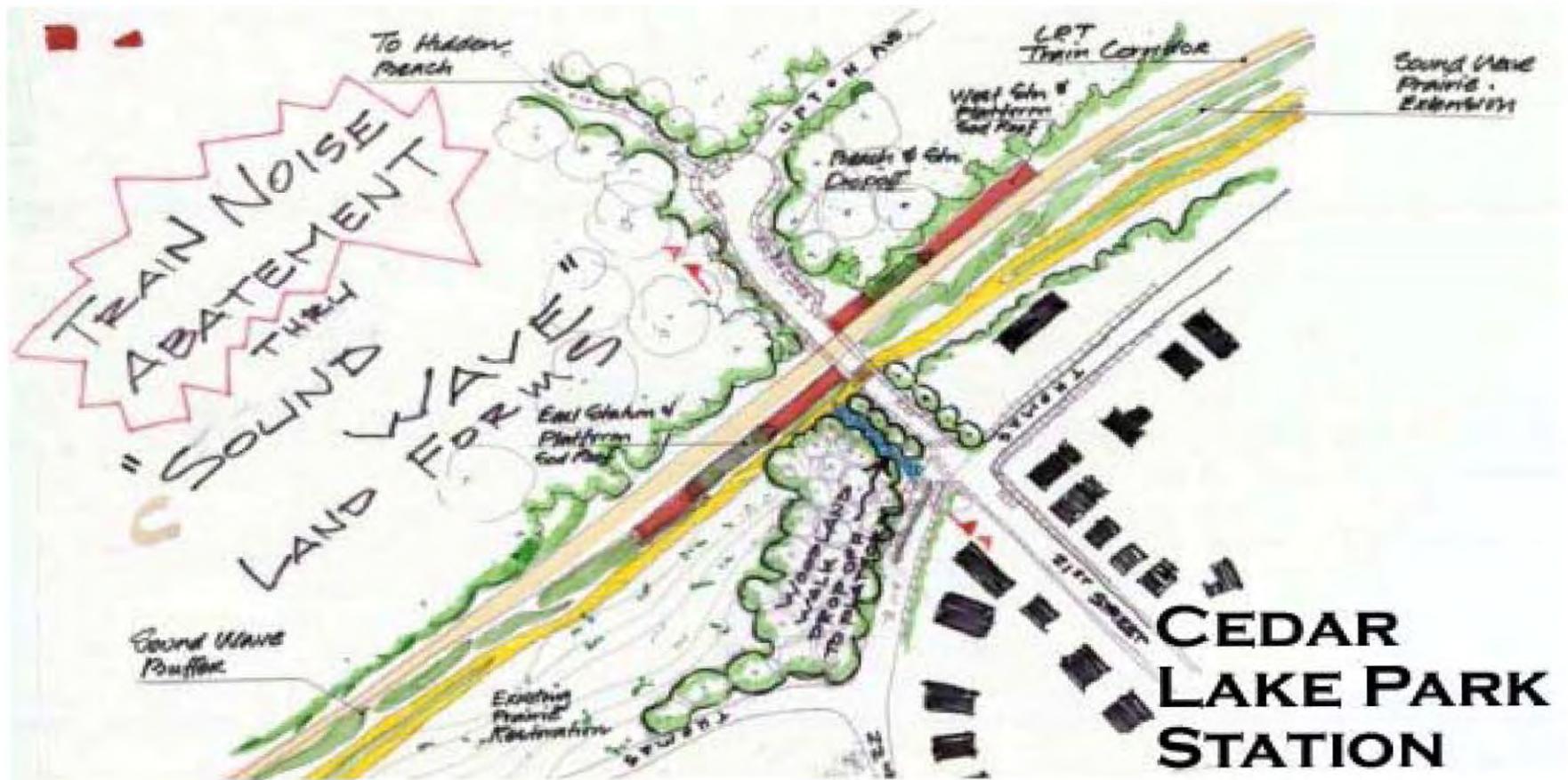
### Concept: The ‘Four-way’ Stop

- Develop split on-grade platforms on the northwest and southeast sides of W. 21<sup>st</sup> Street.
- Split platforms would slow the trains as they cross W. 21<sup>st</sup>. This street accesses a residential neighborhood beyond, as well as the main eastern entrance to Cedar Lake Park. Presently, many cars and people cross the track daily in both directions. With the trains slowly accelerating as they cross the street, safety is enhanced, and gates and horns may be unnecessary. .
- Develop ‘sound-wave’ land forms (berms) along the sides of the track to abate train noise, screen trains, infrastructure, and station from neighboring houses and strengthen existing landscape character. Minimize light pollution with proper direction and shielding. Sculpt terrain to restore woodland vegetation and create an esthetic that pulls the surrounding park into the corridor.
- Design stations to reflect historic nature of the site as early commuter station (Kenwood Depot) or designed as part of the sound wave concept (e.g. undulating planted roofs).

I2

O1

- Small auto drop-offs would be developed on east and west sides of the 21<sup>st</sup> street intersection: The west side of Thomas would be widened to accommodate 12 ‘kiss and ride’ drop-off spaces. An unpaved pedestrian trail through the existing woods would connect riders with the platform.
- A similar drop off would be developed on the north side of 21<sup>st</sup>. west of the intersection, along with a small ‘knuckle’ turnaround serving both LRT station and Hidden Beach users.
- Develop the county land around station into a natural area with wildlife trails, native plantings, and habitat enhancement.





# Kenilworth Canal

The Kenilworth Canal is a body of water created in 1913 to connect Cedar Lake and Lake of the Isles and complete the Minneapolis Chain of Lakes. The canal is used all year for recreational purposes from boaters and fisher-people in the summer to skiers in the winter. The canal also provides wildlife access. With no motor vehicle access, this area is remote and secluded, open only to bicyclists and pedestrians using the Kenilworth Trail.

According to the DEIS (3.6.3.3) ...the bridge design, bank treatment, and aesthetics for the new facility and the potential replacement or modification of the existing pedestrian bridge would have a substantial effect on this historic landscape... In addition, (3.4.5.3) ...Potential long-term effects may occur at the following properties: Kenilworth Lagoon/Channel, Grand Rounds (potential effects of the construction of new bridge structures within the historic district; the design and footprint of these structures may affect the banks of the historic channel and may affect the district's overall feeling and setting).

E2 N2  
S3

## Issues

- Constriction of Kenilworth Trail.
- Obstruction of access to the canal.
- Disruption of uniquely quiet and tranquil space.
- Disruption of wildlife corridor.

## Outcomes

- Maintain access and viability of the Kenilworth Trail.
- Maintain access between Cedar Lake and Lake of the Isles.
- Maintain wildlife corridor.

## Concept: 'The Secluded Canal'

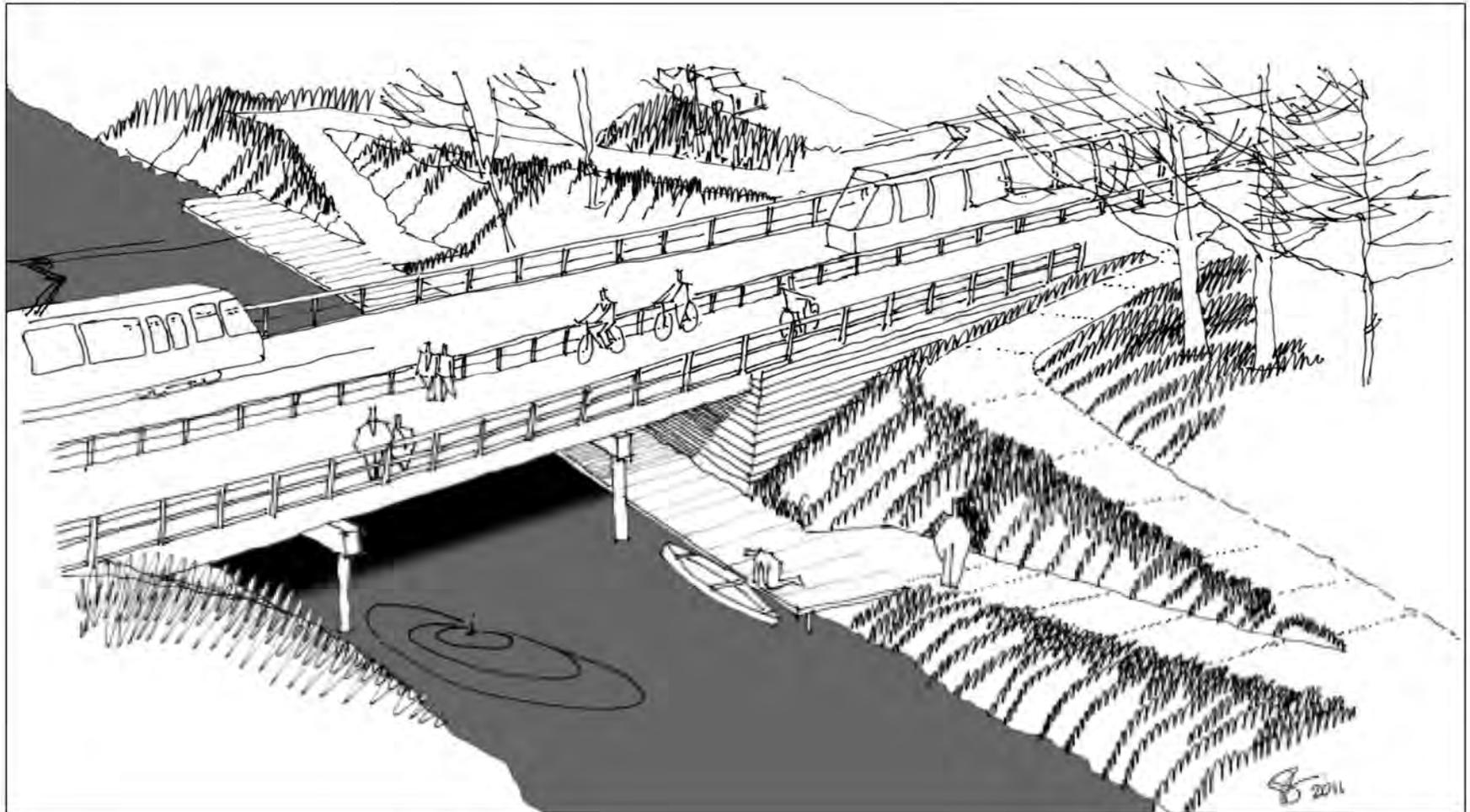
- Create "country-like" bridge.
- Develop access to boat landing below.
- Maintain viability of Kenilworth Trail.
- Enhance surrounding woodlands with plantings.

E4

N1,  
N2

Below is a concept drawing of what such a place might look like.

## The Secluded Canal



In the DEIS, Cedar Lake Park, along with some of the surrounding neighborhoods, is classified as Category 3 for noise impact purposes. CLPA supports the Minneapolis Park and Recreation Board position that the park should be upgraded to Category 1, and all noise impacts from the Transitway must be mitigated accordingly.

O1

E4

Nowhere in the DEIS has the impact of Transitway lighting, both continuous and intermittent, on the parklands, surrounding neighborhoods, and flora and fauna been considered. We believe more detailed study and proposals for mitigation is warranted.

N4

N8

## Summary

Cedar Lake Park is known as the ‘natural’ lake within the city’s Chain of Lakes. Station area and route planning in Greater Cedar Lake Park should encompass the entire length of the corridor to ensure that accessibility, safety, and the natural aesthetic along its length is maintained. Careful and creative planning, as well as mitigation, along Minneapolis’ Kenilworth/Cedar Lake Regional Trail corridor will help promote safe, accessible transportation along the transit corridor and ensure that the unique character of this park and parkland is preserved and protected now and for future generations.

E2

**Thank you for this opportunity to comment on the Southwest LRT Draft  
Environmental Impact Statement,**

***Cedar Lake Park Association***

**Appendix:**  
**Landscape Architects**  
**Participating in the CLPA/BMNA**  
**Southwest LRT Design Charrette October 2010**

- Steve Durrant, landscape architect, Alta Planning + Design, Portland
- Chris Carlson, landscape architect, charrette facilitator, Portland
- Roger Martin, landscape architect, professor emeritus, University of Minnesota
- John Koepke, landscape architecture, professor, University of Minnesota
- Antonio Rosell, civil engineer and urban designer, Community Design Group, Minneapolis
- Tony Chevalier, landscape architect, Minneapolis
- Nate Cormier, landscape architect, SvR Design Company, Seattle
- Tom Meyer, architect, Meyer Scherer & Rockcastle, Minneapolis
- Craig Wilson, landscape architect, Sustology, Minneapolis, Lowry Hill
- Rick Carter, architect, LHB, Minneapolis, Bryn Mawr
- Charlie Lazor, architect, Lazor Office, Minneapolis, Kenwood



Stuart A Chazin  
<Stuart@chazingroup.com>

12/31/2012 11:44 AM

To swcorridor <swcorridor@co.hennepin.mn.us>

cc "Thomas L. Johnson" <Thomas.Johnson@gpmlaw.com>

bcc

Subject DEIS regarding the proposed SWLRT

To whom it may concern

Attached is my response to the DEIS proposed SWLRT

Thank you

SAC

The Chazin Group, Inc.

Stuart A Chazin

Broker / President

Lake Pointe Corporate Centre

3100 West Lake Street, Suite 230

Minneapolis, Minnesota 55416

952-928-9915 - O

612-991-5694 - C

[Stuart@chazingroup.com](mailto:Stuart@chazingroup.com)

[www.chazingroup.com](http://www.chazingroup.com)

NEW OFFICE ADDRESS

The Chazin Group is committed to GO GREEN.

Join the Movement!

Stuart A Chazin  
2615 Burnham Road  
Minneapolis, Minnesota 55416-4335  
612-991-5694

---

To: Southwest Transitway Project Office  
swcorridor <swcorridor@co.hennepin.mn.us>

From: Stuart A Chazin

Date: December 31, 2012

Re: SWLRT

To Whom It May Concern:

I have many concerns with the Draft Environmental Impact Statement (DEIS) regarding the proposed SWLRT.

The propose LRT bridge over Cedar Lake Parkway would impact the surrounding neighborhood significantly. It would have a substantial visual impact where it would be seen for miles and would destroy so much of the beauty of the area. In addition, the DEIS does not make any assessment of the potential noise & vibration impact it would have on the surrounding neighborhoods.

E8

Cedar Lake Parkway is a part of the Grand Rounds Historic District, which is eligible for the National Register of Historic Properties. Consequently, the study does not address (nor even seem concerned) about preservation of the historic landscape and the impact of light rail on the area.

E2

The DEIS has not done a sufficient analysis of the potential measures to mitigate the visual and noise impact caused by the bridge nor any assessment of tunneling underneath the Parkway as a viable alternative.

E8 S3, S4

The DEIS identifies the 21st Station as a "park and ride" site with parking for 100 vehicles and 1000 daily LRT boarding's. I am unclear as to "who" will be parking at this station? The resident's in the area will not need the station and have strongly come out in opposition to it. Anyone coming from other areas of Minneapolis would have to drive thru neighborhood's where children play, family's walk their pets, etc. This will cause a safety issue, which has not been considered, needless to mention the neighborhood becomes a "parking lot" for people who do not live in the neighborhoods.

I2

E2, E10

I do not believe the DEIS has properly assessed the impact of the LRT specifically on the Kenilworth Corridor. We have deer, birds, possum, fox, coyote, rabbits (just to name a handful) and the wildlife is part of what makes this area serene. What will be the LONG TERM effect that the LRT will have on these species?

N8

This corridor is one of the "gems" of the city of Minneapolis. People have chosen to live in this area for the beauty and serenity it offers. People come from all over the state to use the trails, lakes, beaches and overall parkland. If the lakes and parklands of Minneapolis are considered our great treasures, the LRT is a destructive force that has long-term effects that cannot be "undone". While I am not questioning the importance of light rail – I question the location of this specific one and believe there are viable and better alternatives that have been passed up simply due to financial and political reasons. Just because you "can" put it here, doesn't mean you "should".

E0

I would offer that the DEIS must study the alternative measure of TUNNELING the trains through this corridor into Downtown as a viable and acceptable measure to those concerned. Without these studies and facts, it would be a study left undone.

E0

Thank you for your consideration in this very important matter.

Sincerely,

Stuart A Chazin



**Sue Bombeck**  
**<SBombeck@TCWR.NET>**  
12/31/2012 11:52 AM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>  
cc Mark Wegner <MWegner@TCWR.NET>  
bcc  
Subject Twin Cities & Western Railroad - additional letter of support -  
DEIS Response

Good afternoon –

Attached you will find a letter we received after submitting our response to the DEIS. Please include this letter of support with our response.

Thank you

Sue Bombeck

Sue Bombeck

Twin Cities & Western Railroad

Office Manager

Office – (320) 864-7201

Cell – (612) 655-3401

**L & N Transportation Consulting Services**  
**10337 Normandy Crest**  
**Eden Prairie, MN 55347**  
**952 - 944-0088**  
**fax: 952 - 944-3923**

December 26, 2012

Dear Hennepin County, Housing Community Works & Transit - ATTN: Southwest Transitway:

We, the L & N Transportation Consulting Services, LLC depend on the Twin Cities & Western Railroad Company (TC&W) for economical freight rail transportation. We, the L & N Transportation Consulting Services, LLC understand that the Southwest Transitway Draft Environmental Impact Statement (DEIS) recommends a relocation of the freight rail route to accommodate the Southwest Light Rail Transitway (SWLRT). We, the L & N Transportation Consulting Services, LLC further understand, based on information provided by TC&W, that the recommended freight rail relocation design as shown in the DEIS released on October 12, 2012 will result in increased costs for TC&W to operate its trains to and from L & N Transportation Consulting Services, LLC.

C

It is imperative that L & N Transportation Consulting Services, LLC retain an economical freight rail transportation option which is provided by TC&W. The design as recommended in the DEIS is not acceptable to maintain our competitive freight rail transportation. Alternatives to your recommended design would be:

C

- 1.) Do engineering for the reroute that meets TC&W's engineering standards,
- 2.) Co-locate the SWLRT with the current freight route,
- 3.) Reroute freight back to the 29<sup>th</sup> St. Corridor, where TC&W ran until 1998, or
- 4.) Route the SWLRT up the MN&S rail line

C

G1

G2

G2

Therefore we recommend Hennepin County and the Met Council address TC&W's concerns over the design of the freight rail relocation shown in the DEIS, and work with the TC&W to arrive at a freight rail solution that preserves our existing economical freight rail transportation.

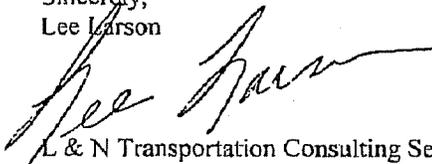
C

Since rural Minnesota provides a significant amount of exports from the State of Minnesota, and since having economical freight rail transportation is imperative to allow rural Minnesota to compete in the global marketplace, we recommend Hennepin County and the Met Council reject the freight rail design as recommended in the DEIS and arrive at an acceptable design, as we depend on economical freight rail transportation.

C

We, the L & N Transportation Consulting Services, LLC oppose the freight rail relocation design recommendation in the DEIS based on information provided by the TC&W and recommend that the freight rail issues be resolved to preserve our economical freight rail transportation options.

Sincerely,  
Lee Larson



L & N Transportation Consulting Services, LLC



Pat Mulqueeny  
<pat.mulqueeny@epchamber.org>

12/31/2012 12:00 PM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>  
cc Pat Mulqueeny <pat.mulqueeny@epchamber.org>

bcc

Subject SWLRT

On behalf of the Eden Prairie Chamber of Commerce and it's over 500 members, I want to comment on the proposed alignment of the Southwest Light Rail in Eden Prairie and the DEIS. When the county finally settled on the current proposed alignment, many of our businesses and members were concerned with a number of the at-grade crossings and the potential negative impacts the alignment may have on local businesses. Some of these have been highlighted in comments at the public hearings and include:

There are a number of at-grade crossings and other issues that concern us in the current alignment that we would request additional review.

1. Valley View Road near Flying Cloud Drive – this proposed at-grade crossing is on one of the busiest roads that serves the business community. The city of Eden Prairie recently updated an intersection to the southeast of this location to help reduce congestion. By having an at-grade crossing here, it will be a major negative impact and create safety issues and congestion with local traffic patterns. Traffic analysis included in the DEIS indicate failing operations along this corridor.
2. Technology Drive – The Chamber and a number of our local businesses have spoken out against this part of the alignment because of two major issues. The first is that Technology Drive has become a major thoroughfare for traffic in Eden Prairie. It is a major local artery that connects Flying Cloud Drive and Prairie Center Drive, it has major local employers and an electric sub-station that serve this area. Having an at-grade crossing on Technology Drive in this location would have major negative impacts to local traffic patterns and the businesses in this area. The proposed alignment crosses two employers only access points to their business and thus would be major impediments to their facilities, plus the impact that train vibrations may have on their facilities. In considering a different location/alignment, we would request that the location consider the impact on local businesses in regards to impeding access to their properties/business. An additional concern is that this location needs to consider adequate parking to avoid potential overflow parking issues with businesses.
3. Mitchell Road – This is a major roadway and access point for businesses and local traffic for Eden Prairie. Having an at-grade crossing here will have negative impacts on traffic patterns in this area, plus additional traffic generated by the station will increase congestion. We would ask that additional review of this at-grade impact and increased traffic be reviewed and addressed.
4. Southwest Transit Station – the current Southwest Transit bus service has served Eden Prairie and the surrounding communities extremely well – winning numerous awards and accolades. The current parking ramp and future LRT station here need to consider the parking issues that are currently there, plus future issues that the SWLRT would bring- namely the shortage of parking for a number of the businesses already located there, the impact of building additional ramp space may have on the restaurants and their parking, plus the increased traffic on the current roads.

F0

P3

F0

P4

F0

F0

I1

P10

As the Chamber has been involved with discussions surrounding the proposed light rail line and have been a conduit for business involvement in the SWLRT process, we had hoped to eliminate any issues

the alignment would have with businesses, traffic patterns and other negative impacts to the Eden Prairie community. We realized that we might not be able to eliminate all issues, but that we should be able to eliminate any that create a large negative impact. We would ask that the Chamber and the business community be included in meetings prior to final plans being approved that consider the impact of the at-grade crossings on local traffic patterns and businesses, station locations being thoroughly reviewed to be sure they allow adequate parking and minimize potential overflow parking issues on private properties, that construction impacts on businesses be coordinated with the business community so an adequate plan can be implemented to reduce the negative impacts on commerce and traffic. The Chamber and the business community look to help the project meet its objectives while at the same time reducing negative impacts locally.

M2

I2

P10

L1

Thank you for your consideration.

Sincerely,

Pat MulQueeny, IOM  
President



"GlenNiece Kutsch"  
 <glenniece@autosourcemn.com>

12/31/2012 12:10 PM

To <swcorridor@co.hennepin.mn.us>

cc

bcc

Subject DEIS comments

On behalf of:

Auto Source Holdings

1840 Edgewater Place

Victoria, MN 55386

and

Auto Source, Inc.

7980 Wallace Road

Eden Prairie, MN 55344

RE: Comments related to Southwest Transitway Draft Environmental Impact Statement

As an owner of the property located at 7980 Wallace Road, Eden Prairie, and officer of the corporation currently operating out of the property, I would like to take this opportunity to comment on the Southwest Transitway light rail proposal. Under the current proposals being considered, the light rail project could have a large negative impact on both our property and business operation. We purchased this property approximately 3 years ago and invested in renovations needed to improve the building for our operation. For a small business, it is an extremely costly to undertake such a project, as well as the physical relocation of the business. While the light rail plans at the time leading up to our purchase of the property did not appear to affect the property, we have since learned that the entire property could be affected by the possible location of Operation and Maintenance facilities. We would request the location of these facilities be reconsidered for some of the following reasons, among many others:

- Cost of relocation – After moving to this location just three years ago, we have still not recouped the cost involved in our first move. It would be extremely detrimental to our business to have to relocate yet again.
- Zoning challenges of relocating our type of business – The City of Eden Prairie only allows automobile dealerships in Industrial Zones, even though the business of car sales is retail in nature and all of our vehicles are located indoors so as not to cause any aesthetic issues with the neighborhood. It is difficult to find a location within industrial areas that is:
  - The right size for our needs
  - Physically appealing to our high-end retail clientele yet affordable for us
  - Conveniently located and easy to access
- Building Codes and Regulations – When building or modifying a property, there are many changes in codes with which owners must comply that existing businesses do not have to undertake. For example, we were required to put screens around HVAC units on the rooftop of our current building at a cost well above \$10,000 even though none of the neighboring buildings have screens. This is just one example of costs that are

M2

F0

H1

M4

M4

often not obvious and not foreseeable until well into the renovation process but can jeopardize the entire budget of a project.

- Access to business during construction – Our current location has one challenging access issue already (Wallace Road can be accessed from Hwy 212 going East but not West and cannot be accessed directly from Hwy 5). However, potential customers may not be willing to attempt to re-navigate if access is further restricted due to construction of light rail, resulting in lost business.

M2

F0

While we are not opposed to the light rail project in general, we would object to the project imposing on the Wallace Road area due to the detrimental effect on our business and property.

F0 M2

Thank you for your consideration.

Sincerely,

GlenNiece Kutsch

Auto Source, Inc.

Auto Source Holdings, LLC



**zelda Curti**  
<[z.curti@rarovideousa.com](mailto:z.curti@rarovideousa.com)>

12/31/2012 12:10 PM

To [swcorridor@co.hennepin.mn.us](mailto:swcorridor@co.hennepin.mn.us)

cc

bcc

Subject 2024 thomas and the light rail

I am writing to complain about the proposed light rail through my backyard. Overall i am for public transportation but this area is so beautiful and the wild life so rare for a city that it really would be detrimental to have this line go through here at such frequency and velocity. Not to mention my property value plummeting. If there was some form of compensation for the drop in value this line might pose to my property then it might be more accepted. But it is not fair for those of us who might loose the nature and tranquility and value of our properties- just unethical.

E4

M4

Zelda Thomas Curti  
2024 thomas ave s  
minneapolis mn 55405

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RaroVideo's eclectic approach aims to publish quality works found in the cinema and visual art world.



**Sue Bombeck**  
**<SBombeck@TCWR.NET>**  
12/31/2012 12:13 PM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>  
cc Mark Wegner <MWegner@TCWR.NET>  
bcc  
Subject FW: CHS letter to Hennepin country re: Proposed TCW re route

Good afternoon –

Attached is another letter we received today, that was originally intended to be included in TCW's DEIS Response. Please accept it at this time.

Thank you

Sue Bombeck

Sue Bombeck

Twin Cities & Western Railroad

Office Manager

Office – (320) 864-7201

Cell – (612) 655-3401

**From:** Mack, Dan [mailto:Dan.Mack@chsinc.com]  
**Sent:** Monday, December 31, 2012 12:02 PM  
**To:** Sue Bombeck; Mark Wegner  
**Subject:** CHS letter to Hennepin country re: Proposed TCW re route

Mark and Sue, attached is a letter from CHS to Hennepin county regarding the proposed re route of the TC&W rail line to accommodate the Southwest Transit project. My apologize for being so late, I simply failed to respond within the time period you originally requested. Hopefully, the CHS letter can still be included in the submittal to support TC&W's and its shippers efforts.

Dan Mack

CHS Inc.

---

This outbound email has been scanned for all viruses by the MessageLabs Skyscan service.  
For more information please visit <http://www.symanteccloud.com>

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December 28, 2012

RE: Southwest Transitway

Dear Hennepin county, Housing, community Works & Transit

CHS Inc. is a regional agricultural and energy cooperative that serves the various needs of local coops and agricultural producers across Minnesota as well as across a large portion of North America. CHS is a significant originator of grain from Minnesota farmers and local coops, connecting the grain and oilseeds grown in Minnesota with access to consumptive demand around the world.

CHS utilizes the services of Twin Cities & Western Railroad to access grain origination from the geographic areas served by the TC&W. As you might expect, being able to source that grain competitively and with appropriate freight economics is crucial to continued success for both TC&W and its customers. It has recently come to our attention that a reroute/realignment has been proposed for a portion of the TC&W track located within the Twin Cities, for the purpose of accommodating the development of the proposed Southwest Transitway. CHS does support the efforts to establish mass transit alternatives across the metro. However, It is our understanding the re route currently being proposed presents the potential for increased operating costs to TC&W. Those higher operating costs would likely be required to be passed on to shippers in the form of higher transportation costs. C

CHS asks and encourages Hennepin County to take the time necessary to consider all viable options as it relates to the co-existence of the Southwest Transitway and the existing TC&W rail infrastructure. We would hope the parties can come to a conclusion that satisfies the needs of the Southwest Transitway as well as TC&W, resulting in minimal or no change to the economic impact to TC&W and its customers so as to continue to provide Minnesota produced grain and products with competitive access to markets. C

Sincerely,

Dan Mack  
Vice President, Transportation and Terminal Operations



**Jonathan Pribila**  
<jpribila@gmail.com>  
12/31/2012 12:13 PM

To swcorridor@co.hennepin.mn.us  
cc  
bcc  
Subject SWLRT

To whom it may concern:

I have attached a copy of my comments to the DEIS for the proposed SWLRT as a word document.

Thank you

Jonathan Pribila

## Southwest Light Rail Transit Way - Draft Environmental Impact Statement Response Letter

The Southwest Light Rail Transit Way will significantly impact the people that live along the entire length of its path, the wildlife and vegetation along the proposed route, and the people who use the bike and pedestrian paths along the tracks. The Cedar-Isles-Dean and Kenwood neighborhoods that line the Kenilworth corridor will likely experience the largest impact because the homes and parkland are in close proximity to the proposed route.

E2  
E0

The primary purposes of the DEIS are (i) to identify the potentially significant environmental impacts of the proposed transit way, (ii) to identify and analyze the reasonable alternatives, and (iii) to identify measures that would mitigate the significant environmental impacts of the proposed project, including both the construction-related and long-term impacts.

The primary aim of this response is to minimize the impact that the light rail will have on commuters and residents along the railway as well as the surrounding wildlife and environment. The observations below relate to a failure of the DEIS to adequately assess the potential environmental impacts within the Kenilworth Corridor, particularly given its acknowledged environmental sensitivity, and to identify and recommend mitigation measures. These deficiencies should be corrected in the FEIS.

### 1. KENILWORTH CORRIDOR

While the DEIS recognizes that “portions of the land between Cedar Lake and Lake of the Isles are very high sensitivity,” the DEIS puts no particular focus on the Kenilworth Corridor. Instead, the environmental assessment is spread more-or-less evenly across the 15 miles of the proposed transit way (the “study area”). An exception is the Freight Rail Relocation Segment which receives much attention in terms of its potential impact on residents in St. Louis Park. This is not to fault an emphasis on the relocation analysis. It is simply to draw a contrast between the different levels of data gathering and technical analysis. Given the high sensitivity of the portions of land along the Kenilworth Corridor and the significant number of residents that will be affected, it deserves the same level of attention.

E4

### 2. NOISE AND VIBRATION

The entire study area is viewed as “dominated by urban land use.” This perspective comes across particularly clearly for the Kenilworth Corridor, in direct contrast with the perspective of the Minneapolis Park and Recreation Board. The Federal Transportation Agency (FTA) noise impact criteria are based on land use and existing noise levels. The FTA has three land-use noise categories: Category 1 is for land where quiet is an essential element of its use; Category 2 are residences and buildings where people normally sleep; Category 3 are institutional land uses such as schools, libraries and churches.

O1,  
O5,

The park land to the west of the Kenilworth Corridor is either shown as a Category 3 land use in the DEIS or is not characterized. The residential properties to the east and west of the Corridor are shown as Category 2. This parkland has been inappropriately characterized. The MPRB, for example, views the Kenilworth Regional Trail as an area focused on “serenity, habitat restoration, minimal development and passive recreation.” Based on the MPRB definition, the Kenilworth Corridor should be classified as Category 1 land use because it consists of “buildings or parks where quiet is an essential element of their purpose.” The noise and vibration analysis needs to be recalibrated in light of the adjacent parkland being appropriately identified as Category 1 land use.

There are also problems with the methodology used to determine noise and vibration impact. It does not appear as though any direct measurement of existing noise levels was taken within the Kenilworth Corridor. The closest location appears to be Kenilworth Place and Upton Avenue South, which is identified as being “representative of noise-sensitive land use in the Kenwood Neighborhood, away from major thoroughfares.”

Using the current, but incorrect categorization system outlined in the DEIS, 3, Within Segment A, the DEIS estimates that there are 73 moderate noise impacts and 183 severe impacts. It states that “[m]any of the impacts are due to low existing ambient noise levels combined with proximity of residential neighborhoods to the alignment and high speeds of operation.” Other impacts were associated with the warning signal use at the 21st Street station coupled with low ambient noise levels. The DEIS states that noise levels that result in a severe impact present a compelling need for mitigation. However, the DEIS does not recommend any specific mitigation measures for the Kenilworth Corridor. In fact, the only specific recommendation in the DEIS calls for the use of Quiet Zones and this is recommended only for the freight rail relocation segment in St. Louis Park.

E4

Several options for noise mitigation need to be clearly outlined prior to FEIS. Specifically, a tunnel option in which the light rail is below the current grade through the Kenilworth corridor should be fully evaluated and included in the FEIS. The increased cost of tunneling should be thoroughly and thoughtfully evaluated relative to the substantial improvement in noise pollution between west lake station and 21<sup>st</sup> street. This short segment is narrow and extremely close to housing units. Mitigation through large berms or sound barriers, which have been used along the Hiawatha Line, are likely not going to be possible because of the very limited space available.

E4

In addition to the housing units affected, users of the Grand Rounds bike and pedestrian trail will experience a significant change in the level of ambient noise because of the frequency of the train. The effect of increased noise on these users of the Kenilworth trail are completely omitted from the analysis in the DEIS since the Kenilworth trail was not identified as a Category 1 land use. These trails are immediately next to the rail with little or no space for mitigation. What are the plans to mitigate the noise to the recreation trails immediately adjacent to the proposed railway? Specific plans for appropriate noise mitigation need to be included in the FEIS.

O1,  
O5

Furthermore, the impact on the number of bikers and pedestrians that use the Kenilworth trail has been significantly underestimated. According to the DEIS, bicycle and pedestrian counts were performed in September (6.3.1.4). As everyone in Minneapolis knows, the bike and pedestrian trails receive much higher use during the summer months. These counts need to be obtained several times per day during the summer months to accrue data that will allow for a realistic summer time average.

E4

P9

### **3. LIGHT POLLUTION**

The DEIS fails to address, in any fashion, the impact that the ambient light from the rail will have. The current freight rail adds little light to the surrounding wildlife areas and homes. The proposed light rail will run many times an hour and frequently at night. The change in ambient light levels along the Kenilworth corridor will be significant and will disrupt the serenity of the neighborhood. What are the proposed mitigation measures for this light pollution? Running the train below grade or tunneling the train through this highly sensitive area would mitigate this light pollution.

E4

N8,  
N2

### **4. WILDLIFE AND NATURAL HABITAT**

The perspective of the DEIS on urban-land-use is inconsistent with the fact that the DEIS identified fourteen federal or state-listed species and native plants within one mile of the proposed transit way. Ten of the species as well as native plants are found in Segment A of the transit way (primarily the Kenilworth Corridor), significantly more than are found in any other segment. From personal experience, bald eagles and peregrine falcon are routinely seen along the Kenilworth Trail. No adverse environmental impact is noted with respect to any of the ten species listed in the DEIS and there is little-to-no analysis offered in the DEIS to support this conclusion.

E10

N8

Moreover, the DEIS sees the habitat as typically of low quality, and states that the native habitats are mostly concentrated in areas other than the Kenilworth Corridor. The DEIS claims that only 2.5% of Segment A is said to have native habitat. While this may be technically true, it vastly underestimates the area of vegetation and woodlands adjacent to the proposed route. In addition, by the DEIS' own claim, within 1 mile of the proposed route, Segment A contains tamarack swamp and a bat colony which are

considered high quality or unique natural communities. No mitigation is proposed for the effect of the light rail on these unique communities.

The DEIS does note that increased habitat fragmentation “could be expected from the construction of required safety/security barriers to separate the light rail tracks from adjacent bicycle/pedestrian trails,” which could be mitigated “through the use of wildlife underpasses.” This is one of the few specific mitigation measures proposed in the DEIS, and seems to run counter to the determination that there is little to mitigate.

## 5. KENILWORTH CHANNEL AND BRIDGE

The historic water connection between Cedar Lake and Lake of the Isles remains a defining characteristic of the Minneapolis Chain of Lakes Regional Park. The 1913 Kenilworth Channel is part of the Grand Rounds Historic District that is eligible for the National Register of Historic Places. It is critical to preserve the historic nature of the Channel.

E2

S3,  
S4

In addition, The Kenilworth Channel was central to creating the Minneapolis Chain of Lakes and provides a critical connection between Cedar Lake and Lake of the Isles. Trail access is necessary for people as is year-round channel access for both people and wildlife. It is also a critical link in the City of Lakes Loppet (winter ski race) and City of Lake Tri-Loppet.

According to the DEIS (3.6.3.3) ...the bridge design, bank treatment, and aesthetics for the new facility and the potential replacement or modification of the existing pedestrian bridge would have a substantial effect on this historic landscape... In addition, (3.4.5.3)...Potential long-term effects may occur at the following properties: Kenilworth Lagoon/Channel, Grand Rounds (potential effects of the construction of new bridge structures within the historic district; the design and footprint of these structures may affect the banks of the historic channel and may affect the district’s overall feeling and setting). While the DEIS notes that these issues will be addressed during preliminary engineering, it is essential that the historic nature of the channel and recreational access between the Lake of Isles and Cedar Lake must be maintained.

Few measures are proposed to mitigate the potential adverse environmental impacts of the project, and nearly none that are of a specific nature. For example, the DEIS notes that “[t]he impact of replacing an existing bridge over the channel that connects Cedar Lake and Kenilworth Lagoon could be substantial because of sensitive receptors traveling the lagoon.” This has a significant impact on several aquatic federally and state listed species including the Black Sandshell (mollusk), Pugnose Shiner (fish), and Least Darter (fish). Despite identifying these concerns, the DEIS offers no specific mitigation measures.

N8

In addition, by the DEIS’ own account, the area between Cedar Lake and Lake of the Isles is considered a zone of very high sensitivity to pollution of the water table system. The current bridge is constructed of creosote soaked wood pylons. Creosote is a known carcinogen and its use is monitored by the Environmental Protection Agency. Will the necessary reconstruction of this bridge address the creosote pylons that extend into the canal connecting Cedar Lake and Lake of the Isles?

E8

N10

No mitigation measures are set out in the DEIS to address these concerns. Instead, the bridge design, bank treatment and aesthetics for the new bridge are to be addressed later, *after* the Final Environmental Impact Statement (FEIS) has been approved. These need to be addressed prior to the FEIS and need to minimize the affect on water pollution and these federally and state listed aquatic life.

## 6. INDIRECT EFFECTS OF LTR

The DEIS is required to analyze the cumulative impact of reasonably foreseeable future developments. This is also true for the potential indirect effects that may occur in the future. For example, the stated intent of LRT stations is to precipitate development on nearby property. The environmental effects of that future development, when added to the impact of the LRT, may have a significant environmental impact. However, no analysis of the potential cumulative or indirect effects of the Southwest LRT within the

E2

N12

Kenilworth Corridor was conducted. Instead, it is simply stated that those effects could be controlled by existing regulations, primarily those of the City.

## **7. CEDAR LAKE PARKWAY INTERSECTION**

### **LRT BRIDGE OPTION**

The intersection of cedar lake parkway and the proposed light rail transit way are a source of significant controversy and represent significant safety issues for the vehicular traffic on Cedar Lake Parkway and bike and pedestrian traffic on the pathways. For these reasons the intersection of the proposed transit way and Cedar Lake Parkway needs to be carefully considered.

The DEIS acknowledges that the proposed LRT bridge over Cedar Lake Parkway (CLP) “would have a substantial [visual] impact on this historic landscape.” A similar long-term architectural impact is acknowledged. However, further consideration of these impacts is deferred to the “Section 106 consultation process.” This is a federally-mandated collaboration process. The City and MPRB are parties to the process. Any resolution of the bridge proposal is likely to occur after the approval of the FEIS.

Separate from these acknowledgements, Cedar Lake Parkway (CLP) is a part of the Grand Rounds Historic District, which is eligible for the National Register of Historic Properties(NLRP). Because of Cedar Lake Parkway’s eligibility for the NRHP and because the SW LRT project has and will receive federal funding, the DEIS identifies Cedar Lake Parkway as a “property” under Section 4(f) of the U.S. Department of Transportation Act of 1966. Section 4(f) is intended to prevent the conversion of historic sites, parks, recreation areas and wildlife and waterfowl refuges to transportation uses, except under certain limited circumstances. For purposes of Section 4(f), the prohibition applies whenever the protected property is directly incorporated into a project or the project is so proximate to a protected property that it results in an impact that causes substantial impairment to the property’s use or enjoyment (so-called “constructive use”). Substantial impairment occurs when the protected attributes of the property are substantially diminished. Exceptions to the prohibition arise when there is no feasible and prudent alternative. This is clearly not the case since the DEIS discussed several other alternate routes that do not disrupt the Grand Rounds Historic District.

E8

S4

For an unstated reason(s), the DEIS concludes that the proposed LRT overpass is neither a direct or constructive use of the historic attributes of Cedar Lake Parkway. Therefore, the DEIS finds that there is no Section 4(f) prohibition applicable to the construction of the bridge. The DEIS contains no analysis of the proposed bridge’s *proximity* to park property as an independent basis for identification as a constructive use under Section 4(f). The explicit reason(s) as to why the proposed LRT overpass is neither a direct or constructive use of the historic Cedar Lake Parkway must be clearly identified and explained in the FEIS.

E8

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Further, the DEIS does not make any assessment of the potential noise impact of elevating the transit way nor the visual intrusion of the elevated transit way to nearby residents or to bike/pedestrian trail users. This needs to be fully evaluated in the FEIS. It is also unclear whether the proposed bridge would violate Minneapolis’ shoreline ordinance restricting the height of permanent structures close the city’s lakes. This needs to be addressed in the FEIS

Finally, the DEIS has no analysis of potential measures to mitigate the visual and noise impact caused by trains traveling across the proposed overpass. Clear mitigation measures need to be fully detailed in the FEIS.

N2

### **AT GRADE CROSSING OPTION**

The intersection of Cedar Lake Parkway and the Kenilworth Trailway is heavily travelled by both cars, pedestrians, and cyclists. This creates two problems: 1. Safety for all users of the intersection. 2. Traffic delays. The DEIS acknowledges the problems with a grade crossing and have proposed a grade separated crossing as an alternative.

In 2011, according to the Metropolitan Council's annual visit estimates, Kenilworth Regional Trail had approximately 624,400 visits and the Chain of Lakes Regional Park had 5,122,900 visits. This is significantly higher than the DEIS estimates. Once again, extrapolating bike usage for a 2 hour period in September, fails to reflect the extremely high usage that the trail receives in the summer. This intersection, particularly in the peak of summer, is already very dangerous and has resulted in a number of accidents.

P8

Cedar Lake Parkway is heavily travelled particularly at rush hour. It represents one of three ways out of the Cedar Isles Dean Neighborhood and the most direct west exit from the neighborhood. Lake of the Isles and Dean Parkway are the only other options. Given the high degree of pedestrian and vehicular traffic, this intersection is already dangerous and in the summer can result in significant delays. In fact, the DEIS estimates that it will degrade the intersection to a D, E or F status. South of the intersection, traffic would likely back up along the west end of Cedar Lake Parkway and extend on to Dean Parkway. It would block the vehicular traffic exiting Benton Blvd and limit access to the Excelsior Blvd. North of the intersection, it would also limit access to Burnham Road. Further, such impacts are inconsistent with one of the basic design characteristics of the Grand Rounds: a continuous recreational driving experience. Please see the above discussion of Section of 4(F) prohibition of direct or constructive use of the historic attributes of Cedar Lake Parkway.

E8

A grade crossing would also increase the noise and air pollution at this intersection due to the high frequency of trains that will cross here. For an at-grade crossing, high levels of track, bell, and whistle noise would significantly diminish the quality of experience in adjacent parkland and along the trails. Frequent traffic delays for train crossings are expected to diminish air quality for park and trail users.

S3

E0  
E4

N9

The frequent closing of the intersection would cause significant delays in fire, police, and emergency medical response to residences, park facilities, and beaches. Given the limited numbers of ways in and out of the Cedar Isles Dean neighborhood, this could significantly limit access of emergency services to these residents. In addition, due to the proximity of South Cedar Lake Beach, timely emergency medical access across this intersection is critical.

E0  
R2

O1

The effects of adding LRT into this intersection would result in frequent delays for parkway and trail users along Cedar Lake Parkway, and create visual obstructions. Both of these impacts would significantly diminish the quality of experience for parkway, park, and trail users. Further, such impacts are inconsistent with one of the basic design characteristics of the Historic Grand Rounds: a continuous recreational driving experience.

E2  
S3  
N2

TUNNELING TRENCHING OPTION

The DEIS acknowledges that there are fundamental safety, vehicular and pedestrian traffic concerns with an at grade crossing at Cedar Lake Parkway. The MPRB has recommended tunneling or trenching the transit way underneath the Parkway. While the MPRB did conduct a preliminary assessment of a trenched LRT underpass, no reference was made to a below grade crossing in the DEIS. In fact, the DEIS does not even mention tunneling or trenching the transit way. Tunneling or trenching the transit way is a very valid alternative and one generally favored by the residents of the Cedar Isles Dean neighborhood who would be primarily affected by the proposed light rail.

E0

For the above reasons, the "adequacy" of the analysis and conclusions in the DEIS relating to the proposed Cedar Lake Parkway is severely lacking.

**8. 21st STREET STATION**

The DEIS identifies the 21st Station as a "park and ride" site with parking for 100 vehicles and 1000 daily LRT boardings. There was no assessment of the traffic flow associated with parking at the site. Nor was

I1, I2

there a site plan showing the location of the parking lot. Both of these issues need to be addressed in the FEIS.

I1, I2

The MPRB believes that the western most track is on park land adjacent the proposed station. If this is true, the DEIS needs to conduct a Section 4(f) analysis regarding the use of park land. No such analysis has been undertaken. The DEIS does state that the land ownership adjacent the station is complicated and that additional survey work may be necessary.

Separate from the track location, the proposed station and associated parking lot could constitute a constructive use of the adjacent park land. The DEIS does not address this issue specifically. Instead, the DEIS makes a general statement that there are no constructive uses of Section 4(f) protected property within the Kenilworth Corridor. If Section 4(f) does apply, a feasible and prudent alternative is to forgo the station entirely or at least the parking component.

I1, I2

S3

In addition, no analysis was conducted as to whether the proposed station and parking lot would comply with the requirements of the City's Shoreland Overlay District, particularly those governing storm water runoff and point and non-point source discharges of pollutants.

I1, I2

N6

The DEIS acknowledges that the implementation of LRT service and stations along Segment A (mostly the Kenilworth Corridor) "would likely result in some land use change surrounding the stations..." No assessment was done of the cumulative impact of those changes nor was any mitigation proposed to protect the natural character of the area surrounding the proposed station. The City/HCRRA Design Team recommended only minimum infrastructure at the 21st Street station with no development at all on adjacent property. This recommendation is not included in the DEIS as a mitigation measure.

I1, I2

N12

In conclusion, the DEIS addresses several specific environmental and economic impacts of the Southwest Light Rail. However, it fails to recognize that the proposed Southwest LTR will fundamentally change the character of the Kenilworth corridor. Most of the residents chose to live here because of the privacy, the park-like setting, and the proximity to nature and recreation trails. The DEIS assumes that the Kenilworth corridor is dominated by urban land use because of the presence of the freight train but it fails to recognize the significant impact that conversion to light rail traveling over 200 times a day at speeds of 50 miles an hour would have. While the DEIS begins to address some of these concerns, it is severely flawed and does not adequately address protecting the environment (Goal 3, DEIS) and preserving and protecting the quality of life (Goal 4, DEIS) along the Kenilworth Trail. There are flaws in the assumptions made within the DEIS, the methodology used to determine the environmental impact, and most profoundly in the lack of specific mitigation proposed for all of the areas of environmental concern.

E0

L4

Thank you for allowing us to submit our comments. We look forward to hearing your response to each of these concerns.

Jonathan Pribila and Steven Thiel  
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Minneapolis, MN 55416



"Ward, Tamara"  
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12/31/2012 12:20 PM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>  
cc  
bcc  
Subject Comments concerning SW DEIS

Please find attached comments concerning Southwest Draft Environmental Impact Statement

Thank You

Tamara Ward  
Harrison Neighborhood Association  
Communications Organizer  
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*See the link below to "Like" us on facebook*

<http://www.facebook.com/pages/Harrison-Neighborhood-Association/64331324047>



**H2**

We the residents and friends of the Harrison neighborhood in Minneapolis, oppose locating the diesel passenger rail yard and maintenance facility at Linden Yards East. This would substantially compromise the Bassett Creek Valley (BCV) Master Plan, by undermining the development opportunities of Master Plan strategy to use high density development in Linden Yards.

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**Draft Environmental Impact Statement Comment Form**  
**Southwest Transitway Project**

Federal and state environmental rules require that an Environmental Impact Statement (EIS) be prepared for the proposed Southwest Transitway project. The EIS process includes the preparation of a Draft Environmental Impact Statement (DEIS), which must be made available for public review and comment.

The DEIS discusses: (1) the purpose and need for the project; (2) the alternatives considered; (3) the impacts of these alternatives; and (4) the agencies and persons consulted.

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The Interchange will unite transit and development creating a civic space connecting multiple transportation options, supporting a vibrant regional economy, reducing greenhouse gas emissions, and increasing mobility.

12
----

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**Thank you!**

Draft Environmental Impact Statement Comment Form  
Southwest Transitway Project

Comment #641

Federal and state environmental rules require that an Environmental Impact Statement (EIS) be prepared for the proposed Southwest Transitway project. The EIS process includes the preparation of a Draft Environmental Impact Statement (DEIS), which must be made available for public review and comment.

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12

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**Thank you!**

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12

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**Thank you!**

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Oppose locating the diesel passenger rail yard and maintenance facility at Linden Yards East. This would substantially compromise the Bassett Creek Valley (BCV) Master Plan, by undermining the development opportunities of Master Plan strategy to use high density development in Linden Yards.

H2

M1

N12

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**Thank you!!!**

## Draft Environmental Impact Statement Comment Form Southwest Transitway Project

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Sticking to the Bassett Creek Valley Master Plan is necessary to ensure a successful redevelopment that will provide living-wage jobs, quality affordable housing, increased businesses that serve the surrounding community, and an improved natural environment. LRT will increase 'value' placed on Bassett Creek Valley location by employers who value the labor force available in the Bassett Creek Valley area, and connections to potential employers in the Southwest metro area

M1

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**Thank you!**

*Your Welcome*

Draft Environmental Impact Statement Comment Form  
Southwest Transitway Project

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The Southwest Transitway will contribute to regional growth by improving the mobility of residents and increasing access to businesses within the study area. New transportation capacity could create competitive advantages for businesses located in the study area, along with providing a fast, convenient, and reliable transit service transporting the public to jobs and shopping opportunities both in the corridor and beyond. The project would also effectively link several primary activity and employment centers in the region, including downtown Minneapolis, and establish a critical connection in the region's mass transit system. Additional connections include major activity and job centers beyond the study area, such as the University of Minnesota (U of M), State Capitol Complex, Minneapolis-St. Paul International Airport, and Mall of America."

K0

M2

A

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## Draft Environmental Impact Statement Comment Form Southwest Transitway Project

Federal and state environmental rules require that an Environmental Impact Statement (EIS) be prepared for the proposed Southwest Transitway project. The EIS process includes the preparation of a Draft Environmental Impact Statement (DEIS), which must be made available for public review and comment.

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It creates needed housing and job opportunities for Harrison and Northside residents through the redevelopment of Bassett Creek Valley. Large numbers of Northside residents commute to jobs along the Southwest LRT Line. The Van White Station with strong Transit Oriented Development and bus connections will increase access for Northside residents to the LRT line and employment centers in Southwest metro area.

M2

I2

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**Thank you!**

Draft Environmental Impact Statement Comment Form  
Southwest Transitway Project

Comment #647

Federal and state environmental rules require that an Environmental Impact Statement (EIS) be prepared for the proposed Southwest Transitway project. The EIS process includes the preparation of a Draft Environmental Impact Statement (DEIS), which must be made available for public review and comment.

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See Comment #645 for  
Theme Delineations

The Southwest Transitway will contribute to regional growth by improving the mobility of residents and increasing access to businesses within the study area. New transportation capacity could create competitive advantages for businesses located in the study area, along with providing a fast, convenient, and reliable transit service transporting the public to jobs and shopping opportunities both in the corridor and beyond. The project would also effectively link several primary activity and employment centers in the region, including downtown Minneapolis, and establish a critical connection in the region's mass transit system. Additional connections include major activity and job centers beyond the study area, such as the University of Minnesota (U of M), State Capitol Complex, Minneapolis-St. Paul International Airport, and Mall of America."

Name: Tracy L. Jefferson

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City/State/Zip: Mpls. MN. 55411

Telephone: 612-876-0008 Email: mpl3maddskillz@yahoo

Draft Environmental Impact Statement Comment Form  
Southwest Transitway Project

Comment #648

Federal and state environmental rules require that an Environmental Impact Statement (EIS) be prepared for the proposed Southwest Transitway project. The EIS process includes the preparation of a Draft Environmental Impact Statement (DEIS), which must be made available for public review and comment.

The DEIS discusses: (1) the purpose and need for the project; (2) the alternatives considered; (3) the impacts of these alternatives; and (4) the agencies and persons consulted.

**Comments on the DEIS will be accepted through December 11, 2012. All comments must be received by that date. Please include a return mailing address with all comments.**

**Public hearings on the DEIS will be held in November 2012.** To learn more about the hearings, please visit [www.southwesttransitway.org](http://www.southwesttransitway.org)

Sticking to the Bassett Creek Valley Master Plan is necessary to ensure a successful redevelopment that will provide living-wage jobs, quality affordable housing, increased businesses that serve the surrounding community, and an improved natural environment. LRT will increase 'value' placed on Bassett Creek Valley location by employers who value the labor force available in the Bassett Creek Valley area, and connections to potential employers in the Southwest metro area

M2

Name: William M Allen

Address: 503 IRVING AVE NO

City/State/Zip: MP15 MN 55405

Telephone: 612 370-4951 Email: WAllen@minneapolis-parks.org

Thank you!

Draft Environmental Impact Statement Comment Form  
Southwest Transitway Project

Comment #649

Federal and state environmental rules require that an Environmental Impact Statement (EIS) be prepared for the proposed Southwest Transitway project. The EIS process includes the preparation of a Draft Environmental Impact Statement (DEIS), which must be made available for public review and comment.

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M1

M2

I2

I2

Name: DOUG GEROMANOS

Address: 12225 FREMONT LANE

City/State/Zip: ZIMMERMAN, MN 55398

Telephone: 763-482-7137

Email: DGEROMANOS@HETMAAC.COM

Thank you!

Draft Environmental Impact Statement Comment Form  
Southwest Transitway Project

Comment #650

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M1

Name: Phillip Henderson

Address: 3419 Margate Ave N

City/State/Zip: Mpls MN

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Thank you!

**Draft Environmental Impact Statement Comment Form**  
**Southwest Transitway Project**

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M1

M2

Name: Shaquille Sargent

Address: 2220 9th Ave

City/State/Zip: Mpls / MN / 55405

Telephone: ~~612-701-4817~~ 612-701-4817 Email: ShaquilleSargent@gmail.com

**Thank you!**

**Draft Environmental Impact Statement Comment Form**  
**Southwest Transitway Project**

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M2

I2

Name: Antonio Bledsoe

Address: 1253 Olson Hwy

City/State/Zip: 5 Minneapolis 55405

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Thank you!**

Draft Environmental Impact Statement Comment Form  
Southwest Transitway Project

Comment #653

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M1

M2

Name: TERRY COLLINS

Address: 2900 Olived Ave N.

City/State/Zip: MD5, MD 55411

Telephone: (612) 382-2400 Email: tereymon@gmail.com

Thank you!

Draft Environmental Impact Statement Comment Form  
Southwest Transitway Project

Comment #654

Federal and state environmental rules require that an Environmental Impact Statement (EIS) be prepared for the proposed Southwest Transitway project. The EIS process includes the preparation of a Draft Environmental Impact Statement (DEIS), which must be made available for public review and comment.

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M1

Name: Miesha Dawkins

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City/State/Zip: Minneapolis, MN. 55411

Telephone: 612-222-2424 Email: Mieshadawkins@yahoo.com

Thank you!

**Draft Environmental Impact Statement Comment Form**  
**Southwest Transitway Project**

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M1

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I2

M2

I2

Name: Nickie Ollens  
 Address: 2900 Oliver Ave  
 City/State/Zip: Mpls MN 55412  
 Telephone: 612-387-3235 Email: nco11307@imposedu.org

**Thank you!**

**Draft Environmental Impact Statement Comment Form**  
**Southwest Transitway Project**

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M2  
 12

Name: ERIN W DUFF

Address: 476 Humboldt Ave N

City/State/Zip: MINNEAPOLIS, MN

Telephone: \_\_\_\_\_ Email: erforduff@johncs.com

**Thank you!**

Draft Environmental Impact Statement Comment Form  
Southwest Transitway Project

Comment #657

Federal and state environmental rules require that an Environmental Impact Statement (EIS) be prepared for the proposed Southwest Transitway project. The EIS process includes the preparation of a Draft Environmental Impact Statement (DEIS), which must be made available for public review and comment.

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M1

Name: Donald Williams  
Address: 818 QUEEN<sup>Ave</sup> North  
City/State/Zip: 58411  
Telephone: 612-730-2593 Email: \_\_\_\_\_

Thank you!

**Draft Environmental Impact Statement Comment Form**  
**Southwest Transitway Project**

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**See Comment #645 for  
 Theme Delineations**

The Southwest Transitway will contribute to regional growth by improving the mobility of residents and increasing access to businesses within the study area. New transportation capacity could create competitive advantages for businesses located in the study area, along with providing a fast, convenient, and reliable transit service transporting the public to jobs and shopping opportunities both in the corridor and beyond. The project would also effectively link several primary activity and employment centers in the region, including downtown Minneapolis, and establish a critical connection in the region's mass transit system. Additional connections include major activity and job centers beyond the study area, such as the University of Minnesota (U of M), State Capitol Complex, Minneapolis-St. Paul International Airport, and Mall of America."

*U*

Name: Bobby Feromson

Address: 126125th near Hwy

City/State/Zip: MINN APPLS

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_



"Dahlquist, Barbara D"  
 <BDahlquist@CBBURNET.COM>  
 12/31/2012 12:38 PM

To <swcorridor@co.hennepin.mn.us>  
 cc  
 bcc  
 Subject personal DEIS response

With the DEIS study, it becomes clear that the recommended "fly over" at Cedar Lake Parkway, and at grade track will be an unacceptable alternative for the light rail installation between the Lake Street station and the 21<sup>st</sup> street, after further consideration. I am in favor of either a tunnel or cut and cover through this area. Cedar Lake Road should remain at grade level.

E8  
 E4  
 E2

Noise: the biggest concern:

As a biker who frequently uses Kenilworth trail, I see a completely different experience than we have all become accustomed to. I was under the impression that light rail meant light noise compared to the train which we are used to on that track. I live at Calhoun Isles and am not bothered by the train as the noise level is at a low octave. It runs 2 to 3 times a day, as compared to a suggested 200 to 250 times a day with light rail. The impact suggested by the DEIS is 114 dB, and "severe impact" compared to 44dB ambient noise level currently experienced in the area. According to data I have reviewed, on a normal linear scale this is an increase over ambient of one million times in intensity and is compared to live rock musing or an auto horn at one meter distance. This does not take into consideration the additional source of noise that would occur with a LRT flyover bridge over Cedar Lake Parkway. I am interested in knowing how the dB measurement would change for Calhoun Isles and Cedar Shores which are at a 20 foot distance from the track after landscaping and barrier walls were installed. Please advise. It would certainly be a different experience when biking/blading/walking as well.

O1,  
 O11

I know it would be more expensive to go below grade with the track, but perhaps not so extremely different when you consider that there would not have to be a flyover bridge, as it could be a continuation of the cut and cover or tunnel trench. The trench barrier wall installation would be likely to be similar to the cost of the combination of landscaping and barrier wall which would be required if it is not installed below ground. The additional landscaping for the cut and cover/tunnel, I would think, would not be necessary.

E8

Vibration has not impacted the townhome's structural integrity with the infrequent nature of the industrial trails. I am concerned that the increased frequency of light rail (from 2-3 times daily to 200-250 times daily) could really cause damage to our units. I will look forward to your report on how this would change as well.

O1

Visual:

Of course, introducing heavy commercial traffic into an area which is surrounded by parkland, Grand Rounds trail system, and a residential neighborhood would be incomprehensible! This statement relates to noise and vibration as well.

O1  
 N1

Since that nature of this rail traffic is so completely different from the infrequent industrial use, is it not required that the neighborhoods affected would be given a chance to vote on this change?

L1

Thank you for addressing these concerns. I know that if there is a below ground passage between Lake Street station and 21<sup>st</sup> street, the introduction of light rail can be positive for the city and county.

Barb Dahlquist  
3162 Dean Ct  
Minneapolis, Mn. 55416

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--



John Howard  
 <jwhoward3@gmail.com>  
 12/31/2012 12:55 PM

To swcorridor@co.hennepin.mn.us  
 cc  
 bcc  
 Subject Draft EIS Comment

Hello,

I heard at the Eden Prairie town hall meeting that comments would be accepted until Dec. 31st. I hope that is still the case.

I have the following comments in regards to the Draft EIS, which are also attached:

- I feel the 3C-1 route would be the best option, as it maximizes service possibilities. I came to this conclusion because this route:

- leads into the heart of downtown where many southwest metro residents work. While this route is projected to take 8 minutes longer than the LPA, that time would be made up by a shorter walk to the office. Therefore this may increase ridership and make this option more cost effective than anticipated in the DEIS.
- passes through the Uptown and Lyn-Lake area, which would mean the LRT is used on weekends because that area is a very popular weekend and evening destination for young people. The LPA route would really just be a commuter route. Additionally the 3C routes would allow many more Minneapolis residents to commute to work in the west metro without a car, and therefore could greatly reduce parking and traffic congestion. By serving the heavily populated areas of Minneapolis, ridership should be high and yet again improve the overall project economics.
- Utilizing the 3C-1 route would enable a shorter co-location option than 3A-1. Co-location would only occur from West Lake to Louisiana, versus Penn through Louisiana on 3A-1. Co-location seems to mitigate a major concern by St. Louis Park residents.

G1

- I am perplexed that the 3C-1 option is projected to have only 24,550 daily boardings while 3C-2 option is expected to receive 28,850 boardings. This information is presented in the Table ES 1 on page ES-14. Considering the 3C-2 and 3C-1 have similar routes, except once they get to downtown, I don't see why they should differ by nearly 17.9% of the 3C-1 riders (4, 400 daily riders). There would be major cost effectiveness implications if the 3C-1 route has ridership nearly equal to the 3C-2 route, or vice versa.

P2

- I am confused by the noise ratings that appear on page ES-16. The LPA has the lowest rating, yet it is intuitive that the co-location route would be the quietest as it keeps rail noise to established corridors. The relocation option puts freight rail in much more residential areas than are currently utilized.

C

- I am also confused by the table on page ES-19 that compares freight rail options. It appears that the relocation options for freight could lead more cars into residential areas, most notably by St. Louis Park High School. While freight certainly could be carried safely, there appears to be increased risk to civilians by relocation, albeit minor. More importantly, I feel the categorizations in the second criteria, "Continuous flow of freight rail throughout the study area" should be opposite of the current labels. Freight operations would be disrupted by removing a rail line and relocating all freight to the MN&S line, however these options are labeled as "Yes" mean freight is free flowing. The options that either do not impact rail lines (No build and Enhanced Bus) or have less impact (Co-location) are labeled "No", indicating freight rail would not be continuous. All options might be some form of "yes", but there are certainly gradations that are not captured by the figure.

- In Section 6, Transportation Effects, the 3C-1 line is described as not connecting with the other lines. While it does not go to the Interchange/Target Field station, it certainly is still near the Interchange (10-15 minute walk) and intersects the Hiawatha/CCLRT line.

K0

- Edina is mentioned as being serviced, yet no stations are located in the city.

- I also contend that the overall summary chart on ES-21 is overly critical of the 3C options and Co-location option. Specifically:

- In regards to Goal 2, the 3C options are given "does not support goal" rating, yet are only 1% more expensive per passenger mile. While they do add time to a full line length commute, they also provide more options for ridership possibilities, which might cancel out the additional time. Therefore it seems the 3C options are deserving of a "somewhat supports goal" qualification under the assumptions of the preparers, and likely a "supports goal" if my conclusions in the comments are considered.
- For Goal 3, the co-location and 3Cs receive the "does not support goal" score, yet there is little difference between these two and the LPA in the Goal 3 chart (page ES-15 and 16). Thus it seems reasonable to give the co-location and 3C-1 routes a "somewhat supports goal" rating equivalent to the LPA.
- In regards to Goal 4, the Co-location and 3C-1 option receive bad marks, which seem to be undeserved, in my opinion. The co-location route should have positive impacts to St. Louis Park residents who would otherwise receive additional rail traffic. This is the only difference from the LPA as far as I can tell, so it seems the co-location option should have a better rating than the LPA. For the 3C options, there also seem to be positives not accounted for in the Goal 4 chart. The 3C options provide service to more people, many of whom would appreciate reliable and affordable public transportation. By providing a route to uptown and Lyn-Lake, many young people could have access to nightlife areas and have a safe ride home to the West metro. Similarly, residents from Uptown to Franklin could use the line to access the West Metro or downtown. These benefits might outweigh the adverse Environmental Justice impacts anticipated in the DEIS. Also, by having a tunnel for the 3C-1 route, community impacts are likely to be low, and this does not seem to be factored into the Goal 4 Table.

C

G1

- Certainly if my comments are considered valid, the Overall Performance rating would be higher for the co-location and 3C options.

Thank you,  
John Howard  
5812 West 61st Street  
Edina, MN 55436  
[952-334-6730](tel:952-334-6730)

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- Certainly if my comments are considered valid, the Overall Performance rating would be higher for the co-location and 3C options.

Thank you,

John Howard

5812 W. 61st Street, Edina, MN 55436



"Johnson, Thomas L."  
<Thomas.Johnson@gpmlaw.com>

12/31/2012 12:57 PM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>  
cc "Johnson, Thomas L." <Thomas.Johnson@gpmlaw.com>  
bcc

Subject DEIS Comments

Attached are comments to the DEIS for the proposed Southwest Transitway submitted on behalf of the Kenilworth Preservation Group.

Thank you,

Tom J.

**Thomas Johnson**

Attorney

Gray Plant Mooty  
500 IDS Center  
80 South Eighth Street  
Minneapolis, MN USA 55402

Phone: 612.632.3207  
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December 31, 2012

Hennepin County  
Hennepin County Housing, Community Works & Transit  
ATTN: Southwest Transitway  
701 Fourth Avenue South  
Suite 400  
Minneapolis, MN 55402

Re: Comments to the Southwest Transitway Draft Environmental Impact Statement  
("DEIS")

Dear Project Manager:

The following comments to the DEIS are offered on behalf of the Kenilworth Preservation Group. All members of the Group reside near the Kenilworth Corridor portion of the proposed Southwest Transitway. The individual members of the Group are listed in Attachment A.

**Context of Comments:** In its comments to the DEIS, the Minneapolis Park and Recreation Board ("MPRB") states that the Kenilworth Corridor "has an open and natural area character" with park design focused on "serenity, habitat restoration, minimal development and passive recreation."<sup>1</sup> The Kenilworth Preservation Group strongly agrees with the MPRB's characterization. The Kenilworth Corridor is a unique treasure for both its users and for the nearby residents; a treasure worth taking all possible actions to minimize any potential harm that might result from the proposed Transitway. Toward this end, the Group's sole purpose is to protect the future use and enjoyment of the many environmentally and historically sensitive features of the Corridor.

E2

It is important that the Final Environmental Impact Statement ("FEIS") clearly recognize that the Kenilworth Corridor has unique and environmentally-sensitive features, which are unlike those found in the typical urban land use that the DEIS repeatedly states "dominates the study area." As discussed more fully below, a number of these unique features are concentrated in the portion of the Kenilworth Corridor which would be affected by the proposed Transitway bridge over Cedar Lake Parkway and by the new bridge structure(s) over the Kenilworth Channel.

E2

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N8

The following comments relate to the LRT 3A (LPA) alignment of the Transitway. All the environmental impacts discussed below would become substantially more severe were the LRT 3A-1 (freight rail co-location) alternative chosen and implemented.

D

<sup>1</sup> MPRB Comments on the Southwest Transitway DEIS, dated December 5, 2012; page 8.

**Cedar Lake Parkway Overpass:** For numerous reasons, the intersection of the proposed Transitway and Cedar Lake Parkway has the potential for significant environmental impact. Those reasons include: (i) Cedar Lake Parkway is part of the Grand Rounds Historic District, which is eligible for inclusion on the National Register of Historic Palaces (NRHP); (ii) MPRB park land, including a public beach on Cedar Lake, lies immediately to the west of the proposed intersection; and (iii) the DEIS traffic analysis projected significant traffic delay at the Transitway/Parkway intersection if it were an at-grade crossing and, therefore, proposed that the Transitway cross Cedar Lake Parkway via an overhead bridge. Unfortunately, the environmental analysis of the proposed bridge receives inadequate analysis in the DEIS. The following examples are illustrative of the deficiencies:

S4

P4

- The DEIS contains no assessment of the potential noise or visual impact of elevating the Transitway and associated infrastructure to a height of roughly forty feet above ground level nor the bridge's potential violation of the City of Minneapolis' Shoreland Ordinance.
- The DEIS has no analysis of potential measures to mitigate the visual, noise and other impacts of the proposed bridge.
- The DEIS has no analysis of a below-grade alternative for the Transitway crossing, such as proposed by the MPRB in its comments.
- While the DEIS acknowledges that the proposed bridge "would have a substantial impact on this historic landscape," consideration of the impact is deferred until review is completed pursuant to Section 106 of the National Historic Preservation Act of 1966. It is unclear whether the FEIS will include any analysis of the "substantial impact," as it must.
- Consideration of the acknowledged architectural impact is similarly deferred to the Section 106 process.

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S3

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These deficiencies must be addressed in the FEIS or its analysis of the potential environmental effect of the proposed Transitway will remain clearly inadequate.

E8

Separate from the above-noted deficiencies, the DEIS is also deficient in its analysis of whether the proposed overpass constitutes a direct use of Cedar Lake Parkway under Section 4(f) of the U. S. Transportation Act of 1966 and implementing regulations. While the DEIS acknowledges that Cedar Lake Parkway is a "property" under Section 4(f), it does not provide any basis for why the proposed bridge does not constitute a "use" of the Parkway pursuant to Title 28, Section

E8

S1

774.3 of the Federal Code of Regulations which implement Section 4(f). The DEIS is similarly silent as to why the proposed bridge would not constitute a “constructive use” of either Cedar Lake Parkway or the MPRB park land to the immediate west of the proposed bridge. Minimally, that determination would require an analysis of the projected noise level increase resulting from the use of the proposed bridge by light rail transit vehicles.<sup>2</sup> No such analysis was done.

S1

E8

The unexplained determination that neither Cedar Lake Parkway nor the adjoining park land is entitled to the protection of Section 4(f) is significant insofar as it would allow construction of the proposed bridge without a determination that “no feasible and prudent avoidance alternative exists” and that “the action includes all possible planning to minimize harm to the property.”<sup>3</sup> This deficiency must be corrected in the FEIS.

E2 S1

**Kenilworth Channel:** The proposed LRT 3A (LPA) alignment crosses the historic and environmentally-sensitive Kenilworth Channel. The Channel is part of the Grand Rounds Historic District and is, therefore, eligible for the National Register of Historic Places similar to Cedar Lake Parkway. As noted in its comments to the DEIS, the MPRB is concerned about preserving the (i) historic character of the 1913 Kenilworth Channel; (ii) the access the Channel provides for wildlife; (iii) the Channel’s year-round recreational use; and (iv) the historic water connection the Channel provides between Cedar Lake and Lake of the Isles which is “a defining characteristic of the Minneapolis Chain of Lakes Regional Park.”<sup>4</sup>

E2

S3

The DEIS acknowledges that the impact of replacing the existing bridge over the Channel “could be substantial because of sensitive receptors traveling in the lagoon.” The DEIS also acknowledges that “the existing bridge and the Kenilworth Lagoon and Channel are historic, located in the Historic Grand Rounds District” and that the “bridge design, bank treatment and aesthetics for the new facility and the potential replacement or modification of the existing pedestrian bridge would have substantial effect on this historic landscape.”

N6

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S4

However, similar to its treatment of the proposed Transitway over nearby Cedar Lake Parkway, the DEIS defers the “Channel issue” to the Section 106 consultation process. Furthermore, no mention whatsoever is made of the applicability of Section 4(f) and the protections it provides. Surely, having acknowledged that the Channel is eligible for listing on the NRHP (a pre-requisite for Section 4(f) protection) and that the bridge design and bank treatment will have a substantial impact on the historic attributes of the Channel, the DEIS should also acknowledge that the new facility would constitute a direct use or, minimally, a constructive use of Section 4(f) protected property. These deficiencies must be rectified in the FEIS. One alternative that should be analyzed is to locate the Transitway in a tunnel under the Channel with the tunnel extending

S1

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<sup>2</sup> Title 23, Section 774.15(e), Code of Federal Regulations.

<sup>3</sup> Title 23, Section 774.3(a), Code of Federal Regulations.

<sup>4</sup> MPRB Comments on the Southwest Transitway DEIS, dated December 5, 2012; pages 22-23.

beyond Cedar Lake Parkway to the south, thereby eliminating the need for the proposed bridge over the Parkway.

E2

**Noise and Vibrations:** Integral to preserving the use and enjoyment of the Kenilworth Corridor is the proper assessment of the projected noise and vibration levels likely to result from construction and use of the Transitway. Within Segment A, the DEIS estimates that there are likely to be 73 moderate noise impacts and 183 severe impacts. It states that “many of the impacts are due to low existing ambient noise levels combined with proximity of residential neighborhoods to the alignment and high speeds of operation.” This analysis is deficient in many respects, including the following:

O5

- It does not appear as though any direct measurement of the existing noise level was taken within the Kenilworth Corridor. The closest location appears to be Kenilworth Place and Upton Avenue South, which is identified as being “representative of noise-level land use in the Kenwood Neighborhood, away from major thoroughfares.” This location does not, however, capture the existing noise level within the Corridor or at adjacent properties.
- As noted above, no analysis was undertaken of the effect of elevating the Transitway over Cedar Lake Parkway. Clearly, noise propagation will increase. A proper noise analysis would determine the level of increase, identify the alternatives available to prevent the increase (such as the below-grade alternative proposed by the MPRB) and recommend measures that might be undertaken to reduce any resulting noise impact.
- While the DEIS does acknowledge that noise levels that result in a severe impact present a compelling need for mitigation, it does not recommend any specific measures for the Kenilworth Corridor even though 183 severe impacts are minimally projected. No analysis, for example, is made of the potential use of Quiet Zones, such as recommended for the freight rail re-location segment through St. Louis Park.
- As pointed out in the MPRB comments, the parkland adjacent to the Corridor has been categorized as a Category 3 land use under Federal Transit Administration (FTA) guidelines. The Kenilworth Preservation Group joins the MPRB in objecting to the classification of the parkland as a Category 3 land use since the adjoining park property is used for passive recreation with a focus on seclusion and serenity and, therefore, qualifies for Category 1 classification. If the parkland were properly designated as

E4

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a Category 1 land use, many locations on park property would likely experience moderate-to-severe noise increases using the FTA noise assessment process.

E4  
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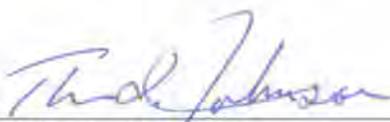
With respect to vibrations caused by the Transitway, the DEIS estimates that there will be 124 vibration impacts within Segment A. Increased train speeds and geological conditions west of Van White station are identified as the causes of the vibration impacts, with the impact borne mostly by single-family and multifamily residences. Here, the DEIS does identify potential mitigation strategies which could be deployed to reduce the vibration impact, such as special trackwork, vehicle specifications, ballast masts and floating slabs. But the DEIS also acknowledges that the need for and selection of specific measures will follow the completion of a detailed vibration analysis. Unless that detailed analysis is completed and mitigation measures chosen prior to the completion of the FEIS, the FEIS analysis will remain inadequate.

O5,  
O6  
E0

Thank you for the opportunity to present these comments on behalf of the Kenilworth Preservation Group.

Sincerely yours,

GRAY, PLANT, MOOTY,  
MOOTY & BENNETT, P.A.

By   
Thomas L. Johnson

TLJ:lmr  
Attachment

GP:3313530 v1

**KENILWORTH PRESERVATION  
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Shryer Margaret  
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Shryer Dave  
31 Park Lane  
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Lisa Bailey  
 <LisaBailey4004@comcast.net>  
 t>

12/31/2012 12:58 PM

To "swcorridor@co.hennepin.mn.us"  
 <swcorridor@co.hennepin.mn.us>

cc

bcc

Subject DEIS for SWLRT

My husband and I (Scott Anderson & Lisa Bailey) are relatively newcomers to Park Lane (we are at 29 Park Lane). We have, however, lived in the Cedar Isles area for over 20 years and have watched various government projects change the character of neighborhoods in this area. Most have been positive so we were stunned to learn that the SWLRT will add a very unattractive and noisy bridge over Cedar Lake Parkway. It seems to us that the bridge fails to take in to account that doing so will destroy the character of the neighborhood and will negatively impact the use & enjoyment of the Kenilworth Trail and the swimming beach.

E8

We ask you to consider that the SWLRT, unlike the Hiawatha or University lines, is situated in the middle of a recreation area and established neighborhoods. Ourselves and our neighbors will watch our property values drop but will gain no real benefit from the line. We believe our losses could be mitigated by having the SWLRT be built below grade and urge you to consider this option.

E4

As a final note, we find it ironic that the 21st Street station is proposed when over the years the City of Minneapolis has spent time and money to regulate activities at Hidden Beach including off street parking. During the summer the 21st Street area is very congested as Hidden Beach grows in popularity. We have no idea why a station would be built that would bring even more off street parking to the area. Moreover, based on what I have seen over the years at Hidden Beach I wouldn't consider walking to or from the station after dark.

11,12

Thank you for consideration of our comments. We have supported light rail over the years but would like to see an alternative to an unsightly bridge over Cedar Lake Parkway.

Sent from my iPad



"Harris, Scott"  
 <scott.harris@leonard.com>  
 12/31/2012 01:28 PM

To "swcorridor@co.hennepin.mn.us"  
 <swcorridor@co.hennepin.mn.us>  
 cc "Cheryl Harris (cherdesign@aol.com)"  
 <cherdesign@aol.com>  
 bcc

Subject Comments to Lightrail Draft Environmental Impact Statement

Please accept our comment to the DEIS. We live at 21 Park Lane in Minneapolis, near Cedar Lake. While we support the expansion of our lightrail system, we have serious concerns about the impact of this proposal at and about the crossing at Cedar Lake Parkway. This is currently a very congested and dangerous crossing, in light of the substantial vehicle, pedestrian and bicycle traffic that converges there. It is also a key point in our wonderful bicycle trail system and a necessary passageway for neighborhood foot and vehicle traffic—as well as a busy thoroughway for non-local traffic. We are strongly opposed to both the grade option under consideration and the proposed bridge option, which promises to be visually intrusive and quite noisy. We believe that an underground solution will best serve safety, traffic, noise and aesthetic interests at this very critical crossing. It also does not appear to us that an underground approach is disproportionately expensive, as compared to the bridge option. We thank you for your careful consideration of this alternative. Truly, Cher and Scott Harris.

E8

E8

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 -----



A.J. Colianni  
<aj@colianni.net>  
12/31/2012 01:38 PM

To swcorridor@co.hennepin.mn.us  
cc  
bcc  
Subject DEIS Comments

Please accept the following comments on the SW LRT. I am a homeowner on Upton Ave an my property is adjacent to the existing trail and HCRRA right-of-way.

Relocation of Freight Rail: We fully support the relocation of freight rail as part of this project, and don't believe that co-locating the freight rail, light rail, and walking / biking trails will be appropriate.

D

Cedar Lake Parkway: We believe that trenching or tunneling the light rail line near the cedar lake parkway is the only acceptable solution. It is currently a difficult intersection with the bike trail and various roads. A trench or tunnel could support a redesign of this intersection that would be safer for all constituents. (chapter 3, page 3-115)

E8

Noise mitigation: Please employ whatever noise mitigation solutions are available to limit the noise from the trains. (chapter 4, page 4-84)

O5

N2

Light pollution: Will the tracks be lit?

Vibration: We currently experience moderate low-frequency vibration from the freight rail. We support the KIAA's opinion that a vibration assessment be performed to determine need for additional mitigation.

O1

Respectfully submitted,

A.J. Colianni  
2520 Upton Ave S  
612-860-5264



"Thom Miller"  
<thom@two-rivers.net>

12/31/2012 01:42 PM

To <swcorridor@co.hennepin.mn.us>

cc

bcc

Subject Comment on the SWLRT DEIS

Please see my attached response to the SWLRT DEIS.

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**See Comment #508 for  
Theme Delineations**

# **SAFETY IN THE PARK!**

## **RESPONSE TO THE SOUTHWEST LIGHT RAIL TRANSIT PROJECT-- DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) DECEMBER 30, 2012**

### **EXECUTIVE SUMMARY**

**Safety in the Park** is a St. Louis Park, Minnesota grassroots, non-partisan neighborhood organization. Safety in the Park promotes safety and livability by working with the county, city, and state to create an alternative solution for proposed increases in freight rail traffic on the former Minneapolis Northfield and Southern (MN&S) Railroad tracks. Safety in the Park is politically unaffiliated and does not endorse any candidates for political office. Safety in the Park represents a large community of concerned citizens in St. Louis Park as evidenced by the attached 1,500 plus signatures on our petition. Safety in the Park welcomes the addition of Southwest Light Rail Transit to St. Louis Park and supports its implementation.

The MN&S freight rail relocation portion of the SWLRT-DEIS is not in the best interests of public safety, railroad operating efficiency or conserving public funds.

**History of the proposed relocation:** In the mid-1990s the Minnesota Department of Transportation (MnDOT) and Hennepin County decided to sever, instead of grade separate, the Milwaukee Road railroad line at Hiawatha Avenue and the repercussions of that decision remain to this day.

Because there is no documentation of analysis or of public input, it can only be assumed that MnDOT and Hennepin County blithely displaced freight traffic from a major piece of railroad infrastructure, the 29th Street corridor and planned to move the freight to the “preferred location” on the MN&S a little-known, little-used former electric interurban line, and gave no thought to the negative impact of this action. Due to contaminated land the move to the MN&S was delayed and the freight trains were instead moved to the Kenilworth Corridor which was owned by the Hennepin County Regional Rail Authority (HCRRA).

Since the move to the to Kenilworth Corridor, the HCRRA has worked tirelessly to remove the freight from the Corridor and establish the freight in MnDOT’s “preferred location,” the MN&S. Each time MnDOT or the HCRRA brings up the wish to move the freight traffic the City of St. Louis Park has answered with a resolution stating that re-routed freight traffic would not be welcomed in the city. The first resolution was passed in 1996 with subsequent resolutions in 2001, 2010 and 2011.

Instead of honoring the resolutions and negotiating a compromise, the HCRRA has repeatedly ignored the St. Louis Park resolutions, maligned and marginalized the residents of the MN&S study area and then moved forward with its plans citing “promises made “ to the residents of the Kenilworth area as the reason for the action. These promises have no foundation in fact; documentation of the specific nature of the promises, who made the promises and to whom they were officially made, and why the alleged promises should be afforded the weight of public policy, does not exist.

On May 16, 2011 MnDOT issued an Environmental Assessment Worksheet (EAW) that spelled out how a re-route of freight traffic from the Bass Lake Spur owned by the Canadian Pacific Railroad (CP) to the MN&S Spur also owned by the CP might take place. The City of St. Louis Park and Safety in the Park appealed the findings of the EAW document. The EAW was later vacated and is no longer a valid document.

On September 2, 2011 the Federal Transportation Administration officially added the MN&S re-route to the SWLRT project.

**SWLRT-DEIS :** The proposed MN&S re-route is included the SWLRT-DEIS due to the FTA’s September 2, 2011 mandate that the re-route be considered a part of the SWLRT project. For 3A (LPA, relocation) to work the MN&S re-route must occur, making the re-route part of the SWLRT and not a connected action. As part of the SWLRT project the MN&S re-route must be included in the “study area” on a regular and consistent basis but the SWLRT-DEIS fails in this regard and violates the essential purpose of the National Environmental Protection Act (NEPA). The purpose of NEPA is to ensure that environmental factors are weighted equally before an infrastructure project can be undertaken by a federal agency. The omission of the proposed re-route leads to incorrect conclusions about the cost of the SWLRT.

Safety in the Park demands that relocation of freight traffic be analyzed as diligently as the rest of the SWLRT project. Unless the current version of the SWLRT-DEIS is amended significantly, the health, well-being and safety of St. Louis Park residents will be compromised by the proposed relocation of mainline freight rail traffic from the Bass Lake Spur onto the MN&S Spur. More than 1,500 residents have signed a petition insisting on fair treatment by the government agencies proposing the relocation.

Concerns about the inconsistencies in the SWLRT-DEIS can be found in detail in the following summary:

- Lack of reasoning behind the need for the re-route due to the fact that a viable, less costly and safer option exists with co-location of freight traffic and SWLRT in the Kenilworth Corridor (Chapter 1)
- Lack of concern for Interstate Commerce
  - The late notification about the existence of the SWLRT-DEIS to the Surface Transportation Board (STB) Wednesday, November 28, 2012
  - Implementation of SWLRT could cause disruption of rail service to TC&W clients (Chapter 1)
  - The Memo Dated December 10, 2012 from the STB to the FTA received incomplete answers. (Chapter 1)
- Lack of public input and documentation (Chapters 2 and 12)
  - No documentation of analysis for determining MN&S as preferred location for freight after the freight tracks in the 29th Street Corridor were severed
  - No documentation of promises made to the residents of Kenilworth area
  - The MN&S re-route was not part of the scoping and decision making when route 3A (LPA, relocation) was chosen
- Lack of accurate study into the direct impacts of the proposed relocation with respect to
  - Social Impacts (Chapter 3)
  - Environmental Impacts (Chapter 4)
  - Economic Effects (Chapter 5)
  - Transportation Effects (Chapter 6)
  - Section 4(f) Evaluation (Chapter 7) - Specifically the use of 0.81 acres of Cedar Lake Park which is currently being used for freight trains.
- Lack of inclusion of methodology used to determine the cost of the SWLRT project. (Chapter 8) This lack of methodology is particularly glaring in light of the fact that a \$100,000,000 “typo” occurred
- Lack of an analysis of the indirect and cumulative impacts caused by the proposed freight relocation (Chapter 9)
- Lack of analysis of Environmental Justice (Chapter 10)
- Lack of 23 CFR 771.111(f) analysis to determine if the relocation of freight is “feasible or prudent” (Chapter 11)

**Action requested:** Halt any decision on the freight relocation issue until further study is completed such that the missing information and flawed assumptions can be addressed. This secondary study needs to have a scope agreed upon by the city of St. Louis Park, Safety in the Park, and railroad companies. Furthermore, the secondary study must be conducted by a government agency and engineering firm not previously associated with the proposed re-route.

Once the new study is completed, a computer generated simulation representing all of the new findings should be produced. This simulation will help residents and elected officials who are not engineers understand the impacts of the proposed re-route prior to making decisions.

**Conclusion of analysis of this SWLRT-DEIS response:** Applying the “test” from 23 CFR Sec. 774.17 reveals that the proposed reroute in LRT 3A (LPA) is neither “feasible nor prudent.” Therefore, the use of 0.81 acres of Cedar Lake Park according to the Act of 1966 codified at 49 U.S.C. 303 and 23 U.S.C. 138 will not impede the building of SWLRT.

LRT 3A-1 (Co-location) best meets the Southwest Transitway project’s Purpose and Need Statement as expressed by the goals of improving mobility, providing a cost-effective and efficient travel option, preserving the environment, protecting quality of life, supporting economic development, and developing and maintaining a balanced and economically competitive multimodal freight system. **In light of the facts presented in this SWLRT-DEIS response Safety in the Park recommends that LRT 3A-1 (Co-location) be chosen as the only viable option for SWLRT.**

## CHAPTER 1 - PURPOSE AND NEED FOR THE PROPOSED ACTION:

1.0 - The essential purpose of the National Environmental Protection Act (NEPA) is to ensure that environmental factors are weighted equally before an infrastructure project can be undertaken by a federal agency. The SWLRT-DEIS does not fulfill the essential purpose of NEPA. The SWLRT-DEIS is not an objective analysis of the environmental impacts of the proposed freight rail re-route (3A, LPA re-route) and the proposed co-location freight rail alternative (3A -1 LPA co-location). Instead of being objective the SWLRT-DEIS is written as an advocacy for the favored outcome. SWLRT-DEIS employs a variety of methods to mislead the reader and the Federal Transportation Administration into believing that co-location is not a “feasible or prudent” (NEPA [23 CFR 771.111(f)]) alternative, when in fact the exact opposite is true. The methods used include, but are not limited to inconsistent use of vocabulary, highlighting aspects of co-location while glossing over the same aspects of relocation, manipulation of the co-location site to include more area and completely omitting information about the re-route option that would call the feasibility of that option into question.

1.1 - Although Safety in the Park! does not disagree with the need for the Southwest Light Rail Transit (SWLRT) Project, we do disagree with the need for the re-routing of freight trains from what is referred to in the SWLRT - DEIS as the Canadian Pacific(CP) Bass Lake Spur to the Minneapolis, Northfield and Southern ( MN&S) Subdivision and the Burlington Northern Santa Fe (BNSF) Wayzata Subdivision. Using the term “Subdivision” in relation to the MN&S is not only incorrect it but it is also misleading. According to officials at the CP the correct classification of the MN&S is a spur line that is part of the Paynesville Subdivision. The use of the term subdivision when describing both the MN&S and the BNSF in St. Louis Park misleads the reader into thinking the MN&S and the BNSF are similar if not equal in layout and usage. This could not be further from the truth. The Bass Lake Spur and the BNSF Wayzata Subdivision were both built to Main Line rail specifications. They both have wide R-O-W, few if any at grade crossings and they are relatively straight and free of grade changes. Conversely, the MN&S was built as an electric interurban and like all interurban has tight R-O-W, multiple aggressive curves and significant grade changes. Furthermore, the addition of the connections between these freight rail lines will increase both curves and grades on the MN&S. The connection between the Bass Lake Spur and the MN&S will have an eight degree curve and a grade of .86%. While the connection between the MN&S and Wayzata Subdivision will have a four degree curve and a 1.2% grade differential. (SWLRT-DEIS Appendices F parts 2 and 3 and SEH [http://www.stlouispark.org/webfiles/file/community-dev/techmemo\\_4.pdf](http://www.stlouispark.org/webfiles/file/community-dev/techmemo_4.pdf)) Adding to the misrepresentation of the different rail lines is the name given to the rail property owned by the Hennepin County Regional Rail Authority, locally and recently known as the Kenilworth Corridor. This “corridor” was until it was purchased by Hennepin County a major, mainline rail yard called the Kenwood Yard. This yard held as many as 14 sets of railroad tracks and with the exception of a short section, the land used as a rail yard has not been built upon.

The misrepresentation continues at the bottom of page 1-1 of the SWLRT-DEIS in the second bullet point which states, “The co-location of LRT and TC&W freight rail service on reconstructed freight rail tracks on the CP’s Bass Lake Spur and HCRRA’s Cedar Lake (Kenilworth Corridor)” suggesting that the TC&W tracks in the Kenilworth Corridor had to be “reconstructed” when in fact they had never been removed, and only underwent repairs to put them back into service (1-1). (Safe in the Park - Chapter 1 Appendix – Document 4)

A formal abandonment process never took place (an outline of this history was found in a document, T:TRE/3aTransitPlanning/Kwalker/SLP\_FreightRail/BackgroundforHCRRA\_120709.doc, obtained from the HCRRA through the Freedom of Information Act). (Hennepin County Repair announcements August 27, 2012 - Safe in the Park - Chapter 1 Appendix – Document 4).

Further misuse of the term “abandoned” is found in the last paragraph on page 1-3 , “The LRT line would operate in a combination of environments including operations in abandoned freight rail right-of-way (ROW) acquired by HCRRA, at- grade operations in street and trunk highway ROW, and operations in new ROW that would be acquired from public and private entities” (1-3). When the HCRRA purchased the property in question it was in disuse, but it had not formally abandoned, it was not in use. The difference appears subtle, but it is not. Formal abandonment requires a lengthy legal and administrative process to seek approval from the Surface Transportation Board, which only acquiesces when it has been convinced that the tracks are not needed by any customers or the overall rail system.

#### **1.1.1 - Public Involvement and Agency Coordination Compliance:**

During the scoping process portions of St. Louis Park were denied a voice. Potential participants in the scoping process were told that the freight rail issue did not belong in the discussions for a preferred alternative for the SWLRT. Consequently, the choice of LPA may have been different had the freight rail question been part of the discussion from the beginning. This issue will be documented and explored further in the Chapter 12 of the SWLRT-DEIS comment.

### 1.2.1 - Early Planning Efforts

On pages 1-6 and 1-7 a list of documents used in early planning of the SWLRT is presented. However there are several important documents left off of the list. These documents are not favorable to SWLRT and therefore seem to have been ignored.

- 1996--City of St. Louis Park Resolution--96-73 (Safe in the Park - Chapter 1 Appendix - Document 1)
- 1999--St. Louis Park Task Railroad Study  
[http://www.hennepin.us/files/HennepinUS/Housing%20Community%20Works%20and%20Transit/Regional%20Railroad%20Authority/Authority/Railroad\\_Study\\_March\\_1999.pdf](http://www.hennepin.us/files/HennepinUS/Housing%20Community%20Works%20and%20Transit/Regional%20Railroad%20Authority/Authority/Railroad_Study_March_1999.pdf)
- 2001 City of St. Louis Park Resolution--01-120 (Safe in the Park - Chapter 1 Appendix - Document 2)
- 2010 City of St. Louis Park Resolution--10-070  
[http://www.stlouispark.org/webfiles/file/freight\\_rail.pdf](http://www.stlouispark.org/webfiles/file/freight_rail.pdf)
- Short Elliot Hendrickson Inc. (SEH)--Comparison of the MN&S route and the Kenilworth route--[http://www.stlouispark.org/webfiles/file/community-dev/techmemo\\_4.pdf](http://www.stlouispark.org/webfiles/file/community-dev/techmemo_4.pdf)
- 2011 City of St. Louis Park Resolution 11-058  
[http://www.stlouispark.org/webfiles/file/community-dev/5-31-11\\_resolution\\_relating\\_to\\_freight\\_activity\\_in\\_slp.pdf](http://www.stlouispark.org/webfiles/file/community-dev/5-31-11_resolution_relating_to_freight_activity_in_slp.pdf)
- Evaluation of Twin Cities and Western Railroad responses(EAW)  
[http://www.mnsrailstudy.org/key\\_documents](http://www.mnsrailstudy.org/key_documents)

To understand the opposition to the proposed reroute the documents listed above must be included in an objective evaluation of re-route portion of the SWLRT project. Furthermore; the SEH study and the comments to the EAW need to be considered before a conclusion about the freight question in the SWLRT-DEIS can be made.

### 1.2.2 Environmental Review and Project Development Process

This DEIS fails to consider the environmental impacts of the proposed reroute portion of the SWLRT project , but instead promotes a course of action that will redistribute property values from lower income neighborhoods in St. Louis Park to higher income neighborhoods in Minneapolis. The result is a net decline not only of property values, but also to overall public safety of Hennepin County. The reason for the effort to promote the re-route option over the co-location option may be based on undocumented promises touched on in the link below:  
[http://hennepinmn.granicus.com/MediaPlayer.php?view\\_id=10&clip\\_id=1459](http://hennepinmn.granicus.com/MediaPlayer.php?view_id=10&clip_id=1459) (F)11-HCRR-0072

On July 20, 2010 a member of St. Louis Park City Staff requested documentation of the analysis that allowed MnDOT to designate the MN&S as the “preferred location” for TC&W freight traffic after the freight tracks were severed while rebuilding Hiawatha Ave. No documentation was ever received by the City of St. Louis Park. (Safe in the Park - Chapter 1 Appendix – Document 3)

1.2 and 1.2.1: Paragraphs discuss the Scoping Process that should comply with MEPA and NEPA rules pertaining to open-to-the-public meetings, comment sessions, and other public comments options with regard to the Alternatives Analysis. The DEIS admits during that time the city of St. Louis Park, residents and businesses were instructed in writing that the freight rail reroute was a separate issue not to be considered with the SWLRT. Therefore the entire time of “public comment” to decide the AAs should be considered null and void because citizens and municipalities were not properly informed of the environmental impacts of the LPA (1-6). During this same time the HCRRA was aware of resolutions made by more than one St. Louis Park City Council opposed the re-routing of freight trains. Had the reroute been considered a connected action during that time, it may have significantly changed support for the LPA by the city of St. Louis Park. Although the process may not have legally violated MEPA and NEPA standards, it did violate the spirit of the law.

#### 1.3.2.1 - Declining Mobility

The SWLRT-DEIS continues its misrepresentation of information in its discussion of declining mobility. At the bottom of page 1-9 and the top of page 1-10 a list of current “employment centers” is given. The second item in a bullet point list is “St. Louis Park’s Excelsior and Grand – 10,000 jobs” (1-9, 1-10). This information is false. According to the City of St. Louis Park web-site demographics of employment ([http://www.stlouispark.org/webfiles/file/stats/employment\\_stats.pdf](http://www.stlouispark.org/webfiles/file/stats/employment_stats.pdf)) there are a total of 10,078 jobs in St. Louis Park. Many of these jobs are not near the proposed SWLRT alignment. The list on the city web site does not assign any number of jobs to the Excelsior and Grand area.

Following the list of “employment centers” (1-10), there is a general discussion about the congestion that could occur should the SWLRT not be built. This information is based on the United States Census conducted in the year 2000. The U.S. Census web site no longer shows census data from the year 2000 (<http://quickfacts.census.gov/qfd/states/27000.html>) making substantive comment on the data in SWLRT-DEIS impossible for the average resident of Hennepin County. Also, based on this old, unavailable information that does not take into account the downturn in the economy in 2008, vague generalizations are made. For example: “Current express bus travel times may increase, despite the current use of shoulder lanes” (1-10).

A simple if/then statement can be used to sum up and sow doubt on the conclusions made. If the information about St. Louis Park is false then what other information in the document is false?

### **1.3.2.2 - Limited Competitive, Reliable Transit Options for Choice Riders and Transit Dependent Populations including Reverse Commute Riders**

Information and generalizations based on the unavailable and outdated 2000 Census are used and therefore all of the DEIS' conclusions are brought into question. When the 2000 Census is not the source of information the exact source and date of the information is often not provided. An example from page 1-10 of the SWLRT- DEIS is a case in point. "A number of major roadways in the study area such as TH 100 and TH 169 are identified by MnDOT as experiencing congestion during peak periods." (1-10) Who at MnDOT made this assertion? When was it made? Was the upcoming rebuild of TH 100 in St. Louis Park taken into account? (<http://www.stlouispark.org/construction-updates/highway-100-reconstruction.html>)

Although the information in section 1.3.2.2 does not discuss the proposed re-route portion of the SWLRT, it does speak to the general misrepresentation of information in the SWLRT.

### **1.3.2.3 - Need to Develop and Maintain a Balanced and Economically Competitive Multimodal Freight System**

It is easy to agree in theory with the need for a vibrant freight rail system in a growing economy. However, the unsubstantiated and false assertions in this section make it impossible to agree that rail connections between the Bass Lake and MN&S spurs and the MN&S spur and the BNSF Wayzata subdivision are necessary for the greater good.

The SWLRT-DEIS states, "The construction of a new connection between the Bass Lake Spur and the MN&S Spur, a new connection between the MN&S Spur and the BNSF Wayzata Subdivision, and the upgrading of track on the MN&S Spur are included as recommended actions in the Minnesota State Rail Plan" (1-12). No citation is provided as to where in the Minnesota State Rail Plan this assertion can be found. Presented on pages 4-11 and 4-12 of the Minnesota State Rail Plan (<http://www.dot.state.mn.us/planning/railplan/finalreport/MNRailPlanFinalReportFeb2010.pdf>) are text and charts describing the upgrades needed to both the BNSF and the CP prior to 2030. There is no mention of the connections mentioned in the SWLRT-DEIS (4-11& 4-12).

It needs to be noted that the new construction discussed in the SWLRT-DEIS is the same plan used in the EAW vacated by MnDOT on December 20, 2011 (SWLRT-DEIS Appendix F parts 2 and 3). This plan was rejected as unworkable by the TC&W railroad in their comments to the EAW. ([http://mnsrailstudy.org/yahoo\\_site\\_admin/assets/docs/Railroad\\_Comments.18891450.pdf](http://mnsrailstudy.org/yahoo_site_admin/assets/docs/Railroad_Comments.18891450.pdf))

The next three sentences in this section are also misleading. “Providing a direct connection to the north- south MN&S line would improve accessibility to CP’s Humboldt yard. Currently TC&W interchanges with the CP at their St. Paul yard. Although the Humboldt Yard is much closer, the inefficiency of the existing connection is so great that the extra distance to St. Paul is less onerous” (1-11 and 1-12). These sentences imply that most if not all of the TC&W’s business is with the CP. They also mistakenly imply that the TC&W will be happy to get the connection because it will improve the company’s efficiency. However, the comments made by the TC&W in the EAW show just the opposite ([http://www.mnsrailstudy.org/key\\_documents--TC&W comments](http://www.mnsrailstudy.org/key_documents--TC&W_comments), page 1, last paragraph; also page 3, first bullet point under “Inaccuracies in the EAW...”). The STB Memorandum to Federal Transit Administration, Region V: Questions and Responses for Surface Transportation Board dated December 10, 2012 received incomplete responses about the interconnection needed for the relocation plan to work. The maps given to explain the new interconnects lacked reference to the extreme grade changes that will take place. Figure 1: Relocation Alternative, MN&S Spur does not indicate the need for a mile long ramp to accomplish the .86% grade ([Figure 1: Relocation Alternative, MN&S Spur](#)) needed to connect the Bass Lake Spur to the MN&S Spur. Furthermore, Figure 3: Relocation Alternative, Re-Established Connection does not describe the 1.2% grade needed to reestablish the connection between the MN&S Spur and the Wayzata Subdivision. ([Figure 3: Relocation Alternative, Re-Established Connection - MN&S Spur to Wayzata Sub](#))

Missing completely from the discussion of the TC&W using the MN&S Spur to go to the Humboldt Yards in New Hope is the impact the added freight traffic will have on Northern St. Louis Park, Golden Valley, Crystal and New Hope. In St. Louis Park alone there are two at grade rail crossings on the MN&S north of the BNSF. One of the crossings is Cedar Lake Road, a major east/west roadway through St. Louis Park yet the SWLRT does not document the traffic counts and the impacts of the crossing being closed on a regular basis.

Reading the last sentence in the first full paragraph of page 1-12 and the non sequitur of the next full paragraph continues the misleading information.

*“The proposed connection in St. Louis Park allows the TC&W an alternate route at those times when the BNSF route is not available.*

*Moving commodities along freight rail lines rather than by semi-trailer truck on the roadway system has a significant effect upon the region’s mobility. TC&W reports that an average train load equates to 40 trucks on the roadway system. Maintaining freight rail connections as a viable method for transporting goods to, from, and within the Twin Cities region contributes to the healthy economy of this region. As the roadway network continues to become more and more congested, moving commodities by freight rail will become more competitive” (1-12).*

Placement of the above passage in the context of the discussion of the MN&S interconnects implies that without the interconnects the TC&W will have no choice but to use semi-trucks to move their freight. The HCRRA's praise for the economic and environmental virtues of freight railroads is laudable but at odds with HCRRA's continuing long-term policy of pushing freight rail traffic to ever more marginal scraps of infrastructure. Examples of the HCRRA's displacement of freight railroad traffic from their purpose-built and most direct and efficient routes includes the closure of the former Milwaukee Road mainline that was used by the TC&W and ran below grade through south Minneapolis, and the constriction of the BNSF mainline adjacent to Target Field in Minneapolis. In both of these cases freight rail traffic ceded right-of-way to relatively frivolous purposes, a bicycle trail for the Milwaukee Road mainline and a sports stadium and bicycle trail that constricts the BNSF Wayzata subdivision. The wording of the DEIS uses the phantom assumption that the further constriction of the BNSF line at Target Field by the SWLRT is a fait accompli and re-routing the TC&W is the only alternative to trucking, but leaving the TC&W traffic in its current route provides it a straighter, flatter, safer, shorter, less costly and more direct route to its most important destination in St. Paul. There are other alternatives to placement of the SWLRT and the bicycle trail that will not constrict freight rail traffic at Target Field.

Severing the TC&W's current route through the Kenilworth Corridor as proposed by the SWLRT-DEIS would have the opposite effect of "maintaining freight rail connections as a viable method for transporting goods" (1-12).

The multitude of unsubstantiated and false assertions in this section make it impossible to agree that rail connections between the Bass Lake and MN&S spurs and the MN&S spur and the BNSF Wayzata subdivision are necessary for the improvement of the Twin Cities rail network. Therefore the bullet pointed benefits at the end of this section are not benefits under the current engineering plan in the SWLRT-DEIS.

- *Access to the Savage barge terminal would improve.* The SWLRT-DEIS only has one connection from the Bass Lake Spur to the MN&S Spur. That connection curves north. For the access to Savage to improve there would also need to be a connection from the Bass Lake Spur to the MN&S Spur curving south.
- *Access to CP's Humboldt Yard and other locations on the east side of the metropolitan area would be improved.* The Humboldt Yard is on the north side of Minneapolis, not the east side of the metropolitan area. The problem would not be the access itself, but with the lack of efficiency and economic benefit to the TC&W of that access. The TC&W comments on this point in their EAW comments.  
[http://www.mnsrailstudy.org/key\\_documents](http://www.mnsrailstudy.org/key_documents)
- *An alternate route that avoids the downtown Minneapolis passenger station would be available to the TC&W.* Again, the route would be available, but would not prove to be of an economic benefit.
- *The quality of the north-south rail line would be upgraded.* Because the overall benefit of the interconnection does not exist, there is no need to upgrade the current track. (1-12)

#### 1.4 - **Project Goals and Objectives**

The goals and objectives of the SWLRT-DEIS project are not applied equally to all residents in the study area and this is in violation of the essential purpose of NEPA. The 6 goals stated if implemented without alteration will have a detrimental impact on the residents of St. Louis Park. This details of the detrimental impact will be discussed further in this comment to the SWLRT-DEIS.

1. *Improve mobility* - Due to blocked crossings and the closed crossing at 29th Street mobility in the MN&S reroute area will decrease.
2. *Provide a cost-effective, efficient travel option* - The design as stated in the SWLRT - DEIS is not cost effective for the railroads, and there is no discussion of reliable funding for maintenance
3. *Protect the environment* - The environment in the vicinity of the MN&S will deteriorate. The problems include but are not limited to an increase of noise and vibration and diesel fumes from locomotives laboring to climb steep grades will impact air quality and the threat of derailment and crossing accidents impacts the safety of residents.
4. *Preserve the quality of life in the study area and the region* - Quality of life will decrease in the MN&S area.
5. *Support economic development* - Property Values and Small business will be negatively impacted.
6. *Support economically competitive freight rail system* - Should the proposed reroute be built the opposite to this goal will be accomplished. The rail system in St. Louis Park will not be safe, efficient or effective (1-13 & 1-14).

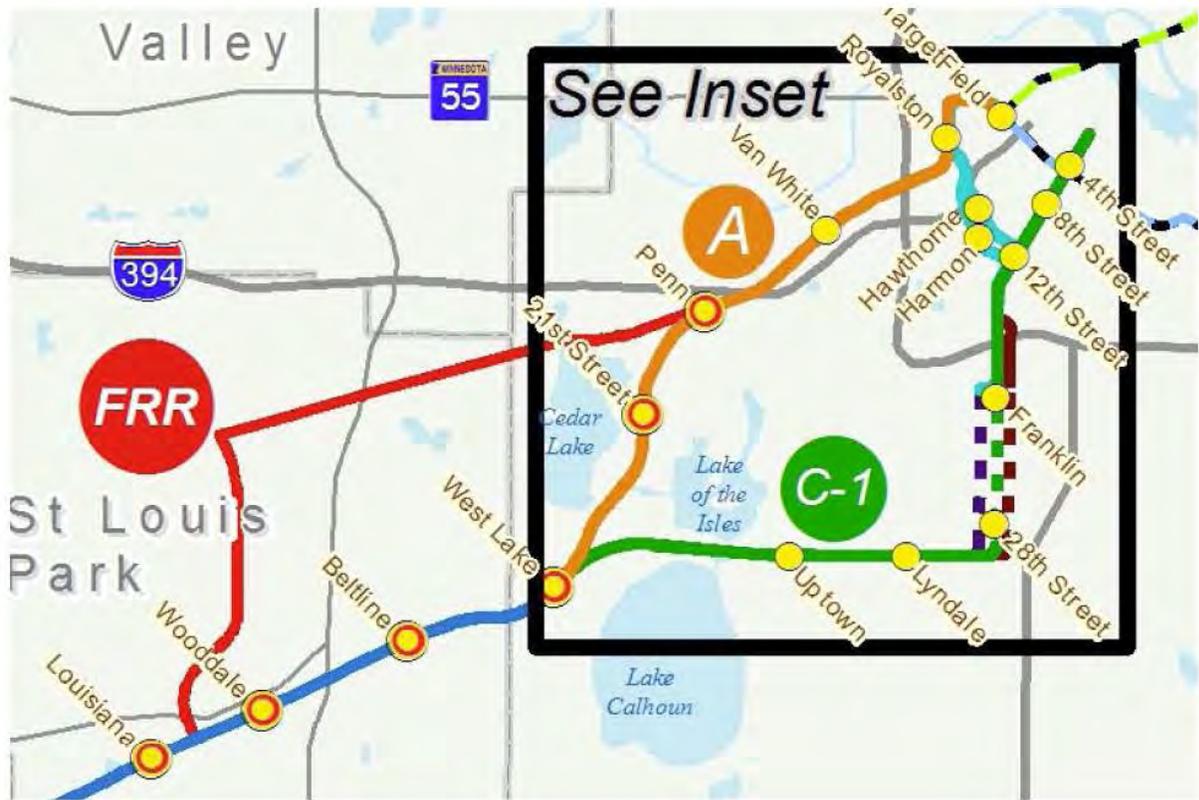
## CHAPTER 2 - ALTERNATIVES CONSIDERED

2.1.2 and 2.1.2.1: Paragraphs discuss the Scoping Process that should comply with MEPA and NEPA rules pertaining to open-to-the-public meetings, comment sessions, etc. with regard to the Alternatives Analysis.. However, as the DEIS admits; during that time the City Council of the city of St. Louis Park, the city's residents and businesses were instructed in writing that the freight rail was a separate issue not to be connected with the SWLRT. (The DEIS walks through those events in detail) Therefore this entire time of "public comment" to decide the alternatives should be considered null and void because citizens and municipalities were not properly informed of the environmental impacts of the LPA. That fact should void the entire process for selecting an LPA, an early step in the development of SWLRT, especially when considering that opposition to the re-route by the city of St. Louis Park was not merely implied but the topic of repeated resolutions passed by the city. The city's position was clear. Had the reroute been considered a connected action during that time, it may have significantly changed the question of support for the LPA by the city of St. Louis Park. Furthermore, the process was not consistent with MEPA and NEPA guidelines. Furthermore this influences all of the topics in the DEIS where it is noted that alternatives other than the LPA are not consistent with planned development. This phrase is used repeatedly and refers only to the fact that plans surround the LPA.

2.3.1.3 This is a discussion of the number of trains using the current route. This discussion is not up-to-date. The TCW has added additional trains in the last six months.

2.3.3.1: Discusses the easement rights of St. Louis Park for a portion of land. Though the easement is set aside for railroad development in St. Louis Park, the DEIS is written to appear as though St. Louis Park agreed to the re-route. As stated above, resolutions have repeatedly passed by the city opposing a re-route. In addition the state statute, 383B.81, is quite clear that the easement exists for railroad operations but DOES NOT provide any conditions for St. Louis Park agreeing to railroad operations, only that the land can be used for that purpose.

2.3.3.4 Build Alternative Segments: THERE IS A MAJOR FLAW HERE THAT AFFECTS THE ENTIRE DEIS. This section outlines the segments of the route to be analyzed throughout the DEIS but does so incorrectly. The FRR segment is correctly identified. However, segment "A" includes a long portion of track that will NOT BE AFFECTED by a re-route or co-location. It incorrectly adds all of the people, lands, buildings, institutions, etc. to the Segment "A" when that Section "A" should only include the area between the planned West Lake station and the planned Penn Station; the co-location area. The area from the planned Penn Station to the Target field station is common to both the FRR segment and Segment A. and effects in that area should not be attributed to any segment.



## CHAPTER 3 SOCIAL EFFECTS:

1-1.1 discusses the area studied--The study area is wholly incorrect in regard to the Freight Rail Reroute, and the areas chosen for study therefore affect all of the conclusions and render them inaccurate.

The DEIS discusses the area studied to be a ½ mile radius from the LRT track. However, that ½ mile radius is only applied to the LRT portion, not the FRR portion. The text says “the study area has been defined as the area within a one-half mile radius of the proposed Build Alternatives.... and includes the area of the Freight Rail Relocation segment.” The ½ mile area of study does indeed include the FRR area, but does not include a ½ mile radius from the FRR (MN&S tracks) Therefore, much of the area that includes people, schools, institutions, and lands that will be affected by the re-route are not being tallied as an affected area.

An argument can actually be made that not only should the FRR track area of study be a ½ mile radius, but in fact because the weight, vibration, noise, etc. are greater for freight trains than light rail trains, an even broader area should be studied for the FRR.

In section 3.1.2.7, the reported MN&S land use is generalized as follows: the largest proportion of land use along this segment is at over 40% housing; park and undeveloped over 15%; schools about 7%, and industrial/retail/office about 7%. That these figures are generalizations (“over 40%” and “about 7%”) indicates cursory attention to the affected areas. In addition, the land use area along the MN&S is not specified. The DEIS does not report the area being considered. To illustrate my point, it is stated that the co-location area of consideration is within ½ mile of the track, but there is nothing stated about the distance from the track for the reroute.

In section 3.1.2.4, the reported land use along the co-located route is far more specific, indicating careful study: 19.8% housing; 14.1% parks and open space; 10.7% water; and 11.3% industrial.

In spite of the fact that more than 70% of land use along the MN&S directly impacts human activity—but only 45.2% of land use surrounding co-location impacts human activity—the DEIS claims the reroute is the preferred option.

It is unacceptable that the decision to move main-line freight to a spur track be made without careful, serious study. Hennepin County has not seriously considered the negative impacts on community cohesion or safety impacts on residents, school children, and commuters within St. Louis Park. The DEIS fails to accurately or objectively report impacts on rerouted freight traffic.

3.1.8 Summary of Land Use: it's unclear why the 3A-1 is not compatible with existing land use and the 3A is when the freight trains currently run on 3A-1.

On the same summary under the metric: Consistent with adopted regional and local plans, the 3A-1 is listed as Incompatible. This is because the Met Council and others have simply planned for freight rail to go away. (See above argument about the choice of the LPA.

On page 3-15 in the land-use section, the DEIS claims that six separate studies “concluded the best option for freight rail operations was to relocate the TC&W freight rail operations to the MN&S line” (3-15). However, what is missing in chapter three is a list of these “six separate studies.” If the DEIS is referring to studies, then there are serious flaws in each “study,” including the fact that most of them are not true studies at all. The possible studies are listed and outlined in the document below:

### **Freight Rail Studies**

#### Freight Rail Realignment Study, TDKA—November 2009

- Undertaken for Hennepin County after the locally preferred alternative for SWLRT was chosen. Needed to support SWLRT locally preferred alternative
- No engineering took place

#### Analysis of co-location of Freight and SWLRT, HDR—August 2009

- Written for Hennepin County to support what is now the locally preferred option.
- No engineering took place

#### Evaluation of Twin City & Western Railroad (TCWR) routing alternatives, Amphar Consulting—November 2010

- Co-location and re-route are not discussed in this report.

#### Analysis of Freight Rail/LRT Coexistence, RL Banks—November 29, 2010

- December 3, 2010 – Francis E. Loetterle, lead engineer for RL Banks study issued a letter admitting mistakes made in co-location analysis.
- Study is flawed.

#### MN&S/Kenilworth Freight Rail Study, SEH—February 2011

- Used best-fit engineering
- Co-location and re-route possible **without** taking properties
- Co-location less costly

#### MN&S Environmental Assessment Worksheet (EAW), MnDOT—issued May 16, 2011

- Co-location not mentioned in this document
- December 19, 2011—EAW was vacated.
- It is no longer a valid document.

On page 3-22, the HCRRA Staff Report on Freight Rail Relocation (August 2011) is cited as evidence that relocation is the preferred option. Yet, when I click on the link, the web page cannot be found.

In section 3.1.3.1, the DEIS concludes that “re-locating the freight rail activity . . . is identified most frequently by the plans as being the desired alternative for the SW Transitway” (3-26).

Further down, the DEIS includes **Table 3.1-2 Summary of Local and Regional Comprehensive Plans and Studies** (3-20 – 3-26) which identifies three plans that make co-location incompatible, but re-location the desired option.

The three plans are the *Hennepin Transportation Systems Plan (2011)*, the *Hennepin County Sustainable Development Strategy 2011*, and the *Minneapolis Parks & Recreation Board Comprehensive Plan (2007)*.

The link provided for the *Hennepin County Transportation Systems Plan (2011)* connects to a page that states, “The webpage cannot be found.” Regardless, the fact that the plan was published in 2011—AFTER the Environmental Assessment Worksheet was vacated by MNDOT because the document couldn’t defend its position to reroute freight traffic to the MN&S suggests the reroute plan by Hennepin County is biased and invalid.

The problem of validity is the same for the *Hennepin County Sustainable Development Strategy 2011*. However, this document is problematic for a variety of reasons. The link does not lead to a document that clearly states the co-location is incompatible with LRT, nor does it comment on rerouting freight from the Kenilworth Corridor to the MN&S at all. The following excerpts included below are the only comments in the document that allude to freight traffic:

Midtown Greenway: this six-mile linear corridor across south Minneapolis, opened in phases from 2000 – 2006, exemplifies how a multi-use trail through a low- and middle-income community can create jobs, stabilize property values, foster redevelopment, and encourage non-motorized transportation choices while preserving the opportunity for future transit. The success of this corridor has been enhanced by the Midtown Community Works Partnership, which has provided leadership through its public and business partners and resources for implementation. (9)

Southwest LRT Community Works: This project exemplifies the county’s sustainable development strategy. The proposed 15-mile, 17-station Southwest LRT line, projected to open in 2017, will run from downtown Minneapolis to the region’s southwestern suburbs. The project has advanced through a decade of feasibility studies, an alternatives analysis, and a draft environmental impact statement. A locally preferred alternative for the LRT line was selected in spring 2010. The project is expected to receive federal approval to enter preliminary engineering in spring 2011.

In anticipation of the Southwest LRT project's entry into preliminary engineering, the Hennepin County Board established the Southwest LRT Community Works project to integrate corridor-wide land use, development, housing, and access planning with the LRT line's engineering and design. Southwest LRT Community Works, in collaboration with the Metropolitan Council and its Southwest LRT Project Office, will integrate LRT engineering and land use planning from the outset of the preliminary engineering process. This coordinated work, which also engages the cities and many other stakeholders along the corridor, seeks to maximize economic and community benefits of public transit investments and stimulate private investment within the corridor. [See box for additional information]. (10)

[Box with additional information] ORGANIZATIONAL MODEL

To achieve the objective of integrating LRT engineering with land use and development planning, the county and the Metropolitan Council have jointly developed an innovative organizational model with the following features:

- Multiple organizational linkages between the SW LRT Project and the SW LRT Community Works project, including shared business and community advisory committees, to advise and inform both the SW LRT and the SW LRT Community Works governing bodies.
- A project office housing both the SW LRT project engineering and Community Works staff, including two full time professional staff, an engineer and a planner, charged with actively promoting and managing the dialogue between engineering and land use, both within the project office and throughout the community.
- Community meeting rooms and public space for residents to learn about the LRT project and review plans for associated development. Residents will also be able to submit ideas for consideration, view models of LRT and station area plans, and learn of scheduled public meetings and other community engagement opportunities.

Drawing on Community Works' successful program emphasis on employment development, community connections, natural systems, tax base enhancement, and public and private investment coordination, the county is updating old and adding new programmatic elements. These changes reflect the connections between housing, transportation, employment, environment, health, and energy and their emerging integration in national public policy, finance, and philanthropy. (11)

Place matters: While not highly prescriptive, county plans recognize the importance of transportation choices, enhanced economic competitiveness, and equitable, affordable housing in fostering sustainable communities. (11)

Finally, the *Minneapolis Parks & Recreation Board Comprehensive Plan (2007)* contains one brief excerpt included below that mentions transportation corridors, and again, there is no mention of freight traffic whatsoever:

Work with the City of Minneapolis and other entities to identify and support multi-mode transportation corridors between parks, with preference given to routes that encourage non-motorized linkages between parks. (24)

Section 3.1.3.1, “Land Use and Comprehensive Planning: Conclusions” states the following: “Based on the analysis of local and regional plans and studies, it has been determined that . . . relocating the freight rail activity from the Kenilworth Corridor to the previously planned and existing CP Rail corridor through St. Louis Park (Figure 2.3-2), is identified most frequently by the plans as being the desired alternative for the Southwest Transitway” (3-26).

There is no mention in the “plans and studies” listed in the Land Use Chart of the four separate resolutions signed by St. Louis Park city councils and two different mayors in the document. These resolutions are outlined below. In addition, the St. Louis Park Mission Statement and Vision St. Louis Park are not included in the chart, but the visions and mission statements of Minneapolis are included. Nowhere in the vision statements of St. Louis Park is there a desire for rerouting freight traffic from the CP to the MN&S line. These St. Louis Park plans make rerouting freight the incompatible option.

### **City Council Resolutions**

#### *St. Louis Park*

- 1996 resolution 96-73—Opposes any re-routing of freight trains in St. Louis Park. Signed by Mayor Gail Dorfman (now Hennepin County Commissioner)
- 2001 resolution 01-120—Opposes re-routing of freight in St. Louis Park, but points out that the city is willing to negotiate should the need arise.
- 2010 resolution 10-070—Reinforced the 2001 resolution opposing a freight rail re-route.
- 2010 resolution 10-071—Reinforced the 2001 resolution asking for proof that no other viable option for freight exists
- 11-058—Opposes the re-routing of freight because the engineering study commissioned by the city of St. Louis Park proved there is a viable alternative to the proposed re-route.

*Minneapolis* – There are no Minneapolis City Council Resolutions opposing freight continuing in the Kenilworth Corridor.

St. Louis Park did **NOT** agree to accept the re-route in exchange for the cleanup of a superfund site. Below is a link to the statute and an explanation of pertinent passages.

**MINNESOTA STATUTES 2010 383B.81 ENVIRONMENTAL RESPONSE FUND.**

- SUBD 6, which states that an easement is being granted to St. Louis Park for economic development and for rail improvements to replace the 29th St. corridor. This can be interpreted to sound like “it **will** replace the 29th St. corridor and freight trains will be re-routed” and that is why the city of St. Louis Park made their intentions clear in their resolutions. The resolutions were passed in 2001, 2010 and most recently May 2011.
- Nowhere does it state that this money is conditionally granted upon the land being used for a re-route. It merely states that the priority for the site is enough **right-of-way** for railroad operations to replace the 29th St. corridor
- SUBD 8, states that the city must approve any work done on the site.
- The statute is vague as to what the rail improvements would be. If the intent of the statute were to absolutely re-route freight trains to the MN&S, it would say so in those words.
- The reality: If this statute meant that SLP accepted the re-route, the county would merely move forward and cite this statute:  
<https://www.revisor.mn.gov/statutes/?id=383B.81&year=2010&format=pdf>

**Missing documents...**

There are no known documents which support the assertion that the people of Minneapolis were promised the freight trains would be removed.

In 3.1.5.1 “Effects to Land Use and Socioeconomics—Segment A,” the DEIS states, “in order to achieve adequate ROW for placement of the three facilities [existing freight rail, LRT rail, and a bike trail], up to 57 town homes would be removed in the area north of the West Lake Station on the west side of the corridor and 3 single-family houses would be removed north of Cedar Lark Parkway along Burnham Road” (3-34).

Moving the bike trail is not included as a consideration in this DEIS. Even though the DEIS itself cites an additional cost of \$123 million to reroute freight traffic, there is no cost analysis or even consideration for rerouting a bike trail. In addition, the city of St. Louis Park funded its own study regarding the feasibility of co-location when it became clear Hennepin County was not going to study the matter seriously, and this study found co-location possible without taking the 57 town homes. The three houses mentioned in segment A have never been mentioned before, so this property take is unclear.

The DEIS states that for relocation, “land use is not anticipated to change along the primarily residential areas . . . because improvements are within the existing corridor” (3-34). Failure to mention the increased speed (from 10-25 mph), increased grade (to 0.86% ), increased vibrations which have not been studied according to this DEIS, and change in freight (from construction materials to coal and ethanol) constitutes negligence. This DEIS fails to adequately study the very serious impacts on the “primarily residential areas,” not to mention the five schools within ½ mile of the MN&S.

The only mitigation mentioned in section 3.1.7 Mitigation is mitigation for construction. No other mitigation is mentioned. A DEIS of this nature should include mitigation for the community accepting freight rail regardless of its route. A full list of mitigation items has been submitted as a DEIS comment by the City of St. Louis Park

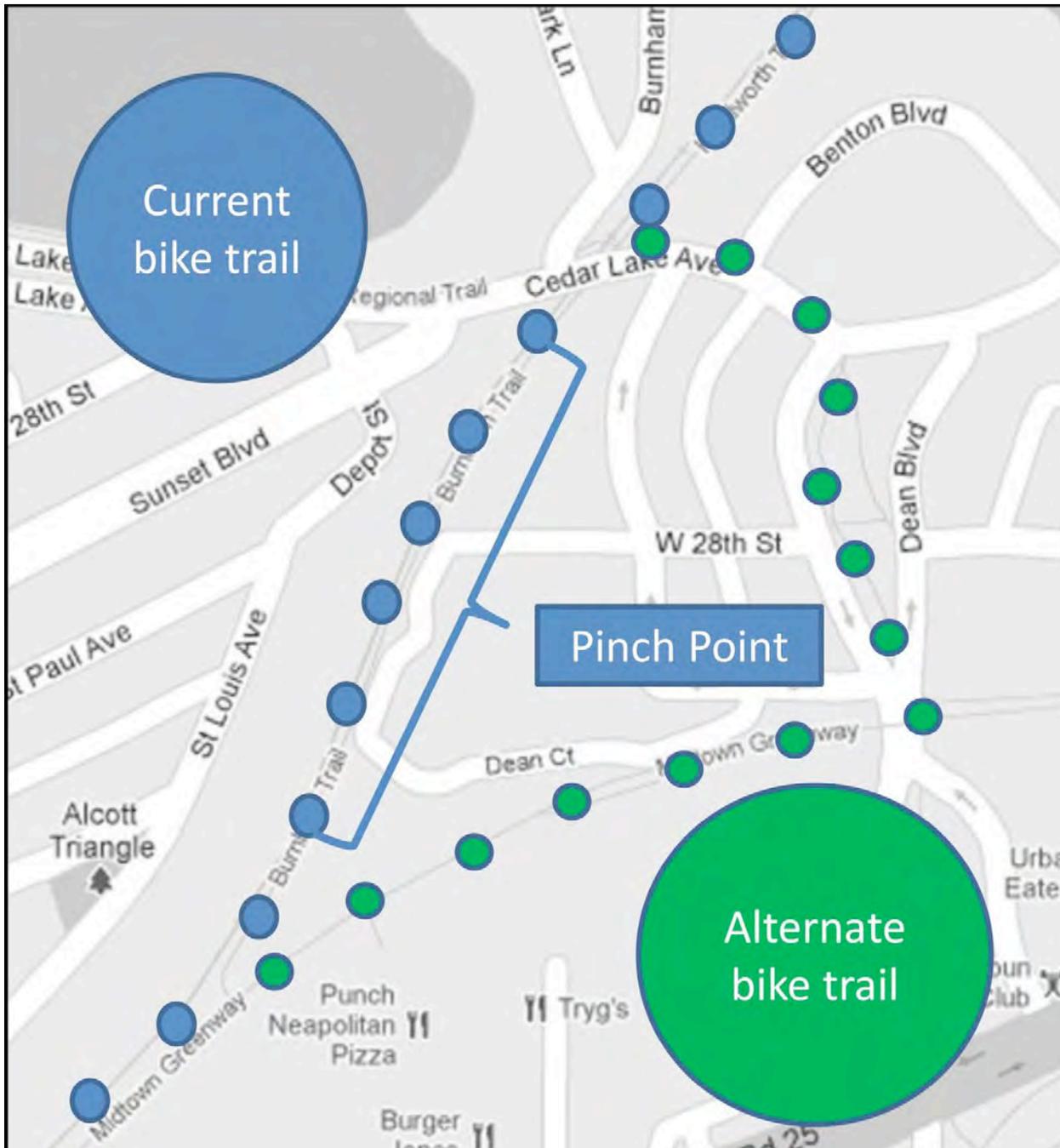
Figure 3-2.1. In this section, neighborhoods are discussed. Again, a very small radius of area is analyzed. The neighborhoods included should be all neighborhoods that where a portion of the neighborhood is within ½ mile of the FRR tracks.

In section 3.2.2.6, “Neighborhoods and Community Cohesion—Segment A,” the DEIS states, “Disruption to the community’s character [with co-location] is the introduction of additional rail facilities, i.e. LRT would be added to existing freight rail operations. With the additional tracks using a wider portion of the HCRRA corridor, the potential to alter historic properties and characteristics of the neighborhood . . . is introduced. The wider corridor with rail operations closer to residences and recreation areas decreases the opportunities for community cohesion” (3-58).

The comment that co-location has “the potential to alter historic properties and characteristics of the neighborhood” fails to recall the historic fact that as many as 14 tracks once occupied that section of the corridor. The historic characteristics of the neighborhood would not be altered at all, but rather, restored—slightly—in the form of one additional resurrected rail line. As described in Minneapolis And The Age of Railways by Don L. Hofsommer (copyright 2005 by Don L. Hofsommer, Published by the University of Minnesota Press) the Minneapolis & St. Louis (M&StL) railroad was operating its line from Minneapolis to Carver, which would have passed through what is now the Kenilworth Corridor, as early as 1871 (pages 36 and 37). At this time in history the MN&S line did not yet exist. The Kenilworth Corridor, then known as Kenwood Yard, continued to be used for mainline freight until the 1980s. The DEIS’ description of the Kenilworth Corridor as “historic,” without consideration of the factual history of the area, further demonstrates bias against co-location rather than serious study.

3.2.2.6 Discussion of neighborhood Cohesions ASSUMES that the 60 townhomes would need taking because of the assumption that the width of the Kenilworth corridor in 1/4 mile section is not wide enough for freight and light rail tracks. In fact, moving the bike trail in that same space would eliminate such a need. “With the co-location alternative, the largest disruption in community cohesion would be the acquisition of 60 housing units” (see Section 3.3).

There is absolutely no discussion of moving the bike trail instead of taking the 60 homes which artificially overstates the costs for co-location. Here is a simple diagram that shows how the bike trail can be re-directed which would cost almost nothing since the entire suggested trail is already a designated bike trail.



In the same section, namely, 3.2.2.6, “Neighborhoods and Community Cohesion—Freight Rail Re-Location Segment,” the DEIS states, “The level of freight rail service through St. Louis Park is not anticipated to change, but would be redistributed to the MN&S Line (Figure 2.3-2). Since the MN&S is an active freight rail corridor and the relocation of the TC&W traffic to the MN&S would add only a small increase in freight rail traffic, significant impacts to community cohesion along the MN&S would not be anticipated” (60).

These statements are flatly incorrect. The relocation of freight will add a significant increase in freight traffic through densely populated residential areas with narrow ROW. Rerouted freight will pass within ½ mile of five schools—within 75 feet of the St. Louis Park Senior High School. In fact, according to the DEIS itself, freight traffic will increase by 788%.

Furthermore, community cohesion will be profoundly, negatively impacted by the increased noise and vibrations due to mile-long coal- and ethanol-carrying trains climbing a grade of .86%, maneuvering through three tight curves in which engineer sightlines are limited to as few as 178 feet. Six at-grade crossings will be blocked simultaneously as the longer rerouted trains travel along the MN&S. The MN&S has never serviced unit trains of coal or ethanol, nor have the trains been longer than 45 cars. Currently, the MN&S services one, 15-20-car train per day, Monday through Friday between 9 a.m. and 6 p.m.—it travels south and returns north once per day. The rerouted traffic will send an additional 258 cars per day, and the trains will effectively travel seven days a week, twenty-four hours per day. These numbers do not include any projected increases in freight traffic.

This DEIS does not seriously consider the detrimental impact on community cohesion for St. Louis Park. It does not include the noise and vibration studies needed for determining real impact as well as necessary mitigation; it does not include traffic counts at the six, at-grade crossings that will experience prolonged blocking due to the rerouted train; it does not include traffic studies that take into account the school bus traffic traveling between the two schools bisected by the MN&S—the St. Louis Park Senior High School and Park Spanish Immersion; it does not take into account the dangerous freight passing within 100 feet and above grade through densely-populated residential areas; and it does not take into account that trains carrying hazardous materials, going around tight corners, accelerating hard to climb the steep grade, or braking hard to travel down the steep grade, will cross on bridges over Highway 7 and Minnetonka Boulevard—two very busy roads—in a compromised position. The rerouted trains would ideally cross on bridges over busy highways/roadways going straight; this is not the case for the MN&S, and there are no derailment studies included in the DEIS that discuss the impacts of this reroute.

3.2.2.6 Quotes “a small increase in freight rail traffic, significant impacts to community cohesion along the MN&S would not be anticipated.” A 788% increase is not small. The average train cars a day traveling the MN&S today is 28. The average daily train cars if the re-route would go forward would be 253 (per S.E.H. Study, April 2011 commissioned by the City of St. Louis Park). It goes on to dismiss other “community cohesion” issues such as:

A. The added freight rail bisects the high school campus, a high school with over 1300 students. This is the primary concern of most St. Louis Park residents. The tracks runs within 35 feet of the high school parking lot and 75 feet of the building itself. The school’s main athletic field is across the tracks from the high school. Children need to cross the tracks very frequently. An entire analysis of this issue along should be in the DEIS. The dangers here are enormous regardless of any planned “whistle quiet” zone. This is particularly dangerous because of the curves of the track and the speed and weight of the trains to be re-routed. The TC&W has publicly stated, and experts agree, that if a child/children are on the tracks for whatever reason, a train WILL NOT BE ABLE TO STOP to avoid a tragedy. With today’s slower, smaller, lighter traffic on that line, trains CAN stop. This is a core issue.

B. The traffic issues of blocking six at-grade auto/ped crossing including school busses entering/exiting the high school and the ripple effect of those issues because our school system “cycles” those buses from school to school.

C. The inherent danger of the longer, faster, heavier freight trains running near hundreds of homes, in some places on elevated tracks.

D. The noise, vibration issues for all residents and schools in the area.

Ironically, the DEIS states that “moving Freight rail service to the MN&S line will benefit the bus transit system by eliminating delays caused by freight rail operations. The removal of freight rail service from the Wooddale Avenue and Beltline Boulevard areas of St. Louis Park and the West Lake Street area of Minneapolis will make these areas more attractive for development/redevelopment, especially for housing” (60).

If moving freight out of an area will benefit that area, then it is certainly reasonable to assume that moving that same freight into another area will cause harm. The DEIS clearly states that “community cohesion along the MN&S would not be anticipated” (60). The document itself contradicts a fundamental issue that it purports to seriously study. This DEIS does not represent a legitimate look at co-location or re-location. It simply documents a wish by county officials to move freight traffic from its historical, logical, and safe location to a different, less-desirable location.

In section 3.2.2.7 titled “Summary of Potential Impacts by Build Alternative,” the following is stated: “LRT 3A-1 (co-location alternative) has the potential for adverse community impacts because of the conflicts that could result from having an excess of activity confined to an area not originally intended for such an intense level of transportation. In this scenario a relatively narrow ROW corridor would be forced to accommodate a freight rail line, LRT, and a multi-use trail creating an even greater barrier to community cohesion in Segment A” (3-61).

Again, the assertion that the co-location area was “not originally intended for such an intense level of transportation” is ludicrous in light of the historical facts. The Kenilworth Corridor (where co-location can occur) was originally an intensively used rail route that contained 9 separate rail lines at its narrowest point, and 15 lines at its juncture with the BNSF. In fact, the bike trail is currently using an old rail bed; this could be used by the LRT line, and safety would not be compromised as a result. Additionally, at-grade crossings would not be blocked simultaneously with co-location, nor would the freight and LRT pass residential housing above-grade, nor would the lines pass five schools within ½ mile, nor would taxpayers needlessly spend an additional \$123 million.

The DEIS also states that “the addition of the Freight Rail Relocation to all of the alternatives above would have a positive impact to adjacent neighborhoods or community cohesion because removal of freight operations along Segment 4 would eliminate a barrier to community linkages” (3-61).

This sentence simply ignores the fact that relocation would profoundly impact community cohesion in St. Louis Park. If the train is rerouted, six at-grade crossings will be blocked simultaneously by unit trains—cutting off emergency vehicle routes; the St. Louis Park Senior High School’s campus will be blocked by these same unit trains for 10-15 minutes at a time; the school’s bus transportation system will be seriously impaired due to the blocked intersection between the high school and Park Spanish Immersion; residents will face the introduction of noise and vibrations never experienced before (and not studied) in St. Louis Park as a result of the intensive grade increase to get the trains from the CP line to the MN&S. There is not one single “positive impact to adjacent neighborhoods” along the MN&S, and the DEIS itself fails to mention how relocation is an “improvement.”

In Table 3.2-2. “Summary of Neighborhood, Community Services, and Community Cohesion Impacts by Build Alternative,” co-location is cited as incompatible because “Some neighborhoods are concerned about keeping freight rail and some neighborhoods about additional freight rail traffic” (3-67). What is missing from this table are the robust concerns that St. Louis Park city officials have expressed over a decade in the form of four different resolutions. In addition, St. Louis Park residents/neighborhoods have been extremely vocal. They have expressed their concerns in the following ways: Over 1500 people signed a petition requesting co-location rather than relocation; hundreds of residents attended and spoke at two separate listening sessions held by the City Council of St. Louis Park which Gail Dorfman, county commissioner, attended. Notably, Ms. Keisha Piehl of 6325 33rd St. West in St. Louis Park spoke directly to the question of community cohesion during the April 2012 listening session ([http://www.stlouispark.org/webfiles/file/Comm\\_Dev/freight\\_comments.pdf](http://www.stlouispark.org/webfiles/file/Comm_Dev/freight_comments.pdf)).

St. Louis Park citizens, city council members, and the mayor attached extensive mitigation requests to the EAW before MNDOT vacated the document—much of that EAW is repeated in this DEIS, but the city’s and residents’ requests are not acknowledged; the Project Management Team assembled by Hennepin County included residents that represented each of the neighborhoods of St. Louis Park, and the representatives repeatedly voiced concerns about the engineering plans—those concerns were completely ignored. There are many more ways in which St. Louis Park neighborhoods voiced concerns (i.e. letters to the editor in the *Minneapolis Star Tribune* as well as other local newspapers, letters to city, county, state, and federal representatives, and so on). These concerns have been consistently ignored by Hennepin County officials and continue to be disregarded in this DEIS, but they must be included.

There is a core analytical flaw in section 3.2.2.8. It compares effects between section FRR and section A. However, it is flawed because the effects of segment “A” take into account the area north of Kenilworth corridor even though that area will be affected with or without the FRR. Therefore, this is not a reasonable conclusion. The conclusions should be drawn only from a comparison of the FRR vs. Segment A minus the area north of the point approximately at the planned Penn Station. In addition the parkland affected is overstated in the co-location alternative because in this portion entire parcels are counted while the actual amount of space affected by the freight train is nominal. Because the Cedar Lake Park is so large, it appears there is a potential large impact even though the actual area impacted is quite small.

Table 3.6-3. Visual Effects by Segment listed ZERO visual effects for the FRR because the actual Re-route is not examined, only the effects of the LRT. Even though it is clear that there will be major visual effects by the building of the ramp and the enormous increase of freight traffic in the relocation area.

3.3.3.3 Relocation plans assume purchasing of all of the town homes on the Kenilworth corridor as opposed to moving the bicycle trail. It also arbitrarily assumes the Co-location homes need taking but none of the Relocation home needs taking without any apparent analysis of how that is determined. i.e; # of feet from the tracks, etc.

In section 3.4.5.3 titled “Build Alternatives,” the DEIS states that “No National Register listed or eligible architectural resources have been identified within Segment 3” (3-79) which is the co-location segment. However, further down this page, the DEIS states that because of “the construction of new bridge structures within the historic district[,] the design and footprint of these structures may affect the banks of the historic channel and may affect the district’s overall feeling and setting” (3-79).

The language on this page suggests a direct contradiction. If there are not nationally registered resources in the corridor, why will the “historic channel” be affected? What determines “historic”? The language itself demonstrates bias against co-location and helps to explain the numerous, puzzling exclusions in the DEIS of the negative impacts related to relocation.

To be fair, the DEIS does acknowledge the following regarding relocating freight to the MN&S:

#### 3.4.5.3 Build Alternatives: Freight Rail Relocation Segment

Architectural properties in Segment FRR, which are listed in or eligible for the National Register include two historic districts and two individual properties. See the summary table and map for Segment FRR in the tables in the Section 106 Consultation Package in Appendix H.

Potential long-term effects may occur at the following properties:

- Brownie and Cedar Lakes, including the connecting channel, part of the Grand Rounds historic district (potential effects of new track construction on the features and settings of lakes and channel)

Other potential effects to historic properties in Segment FRR relate to potential noise issues.

Three areas with archaeological potential, comprising 3 acres, were identified in the Supplemental Archaeological Phase 1A along Segment FRR. Any of these that are found eligible could experience impacts from construction. (3-81)

In spite of the acknowledged impacts to historical resources along the MN&S, the DEIS favors rerouting freight rather than co-locating because the “overall feeling and setting” of the Kenilworth Corridor may be impacted (3-79). It is not made clear by the DEIS how one determines “feeling and setting” or how one even defines these attributes. What is missing from this section is commentary on how the “overall feeling and setting” will be negatively impacted along the MN&S.

In Table 3.5-2: "Potential Direct Impacts to Parkland by Segment," the DEIS states that "no permanent impacts [are] anticipated" for the three parks along the reroute, namely Roxbury, Keystone, and Dakota (3-94). However, further down, the DEIS states that "construction footprints for the Freight Rail Relocation segment have not been developed, so acreage of temporary and long-term impacts have not been developed" (3-96). Any statement regarding impacts do not reflect reality when "construction footprints for the [FRR] segment have not been developed" (3-96). Nothing intelligent can be said about the impacts on these parks when the areas have not been studied.

Not surprisingly, the DEIS reveals that "conceptual engineering indicates that Segment A (co-location) would have a long term impact on approximately 0.88 acre. This includes a long term impact on approximately 0.81 acre in Cedar Lake Park, approximately 0.07 acre in Cedar Lake Parkway and approximately 0.01 acre in Lake of the Isles for widening the corridor to accommodate the freight rail line" (3-95). It is unclear why the corridor needs to be widened to accommodate the freight-rail line when the line already exists in the corridor, but the DEIS does not explain this mystery. In addition, as stated earlier, at its narrowest point, the corridor housed nine separate rail lines. The bike trail that now parallels the freight line is on the freight ROW; it is using an old rail bed. There is no need to widen an already wide corridor.

### 3.7 Safety:

- A. No derailment study. merely a mention of "no recent derailments". There was at least one derailment on the MN&S within the last 20 years. And there was one derailment just two years ago of the actual trains that are to be relocated.
- B. Only two schools are listed as being "nearby" the freight rail reroute. Why is the area studied simply "nearby" and not the ½ mile rule that is used in the rest of the DEIS. If that rule was used 6 schools would be listed. Only 2 parks are listed on the FRR using the same methodology. In fact, there are more.
- C. At grade safety evaluation looks at HISTORY only when it recaps that no incidents have happened. However, this is an incorrect statement because the evaluation does not examine the new train traffic that will be realized.
- D. The entire examination of properties list the "dwellings within 50 feet" versus "property within 50 feet". It is reasonable to assume that homeowners whose backyards and garages are within 50 feet of the tracks will experience a significant safety risk because that property is inhabited.
- E. The schools are listed as merely "entities" versus people. Therefore, an incorrect comparison is done when considering people impacted. The high school alone contains over 1300 students. Other schools contain hundreds of students as well. These numbers should be included in safety hazards.

## CHAPTER 4--ENVIRONMENTAL EFFECTS:

### 4.6 Air Quality, pages 66-76

MN&S Freight Rail Report from Appendix H part 1, pages 109-113

The conclusion reached in the air quality section excludes important criteria and flawed assumptions. The proposed action for the Freight Rail Relocation will result in significant increased exposure to a multiple health risk sources and decreased livability for residents.

Flawed Assumption: The DEIS states that 'freight relocation will not be a net increase in train operations but rather a relocation.' This overarching statement fails to consider that the relocation of freight is from a highly industrial land use to a high-density residential area with park and school facilities. Population density maps indicate that the majority of the area along the MN&S Sub is 1000-7500 with pockets of 7500+. In comparison, the area adjacent to the Bass Lake Spur has significantly less population density (Attachment Appendix 4).

Flawed Assumption: The relocation of freight is from the Bass Lake Spur with a straight, relatively flat track and larger ROW. The MN&S ROW is significantly smaller which means that the residents will be in closer contact to the pollution source.

Missing Information: The grade characteristics of the MN&S Spur will cause an increase in the amount of locomotive throttle needed. The necessary connection will introduce gradients that are not currently part of operational activities in St Louis Park: Wayzata Subdivision connection is 1.2% and Bass Lake Spur connection is 0.86%. TCWR commented on this aspect during the MN&S Rail Study EAW: greater grades will result in increased diesel emissions due to the need for more horsepower because of the increased grade (Supporting data A, page 4). There is no assessment for this fact.

Missing Information: The Freight Rail Re-Route design includes a siding track along the Wayzata Subdivision in St Louis Park, Minneapolis. The purpose of this siding to allow for the TCWR to wait for access to the shared trackage along Wayzata Subdivision, from approximately Penn Ave through the Twins Station congestion area. This area is shared with BNSF and Metro Transit NorthStar line. There is no discussion of how this idling of the locomotives will negatively impact air quality. Furthermore, once the the siding is in place it will be possible for not only TC&W trains to use the siding, but also BNSF trains. It is possible that the siding could be in use twenty-four hours a day, seven days a week, three-hundred-sixty-five days a year. There is no discussion about how this very possible increase in idling trains will affect air quality.

Flawed Assumption: page 4-76. It states that the queuing of vehicles when freight blocks an intersection will be similar with or without Freight Rail Reroute and would not impact air quality. This statement fails to consider the following: 1. Wooddale and Beltline Blvd are the roads in St Louis Park that would have freight removed. However, these intersections will still have significant congestion from SWLRT crossing and blockage 2. The re-routing of freight will be to an area that has more at-grade crossings (5 vs 2) and within closer proximity of each other. All five crossing on the MN&S are within 1.2 miles but the crossing on the Bass Lake Spur are approximately one mile apart. Motor vehicles will be idling significantly more while waiting at multiple at-grade crossings 3. The close proximity of the at grade crossing on the MN&S will have an accumulative impact. Trains of 20 or 50 cars will block three intersection simultaneously. Trains of 80 or 100 cars will block all five intersections simultaneously (MN&S Report, Table 5 on page 105).

Inconsistent Statements: Page 4-72. The Freight Rail ReRoute is described as not regionally significant according to MnDot definitions. It is therefore not evaluated or accountable to air quality conformity, including CAAA requirement and Conformity Rules, 40 C.F.R 93. This application of being not significant is contradicted in other areas of the SWLRT DEIS. Including the finding in Chapter 1 of the SWLRT-DEIS that there is a "Need to Develop and Maintain a Balanced and Economically Competitive Multimodal Freight System "(1-10)

Action requested: The EPA has tightened the fine particulate regulations in December 2012. One possible source for soot pollution is diesel emissions which is a possible issue with the freight rail relocation. The locomotives that struggle with the increased grade changes will release an increased amount of diesel fumes. the air quality section should be revised and updated to reflect the tighter regulations.

Action requested: Halt any decision on the freight issue until further study is completed such that the missing information, flawed assumptions, and inconsistent statements can be answered. This secondary study needs to have a scope which the city, residents, and railroad company can agree on. Once the new studies are complete and the scope is decided, a computer generated simulation representing all of the new findings should be produced. This simulation will help residents and elected officials who are not engineers understand the impacts of the proposed reroute prior to making decisions.

4.7.7 Noise Impacts to the Freight Rail Reroute  
Section 4.7.7, pages 99-104  
MN&S Freight Rail Report from Appendix H part 1, pages 114-124

It is important to highlight the current existing traffic is during day hours, specifically from 9 a.m. to 4 p.m., on a Monday-Friday basis. With this situation, a resident with a traditional 9-5 job pattern would have very minimal exposure to the current freight. The proposed action will expand the hours of noise impact to 7AM through evening hours. In addition, the unit trains travel during the overnight hours whenever needed for business. Also, the days of service will increase to weekend usage with at least 6 days of service, if not everyday. This is significant because the current impacts to residents are limited to weekday hours with minimal impact on social, family, or neighborhood events.

It is also important to highlight that the information and hard data used to assess impacts SWLRT DEIS is a repurposing of the MN&S Freight Rail Study EAW. The EAW was in appeal process with both the City of St Louis Park and a residential group when the document was 'vacated'. It has been used in the SWLRT DEIS as the hard data, included in the Appendix H as a the MN&S Freight Rail Study. It is reasonable to state that the same issues that were being appealed with methodology, impact assessment, and environmental act violation exist in the SWLRT DEIS.

Comment on Section 4.7.7 regarding the field study, noise analysis

There is disagreement with the methodology used in the Noise Section in the MN&S report in the appendix. This report is the document used as the field work to evaluate the noise impacts for the Freight Rail Reroute in the SWLRT DEIS. The noise analysis is located in the MN&S Report on pages 114-124. The noise assessment is both missing important criteria and has flawed assumptions within the scope of the field work.

Missing Information: There is no noise assessment or field data gathered for the existing noise along the Bass Line Spur. This data is critical for the full understanding of the existing noise level of the TCWR traffic and how this level of noise compares to the noise measurement taken along the MN&S tracks.

Missing Information: The Bass Lake Spur to MN&S Spur connection will be a mile long structure that has a 0.86% grade change. The noise assessment in the MN&S Report does not discuss or evaluate how this new structure will impact noise. TC&W commented to this aspect- specifically stating that there will be increased and significant noise due to accelerating locomotives struggling to make the increased grades (Supporting data A, page 4). In addition, the City of St Louis Park Appeal to the MN&S Freight Rail Study EAW stated that the noise section did not address the noise created by additional locomotives needed to pull trains up the incline (Supporting data B, page 15).

Missing Information: The Bass Lake Spur to MN&S connection is a large and significant bridge structure with a tight curve. The noise assessment in the MN&S Report does not study or consider the impacts to the homes located on southeast corner (east of the MN&S Spur, south of the Bass Lake Spur). The residents will have an introduction of noise from a new source due to the additional locomotive throttle and curve squeal.

Missing Information: The MN&S Report and the noise assessment does not consider the grade needed to connect from the BNSF Wayzata Subdivision to the MN&S Spur. This is the area of the project that is known as the Iron Triangle. It is identified as a 1.2% grade on the MN&S Alignment Profile (Attachment Appendix 4). TC&W identified this missing information in their comment to the MN&S Freight Rail EAW (Supporting data A, page 4).

Missing Information: The MN&S Report does not assess the noise impacts to the residential homes near the Iron Triangle. The use of the Iron Triangle for the connection from the MN&S Spur and the BNSF Wayzata Subdivision includes changing the land use from an inactive to an active rail corridor. The adjacent residential homes are located at 50-100 ft distance from the proposed connection. In addition, this is an introduction of freight noise not current experienced by the community.

Missing Information: The Bass Lake Spur to MN&S Spur connection will include an eight degree curve. The field data in the MN&S Report does not evaluate the potential of this curve to be a noise source. Again, a comment by TC&W states that “the increased curvature creates additional friction, which amplifies the noise emissions including high frequency squealing and echoing” (Supporting data A, page 4). The City of St Louis Park also included the squealing wheel as a noise source in the appeal to the EAW (Supporting data B, page 15).

Missing information: The MN&S Report does not include assessment on the noise source of the stationary crossing signals and bells. It does not assess the noise generated from these stationary sources as either a solo intersection or as multiple intersection events. The characteristics of the MN&S sub includes 5 at grade crossing within close proximity. It is fact that multiple crossings will be blocked simultaneously with the re-routed freight causing all stationary sources of noise to be generated simultaneously. This characteristic will compound noise impact.

Missing Information: FTA Noise and Vibration Manual, Section 2 3.2.2: It is recommended that Lmax be provided in environmental documents to supplement and to help satisfy the full disclosure requirement of NEPA.

- The Lmax was not included in the noise section of the MN&S Report which would satisfy full disclosure.
- FTA Noise and Vibration Manual, Appendix F Computing Maximum Noise Level or Lmax for Single Train Passby (Attachment Appendix 4).
- The net change of Lmax will be significantly increased due to the increase in variables from the existing traffic to the proposed traffic. The variables expected to increase are speed (10 MPH to 25 MPH proposed), Length locos (2 locomotives current vs 4 locomotives for proposal to re-route) and Length cars (average current traffic is 20 cars vs 120 cars in the proposed rerouted traffic). This is a significant and important measurement that could be used to better understand the change in noise impacts.
- MN&S Freight Rail Study EAW Brief of Relators Appeal, Jami Ann LaPray, et al cites the lack of information on the Lmax as evidence that the noise study is inadequate. In detail, the appeal states that the use of Ldn is inadequate because it is an average noise level over 24 hours, not reflective of the noise impacts that a resident will actually hear (Supporting data C, page 23).

Flawed assumption: The noise section assumes that the re-routed freight will be able to travel at 25 MPH without consideration of the grade change of both the current MN&S profile and the new constructed interconnect structure.

Flawed assumption, improper analysis: The noise assessment was done with the current MN&S freight which has 2 locomotives and 10-30 cars. The freight traffic that will be rerouted will have trains that have up to 4 locomotives and 120 car length and it is projected to be a 788% increase as compared to the current freight. The noise assessment in the MN&S Report uses the current freight noise without consideration that the train profile will change, the amount of time of exposure to the noise will increase due to more trains per day with expanded hours of operation, and the duration per pass by will increase.

Missing information, improper analysis: Table 11 on the MN&S Report has a list of properties that are expected to have severe noise impacts. The distance to the impacted sites vary from 80 to 355 feet, with 273 out of the 327 total sites within 120 ft. In general, this analysis is improper because the impacts to the LRT sections are discussed as within half mile. The greatest distance discussed for freight is 355ft so the methodology for noise impact is not equally applied. Specifically, it is highly probable that expanding the impact footprint will increase the numbers for both moderate and severe impacts. Therefore, the number of sites with impacts is grossly underestimated.

Flawed assumption: There are currently no trains on the MN&S during night hours. The proposed re-routed freight will include unit trains at night. This is briefly discussed in the noise analysis but it was minimized and not properly described as a significant negative impact. The City of St Louis Park appeal asked that this noise source be considered a severe impact (Supporting data B, page 15).

Flawed assumption: The noise impact section for the FRR section describes that all severe noise impacts are a result of the train whistle at at-grade intersections. It is also a flawed assumption to state that a quiet zone will eliminate all severe noise impacts. Page 4-101. The assertion is not correct because the noise assessment within the MN&S Rail Report is missing data as described above.

Table 4.7-13 MN&S Relocation Noise Impacts: This table describes that there would be moderate noise impacts at 95 sites and severe noise impacts at 75 sites. This data is grossly underestimated. It is not possible to understand or evaluate the impacts because the field work and assessment had missing data and flawed assumptions as described above.

Figure 4.7.2- The figure does not include the noise sites for the Freight Rail Reroute. This is missing information and should be considered as an argument that the project proposer has not studied all sections equally or with due diligence.

Comments on the mitigation proposed for noise impacts

Federal guidelines:

FTA Noise and Vibration Manual 2 Section 3.2.4- Mitigation policy considerations--Before approving a construction grant--FTA must make a finding that ...ii the preservation and enhancement of the environment and the interest of the community in which a project is located were considered and iii no adverse environmental effect is likely to result from the project or no feasible and prudent alternative to the effect exist and all reasonable steps have been take to minimize the effect.

Reasonable steps have not been taken to minimize the effect. The only mitigation for noise is a Quiet Zone but after this mitigation, the level of noise impact is still moderate. Assuming that the assessment is valid and complete.

The noise mitigation section of the manual (section 3.2.5) state that moderate level noise should be further mitigated under certain circumstances/factors. There is a compelling argument for mitigation when a. large number of noise sensitive site affected b. net increase over existing noise levels c. community views. The NEPA compliance process provides the framework for hearing community concerns and then making a good faith effort to address these concerns.

The Freight Rail Relocation is within a high density residential community and within half mile of 5 schools. The MN&S tracks have a narrow Right of Way with many adjacent residential parcels at 50-100 ft. It is within reason to state and request that further mitigation should be part of this SWLRT DEIS due to FTA noise and vibration manual description (section 3.2.5).

A Quiet Zone is described as reasonable mitigation for the noise impacts for the FRR section. A quiet zone evaluation is done with the FRA, MNDot, and Rail companies. The evaluation of the possible improvements needed are based on vehicle traffic traditionally. In fact, the rules on how pedestrians and pedestrian safety should be treated is not clear. It is improper to consider and/or a design a quiet zone in FRR without proper weight on the high pedestrian use of the St Louis Park High School area. In addition, it is critical to note that the traffic analysis within the MN&S Report includes no data on pedestrian or bike traffic for the FRR section. The residents and communities requested this additional count information but were repeatedly ignored during the PMT meeting on the MN&S Study.

The real life situation is that the school is bookended by two blind curves, making it impossible for a rail conductor to view a dangerous situation in time to divert a disaster. The conductor has the right to blow their horn in situation that are considered hazardous, regardless of a quiet zone status. The characteristics of the MN&S have innate conditions with close populations of students, division of a school campus, and blind curves. It should be factored in the noise analysis that the railroad companies will continue to use whistles.

The proposal for a Quiet Zone was also included in the MN&S Freight Rail EAW. Both the Canadian Pacific Railway and TC&W Railroad commented in a negative manner during the comment phase. CP stated "designing and constructing the improvements needed for FRA requirements may be difficult- especially considering the site and geometrics of the corridor." Supporting document d. The comment by TC&W was that they "have safety concerns due to a number of factors: 1. increase in train size, speed, and frequency: 2. proximity to schools, businesses, and residential and 3. an increased number of at grade crossings" (Supporting document A, page 5).

Action requested: Halt any decision on the freight issue until further study is completed such that the missing information, flawed assumptions can be answered. This secondary study needs to have a scope which the city, residents, and railroad company can agree on. Once the new studies are complete and the scope is decided, a computer generated simulation representing all of the new findings should be produced. This simulation will help residents and elected officials who are not engineers understand the impacts of the proposed reroute prior to making decisions.

Action requested: SWLRT DEIS should include a diagram, discussion, and specifics of the quiet zone designs proposed. This is necessary prior to a decision on the freight issue in order to understand if a Quiet Zone is even feasible or realistic for the FRR.

Action requested: SWLRT DEIS should include a full list of mitigation that could be considered for both moderate and severe noise impacts for the FRR.

Action requested: SWLRT DEIS should include mitigation option if the implementation of a quiet zone is not plausible.

Action requested: The project management for the SWLRT should engage and include the EPA in the discussion of the noise impacts to the FRR. It should act in accordance to the Noise Control Act (1972) Pub.L. 92-574 (sec. 1). "The Congress declares that it is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health or welfare." This interaction should include all stakeholders, including the City of St Louis Park, operating rail companies, and impacted residential groups.

Action requested: The project management should include consideration of the legal precedents for noise impacts and inverse condemnation. *Alevizos et al. v. Metropolitan Airport Commission* no 42871 on March 15, 1974 is an example. In this case: Inverse condemnation is described as "direct and substantial invasion of property rights of such a magnitude that the owner of the property is deprived of its practical enjoyment and it would be manifestly unfair to the owner to sustain thereby a definite and measurable loss in market value which the property-owning public in general does not suffer. To justify an award of damages, these invasions of property rights must be repeated, aggravated, must not be of an occasional nature, and there must be a reasonable probability that they will be continued into the future." Although the noise source in this lawsuit was airport based, it is reasonable to use the same guiding principles for the Freight Rail Re-Route section. The FRR, if implemented, is an introduction of a transit method which will have significant impacts to the communities.

source:<http://airportnoiselaw.org/cases/alevizo1.html>

4.8.4 Vibration Impacts to the MN&S Freight Rail Relocation, page 117  
MN&S Freight Rail Report from Appendix H part 1, pages 124-130

It is important to highlight the current existing traffic is during day hours, specifically from 9AM to 4PM, on a Monday-Friday basis. With this situation, a resident with a traditional 9-5 job pattern would have very minimal exposure to the current freight. The proposed action will expand the hours of noise impact to 7AM through evening hours. In addition, the unit trains travel during the overnight hours whenever needed for business. Also, the days of service will increase to 7 day per week. This is significant because the current impacts to residents are limited to weekday hours with minimal impact on social, family, or neighborhood events. The neighborhoods were developed around a secondary infrequently used track. The re-routed freight will increase the tracks to a moderate use freight line.

It is also important to highlight that the information and hard data used to assess impacts SWLRT DEIS is a repurposing of the MN&S Freight Rail Study EAW. The EAW was in appeal process with both the City of St Louis Park and a residential group when the document was 'vacated'. It has been used in the SWLRT DEIS as the hard data, included in the Appendix H as a the MN&S Freight Rail Study. It is reasonable to state that the same issues that were being appealed with methodology, impact assessment, and environmental act violation exist in the SWLRT DEIS.

There is disagreement with the methodology used in the Vibration Section in the MN&S report in the appendix. This report is the document used as the field work to evaluate the vibration impacts for the Freight Rail Reroute in the SWLRT DEIS. The assessment is both missing important criteria, improper analysis, and flawed assumptions within the scope of the field work.

Missing Information: There is no vibration assessment or field data gathered for the existing vibration along the Bass Line Spur. This data is critical for the full understanding of the existing vibration level of the TCWR traffic and how this level of noise compares to the vibration measurement taken along the MN&S tracks. TC&W commented on this missing information during the comment phase for the MN&S Rail Study EAW (Supporting document A, page 4).

Missing Information: The Bass Lake Spur to MN&S Spur connection will be a mile long structure that has a 0.86% grade change. The vibration assessment in the MN&S Report does not discuss or evaluate how this new structure will impact vibration.

Missing Information: The Bass Lake Spur to MN&S connection is a large and significant bridge structure with a tight curve. The vibration assessment in the MN&S Report does not study or consider the impacts to the homes located on southeast corner (east of the MN&S Spur, south of the Bass Lake Spur). The residents will have an introduction of vibration from a new source which is missing for the scoping of the field study.

Missing Information: The MN&S Report and the vibration assessment does not consider the grade needed to connect from the BNSF Wayzata Subdivision to the MN&S Spur. This is the area of the project that is known as the Iron Triangle. It is identified as a 1.2% grade on the MN&S Alignment Profile (Attachment Appendix 4).

Improper analysis: The same impact guidelines were not used in the vibration impacts for the LRT and the Freight Relocation. For the MN&S Report, the locomotive events were considered infrequent and the rail car events was considered occasional. Appendix H, page 127. For the vibration impacts on the alternatives, the SWLRT DEIS describes the locomotive events to be infrequent also but the rail car events was described as heavy. Page 4-107, 108. The distance for heavy, frequent impacts are at distances of 150 ft. The DEIS statement and the MN&S Report statement do not support each other, conflicting data presented. In addition, the only impacts discussed was at 40 ft but the proper distance should be 150 ft. This improperly underestimates the number of sites which would have vibration impacts.

Missing information: The MN&S Report does not include any information on the proximity of the MN&S tracks to structures at adjacent parcels. The MN&S Report also does not discuss how the building of the connection in the Iron Triangle will introduce a vibration source to the adjacent residents.

Improper analysis: The field work and vibration measurements were established with two train passages: both with two locomotives, one with 6 cars and the other with 11 cars. The existing freight conditions on the MN&S are described in the MN&S Report as 2 locomotives, 10-30 cars. Based on this, the vibration measurements were taken with either below or at the low end of the current vibration conditions. It is improper to consider these measurement as representative of the existing vibration.

Improper analysis: The vibration impacts to the Freight Rail Relocation was evaluated with the current freight traffic. This is improper because the re-routed freight will be significantly different: increased locomotives from 2 to 4, increased rail cars from 20 to 120, increased of speed from 10 MPH to 25 MPH. The result of this error will be that the vibration impacts will not be accurate. The City of St Louis Park commented on this in the appeal to the MN&S Freight Rail Study EAW: vibration analysis doesn't accurately reflect existing and proposed rail operations because the field work is based on existing short train (Supporting data B, page 16).

Improper analysis: An independent vibration study was done by a Lake Street business owner during the MN&S Freight Rail Study (Attachment Appendix 4). With consideration of the independent study, the vibration information within the SWLRT DEIS and the MN&S Report are improper due to 1. Measurements within the building were 84 VdB. According to the MN&S Rail Study, impacts for category 2 is 72 VdB for frequent events. The impacts specs for frequent events in category 3 is 75 VdB. The conclusion in the independent study is that vibration currently exceeds federal guidelines. 2. the independent measurements were taken within a 24 second time frame. The proposal to re-route traffic is expected to travel past a fixed point for 10 minutes. 3. The independent measurements were taken within a brick construction structure. In

comparison, vibrations have increased impacts within 'soft' construction which is typical of residential house construction. It is reasonable to state that the vibration within an adjacent residential structure would be greater at the same distance. 4. Note: The independent study was conducted on April 13, 2011. The MN&S Study measurements were taken in February 2011 during a year with record snow accumulations. It is possible that the MN&S Report Field study is improper because weather and normal winter ground conditions allowed for an erroneous low measurement. The MN&S Freight Rail Study EAW Brief of Relators Appeal, Jami Ann LaPray.... appealed on the independent study and the failure of the project management for the MN&S Report to address inconsistencies between the two field studies (Supporting data C, page 26).

Improper Analysis: The MN&S Report discusses the vibration impacts based on the vibration levels needed for property damage. It fails to discuss the level of vibration considered for human annoyance. The MN&S Freight Rail Study EAW Brief of Relators Appeal, Jami Ann LaPray.... appealed on this omission (Supporting data C, page 27).

Action requested: Halt any decision on the freight issue until further study is completed such that the missing information, flawed assumptions can be answered. This secondary study needs to have a scope which the city, residents, and railroad company can agree on. Once the new studies are complete and the scope is decided, a computer generated simulation representing all of the new findings should be produced. This simulation will help residents and elected officials who are not engineers understand the impacts of the proposed reroute prior to making decisions.

Action requested: the FTA noise and vibration manual points out that vibration control measures developed for rail transit systems are not effective for freight trains. Consideration of this information should be weighted within the discussion of impacts.

Action requested: SWLRT EIS should include a full list of mitigation that could be considered for both moderate and severe vibration impacts for the FRR.

#### 4.9 Hazardous and Contaminated Material page 119-130

Missing information: Table 4.9-1 has sites listed for the Freight Rail Reroute section. Diagram 4.9-3 to 4.9-5 has the FRR located on the diagram but the sites are not diagrammed as expected. It is not possible to evaluate the impacts of hazardous material without knowing where the sites are located. Therefore, it is not possible to comment effectively

Missing information: Page 4-127. There is a brief description of the Golden Auto Site. The comments by Canadian Pacific during the MN&S Freight Rail EAW should be considered: Due to the possibility of disturbing contaminants at the Golden Auto National Lead Site, it is unlikely that CP would be interested in taking responsibility for construction or ownership of the new connection between the Bass Lake Spur and the MN&S. The City Of St Louis Park also documented concerns on this site in their appeal to the EAW: The proposed interconnect structure will be constructed between city maintained wells near the Golden Auto site that may be impacted by construction or vibration (Supporting data B, page 20).

Missing information: Highway 7 and Wooddale Ave Vapor Intrusion site is located on the Freight Rail Reroute section. The SWLRT DEIS does not describe this MPCA, EPA site in the Hazardous Material section or analyze how the introduction of longer, heavier trains with increased vibration will impact the pollution potential.

Improper Analysis: Table 4.9-6 lists Short Term Construction Costs of Hazmat/Contaminated Sites. It is improper for the cost of the FRR to be added to alternative 3C-1, 3C-2. Both of these routes have the LRT traveling in the Midtown Corridor which makes it possible for the freight to remain in the Kenilworth Corridor.

Missing information: The SWLRT DEIS fails to analyze the long term costs. In detail, the long term expense of building the Bass Lake Spur to MN&S Spur connection on contaminated soil or the Golden Auto National Lead site.

Action requested: Halt any decision on the freight issue until further study is completed such that the missing information, flawed assumptions can be answered. This secondary study needs to have a scope which the city, residents, and railroad company can agree on. Once the new studies are complete and the scope is decided, a computer generated simulation representing all of the new findings should be produced. This simulation will help residents and elected officials who are not engineers understand the impacts of the proposed re-route prior to making decisions.

## CHAPTER 5 - ECONOMIC EFFECTS:

### 5.0 Economic Effects:

On September 2, 2011 the FTA mandated that the proposed freight rail reroute from the Bass Lake Spur to the MN&S Spur must be added to the SWLRT-DEIS (Letter from Marisol Simon, FTA to Susan Haigh, Met Council Safe in the Park - Chapter 5 Appendix – Document 1)

Because of this mandate addition of the proposed re-route must be included in the “study area” in a regular and consistent basis. Unfortunately, the inclusion of the proposed reroute in the analysis of this section is inconsistent. The inconsistency of the inclusion of the proposed re-route leads to inconsistent and incorrect conclusion about the cost of the SWLRT.

### 5.1 - Economic Conditions

Section 5.1 does not present any analysis, it is just cheerleading. Broad generalizations are made without substantiation. Terms such as “study area, market reaction and earning and output” are used, but the study area is not defined, which market is reacting is unclear and how earnings and output are determined is not explained (5-1).

In the last paragraph of this section the names of the resources used to determine output, earning and employment are given, but no links are supplied for reference. Furthermore, not only does the source used for the analysis of multipliers is the 1997 Benchmark Input-Output Table, not have a link, but it will also be over 20 years old by the time the SWLRT is complete (5-2). It seems irresponsible to base the cost of a multi-billion dollar project on decades old data.

Without links or data tables in the Appendix of the SWLRT-DEIS it is difficult if not impossible for the average resident to make substantive comments about the data tables in this sections. Due to the November 26, 2012 revelation (Correction Letter from HDR and updated table Safe in the Park - Chapter 5 Appendix – Document 2) about “typos” the need for reference materials is all the more important.

#### 5.1.1 - Output, Earnings and Employment Effects from Capital expenditures

Capital cost estimates/constructions values are presented in year of expenditure (YOE) dollars. However, the year actually used for analysis in this document is not shared. Also, the YOE must change since the construction of the SWLRT will cover more than one year. Without hard data and a moving YOE substantive comment is impossible creating an analysis that is opaque and not transparent.

### **Table 5.1-1 - Summary of Capital Cost (in YOE dollars) by Build Alternative**

The re-routing of freight trains from one area to another is not unique to St. Louis Park. Train rerouting has occurred throughout the United States, Canada and Western Europe. Multiple studies about the impacts of such re-routes exist. One item that consistently appears in all the studies (Property Valuation Articles and summary - Safety in the Park - Chapter 5 Appendix - Documents 3-8) is the negative impact of the re-routed freight trains on the community that is forced to accept the trains. Although the negative impacts on small business and the loss of property value in these cases can't be called a capital cost, the negative impacts are costs nonetheless.

Because the table 5.1-1 does not include the loss of property value and loss of small business revenue in the re-route area of LRT 3A (LPA - Re-Route) the true cost of LRT 3A (LPA- Re-Route) route and how it compares to the other LPA routes is not known (5-3).

#### **5.1.1.2 Funding Sources**

As with section 5.1 the names of the reference sources are given, but no links or actual data tables are provided. This lack of information puts the average resident who does not have a paid staff to help with their SWLT-DEIS comment at a disadvantage. Despite or perhaps because of the disadvantage, questions about the conclusions arise and are as follows:

- Final demand earnings--Are these earnings adjusted or disappear if a construction company or engineering firm from outside the Minneapolis—St.Paul-Bloomington Metropolitan Statistical Area (MSA) is chosen?
- The state participation dollars are considered “new” dollars, but the MSA is the biggest funding source for the state, so are they truly “new” dollars?
- When the number of jobs and earnings are calculated are the jobs lost to business takes or floundering small businesses in the study area figured into the final numbers?

#### **5.2.1 Land Use**

5.2.1.3 - It is unclear from the text of this section if the land use in the re-route area along the MN&S is included in the percentages given. If not, why not?

## 5.2.2 and 5.2.3 Short Term Effects and Mitigation

Although the titles of Table 5.2-2 and 5.2-3 include the words “Station Area” the text of 5.2.2 and 5.2.3 state that the tables will explain the short term effects and needed mitigation for the entire alignment of each LRT route (5-4 and 5-5). The text in each table also refers to the entire alignment of the LRT routes with the exception of the LRT 3A (LPA-reroute.) Because the MN&S Spur area is part of the LRT 3A (LPA-re-route) alignment it must be included in the analysis of the short term effects and needed mitigation . If the re-route portion of the LRT 3A (LPA-reroute) is not included in the analysis, the conclusion drawn will be incorrect.

The re-route are of LRT 3A (LPA-re-route) appear to have been left out of the tables 5.2-2 and 5.2-3. Below are comments about short term effects and mitigation that need to be added to LRT 3A (LPA re-route) so it can be compared equally to the other LRT routes.

Table 5.5-2 - Short Term Effects

- Environmental Metric: Access Circulation - LRT 3A (LPA-reroute) **High**
  - Potential impacts to the CP along the MN&S Spur during construction of the new tracks eight feet east of the current track alignment. During regular track maintenance during the summer of 2012 there were anomalies in rail service.
  - Potential to impact access to homeowners whose properties are properties abut the MN&S.
- Environmental Metric: Traffic - LRT 3A (LPA reroute) **Medium-High**
  - During construction temporary closures of at-grade crossings. Depending on the crossing that are closed and the duration of the closings there could be impacts to small businesses and access by emergency vehicles to homes.
  - The building of the new rail bridge over TH 7 will cause service interruptions to the CP. The rail companies commented in the EAW about service delays that could be a month or more during MN&S track reconstruction.  
[http://www.mnsrailstudy.org/key\\_documents](http://www.mnsrailstudy.org/key_documents)

Table 5.2.3 - Mitigation

- Proposed Mitigation for Short-term Effects - LRT 3A (LPA-re-route) - Besides listed construction mitigation will the CP need a temporary bridge over TH7 or temporary trackage while a new berm is built and new trackage laid?

## 5.2.4 Long-Term Effects

Although the title of Table 5.2-4 includes the words “Station Area” the text of 5.2.4 states that the table will explain the long effects and needed mitigation for the entire alignment of each LRT route (5-8). The text in the table also refers to the entire alignment of the LRT routes with the exception of the LRT 3A(LPA reroute.) Because the MN&S Spur area is part of the LRT 3A (LPA reroute) alignment it must be included in the analysis of the long-term effects. If the re-route portion of the LRT 3A (LPA-reroute) is not included in the analysis, the conclusion drawn will be incorrect.

Table 5.2-4 - Long Term Effects - Environmental Metrics

- Environmental Metric: Consistency with Land Use Plans
  - LRT 3A (LPA - re-route)
    - Inconsistent with city vision which does not mention as desire for the freight rail to be moved from the Bass Lake Spur to the MN&S Spur [http://www.stlouispark.org/vision-st-louis-park/about-vision-st-louis-park.html?zoom\\_highlight=vision](http://www.stlouispark.org/vision-st-louis-park/about-vision-st-louis-park.html?zoom_highlight=vision)
    - Multiple St. Louis Park City resolutions that state the re-routing of freight is unacceptable (1996--City of St. Louis Park Resolution - 96-73 (Safety in the Park Chapter 1 Appendix- Document 1) 2001 City of St. Louis Park Resolution - 01-120 (Safety in the Park Chapter 1 Appendix - Document 2) 2010 City of St. Louis Park Resolution - 10-070 [http://www.stlouispark.org/webfiles/file/freight\\_rail.pdf](http://www.stlouispark.org/webfiles/file/freight_rail.pdf) 2011 City of St. Louis Park Resolution 11-058 [http://www.stlouispark.org/webfiles/file/community-dev/5-31-11\\_resolution\\_relating\\_to\\_freight\\_activity\\_in\\_slp.pdf](http://www.stlouispark.org/webfiles/file/community-dev/5-31-11_resolution_relating_to_freight_activity_in_slp.pdf))
  - LRT 3A-1 (LPA - Co-location)
    - The Minneapolis and Hennepin County Land Use plans do not predate the St. Louis Park City resolutions rejecting the freight rail reroute.
    - SEH Plan safer and less costly than Re-route ([http://www.stlouispark.org/webfiles/file/community-dev/techmemo\\_4.pdf](http://www.stlouispark.org/webfiles/file/community-dev/techmemo_4.pdf).)
    - Issues with transit-oriented development are surmountable. The Cleveland trains pages 41 to 43 in the common corridors document clearly demonstrates feasibility and safety of running lrt and freight at grade, at high speeds, and without safety fences. Nearly 50 years without incident in this co-location corridor <http://www.fra.dot.gov/downloads/research/ord0316.pdf>

- Environmental Metric: Displacement Parking/Access Regulations
  - LRT 3A (LPA - re-route)
    - Small Businesses in the re-route area are likely to experience negative impacts caused by blocked intersections, noise and vibration due to re-routed freight trains
    - Schools in the re-route area are likely to experience access issues due to longer more frequent freight trains
  - LRT 3A-1 (LPA - Co-location) - Access issues in the co-location area are similar to the access issues faced at Blake Rd. and on the proposed Bottineau Line. All are surmountable.
  
- Environmental Metric: Developmental Potential
  - LRT 3A (LPA - re-route) -
    - Potential development for Lake Street small businesses will be negatively impacted
    - Potential for homeowners to take part in St. Louis Park City Plans to upgrade their homes will be impacted by the negative implications of increased freight traffic on property values  
(<http://www.stlouispark.org/remodeling-incentives.html>)
  - LRT 3A-1 (LPA - Co-location) - No changes needed to text

### 5.2.5 Mitigation

The statement in section 5.2.5.3 “All Build Alternatives are anticipated to have some degree of positive effect on development potential for the local community and region. No mitigation is required” (5-22) might be true for the alignment areas near the SWLRT, but it is completely untrue about the alignment portion of LRT 3A (LPA - re-route) that includes the re-route. There are no benefits from the SWLRT that are great enough to override the negative impacts of the re-route.

## CHAPTER 6 - TRANSPORTATION EFFECTS:

### Section 6.2 Effects on Roadways

Table 6.2-1 lists all of the Build Alternatives which all include the FRR with the exception of 3A-1. All of these alternatives should be re-evaluated to determine whether the re-route is necessary or that extended co-location of light rail and freight rail can continue east of the MNS crossing.

#### 6.2.2 Long-Term Effects

##### 6.2.2.2 Physical Modifications to Existing Roadways

Missing are modifications for the Freight Rail Re-Route at grade crossings. No evaluation for circulation patterns for the proposed closing of 29th street. Evaluation of impacts of the proposed Whistle Quiet Zones at the MNS/Library Lane/Lake Street intersection and Dakota Ave are also missing. This section requires further study.

##### 6.2.2.3 Operational Impacts at Intersections

According to the criteria for selecting crossings for evaluation, the second criteria is *“Intersections where a signal, roundabout, or stop sign controlling the roadway crossing the tracks was located within 600 feet of the LRT crossing.”* MNS crossings at Walker Street, Library Lane, and Dakota all fall into this category and require LOS analysis. Additionally it should be noted that the Lake Street crossing lies within 600 feet of State Highway 7. A more thorough evaluation of the roadways in the vicinity of the MN&S tracks is clearly required. Cedar Lake Road???

Missing are factors for growth both for vehicle traffic and freight train traffic with regard to traffic impacts on the Freight Rail Re-route on the MN&S track at-grade crossings.

On page 6-38, in the queuing analysis for the freight rail re-route, the analysis of traffic delays refer to the afternoon school bus crossing at Library lane/Lake St. The delay was stated to be 3-4 minutes and involved queuing of 2 to 6 vehicles. We conducted our own traffic count over the course of three days this fall and made the following observation:

	DEIS Survey	Tue, 12/4/12	Wed, 12/5/12	Thu, 12/6/12
Blockage Time mm:ss)	03:00-04:00	02:01	02:09	02:18
Eastbound Lake St	6	9	6	10
Westbound Lake St	2	11	8	9
Southbound Library Ln	4	3	2	1

A brief interview with the police officer who routinely conducted the traffic stoppage stated that the traffic we observed was typical and that occasionally the eastbound Lake St. traffic backs up past Walker St. Extrapolating our counts using the train blockage times listed in the DEIS for the FRR we calculate queues greater than 120 cars (12.5 minutes worst case scenario) may be possible. The discrepancy noted in these observations warrant further study using accurate measurement tools and growth factors for both the vehicle and freight train traffic.

The evaluation using the school bus scenario explained on page 6-38 also completely misses the opportunity to analyze the effect a 12.5 minute delay would have on the afternoon school bus traffic between PSI and the High School. Delays of this magnitude would severely delay and complicate the scheduled bus movements for the rest of the afternoon. A thorough evaluation of both the morning and afternoon school bus traffic is needed to fully determine the impacts to the schools and community.

On page 6-39 during the analysis of Segment A of 3A-1 Alternative a 20 year growth factor of 1.12 were applied to the vehicle counts. This is not comparable to the method used on the FRR segment.

#### Section 6.2.4 Mitigation

The DEIS suggest the addition of street signage warning motorists of an approaching train to grade separated crossings. The plural on crossings is interesting because to our knowledge no additional grade separated crossings on the MN&S are proposed so only the current Minnetonka Blvd crossing would apply. The placement of these signs would be problematic in that they would need to be far from the affected sites in some cases and have no direct bearing on the local situation. For example, signs indicating train traffic for westbound Lake St traffic would need to be located at Hwy 100 in order to re-direct them onto Minnetonka Blvd. These signs would also have the unintended consequence of putting drivers unfamiliar with the neighborhood on local streets.

## 6.3 Effects on Other Transportation Facilities and Services

### 6.3.1 Existing Facilities

#### 6.3.1.2 Freight Rail Operations

This section has a discussion of the current freight traffic on the four active rail lines in the study area. Due to the longevity of the decision being made regarding freight rail traffic, any evaluation that does not include predicted future growth of freight and /or commuter rail operations on both the MN&S and Kenilworth configurations seems very short sighted.

#### Section 6.3.1.4 Bicycle and Pedestrian Facilities

The bicycle and pedestrian trails are referred to as “interim-use trails.” Alignments of the LRT and Freight rail tracks in the Kenilworth corridor should be considered with additional co-located configurations and alternate locations of the bicycle and pedestrian trails.

### 6.3.2 Long-Term Effects

#### 6.3.2.2, Freight Rail Operations

Discussion of the freight rail track bed in the Bass Lake Spur corridor for the co-location alternative fails to recognize that these improvements would be necessary regardless of which alternative is used. Unless a southern interconnect to the MN&S is built and the Skunk Hollow switching wye is removed these tracks will be necessary to facilitate the use of the wye. This would include the bridge over Hwy 100. This cost must be included in the estimates for either the 3A or the 3A-1 alternatives.

## CHAPTER 7 - SECTION 4(f) EVALUATION:

### 7.0 Section 4(f) Evaluation

Chapter 7.0 of the SWLRT DEIS includes an analysis of the potential use of federally protected properties for the various proposed routes of the project. This response specifically relates to Section 4(f) impacts to routes 3-A (LPA) and 3A-1 (co-location); the remaining routes are not included as a part of this comment. The comment is organized by route, using 3A as a basis for comparison. This comment surfaces omissions, inconsistencies, and route alternatives not included in the DEIS, but that must be addressed in further analysis by the design team and included in the subsequent FEIS.

Before analyzing and comparing Section 4(f) impacts to routes 3A and 3A-1, it is important to make clear that the bike and pedestrian trails currently within the HCRRRA ROW are not protected via Section 4(f) rules and guidelines as stated in Section 7.4 on page 7-6 of the DEIS: *“ The existing trails adjacent to Segments 1, 4, A and a portion of Segments C (the Cedar Lake LRT Regional Trail, Minnesota River Bluffs LRT Regional Trail, Kenilworth Trail, and Midtown Greenway) were all constructed on HCRAA property under temporary agreements between the HCRRRA and the trail permittees. As documented in each trail’s interim use agreement, HCRRRA permitted these trails as temporary uses with the stipulation that they may be used until HCRRRA develops the corridor for a LRT system or other permitted transportation use. Therefore these trails are not subject to protection as Section 4(f) property “.*

#### Route 3A

Table 7.4-1 of the DEIS states that 0.00 acres of section 4(f) property is affected in Section A of the proposed route. The DEIS also states that a historic channel between Brownie Lake and Cedar Lakes may be affected by construction of this route. A calculation of the affected area is not included in Table 7.4-1, and it is not mentioned whether this affected area is considered a permanent or temporary use. This is an omission from the DEIS and an inconsistency between analysis and comparison of routes 3A and 3A-1. For contrast, the analysis of Route 3A-1 includes very detailed Section 4(f) area calculations, down to the hundredth of an acre, for bridge and other related construction at both Cedar Lake Parkway and Lake of the Isles. A revised DEIS or FEIS must address this omission and inconsistency by providing a calculation of the area impacted at the historic channel between Brownie Lake and Cedar Lake.

Section 7.4.1.4, page 7-20 of the DEIS explicitly states that land ownership along the segment from downtown Minneapolis to Cedar Lake Park is complicated and may need additional survey or a detailed title search to determine ownership of the underlying land . This is another omission. The U.S. Department of Transportation Federal Highway Administration's Office of Planning, Environment, and Realty Project Development and Environmental Review Section 4(f) Policy Paper dated July 2012, section 3.2, page 7 states:

"In making any finding of use involving Section 4(f) properties, it is necessary to have up to date right-of-way information and clearly defined property boundaries for the Section 4(f) properties. For publicly owned parks, recreation areas, and refuges, the boundary of the Section 4(f) resource is generally determined by the property ownership boundary. Up-to-date right-of-way records are needed to ensure that the ownership boundaries are accurately documented."

Without up-to-date property records and boundaries, an accurate representation of Section 4(f) property cannot be stated. The admitted complexity of property boundaries and incomplete understanding of these boundaries shall be rectified by including additional survey and title searches in a revised DEIS or the FEIS to provide a more accurate and transparent representation of Section 4(f) property impact for route 3A.

Table 7.4-1 of the DEIS states that 0.227 acres of Section 4(f) property within the Nine Mile Creek area is necessary for construction of route 3A. According to Chapter 7, Section 7.4.1.4, page 7-20 of the DEIS, the 0.227 acres of Section 4(f) area required for construction of route 3A is considered *de minimus*. This is an important figure as it sets precedent for analysis of the other routes considered for the project. These 0.227 acres of area shall be used as a basis for determining the *de minimus* quantity of Section 4(f) property for the remaining routes considered for this project. Taking this basis into consideration, the Section 4(f) property uses at Lake of the Isles of 0.01 acres, and at Cedar Lake Parkway of 0.07 acres (a total of 0.08 acres) for Route 3A-1 thus become immaterial or *de minimus*. Therefore the only material point of contention in discussing Section 4(f) property uses between routes 3A and 3A-1 is the 0.81 acres of Minneapolis Park Board property listed in the DEIS Table 7.4-1.

#### Route 3A-1

Taking into consideration the points made above regarding *de minimus* quantities of Section 4(f) property, the Section 4(f) uses at Cedar Lake Parkway and Lake of the Isles are negligible; the remaining 0.81 acres of Section 4(f) property use (Minneapolis Park Board property) is the only material quantity of land that should be analyzed for route 3A-1.

Section 7.4.1.5 of the DEIS discusses conceptual engineering as follows:

*“Segment A of LRT 3A-1 (co-location alternative), which would co-locate freight rail, light rail and the commuter trail within this segment would necessitate additional expansion of ROW outside of the HCRRA-owned parcels into adjacent parkland. Section 4(f) uses could occur for the Cedar Lake Park, Cedar Lake Parkway and Lake of the Isles portions of the Minneapolis Chain of Lakes Regional Park for reconstruction of existing bridges, construction of new LRT tracks and realignment of the existing freight rail tracks. The conceptual engineering complete to date for the project identifies approximately 0.81 acres of permanent use of Cedar Lake Park for the location of the reconstruction of the freight rail track.”*

The DEIS then contradicts the above statement, two sentences later, with this statement:

*“Construction limits have not been determined for the co-location segment, but it is likely that additional temporary uses of parkland will occur.”*

Without determining construction limits for the co-location segment, it is unclear how the figure 0.81 acres of Section 4(f) parkland use was calculated. The DEIS calls out this 0.81 acres of use, but it does not clearly delineate the boundaries of the park property that must be used. The only representation of the 0.81 acres is shown in a visual aid - Figure 7.4-6, page 7-16. From this graphic, it appears that the Section 4(f) use would occur in Section A of the route between the proposed 21st Street and Penn Avenue Station. The graphic only contains visual representations of where park land use may be required. No detailed engineering drawings containing plan views of construction limits or cross-sections are provided to demonstrate the required use of park land for route 3A-1. This is a critical omission from the DEIS; a revised DEIS or FEIS must clearly show the limits of construction causing the required use of Section 4(f) property within section A of this project. If the delineation of construction limits demonstrates that use of Section 4(f) park property is in fact required for Route 3A-1, alternative permutations of this same route must be given consideration as viable alternatives as outlined in the 1966 FHA Section 4(f) documents. Just because one configuration of route 3A-1 requires park land, does not imply that other configurations of the same route would also require temporary or permanent park land use. Alternative configurations of route 3A-1 that eliminate or minimize Section 4(f) property uses must be included in a revised DEIS or FEIS. From this point forward, this comment will focus on the portion of the project between Burnham Road and the proposed Penn Avenue station, as this is the area that the DEIS states Section 4(f) park land is required for construction of the project.

Again, a thorough representation of property boundaries and ownership along section A of routes 3A and 3A-1 is not included within the DEIS. The DEIS explicitly states this in Section 7.4.1.4, page 7-20 “Land ownership along section A is complicated and may need additional survey information to accurately represent property boundaries, etc...” Appendix 7A shows Hennepin County property boundaries and a representation that the existing freight rail tracks in the Kenilworth Corridor appear to be on Cedar Lake Park property. Appendix 7 C also shows how skewed the Hennepin County property boundaries are depicted in conceptual engineering drawings. Hennepin County produced a memorandum attempting to address the issue. The document is in Appendix H,, Part 1, page 50 of the DEIS. It is titled “Technical Memorandum” by Katie Walker, dated March 23, 2012. This memorandum outlines a problem with Hennepin County parcel data, and very generally dismisses the property boundary issues, additionally stating that the existing freight tracks through the Kenilworth Corridor are on HCRRA property and that survey quality data will be provided during preliminary and final design stages. This is not acceptable. Without accurate survey drawings the Section 4(f) analysis has absolutely no factual survey basis to stand on, rendering the analysis useless and arguably laughable. This is a major omission from the DEIS and project as a whole; accurate definition of property boundaries and ownership is a fundamental and absolutely essential piece of due diligence required for sound planning and design of any land development project.

Taking the above points into consideration and upon further investigation of property boundaries and ownership along Section A of route 3A-1, it is apparent that more property, and subsequently, various permutations of route 3A-1 are available for consideration in eliminating or minimizing Section 4(f) property use. Hennepin County property records show a ROW corridor owned by HCRRA where proposed LRT and trails would be located together. This corridor is generally 50 feet in width. If this corridor is considered as the only property available for construction of LRT, Freight Rail, Pedestrian and Bike trails, it is apparent that there is not enough width to accommodate all of these uses. A blatant and obvious omission from the analysis is the property directly adjacent to the east of this ROW corridors is owned by HCRRA and provides an additional 100 feet to 200+ feet of width to the corridor adjacent to Cedar Lake Park. The DEIS does state on page 7-21 that: “The majority of the land along Segment A through the Kenilworth Corridor by Cedar Lake Parkway belongs to the HCRRA. The additional parcels of property adjacent to the project corridor, owned by HCRRA, and that could be considered for additional configurations of route 3A-1 are recorded in Hennepin County property records and displayed on Hennepin County Property Records website. The parcels that must be included in additional configurations of route 3A-1 include PID 2902904410044, PID 3202924120046, PID 3202924120045, PID 3202924120005, and PID 320292413001. Please see Appendix 7 B for visual representations of these parcels in relation to Cedar Lake Park and the existing HCRRA ROW.

In summary the DEIS calls out 0.81 acres of Section 4(f) property as required for Co-location. This simply is not necessary. As outlined above and shown in appendix 7 of this DEIS comment document there is plenty of width from 21st St to Penn avenue to accommodate lrt, freight, and trails without using any parkland whatsoever. This is a major omission from the DEIS, and a blatant misrepresentation of facts that must be addressed in a revised DEIS or FEIS. With this said, use of Section 4(f) property becomes a non-issue for co-location, and this should be stated as such in the DEIS. Please see appendix 7 D for a discussion of legal aspects of Section 4(f) analysis as it relates to this project. A St. Louis Park resident, Mark Berg, discusses legal ramifications of Section 4(f) analysis on co-location of SWLRT and freight rail. Please consider his written letter as a companion document to this DEIS response. The analysis above combined with the legal aspects discussed by Mr. Berg demonstrate that the DEIS's 4(f) analysis is flawed and a new analysis must be undertaken by the project to rectify omissions, misrepresentation of facts, and ambiguities related to property boundaries, proposed project boundaries and overall section 4(f) property use.

## CHAPTER 8 - FINANCIAL ANALYSIS:

### 8.0 - Financial Analysis

In September of 2011 the FTA mandated that the proposed freight rail reroute from the Bass Lake Spur to the MN&S Spur must be added to the SWLRT-DEIS (Letter from Marisol Simon, FTA to Susan Haigh, Met Council Safe in the Park - Chapter 5 Appendix – Document 1) Because of this mandate addition of the proposed re-route must be included in the “study area” in a regular and consistent basis. Unfortunately, the inclusion of the proposed reroute in the analysis of this section is inconsistent. The inconsistency of the inclusion of the proposed re-route leads to inconsistent and incorrect conclusion about the cost of the SWLRT.

In section 8.1.2 methodology a list of the resources used to determine the cost of the SWLRT project are given. No links or data tables are actually shared in the SWLRT-DEIS (8.1).

Without links or data tables in the Appendix of the SWLRT-DEIS it is difficult if not impossible for the average resident to make substantive comments about the data tables and information in this section. Due to the November 26, 2012 revelation (Correction Letter from HDR and updated table Safe in the Park - Chapter 5 Appendix – Document 2) about “typos” the need for reference materials is all the more important. In fact, the errors in this section coupled with the misrepresentations, inconsistencies, omitted information and other mistakes, bring the validity of the entire SWLRT-DEIS into question.

Are there any other “typos” in the DEIS? Claiming a \$100,000,000 “typo” conveniently narrows (but does not eliminate) the cost disadvantage of the HCRRA’s favored LRT 3A (LPA- Re-route) relative to the less expensive LRT 3A-1(LPA - co-location). How will the additional \$100,000,000 cost of the project be funded? The HCRRA’s “Corrected Table 8.1-1” shows the additional \$100,000,000 in “Professional Services”. (8-2) Presumably the numbers in Table 8.1-1 come from spreadsheets, and where in the supporting spreadsheets did the error occur? Were the underestimated Professional Services costs in civil engineering, or public relations or project accounting? Who entered the wrong number and how is the public to know that the numbers are now correct?

Table 8.1-1 - Cost estimate for build alternatives.

The re-routing of freight trains from one area to another is not unique to St. Louis Park. Train rerouting has occurred throughout the United States, Canada and Western Europe. Multiple studies about the impacts of such re-routes exist. One item that consistently appears in all the studies (Property Valuation Articles and summary - Safety in the Park - Chapter 5 Appendix – Documents 3-8) is the negative impact of the re-routed freight trains on the community that is forced to accept the trains. Although the negative impacts on small business and the loss of property value in these cases can’t be called a capital cost, the negative impacts are costs nonetheless. Furthermore, the slim cost margin between re-route and co-location seems inconsistent with the amount of building needed in each alignment.

Section 8.1.4.1: Federal Section 5309 New Starts. This section states, “The local project partners have assumed that the Southwest Transitway will be funded 50 percent with New Starts funding” (8-3). Justification for this assumption is not provided and a different assumption could just as easily be made that would fundamentally change the cost/benefits outcome of the project.

Section 8.1.4.4: Regional Railroad Authorities. As noted in this section, Regional Railroad Authorities exist “...for the specific purpose of providing for the planning, preservation, and improvement of rail service including passenger rail service and to provide for the preservation of abandoned rail right-of-way for future transportation uses” (8-4). (Contrary to this purpose, re-routing freight trains from the Kenilworth Corridor would sacrifice a relatively straight, flat, direct and efficient railroad route in order to preserve a bike path. If the purpose of “preservation of abandoned rail right-of-way for future transportation uses” had occurred as intended, the land for townhouses at the “pinch point” would never have been sold. HCRRA is not fulfilling the purpose for which it was intended.

## **8.2 - Operating Funding Strategy**

Section 8.2.1: Operating and Maintenance Costs. This section states, “No freight rail operating and maintenance costs will be attributed to the project because HCRRA has no obligation to the freight railroads operating in the study area to reimburse either operating or maintenance costs” (8-5). The TC&W stated publicly during the PMT process that it would cost more for it to operate its trains along the re-route than on their present route through the Kenilworth Corridor and that it needed to have “economic equilibrium” before agreeing to the re-route. As made clear by Section 8.2.1, there is no provision in the DEIS to provide “economic equilibrium” to the TC&W. Leaving a critical stakeholder’s needs unaddressed undermines the credibility of the DEIS. The HCRRA joins the TC&W and the CP in explicitly renouncing responsibility for maintenance of the new MN&S interconnects that would be necessitated by the re-route, leaving this ongoing economic requirement to become an open sore for future county/railroad relations. ([http://www.mnsrailstudy.org/key\\_documents](http://www.mnsrailstudy.org/key_documents))

Section 8.2.2: Bus O&M Costs. This section states that bus operating and maintenance (O&M) costs vary with the level of service provided, and that, “Fixed costs do not change with the level of service...” while the same paragraph also states. “Therefore, the fixed costs are 20 percent of the total (O&M costs)” (8-5). However, if O&M costs vary with activity levels and fixed costs are 20 percent of total bus O&M costs, the fixed costs are not really fixed and may be understated in the DEIS.

Section 8.2.3: Light Rail Transit Operations and Maintenance Costs. This section states, “Variable costs of LRT are assumed to be 86 percent of the total cost with the fixed cost being 14 percent of the total” (8-5). Left unexplained is what items are included in fixed cost for LRT and why fixed costs for LRT are only 14% of total O&M costs when LRT has a much higher level of fixed assets to maintain (track and overhead power lines) than the bus alternative. If fixed costs for the bus alternative are only 20% of O&M and fixed costs for LRT are 16% of O&M, the ongoing fixed costs of maintaining the larger capital base required for LRT may be understated by the DEIS.

Table 8.2-3 . “system O&M costs for building alternatives” shows the cost for LRT 3A (LPA, re-route) and LRT 3A-1 (LPA, co-location) to have exactly the same operating costs. However, LRT 3A (LPA, re-route) needs to include the costs of maintenance for the two interconnects. According to the responses from the CP in the MN&S EAW ([http://www.mnsrailstudy.org/key\\_documents](http://www.mnsrailstudy.org/key_documents)), they have declined to be responsible to maintain the interconnect (8-7). Therefore, the cost of maintenance must fall on the SWLRT and be represented in the cost table.

Section 8.2.5.1: Fare Revenues. This section states, “Ridership i anticipated to grow along with increasing population and employment” (8-7 & 8-8). Unacknowledged in the DEIS is the growth of telecommuting which might reduce demand for transit in the future, leaving the SWLRT as underused as the Northstar commuter line.

The DEIS states, “In 2011, 26 percent of the total MVST (Motor Vehicle Sales Tax) revenues were dedicated to transit needs in the Twin Cities metropolitan area” (8-8). This percentage could go up or down in the future but without explaining why, the numbers in Table 8.2-4 show the percentage increasing to 26.47% in 2012 and the following years, a higher percentage than 21.7% to 26% range observed since 2009 (8-8). Left unexplained is which part of Minnesota will give up some of its share of MVST revenues to provide more to the metropolitan area.

Section 8.2.5.2: CTIB Operating Funding. As described in this section, the Counties Transit Improvement Board has agreed to provide a percentage of the operating assistance required for the SWLRT and other light rail projects as well as the Northstar commuter line (8-8). If Northstar continues to miss its budget targets how will CTIB continue to subsidize the SWLRT?

Section 8.2.5.5: State General Funding. This section states, “State funding for transit operations has grown over recent biennia” (8-9). The numbers provided show that state funding declined 32.45% in the most recent biennium and funding declined in two of the last four biennia. The DEIS takes an optimistic case for continued state funding.

Section 8.3: Strategy for Potential Funding Shortfalls. It is asserted in this section that, “Short term shortfalls are covered by the operating reserves. In the longer term, Metro Transit relies on the MVST growth and its fare policy.” “The MVST revenues are projected to increase at a rate of 4.6 percent per year in the long run. This forecast is viewed as conservative for financial planning purposes as historical trended MVST receipts for the period of 1973 to 2008 averaged 5.7 percent” (8-9, 8-10). Assuming the above percentages indicate real growth rather than inflation-based growth, the 1973 to 2008 growth was calculated from a recession year to a year at the end of a financial bubble that may have artificially exaggerated growth. Normalized long-term growth in U.S. Gross Domestic Product is generally forecast in the 2% to 3% range, and Minnesota’s gross domestic product is likely to be in the same range, but if MVST receipts increase at a faster 4.6 percent rate over the long term, eventually 100% of Minnesota’s gross domestic product will be collected in MVST, an arithmetically unlikely outcome rendering the DEIS’ long-term operating funding projections questionable.

Another source of operating funding noted in this section is higher fares, which admittedly reduce ridership. The DEIS states, “The state’s commitment to transit in the Metro region may be regarded as an opportunity of financial risk management for operations” (8-10) which might be rephrased, “maybe they will bail us out.” Also mentioned as sources of supplemental operating funding are “non-farebox revenue sources” which raises the question of why these potential sources haven’t been previously developed.

## CHAPTER 9 - INDIRECT EFFECTS AND CUMULATIVE IMPACTS:

As stated in the comment for Chapter 1 of this SWLRT-DEIS response the essential purpose of the National Environmental Protection Act (NEPA) is to ensure that environmental factors are weighted equally before an infrastructure project can be undertaken by a federal agency. The extent to which this SWLRT-DEIS does not fulfill the essential purpose of NEPA is particularly evident as the indirect and cumulative impacts of the SWLRT are discussed.

In September of 2011 the FTA mandated that the proposed freight rail reroute from the Bass Lake Spur to the MN&S Spur must be added to the SWLRT-DEIS (Letter from Marisol Simon, FTA to Susan Haigh, Met Council Safe in the Park - Chapter 5 Appendix – Document 1). Because of this mandate addition of the proposed re-route must be included in the “study area” in a regular and consistent basis. Unfortunately, the inclusion of the proposed reroute in the analysis of this section is inconsistent. The inconsistency of the inclusion of the proposed re-route leads to inconsistent and incorrect conclusion about the cost of the SWLRT.

In sections **9.1- 9.2** The methods used and criteria of indirect and cumulative impacts are defined. Section 9.1.12 - states that “ Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” [40 C.F.R. § 1508.7] (9-1). On the next page of the SWLRT-DEIS section 9.2.2 states “Build Alternative and other actions, including past, present, and future, were identified and added to the direct effects of each alternative (as presented in Chapters 3, 4, 5, 6, and 7 of this Draft EIS) to arrive at the total potential cumulative impact” (9-2). What is left out of these sections is the fact that the re-route area of the SWLRT-DEIS has never been evaluated in respect to 40 C.F.R. § 1508.7 and that in Chapters 3, 4, 5, 6 and 7 of this DEIS the direct impacts of the re-route portion were not evaluated in a good faith effort.

### **9.2.3 Study Area Definition**

Section 9.2.3.1 defines the area “½ mile around the station areas” (9-3) as the area for indirect impact while section 9.2.3.2 defines the cumulative impact area as the area “about one mile on each side of the Build Alternatives’ alignments” (9-3, 9-4). This is true for all of the SWLRT build options except for the MN&S re-route area. Despite being an official part of the SWLRT project, the area “about one mile on each side” of the MN&S re-route area has been left out the evaluation of cumulative impacts. An argument can actually be made that not only should the MN&S re-route track area of study be a one mile radius, but in fact because the weight, vibration, noise, and other factors are greater for freight trains than light rail trains, an even broader area should be studied for the freight re-route area.

It must be pointed out that although segment A is part of the 3A(LPA - Re-route) the area from approximately Penn Station east to Downtown Minneapolis has not been included in the discussion of the re-route. However, that same area is considered part of the co-location discussion of 3A-1(LPA-Co-Location). This is thoroughly discussed in Chapter Two comments of this document.

### **9.3 - Existing Conditions and Development Trends**

There are so many vague assertions in this section that it is difficult if not impossible for the average resident of Hennepin County to substantively comment on this section . It is asserted that the economy of the Southwest metro is vibrant and growing, but in Chapter one of this DEIS document errors were found in regard to the number of jobs near the SWLRT alignment. It stated that the information comes from the October 2008 Market assessment (9-4). However, using the search bar on this DEIS and a close scrutiny of Appendix H, it is impossible to find the 2008 Market assessment or the data about population, household, and employment as it relates to the re-route portion of the 3A (LPA-re-route)

The existing conditions and the impacts regarding the proposed reroute area were NOT covered in Chapters 3,4,5 and 6 of the SWLRT-DEIS. The conclusions drawn in section 9.3 about the proposed reroute area are at best under represented and at worst completely wrong.

### **9.4 - Reasonably Foreseeable Future Actions**

The proposed new intersection at TH 7 and Louisiana in St. Louis Park seems to be missing. The St. Louis Park City Council voted unanimously on December 3, 2012 to move forward with the project.

## 9.5 Potential for Indirect Effects and/or Cumulative Impacts

Missing from the SWLRT-DEIS is a comprehensive look at the indirect and/or cumulative impacts on the proposed re-route area. Using the Report done for the City of St. Louis Park by Short, Elliot and Hendricson (SEH) [http://www.stlouispark.org/webfiles/file/community-dev/techmemo\\_4.pdf](http://www.stlouispark.org/webfiles/file/community-dev/techmemo_4.pdf)

the responses to the MN&S EAW ([http://www.mnsrailstudy.org/key\\_documents](http://www.mnsrailstudy.org/key_documents)) and the Comments to Chapters 3,4, 5 and 6 from this document, a table detailing the indirect and/cumulative impacts is presented. For purposes of evaluating the indirect and cumulative impacts of the proposed re-route area, we define the area for both indirect and cumulative impacts as the area about one mile on either side of the re-route alignment beginning just east of Minnehaha Creek on the west and the point where the new alignment joins the BNSF near Cedar Lake in the east.

Indirect impacts are the things that can only be qualified, while the cumulative impacts are as defined in section 9.1.12: “ Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” [40 C.F.R. § 1508.7] (9-1).

Table 9.5-1. Resources with potential for indirect effects or cumulative impacts

<b>NEPA TOPIC</b>	<b>POSSIBLE INDIRECT IMPACT TO RE-ROUTE AREA</b>	<b>POSSIBLE CUMULATIVE IMPACTS TO RE-ROUTE AREA</b>
Land use and socioeconomics	Yes, Parks will be less attractive as noise and pollution from freight trains increases.	Yes, small businesses in the area will experience difficulty due to traffic conditions
Neighborhoods, community services and community cohesion	Yes, Loss of community pride after FRR is 'forced'. Areas around the MN&S will become blighted as homes suffer from effects of extreme vibration	Yes, Loss of property value will cause higher rate of foreclosure and rental vs ownership rates. Emergency vehicles will have difficulty moving about the re-route area, STEP will be impacted by noise and vibration. Gentrification will become impossible!
Acquisitions and displacements/relocations	Yes, homes will need to be taken to create a safer ROW or if not taken neighborhood blight will occur	Yes, removal of homes or decline in value of homes that are not taken will result in a lower tax base for St. Louis

		Park. Inverse condemnation due to loss of enjoyment from negative impacts.
Visual quality and aesthetics	Yes, garbage stuck in fencing needed to create the supposed whistle free zones will be an eyesore. The interconnect structure will be site for graffiti.	Yes, The interconnect structure needed to accomplish reroute will dwarf everything in the area and change the overall look of the community. Maintenance and upkeep will be neglected because ownership of interconnect is not clear.
Safety and security	Yes, the amount of hazardous material transported will increase with increased track usage. Increase usage will decrease the enjoyment of residential backyards, as this is used as a buffer zone for derailment.	Yes, safety concerns will be a factor in the housing and resale of the residents, leading to increased housing turnover, higher rental percentages. Concerns for students will be a factor in considering school facilities for families as they establish households.
Environmental justice	Yes, Students at St. Louis Park High and Peter Hobart (both schools have significant minority populations) will be impacted.	The FRR will decrease school morale and possibly increase destructive behavior as the community reflects on the significance of forcing the FRR. A 'Rondo' effect.
Air quality	Yes, laboring locomotives will spew diesel fumes, and vehicles on the roadways will spend more time idling while waiting for trains.	Yes. negative impacts to resident health from increase pollution exposure. Property maintenance, upkeep will increase due to the settling of pollution on structures.
Noise	yes, inverse condemnation, loss of property rights as residents can no longer enjoy their backyards. Lack of direct south connection may cause the FRR area to become a defacto switching yard.	Yes, introduction of a direct route will encourage more freight traffic, use of ports and yards will change which allow for more traffic also. Noise level, exposure are not stagnant but should be expected to increase.

Vibration	Yes- increased vibration will impact structure foundations and could increase radon exposure.Lack of direct south connection may cause the FRR area to become a defacto switching yard.	Yes, introduction of a direct route will encourage more freight traffic, use of ports and yards will change which allow for more traffic also. Vibration level, exposure are not stagnant but should be expected to increase.
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Economic effects	Yes, due to lower property values the tax base of St. Louis Park will no longer be raked as one of the 100 best Cities in America	Yes, a lower tax base due to lower property values will raise taxes on the homes a distance from the tracks and will also result in fewer services for residents.
Station Area Development	No, Most of the re-route area is too far from a station to benefit.	No, Community works dollars will be spent on station areas and the re-route area will be left to flounder
Transit effects	Yes, The MTC bus that crosses the MN&S at Lake Street, Library Lane and Dakota Ave. could experience schedule problems due to trains in crossing.	Yes, because of problems with scheduling the busses could be removed from service leaving people who need the bus and make transfers in uptown or downtown in Minneapolis without transportation
Effects on roadways	Yes, side streets will be difficult to traverse because of queues of cars. Since these queues will be at random times people will not be able to effectively plan their day.	Yes, emergency vehicles will have difficulty traversing the area. People will suffer because of delayed response time. Because people will attempt to avoid the roads in the re-route area as much as possible, traffic on Minnetonka Boulevard will become even more congested.

## 9.6 Long-Term Effect

This section states that no mitigation is “needed, proposed or anticipated” for the MN&S spur. It is difficult to believe that a 788% increase in the number of rail cars moving on the MN&S spur will need no mitigation, yet that is what is proposed in section 9.6. The section even goes on to say that “Because the indirect effects and cumulative impacts (of SWLRT) are considered desirable and beneficial no mitigation is required.” The benefits of Light rail will in no way ameliorate the negative impacts done by the re-routed freight. Light rail will not straighten tracks to save neighborhoods from derailments, it won’t decrease noise and vibration or fix any other of the negative impacts caused by increased rail traffic.

As pointed out in the comments to Chapters 3, 4, 5 and 6, the negative impacts from moving freight traffic to the re-route area are extensive but these impacts are unaddressed by the SWLRT-DEIS which simply asserts in section 9.6 that no mitigation is needed for the freight rail re-route area. Should freight be re-routed from a former Chicago to Seattle mainline to tracks that were built to accommodate electric interurban trains, the mitigation needs will be extensive. Lists that include, but are not limited to all of the mitigation that will be needed in the MN&S re-route area, from just east of Minnehaha Creek to the junction of the new BNSF siding with the BNSF main line, can be found in the City of St. Louis Park comments and the SEH report. [http://www.stlouispark.org/webfiles/file/community-dev/techmemo\\_4.pdf](http://www.stlouispark.org/webfiles/file/community-dev/techmemo_4.pdf) (SEH document); [http://www.mnsrailstudy.org/key\\_documents\\_EAW](http://www.mnsrailstudy.org/key_documents_EAW) Comments. These lists are in no way definitive. No matter how much mitigation is done, the MN&S Spur will always be a retro fitted interurban carrying freight trains that belong on tracks built for mainline rail traffic.

## 9.7 - Greenhouse Gasses

Increased diesel fumes caused by locomotives laboring up the two steep interconnects, idling for long periods of time, perhaps making multiple trips through the neighborhoods will have a cumulative impact. The area around the MN&S re-route area will become intolerable because of the added pollutants. The community further afield will suffer indirectly because of the increase of smog.

## CHAPTER 10 - ENVIRONMENTAL JUSTICE:

Improper Analysis: Section 10.3.1: The same methodology was not used in both identifying census blocks for the five alternatives and the Freight Rail Relocation. It is discussed that a half mile buffer was created but there is a footnote 2 on Page 10-2. The footnote clearly states that the area of impact for the Freight Rail Relocation was geographically narrower to ensure the analysis did not miss a minority population. First, it is poor process and suspect when a project doesn't use equal parameters. Second, it is not logical to state that a narrower impact area would help include more information. A narrower area can only leave a segment with lower impact due to less geographical area. And finally, it should also be considered that Hennepin County did not take serious consideration of the Sept 2011 letter by FTA. The letter requested that the Freight Rail and impacts be a part of the SWLRT. It is suspect that the information used in the SWLRT DEIS for the FRR environmental impacts was pulled from the MN&S Report (Located in Appendix H, Part 1). The MN&S Report is essentially the same information as the Minnesota State MN&S Freight Rail EAW which didn't include a half mile impact buffer because the scope of the state project would only consider adjacent properties. The fact that the area of impact is narrower for the FRR correlates the small scope of the original project.

Improper analysis: Table 10.3.1: The percentage of minority population impacts increases with the Co-Location option. Figure 10.3-2 with the LPA 3A indicates that there are pockets of high minority census blocks along the FRR, with the largest section in the Iron Triangle area of the FRR project. Co-Location would both eliminate these areas and is geographically smaller. Action requested to have the analysis of this percentage increase with co-location explained further.

Improper Analysis: There is a core analytical flaw in figures 10.3 when it describes the FRR and the Co-location area. It is flawed because the effects of segment "A" take into account the area north of Kenilworth corridor even though that area will be affected with or without the FRR. Therefore, this is an improper comparison. The figures should be divided as a.) FRR from the Interconnect structure to the BNSF siding. b.) Co-location section from West Lake to Penn Station area. c.) common area which is north and east of Penn Station to Target Field. Including the common area can only unfairly overestimate the impacts to the co-location segment.

Improper Analysis: It is important to highlight that the FRR segments have areas with high minority population. In comparison, the co-location area in Kennilworth Corridor have none. If the Re-Route section is chosen, the project will have a disproportionate negative impacts to minority in the freight decision- which is concern for the EPA and the principles of environmental justice and fair treatment. It is improper for the conclusion that the re-route is the environmentally preferred alternative for the freight. Maps of the FRR area vs co-location with minority populations (Attachment Appendix 10).

Missing from the environmental impacts for minority and low-income groups is an analysis of the demographics of the St Louis Park schools within half mile: Peter Hobart Elem., St Louis Park Senior High, and Park Spanish Immersion.

'A minority population means any readily identifiable group or groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed or transient persons such as migrant workers or Native Americans who will be similarly affected by a proposed DOT program, policy or activity.' FTA C 4703.1. The population of a school can be accurately described as a geographically dispersed people that gather for the purpose of education. In addition, the school board and each school administration has the liability of protecting and policing students while on campus, similar to the responsibilities of a local government.

School	Population	Percent Minority	High Minority Population Fit <sup>1</sup>	Percent Free and Reduced Meals
St Louis Park School District	4472	38.9%	yes	31.2%
Senior High	1381	38.4%	yes	32.9%
Peter Hobart Elementary	549	43.5%	yes	37.2 %
Park Spanish Immersion	513	26.5%	no	14%

<sup>1</sup> The percentage used to determine high minority population kit was 28.3%, Section 10.3.1.1

Source: slpschools.org- Fall 2012 Enrollment Comparison and Demographic information.  
 (<http://www.rschooldtoday.com/se3bin/clientgenie.cgi?butName=Fall%202012%20Enrollment%20Comparison%20and%20Demographic%20Information&cld=0&permission=3&username=>)

Missing Information: The percentage of free or reduced meals is significant for the St Louis Park School District, Senior High, and Peter Hobart. it is difficult to determine from the free/reduced meals if there is an impact to low income population because the criteria is not a match. However, this is information that the project should investigate further to prevent improper high impacts.

Improper Analysis: The LPA discusses that the adverse effects on environmental justice populations. The different segments and criteria (construction, transit service and accessibility, air quality, multimodal environment) reach a conclusion that there is no disproportionate high or adverse effects anticipated. This conclusion is improper because the populations of minorities in the community of the FRR segment, school populations minorities, and possible low income students at the schools are not considered. In addition, it is stated the LRT will provide benefits to the environmental population. The Freight Rail Re-Route section of the LPA will have no benefits to the impacted populations, only negative impacts. Therefore, no offset of negative impacts by the LRT benefit. The conclusion of the Environmental Justice for the LPA is incorrect and improper.

Action requested: Halt any decision on the freight issue until further study is completed such that the missing information, flawed assumptions can be answered. This secondary study needs to have a scope which the city, residents, and railroad company can agree on.

Action requested: Change the scope of the impact areas for the FRR and co-location segments to exclude the area that is north and east of the Penn Station.

Action requested: More weight should be given to the minority areas of the Freight Rail Re-Route because the impacts will be negative with no positive LRT offset.

Action requested: Include the minority and possibly low income populations of the impacted schools in the analysis.

## CHAPTER 11 - EVALUATION OF ALTERNATIVES:

On November 29, 2011 Hennepin County Commissioner Gail Dorfman stated, "How do we explain co-location being added without people thinking that co-location is on the table in a serious way, promises were made going a long way back"

[http://hennepinmn.granicus.com/MediaPlayer.php?view\\_id=10&clip\\_id=1459](http://hennepinmn.granicus.com/MediaPlayer.php?view_id=10&clip_id=1459)

Consequently, the comparison done on the proposed reroute of freight from the Bass Lake Spur to the MN&S Spur then from the MN&S to the BNSF Wayzata Subdivision and the co-location of the same freight trains was not done to ensure that the essential purpose of NEPA was fulfilled.

The purpose of this comment and our evaluation of each chapter is to show that the conclusion of the SWLRT-DEIS prepared by the HCRRRA concerning the co-location or re-routing for freight trains is incorrect. We submit that based on our evaluation the conclusion that the re-route is preferable co-location should be re-evaluated.

- The inconsistencies and inaccurate information in Chapter 1 bring into doubt the need for the proposed reroute. The claims that the interconnects are part of the MnDOT State Freight Rail plan are unsubstantiated.
- The lack of public process discussed in Chapter 2 should bring into question the choice of Build Alternative 3A even being considered as an option much less chosen as the LPA
- The evaluations on impacts and indirect and cumulative impacts caused by the proposed reroute discussed in Chapters 3,4,5 , 6 and 9 do not fulfill the the purpose of each chapter.
- Chapters 7 and 10 of the SWLRT-DEIS fail to address the Federally mandated questions.
- The financial chapter 8 not only is suspect because of the "typo" found on November 26, 2012 but also because it does not discuss the ongoing maintenance cost associated with the building of two large pieces of infrastructure.
- The last Chapter 12, as with Chapter 2 spells out the lack of public process and the contempt with which the residents of St. Louis Park have been treated.

The following Table 11.1-1 is based on the table of the same number in the SWLRT-DEIS (11-2 to 11- 7). The information in this chart has been compiled to evaluate and compare the proposed reroute to co-location. The SWLRT-DEIS presents comparison tables for several aspects of the SWLRT but fails to provide a comparison table showing the attributes of the re-route and co-location. Using the table comparison format featured for other purposes in the SWLRT-DEIS, a reroute/co-location comparison table is presented below. Please note that only publicly available information is included in the table below, and that publicly available information does not include specifics of the SWLRT Light Rail alignment. All public documents used in this table are referenced in this SWLRT-DEIS Comment.

**Table 11.1-1 Re-route Option/Co-Location Option**

Goal and Evaluation Measure	Re-Route Option	Co-location Option
Traffic impacts - queue lengths (in vehicles) at freight rail at-grade crossings	Numbers for the re-route options looked at only one day in time.	Numbers looked at projected growth of area and traffic that impact on queue lengths.
Air Quality impacts	Higher emissions due to laboring diesel freight locomotives.	No change from emissions from diesel freight locomotives
Noise	Extreme increase not only because of increase in the number of trains, but also due to freight locomotive noise caused by steep grades of interconnects. Brake and wheel noise will also increase. Quiet Zone will not stop noise from trains	Noise from Freight trains will remain the same. The only increases in freight will cause by normal market factors.
Vibration	Extreme increase due to a 788% increase in rail cars	No, number of freight trains will remain consistent with current number
Hazardous Regulated materials	High - Potential to encounter more hazardous and regulated materials sites along the MN&S Spur and the BNSF Wayzata Subdivision as well as with the construction of the interconnect at the contaminated Golden site.	
Construction Impacts	High - The building of two interconnects and moving tracks eight feet east above grade in close proximity to homes and businesses will be disruptive	Information in the DEIS is vague on the subject

Community Cohesion	Extreme impact	Impact caused by freight trains will not change, therefore, no impact
Property Acquisitions	At the very least the homes east of the MN&S between West Lake St. and Minnetonka Blvd. must be removed for safety reasons	Townhomes taken in the "pinch point" If they are removed a r-o-w wide enough for LRT, bicycles and freight will occur
Environmental Justice	St. Louis Park High School and Peter Hobart School both within ½ mile of the MN&S tracks have minority populations large enough to be considered a protected group	Impacts to minority groups caused by freight trains will not change. Freight trains already exist in the area.
Land use consistent with comprehensive plan	Yes	Yes, links in Chapter 3 are not conclusive.
Compatible with planned development	Yes	Yes, co-location occurs west of Louisiana Blvd. and on much of the Bottineau line, therefore LRT and development are compatible
Economic Effects	No, beneficial effects to the local economy	Yes, co-location occurs west of Louisiana Blvd. and on much of the Bottineau line, therefore LRT and development are compatible
Development Effects	No, beneficial effects to development	Yes, co-location occurs west of Louisiana Blvd. and on much of the Bottineau line, therefore LRT and development are compatible
Safe, efficient, and effective movement of freight throughout the region, state and nation	No, the proposed re-route is not safe, efficient or effective	Yes
Continuous flow of freight throughout the study area	Yes	Yes

**Table 11.2-1 - Evaluation of Alternatives**

	Re-route Option	Co-location Option
Improved Mobility	does not support goal - re-route area will be congested	supports goal - co-location occurs west of Louisiana Blvd. and on much of the Bottineau line, therefore LRT/ mobility issues are compatible
Provide a cost-effective, efficient travel option	supports goal	supports goal
Protect the environment	does not support goal - improper use of infrastructure is dangerous	supports goal, the co-location area was an active main line Freight rail yard for 110 years and then an active rail line. It has never been legally abandoned
preserve and protect the quality of the life in the study area and the region	does not support goal, improper use of infrastructure is dangerous	Supports goal, the co-location area was an active main line Freight rail yard for 110 year and then an active rail line. It has never been legally abandoned. Nothing about the freight changes
Supports economic development	Does not support goal, small businesses in the re-route area will be negatively impacted by the increased number or freight trains.	Supports goal, co-location occurs west of Louisiana Blvd. and on much of the Bottineau line, therefore LRT and development are compatible
supports economically competitive freight rail system	Does not support goal, re-route is unsafe, inefficient and ineffective	Supports goal
Overall performance	Supports goal, LRT will be able to proceed as hoped	Supports goal, LRT will be able to proceed as hoped

**11.2.43 and 11.2.5 - LRT 3A (LPA- re-route) Compared to LRT 3-1 ( LPA-Co-location)**

In a September 2, 2011 letter the FTA informed the HCRRA that since the proposed freight rail reroute is a connected action to the SWLRT, it must be added to the SWLRT-DEIS (Letter from Marisol Simon, FTA to Susan Haigh, Met Council Safe in the Park - Chapter 5 Appendix - Document 1)

This letter also instructed the HCRRA to add co-location to the SWLRT- DEIS study. Since NEPA was written to ensure that environmental factors are weighted equally, it should be assumed that all factors concerning the re-route as part of SWLRT and co-location as part of SWLRT would be given the same scrutiny. In fact, statute 23 CFR Sec. 774.17 under NEPA, which contains a "test" for determining whether an alternative is "feasible and prudent," should have been applied equally to both the proposed reroute and co-location options. The lack of effort to do a true "feasible and prudent" analysis of the freight rail reroute as part of the SWLRT--DEIS is staggering.

Had the "test" from 23 CFR Sec. 774.17 been applied equally to the re-route portion of LRT 3A and the co-location portion of LRT 3A-1 the following would easily have been determined:  
**LRT 3A / LRT 3A-1 - "Test" 23 CFR Sec. 774.17**

<b>"Test" Category</b>	<b>LRT 3A - Re-route</b>	<b>LRT 3A-1 - Co-location</b>
<b>(i)</b> It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;	Yes	No
<b>(ii)</b> It results in unacceptable safety or operational problems;	Yes, Safety issues include, but are not limited to, aggressive curves, excessive grade changes, multiple at grade crossing that are blocked simultaneously, narrow right of way. Operational issues include but are not limited to, locomotives pulling 100+ car trains up steep grades, more miles to St. Paul destination.	No, Safety issues caused by co-location of freight and LRT are surmountable. They are similar to problems at Blake Road on the SWLRT and most of the proposed Bottineau LRT line.

<p><b>(iii)</b> After reasonable mitigation, it still causes:</p>	<p>The City of St. Louis Park estimates a minimum of \$50 million needed for mitigation yet the reroute still causes:</p>	<p>Cost of mitigation for co-location has not been estimated, but since the issues are not unusual it is logical to think mitigation will take care of issues</p>
<p><b>(A)</b> Severe social, economic, or environmental impacts;</p>	<p>Yes, Mitigation will not straighten tracks, lesson grade changes or move crossings or lesson the increase in heavy rail cars.</p>	<p>No, Impacts to communities will all be caused by LRT because mainline freight has been established in the area for over 100 year.</p>
<p><b>(B)</b> Severe disruption to established communities;</p>	<p>Yes, The increase of 788% in the number of rail cars on the MN&amp;S is excessive. The noise from the locomotives on the interconnects will be greater than any noise currently cause by freight trains, (a whistle-free zone will not solve noise issues) and the length of vehicle queues at grade crossing will be disabling</p>	<p>No, The number of rail cars in the area will not change. Any disruption will be cause by the addition of LRT.</p>
<p><b>(C)</b> Severe disproportionate impacts to minority or low income populations;</p>	<p>Yes, Minority populations at two of the 6 area schools will be impacted.</p>	<p>No</p>
<p><b>(D)</b> Severe impacts to environmental resources protected under other Federal statutes;</p>	<p>Yes, there is potential for additional water resource impacts along the MN&amp;S Spur and the BNSF Wayzata Subdivision.</p>	<p>No, freight rail in this area will not change and therefore, any impact on the environment will be caused by LRT</p>
<p><b>(iv)</b> It results in additional construction, maintenance, or operational costs of an extraordinary magnitude;</p>	<p>Yes, the building of the interconnects and new track needed will be very disruptive in the short term. Long term costs of the project also may be excessive since the railroads have not agreed to maintain the interconnects. Also, the cost to the CP during construction and the TC&amp;W following</p>	<p>Yes, during construction of SWLRT there could be some additional costs however, once implemented co-location will be no different for freight traffic than what occurs today.</p>

	implementation or the interconnect could be extensive	
(v) It causes other unique problems or unusual factors;	Yes, there is potential to encounter more hazardous and regulated materials sites along the MN&S Spur and the BNSF Wayzata Subdivision. There is also potential to encounter hazardous materials from the construction of the interconnect over the contaminated golden site.	No. The freight will not be any different than the freight today.
(vi) It involves multiple factors in paragraphs (3)(i) through (3)(v) of this definition, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.	Yes, the cumulative impacts of the problems faced by the rerouting of the TC&W freight are unprecedented in their magnitude.	No. Although there will be some minor issues cause by the introduction of the SWLRT to the area, the problems are all not unusual to LRT and are surmountable.

Applying the “test” from 23 CFR Sec. 774.17 reveals that the proposed reroute in LRT 3A (LPA) is neither “feasible or prudent.” Therefore, the use of 0.81 acres of Cedar Lake Park according to the Act of 1966 codified at 49 U.S.C. 303 and 23 U.S.C. 138 will not impede the building of SWLRT.

LRT 3A-1 (Co-location) best meets the Southwest Transitway project’s Purpose and Need Statement as expressed by the goals of improving mobility, providing a cost-effective and efficient travel option, preserving the environment, protecting quality of life, supporting economic development, and developing and maintaining a balanced and economically competitive multimodal freight system. **In light of the facts presented in this SWLRT-DEIS response it is recommended that LRT 3A-1 (Co-location) be chosen as the only viable option for SWLRT.**

## 11.4 - Next Steps

Should, despite overwhelming evidence that LRT 3A-1 ( LPA - co-location) is the option that best fits the needs of the SWLRT, LRT 3A (LPA - reroute) be chosen as the route for the SWLRT the next steps by Safety in the Park will include but not be limited to the following:

- A request for an independent investigation of “typos” in the SWLRT-DEIS and the time it took to find and correct the “errors”
- A request for an independent investigation as to the reason for the STB from being notified of the publication of the the SWLRT-DEIS and the time it took to find and correct the over-site.
- An appeal of the SWLRT-FEIS
- An effort to convince the City of St. Louis Park that municipal consent should be denied based on resolution that make it clear the City of St. Louis Park opposes the rerouting of freight trains from the CP’s Bass Lake Spur to the CP’s MN&S Spur if a viable option exists. (St. Louis Park City Resolutions, 1996--City of St. Louis Park Resolution - 96-73 [Appendix 1]; 2001 City of St. Louis Park Resolution - 01-120 [Appendix 1]; 2010 City of St. Louis Park Resolution - 10-070 [http://www.stlouispark.org/webfiles/file/freight\\_rail.pdf](http://www.stlouispark.org/webfiles/file/freight_rail.pdf); 2011 City of St. Louis Park Resolution 11-058 [http://www.stlouispark.org/webfiles/file/community-dev/5-31-11\\_resolution\\_relating\\_to\\_freight\\_activity\\_in\\_slp.pdf](http://www.stlouispark.org/webfiles/file/community-dev/5-31-11_resolution_relating_to_freight_activity_in_slp.pdf)).
- An effort will be made to convince the State of Minnesota not to fund SWLRT until further study is completed such that the missing information and flawed assumptions can be addressed. This secondary study needs to have a scope agreed upon by the city of St. Louis Park, Safety in the Park, and railroad companies. Furthermore, the secondary study must be conducted by a government agency and engineering firm not previously associated with the proposed re-route. Once the new study is completed, a computer-generated simulation representing all of the new findings should be produced. This simulation will help residents and elected officials who are not engineers understand the impacts of the proposed re-route prior to making decisions.

## Document list for chapter 11

- 1996 - City of St. Louis Park Resolution - 96-73 (Appendix 1)
- 1999 - St. Louis Park Task Railroad Study  
[http://www.hennepin.us/files/HennepinUS/Housing%20Community%20Works%20and%20Transit/Regional%20Railroad%20Authority/Authority/Railroad\\_Study\\_March\\_1999.pdf](http://www.hennepin.us/files/HennepinUS/Housing%20Community%20Works%20and%20Transit/Regional%20Railroad%20Authority/Authority/Railroad_Study_March_1999.pdf)  
-
- 2001 City of St. Louis Park Resolution - 01-120 (Appendix 1)
- 2010 City of St. Louis Park Resolution - 10-070  
[http://www.stlouispark.org/webfiles/file/freight\\_rail.pdf](http://www.stlouispark.org/webfiles/file/freight_rail.pdf)
- Short Elliot Hendrickson Inc. (SEH) - Comparison of the MN&S route and the Kenilworth route - [http://www.stlouispark.org/webfiles/file/community-dev/techmemo\\_4.pdf](http://www.stlouispark.org/webfiles/file/community-dev/techmemo_4.pdf)
- 2011 City of St. Louis Park Resolution 11-058  
[http://www.stlouispark.org/webfiles/file/community-dev/5-31-11\\_resolution\\_relating\\_to\\_freight\\_activity\\_in\\_slp.pdf](http://www.stlouispark.org/webfiles/file/community-dev/5-31-11_resolution_relating_to_freight_activity_in_slp.pdf)
- Evaluation of Twin Cities and Western Railroad responses(EAW)  
[http://www.mnsrailstudy.org/key\\_documents](http://www.mnsrailstudy.org/key_documents)

## MnDot Finding of Facts and Conclusions

c. City of St Louis Park appeal

d. MN&S Freight Rail Study EAW Brief of Relators Appeal, Jami Ann LaPray, et al

e. Office of Hennepin County letter, dated Dec. 19, 2011

f. MnDot Dot Resolution, dated Dec. 20, 2011

## CHAPTER 12 - PUBLIC AGENCY COORDINATION AND COMMENTS:

### 12.1.1

The statement is made that “the public and agency involvement process has been open and inclusive to provide the opportunity for interested parties to be involved in planning. Stakeholders had an opportunity to review and comment on the analysis and results at major milestones reached during the course of the study. The program was conducted in a manner consistent with National Environmental Policy Act (NEPA) and Section 106 regulations.” This statement is completely false considering the public concerned about the freight rail re-route issue.

NEPA 1500.2(d) states that the leading agency must “encourage and facilitate public involvement in decisions which affect the quality of the human environment.” This regulation was clearly ignored in regards to the potential freight rail re-route issue. Hennepin County did not “encourage and facilitate” public involvement concerning this issue. Hennepin County did not allow the “opportunity to review and comment on the analysis and results at major milestones reached” In fact, Hennepin County refused attempts for public comments and concerns regarding the freight rail issue at all of the outreach meetings prior to September 2, 2011. This included major milestone including the selection of the LPA. Because of the deliberate exclusion of the freight issue, the LPA selection process must be reopened and reexamined allowing public input to become part of the process.

### 12.1.1.2

**CAC Process** - After the proposed re-route was added to the SWLRT project Safety in the Park was added to the Community Advisory Committee of the SWLRT. The CAC group had a reputation of being well run, open minded and inclusive. Our wish was to explain that our opposition to the re-route is not (as has been heralded by the county) to be anti-LRT. We wanted it known that our concern is simply that our county and state governments are misusing a piece of infrastructure and in doing so creating an unlivable, unsafe environment for a significant segment of the population.

Instead of listening to our concerns, the leadership of the CAC committee took the highly unusual step of changing the CAC Charter that had just been accepted by the committee. The original charter allowed for alternate members to take part in meetings as long as the leadership was notified in advance of the alternates attendance. (Appendix 12.1.1.2) The new charter rescinded the rights of alternates. Making it impossible for residents to be adequately represented.

The Community Engagement Steering committee is a local coalition of community groups formed around the Corridors of Opportunity within the Minneapolis- St Paul metro area. This body has met with the staff of the SWLRT, in regards to the principles and strategies of the CAC meeting.

The following is a list of recommendations that were adopted in Spring 2012.

Based on lessons learned from community engagement on the Central Corridor, SWLRT, Gateway Corridor, and Bottineau, the Community Engagement Steering Committee makes these recommendations on the formation, structure, and process for Community Advisory Committees (CAC):

- a) CACs will be formed early in the transitway corridor planning process at the start of the scoping phase.
- b) The purpose of CACs will include being a resource and check point for community engagement throughout the transitway corridor and the adjacent communities. They will review and approve a corridor project community engagement plan.
- c) CACs will identify the community issues and assign problem solving teams that include community members and project staff.
- d) Community Advisory Committees will be a community driven body facilitated and provided staff support by corridor project staff.
- e) CAC membership will be selected by communities they represent along transitway corridors.
- f) CAC and Business Advisory Committees will meet together on a quarterly basis.
- g) The Community Engagement Steering committee will support transitway corridor project staff with connections to underrepresented groups along the transitway corridors such as contacts to:
  - Faith communities
  - Cultural communities
  - Place based groups
  - Communities of color
  - Small and Ethnic businesses
  - Community Engagement Steering Committee members
  - Disability community
  - New immigrant communities
  - Low-income communities
  - Students at high schools, community colleges
- h) The orientation for the CAC will include environmental justice, equitable development, and cultural awareness training in their orientation that includes a combined map identifying where the underrepresented communities (low income, communities of color, new immigrants, and disabled) live.
- i) CACs will have the ability to set their own agenda, pass motions, and make recommendations to the corridor policy advisory committee and the corridor management committee through their voting representative.

- j) CACs will elect a chairperson from their membership who represents a grassroots community along the transitway corridor
- k) A community representative will be elected to serve by the CAC on the transitway corridor policy advisory committee as a voting member.
- l) Construction Communication Committees should be set up at least one month in advance of construction, with representatives appointed by grassroots community groups.

The SWLRT CAC has not been conducted in good faith on some of the recommendations that were adopted. It should be considered that the recommendations were agreed upon but not acted upon or implemented in process.

1. The SWLRT CAC was expanded in April 2012. The BAC was formed also in August 2012. To date, the CAC and the BAC has not met, nor is it in the agenda for the near future. part f.
2. The CAC does not have representations for the minority group along the Freight Rail Re-route or students from the St Louis Park High School. There has been no active recruitment for these group by the SWLRT Staff. part g.
3. The CAC members have not been able to set the agenda, pass motions, or make recommendations to the policy advisory committee. If there is a voting representative, the members of the CAC are not aware of this ability, who is the voting member, or how this vote is conducted. part i.
4. There has been no election to establish a chairperson. part j.
5. There has been no election to establish a representative the Management Committee. part k
6. Community issues were identified in a “dot-mocracy” survey, however details of the survey were denied the CAC committee and no subcommittees have been established. part c
7. The CAC has not been included as a resource and check point for community engagement throughout the transitway corridor and the adjacent communities. They have not reviewed or approved a corridor project community engagement plan. part b

#### 12.1.1.4

Table 12.1-1 lists meetings of Neighborhood, community and business groups where Southwest Transitway information was presented. The discussion of the freight issue was not allowed at any of these meetings.

#### 12.1.1.5

Since the DEIS was launched, three additions of the Southwest Newsline were published and distributed. The freight issue was deliberately excluded from all three publications.

#### 12.1.1.6

Table 12.1-2 lists community events where staff attended southwest materials were distributed. The opportunity to learn about the freight issue or discuss the freight issue was deliberately excluded from every one of these community events.

#### 12.1.1.8

Information about the freight issue was deliberately excluded from the southwesttransitway.org website prior to Sept, 2011.

#### 12.1.2

None of the articles on SW LRT listed in Table 12.1-4 included the freight issue. Table 12.1-5 lists media outlets contacted to run stories about the SW LRT project. None of the media outlets were contacted by project staff and asked to run a story about the freight issue.

#### 12.1.3

Twenty-five public meetings and open houses were held at locations within the Southwest Transitway project corridor to provide information to affected and interested communities and parties. The primary purpose of these meetings was to inform of the public about the study's process and to give all interested parties an opportunity to provide input, comments, and suggestions regarding the study process and results. The opportunity to provide input, comments and suggestions regarding the freight issue was deliberately excluded from each and every one of these 25 meetings.

#### 12.1.3.1

The scoping process is designed to inform the public, interest groups, affected tribes, and government agencies of the Draft EIS and to present the following items for comment:

1. Purpose and need for the project;
2. Alternatives to be studied; and
3. Potential social, economic, environmental, and transportation impacts to be evaluated.

The freight issue is the most controversial issue of the SW LRT project. The freight issue has the greatest potential social, economic and environments negative impacts yet it was not included during the vast majority of the SW LRT scoping process. The freight issue was deliberately excluded after multiple requests to include it in the scoping process. A specific and formal request from the City of St. Louis Park was made on October 14, 2008 to include the freight issue under the scope of the SWLRT DEIS. (Appendix 12.1.3.1a) The St. Louis Park Public Board of Education made a similar request on November 3, 2008. (See Appendix 12.1.1.3.1b) The NEPA Implementation Office of Enforcement and Compliance Assurance wrote a letter dated November 6, 2008 that stated the “impacts and contributions to the existing transportation network including freight/industrial, automotive, pedestrian, and bicycle modes should be fully presented in the DEIS”.(Appendix 12.1.3.1c) Despite all of these requests, the freight issue was denied inclusion in the DEIS scope prior to Sept 2, 2011. The reason for this exclusion is unknown and not published in the DEIS.

#### 12.1.3.2

The discussion of the freight issue was deliberately excluded from all three of the open houses held on May 18, 2010, May 19, 2010 and May 20, 2010.

#### 12.1.5

The only opportunity the public was given by Hennepin County to discuss the freight rail re-route was at the PMT meetings discussed in section 12.1.5. However, any discussion of possible alternatives to the re-route (co-location) or the freight re-route’s connection with SWLRT was strictly forbidden at these PMT meetings. In addition, the vast majority of PMT members and St. Louis Park community were not satisfied with the PMT process. The last PMT meeting included a public open house where over 100 St. Louis Park citizens attended and expressed their outrage regarding the PMT process. The comments made at the open house need to be part of the DEIS since the freight issue was excluded from all other opportunities for public input. The open house can be viewed at <http://vimeo.com/17945966>

In addition, Sue Sanger and Paul Omodt (St. Louis Park Council Members) wrote a letter to Hennepin County Commissioner Gail Dorfman and described the PMT as an “illegitimate and indefensible process” The complete letter can be found in the appendix. (Appendix 12.1.5a) Another letter was written by Ron Latz (State Senator), Steve Simon (State Representative) and Ryan Winker (State Representative) to Hennepin County Commissioner Mike Opat. (Appendix 12.1.5b)The letter was written because of the multitude of complaints made about the PMT process from their constituents. The letter asked that the residents of St. Louis Park receive fair treatment as Hennepin County makes a decision about a the possible re-route. They asked that fair studies and a transparent process. Despite these letters, Hennepin County did not change the way they treated St. Louis Park residents.

The following are comments made by PMT members to provide an overview of the severe shortcomings of the PMT process.

**Kathryn Kottke (Bronx Park):** “The ‘process’ was very frustrating because the questions I asked were not answered. In addition, during the open session residents were allowed to ask questions, but they were openly ignored; at some points, Jeanne Witzig, who facilitated the meetings, would simply respond, ‘Next?’ after residents had asked a question. Any discussions about SW LRT or possible alternatives to the reroute were not not allowed.

“Perhaps most frustrating was that we were asked to list our mitigation requests, but when the engineers had completed their work, they not only ignored every single mitigation request we had made, but they added mitigation we openly rejected such as a quiet zone by the high school and the closure of the 29th street at-grade crossing. Instead of making the reroute safer, Kimley-Horn planned for welded rails that would enable trains to run faster through a very narrow corridor.”

**Karen Hroma (Birchwood Neighborhood):** “The PMT meetings were held only so Hennepin County can check a box and claim that they gathered “public input”. The experience was frustrating and insulting. Several questions of mine went unanswered. None of the Birchwood residents’ mitigation requests were given consideration. In fact, quite the opposite happened. Although the Birchwood residents very specifically asked that the 29th Street intersection remain open, the PMT concluded that the 29th Street be closed and that is was considered “mitigation”. When the PMT wanted to discuss possible alternatives to the re-route we were told that this was not the appropriate time or venue to discuss.”

**Jake Spano (Brooklawns Neighborhood Representative) and current St. Louis Park Council Member):** “I do not support increasing freight rail traffic through St. Louis Park or the rerouting of freight rail traffic North through the city until it has been proven that there is no other viable route. To do this, we need objective, honest assessments and an acceptance of mitigation requests by the people of the St. Louis Park. What was presented during the Project Management Team (PMT) process was lacking in all three of these areas.”

**Claudia Johnston (City of St. Louis Park Planning Commission):** "PMT meetings were conducted to get input from cities, residents and businesses impacted by the SWLR and rerouting freight. The document that was produced from those meetings – the EAW – completely ignored the input of those stakeholders. Therefore the conclusion is that Hennepin County never had any serious intention of working with those stakeholders and used that process to complete one of their required goals which was to conduct public meetings. Hennepin County has continued to withhold information from public authorities like the Met Council, Regional Rail Authority and the FTA by producing documents like the EAW and the DEIS that contain false information."

**Kandi Arries (Lenox Neighborhood):** "I participated in the PMT as a concerned resident of Lenox neighborhood. The PMT was 'pitched' as a chance to problem solve and discuss issues openly. It became apparent though that the PMT was a poster child for government decisions that are made at the top, regardless of the input of the residents and the people impacted. Residents asked questions during the open forum but no answers were given. PMT members gave input to the consultant staff but responses were rare, if at all. Major changes were implemented by the county and the engineer- the lose of the southern connection and change of the cedar lake bike trail to a bridge. These changes were just implemented without the input of the members. The PMT was the forcing of the county wishes regardless of the resident concerns. Shameful."

**Jeremy Anderson (Lenox Neighborhood):** "I participated in the PMT meetings as a representative--along with Kandi Arries--of the Lenox neighborhood. Together, we solicited many pages of comments and suggestions for remediation, and submitted that information to the County. Everything we submitted was summarily ignored. At every turn, the County pretended that the changes THEY wanted were the ones which we had submitted, and that we had never submitted any suggestions. When questions were asked, the answer given by the representatives of the county was: 'this meeting is not to address that question.' -- it didn't matter WHAT the question was. My time was wasted, every citizen who attended had their time wasted, and the County wasted a significant amount of money on a consultant who did nothing other than look confused or defer to a representative of the county. I have never experienced anything so frustrating in my years of dealing with government at all levels. I have learned from this process that Hennepin County does what Hennepin County wishes, regardless of what the citizens say. I would expect government like this in a Monarchy, an Oligarchy, or some sort of despotic Dictatorship. Behavior such as this from a supposedly representative government is absurd, shameful, and should not in any way be encouraged. The irregularities around the EAW and DEIS are so massive, so coordinated and so mind-boggling as to suggest fraud and graft on a quite noticeable scale. The County has continually dodged funding questions, and whenever a number is suggested which looked unfavorable to the freight reroute, that number has magically been declared a typo at a later date. It is my suspicion that if the proposal were shown to violate several of Newton's Laws, that Hennepin County would declare that Newton had been incorrect in his fundamental discovery."

**Lois Zander (Sorenson Neighborhood):** “As a member of the PMT and representative of the Sorensen Neighborhood, I was able to see first hand how the public process was manipulated to make it look as though our neighborhood concerns were actually going to be considered in making a determination about the re-route. Prior to the meetings, PMT representatives were asked to get input from their neighborhoods regarding mitigation, should the reroute go through St Louis Park. In good faith, a neighborhood meeting was called and a list of concerns and possible mitigations was put together. This process put me in the position of getting our hopes up that our position would be heard, just to be dashed when exactly zero mitigations were revealed in the final document. I then needed to go back to my neighbors with this unhappy news and an explanation as to why I bothered them in the first place.

“During PMT meetings, faulty results were given as proof we needed no mitigation for vibration, noise and safety. For example: an "expert" took a reading next to the current small train as it passed along the MN&S. He had beautiful charts and graphs all proving the noise was below any level of concern and therefore did not need to be mitigated. This certainly does not represent the noise of the mile long 2 or 3 engine train which will be passing through our neighborhood and by our schools. The same ploy was used to prove to that vibration would not be a concern to our homes and schools. Do they take us for fools? This is a waste of taxpayer money and an insult to all of us who worked in good faith at our meetings.

“When we raised safety concerns about students being on the tracks going to the football field or to lunch, we were told the trains cannot stop and if someone were killed it would be their fault for trespassing. Students will still be at risk simply by walking across a sidewalk crossing and there they will not be trespassing.

“I was extremely disappointed to find that the SWLRT-DEIS was also a sham. Instead of a new study, the same faulty results were once again used to disprove our need for mitigation or co-location. Even though studies have clearly shown the MN&S is not suitable for the reroute and that co-location is a cheaper and more viable alternative, the powers that be inexplicably insist on going through on the MN&S in St Louis Park.

“We do not want this hideous reroute through the middle of our city for which we have worked so hard to gain model city status as a top 100 city in the country to live. We are very disappointed by this process, which took so much of our time and energy, and we will continue to fight this egregious ‘mistake’.”

**Joe LaPray (Sorenson Neighborhood) and Jami LaPray (Safety in the Park):** “Almost fifteen years ago we got involved in the effort to stop the proposed freight rail re-route. We started small, writing letters to our elected officials and commenting during the scoping of the SWLRT. Each time we commented we were ignored or told the relocation of freight will make someone else’s life easier. We vowed to continue to work toward a resolution that would not cost us our safety and home.

“When the PMT was formed we both volunteered to take part. The idea that we might finally be heard was wonderful. We were told the PMT members would have input on the design of the proposed re-route . We believed that even if we did not get everything we wanted, at least our ideas would be part of the design and life would be better for all of St. Louis Park. From the beginning this was not the case. Questions we asked either went unanswered or if answered after weeks of waiting the answers were cursory. We were told during the August 26, 2010 PMT meeting where in the process mitigation would be discussed and considered. In good faith we worked hard to reach out to our neighbors and compile a list that was not frivolous (we wanted things like bushes and sound barriers) we submitted that list to Kimley-Horn the engineering firm writing the EAW. When the EAW was finally published the list we worked hard to compile was not even a footnote in the EAW document.

“Other information gleaned during the PMT process that is pertinent to our concern was also left out of the EAW document and subsequently left out of the SWLRT-DEIS. For Example: during one of the meetings, Joseph asked, Bob Suko General Manager of the TC&W Railroad a question about the ability of a loaded unit train to stop should an obstacle be in an intersection near the Dakota and Library Lane intersections. The answer was “no” they could not stop.

“In the end it can only be concluded that the PMT process was designed to fulfill the duty of government agency to hold public meetings. Nothing else came from the process.”

**Thom Miller (Safety in the Park):** “The entire PMT process was clearly not designed for public input, but rather for the county ‘check the box’ that they had held public meetings. Each meeting included a rather heated exchange between the facilitators and members on the re-route issue because the facilitators tried to shut down any such discussion.”

The DEIS fails to mention the 2011 April 17 and 28 freight re-route listening sessions that were held by the city of St. Louis Park. Hundreds of St. Louis Park residents voiced their opposition to the freight reroute. Those comments should be included as part of the DEIS. These comments are especially valuable considering the freight issue discussion was excluded from the DEIS scoping process. Video of the listening sessions can be found at <http://vimeo.com/23005381> and <http://vimeo.com/23047057>.

### 12.2.1

SATETEA-LU Section 6002 states:

“(1) PARTICIPATION- As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in defining the purpose and need for a project.

'(4) ALTERNATIVES ANALYSIS-

'(A) PARTICIPATION- As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in determining the range of alternatives to be considered for a project.

'(B) RANGE OF ALTERNATIVES- Following participation under paragraph (1), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project.

'(C) METHODOLOGIES- The lead agency also shall determine, in collaboration with participating agencies at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

'(D) PREFERRED ALTERNATIVE- At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review process.”

Hennepin County purposely kept the freight issue out of the SW LRT scope despite multiple requests from the City of St. Louis Park, the City of St. Louis Park School Board and the public. They clearly were not following the SAFETEA-LU directive to involve the public and participating agencies as early as possible. In fact, they did quite the opposite. The reroute was purposely excluded from the SW LRT scope so that Hennepin County could keep its agenda to remove the freight from the Kenilworth Corridor. The preferred alternative was developed to a much higher level of detail than LRT 3A-1 (co-location). Hennepin County has made every effort to keep co-location off the table. By the time the FTA forced Hennepin County to include co-location in the scope of the DEIS, so much progress has been made on the SW LRT project that it is impossible for the Met Council to make an impartial decision on the reroute verses co-location. The Met Council is not seriously considering co-location because a vote on the LPA has already occurred. The LPA selection process must be reopened with the freight issue included in order for an impartial decision to be made.

### 12.2.2

The Section 106 review process is an integral component of the National Historic Preservation Act (NHPA) of 1966. Section 106 of the NHPA requires each federal agency to identify and assess the effects their actions will have on historic resources. The process requires each federal agency to consider public views and concerns about historic preservation issues when making final project decisions. The ultimate goal of Section 106 is to seek agreement among these participants regarding preservation matters arising during the review process. At the time that the Section 106 notification letters were sent out, the potential reroute of freight was not considered part of the SW LRT project. The Section 106 review process should be done with the potential reroute of freight included.

### 12.3.1

From the initiation of the Draft EIS process in the spring of 2008, Southwest Transitway project staff have been collecting public comments and filing a public comment database specifically designed for the project. Currently, this database contains more than 1,000 comments provided by approximately 250 commenters. The database excludes any comments regarding the freight issue because the freight issue was not part of the SW LRT scope prior to Sept, 2011. The LPA selection process must be redone with the freight issue included so that public input and an unbiased decision about the LPA can be obtained.

### 12.3.2

In this section the FTA and the Metropolitan Council state that they will continue to meet with interested parties and stakeholders throughout the NEPA process. This section describes Metropolitan Council developed Communications and Public Involvement Plan (CPIP) which recognizes the need to communicate with the public. The CPIP's goals are:

1. Develop, maintain and support broad public understanding and support of the project as an essential means to improve our transportation system and maintain regional competitiveness.
2. Build mutual trust between the Metropolitan Council, its partners and the public by creating transparency through information sharing and regular, clear, userfriendly, and two-way communication about the project with community members, residents, businesses and interested groups in the corridor.
3. Promote public input into the process by providing opportunities for early and continuing public participation and conversation between the Metropolitan Council and the public.
4. Maintain on-going communication with project partners and ensure that key messages are consistent, clear and responsive to changing needs.
5. Inform elected officials and funding partners of the project and status to ensure clear understanding of the project, timing and needs.
6. Provide timely public information and engagement to ensure that the project stays on schedule and avoids inflationary costs due to delays.

The Metropolitan Council has failed reaching any of these goals in regards to individuals concerned with the freight issue. Because the freight issue was excluded from the vast majority of the SW LRT scoping period, Safety in the Park has attempted to set up a conference call between the Met Council, the FTA and the Safety in the Park co-chairs. Safety in the Park believes that this conference call would not make up for the exclusion of the freight issue for the majority of the SW LRT scoping period but would be a small step towards helping the FTA and Met Council understand the public's concerns regarding the potential reroute. Safety in the Park is optimistic that a conference call can be set up in the near future.

## APPENDIX H, PART 1:

MN&S Rail Study, March 13 (pages 64-189)

In September 2011, the FTA requested that the SWLRT DEIS include an analysis of the impacts of re-routing the TC&W freight traffic. The FTA also requested an analysis of the co-location of the freight rail with the LPA or 3A such that a full analysis of alternatives would be completed according to the NEPA regulations.

The MN&S Report is the information and data that was used in the analysis of the environmental impacts for the FRR sections.

It is important to note that the information contained within the report is the same data that was presented as the MN&S Freight Study Environmental Assessment Worksheet completed by the Minnesota Department of Transportation, dated May 12, 2011, with collaboration from the Hennepin County Regional Rail Authority. During the 30 day comment period, Safety in the Park!, the City of St Louis Park, local agencies, Canadian Pacific and TC&W Rail companies, and many residents and neighborhood associations commented on the impacts discussed, including a request for further study.

The Minnesota Department of Transportation released a Finding of Facts and Conclusions on June 30, 2011 which listed the projects as a Finding of No Significant Impacts and that the project did not warrant further study as an EIS. The City of St Louis Park and a group of impacted residents and businesses appealed this decision to the Minnesota Court of Appeals, following the guidelines established within the State of Minnesota.

The City Of St Louis Park appealed on the basis of: 1) that the MN&S freight rail project and SWLRT was a connected action; 2) failure to treat the freight rail project as a connected action eliminated the option of including an environmental analysis of co-locating the freight rail and light rail in the Kenilworth Corridor and 3) the MN&S freight rail project as a stand alone project has the potential for significant impacts, requiring an Environmental Impact Statement.

The impacted residents and businesses appealed on the basis that: 1) the EAW violated Minnesota Environmental Protection Act (MEPA) because it fails to consider the SWLRT as a connected and phased action; 2) MN&S Freight Rail Study analysis of Noise and Vibration, and mitigation, is inadequate and 3) the analysis of the project's impacts to safety was inadequate.

After the September 2011 FTA letter and during the appeal process, representatives from Hennepin County requested that the appeals would be dropped. (LaPray Response to the motion to dismiss Jan 10, 2012)

Within two weeks of the scheduled appeal court date, the Office of the Hennepin County Attorney issued a statement dated December 19, 2011 from the Hennepin County Regional Rail Authority that the MN&S Freight Rail Project no longer warranted a separate environmental analysis as a stand alone project. On December 20, the Minnesota Department of Transportation issued a statement proclaiming that MnDot 'vacates' the EAW for the Proposed Freight project. The action of 'vacating' the document was an unprecedented end to an Environmental Assessment Worksheet in Minnesota but it forced the appeal to be dropped because there was no environmental document to appeal. This is a violation of the trust of constituents that governing bodies will act in good faith and without a predetermined objective - an important right within government projects.

It is with this history that the MN&S Report included as supporting documentation for the freight rail reroute must be considered. The MN&S report is the same hard field data that was presented as the MN&S Freight Rail Project EAW. The MN&S report does not include anything significantly different even though the EAW project was in the steps for an appeal, requesting more study of the impacts. It has the same inaccuracies and NEPA, MEPA violations. The SWLRT DEIS usage of this as supporting evidence therefore can only include the same inaccuracies and environmental act violations, partly due to the fact that the request for additional study was ignored by Hennepin County. A significant part of the EAW appeal was the request that the project was studied to the level of an Environmental Impact Statement. This only highlights that the MN&S Report and the included field studies are not to the level of study of an EIS. Yet, this is the information simply inserted into the SWLRT DEIS as an equal study and evaluation.

In addition, the MN&S Report is dated as March 13, 2012 but it is not clear who the report was released to. The staff at the City of St Louis Park were not consulted which highlights that the report did not have full disclosure with impacted stakeholders.

Whenever possible- comments from the EAW or the appeals have been used in this response.

Source for the MN&S Freight Rail Study:

[http://mnsrailstudy.org/yahoo\\_site\\_admin/assets/docs/FINAL\\_MNS\\_Freight\\_Rail\\_Study\\_EAW\\_05-12-2011.131184329.pdf](http://mnsrailstudy.org/yahoo_site_admin/assets/docs/FINAL_MNS_Freight_Rail_Study_EAW_05-12-2011.131184329.pdf)

Source for the MnDot Finding of Facts and Conclusions

[http://mnsrailstudy.org/yahoo\\_site\\_admin/assets/docs/MNS\\_Findings\\_of\\_Fact\\_June302011.187180927.pdf](http://mnsrailstudy.org/yahoo_site_admin/assets/docs/MNS_Findings_of_Fact_June302011.187180927.pdf)

SAFETY IN THE PARK!

APPENDIX

CHAPTER 1 DOCUMENTS

SAFETY IN THE PARK!

APPENDIX

CHAPTER 4 DOCUMENTS

SAFETY IN THE PARK!

APPENDIX

CHAPTER 5 DOCUMENTS

SAFETY IN THE PARK!

APPENDIX

CHAPTER 7 DOCUMENTS

SAFETY IN THE PARK!

APPENDIX

CHAPTER 10 DOCUMENTS

SAFETY IN THE PARK!

APPENDIX

CHAPTER 12 DOCUMENTS

# SAFETY IN THE PARK!

## APPENDIX

### OTHER SUPPORTING DOCUMENTS

- a. Rail Road comments to the MN&S Freight Rail EAW  
[http://mnsrailstudy.org/yahoo\\_site\\_admin/assets/docs/Railroad\\_Comments.18891450.pdf](http://mnsrailstudy.org/yahoo_site_admin/assets/docs/Railroad_Comments.18891450.pdf)
- b. City of St Louis Park appeal
- c. MN&S Freight Rail Study EAW Brief of Relators Appeal, Jami Ann LaPray, et al
- d. Office of Hennepin County letter, dated Dec. 19, 2011
- e. MnDot Resolution, dated Dec. 20, 2011
- f. LaPray Response to the motion to dismiss Jan 10, 2012
- g. April 18, 2011 SEH DRAFT Technical Memo #4 - Comparison of the MN&S Route & The Kenilworth Route.  
[Key findings from SEH DRAFT Technical Memo # 4](#)  
[http://www.stlouispark.org/webfiles/file/community-dev/techmemo\\_4.pdf](http://www.stlouispark.org/webfiles/file/community-dev/techmemo_4.pdf)



Karin Miller  
<karin@workwords.net>  
12/31/2012 01:44 PM

To swcorridor@co.hennepin.mn.us  
cc  
bcc  
Subject DEIS

To whom it may concern:

I am writing in regard to the SWLRT-DEIS and the proposed freight rail reroute through St. Louis Park. You know the strong arguments against the freight rail re-route, the numerous errors contained within the DEIS, and the many important points left out of the DEIS. And so, I am hopeful that you will listen to the thousands of St. Louis Park residents voicing their concerns.

C

L4

Where is the common sense in greater numbers of faster trains traveling through backyards and next to schools, around blind corners and on tracks designed for light usage? From the outset, this project is void of common sense.

C

Moreover, where is the concern for the safety of students and families? I sincerely hope it resides in you and that you care more about people than ramrodding through a project that is based on flawed thinking and an erroneous document.

C

How will you as leaders feel when -- if the reroute is approved -- inevitably, people are injured or killed due to derailments or other train-related problems inherent in this reroute. How will you live with your decision? (According to the FRA, from January 2012 through October 2012 in the United States alone, more than 600 people have been killed due to train accidents/incidents.)

C

I oppose the freight rail re-route as outlined in the SWLRT DEIS. In short, the reroute is an inherently flawed project that will create an unsafe and unlivable situation for our children and our families.

C

Sincerely,

Karin B. Miller  
2900 Yosemite Avenue South  
St. Louis Park, MN 55416  
952-928-7826



<lightfoot.thad@dorsey.com>  
12/31/2012 01:51 PM

To <swcorridor@co.hennepin.mn.us>  
cc  
bcc  
Subject Gander Mountain Company's Written Comments on the Southwest Transitway DEIS

Ms. Walker:

Dorsey & Whitney LLP represents Gander Mountain Company and on behalf of the company submits the attached written comments on the Southwest Transitway DEIS. You will be receiving paper copies of Gander Mountain's comments and supporting attachments by courier this afternoon.

**Thaddeus R. Lightfoot**

Partner

.....  
**DORSEY & WHITNEY LLP**  
Suite 1500, 50 South Sixth Street  
Minneapolis, MN 55402-1498  
P: 612.492.6532 F: 612.486.9491  
.....

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## ATTACHMENTS

- Attachment A City of Eden Prairie Southwest LRT DEIS Comments (Dec. 4, 2012)
- Attachment B City of Eden Prairie Community Development Department, *Strategic Plan for Housing and Economic Development, 2012-2018* (Oct. 2, 2012)
- Attachment C Eden Prairie City Code, Section 11.27, subd. 1
- Attachment D City of Eden Prairie, *Comprehensive Guide Plan* (Oct. 20, 2009)
- Attachment E Technical Analysis of the Adverse Effects of SWLRT on Gander Mountain, prepared by RLK, Inc. (Dec. 28, 2012)

## **Attachment A**

### **City of Eden Prairie Southwest LRT DEIS Comments (Dec. 4, 2012)**

December 4, 2012

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

SUBJECT: Southwest LRT DEIS Comments

To Whom It May Concern:

The City of Eden Prairie has reviewed the Southwest Transitway Draft Environmental Impact Statement (DEIS). We appreciate the opportunity to review the DEIS and respectfully submit the following comments, which were approved at the November 15, 2012, City Council meeting (resolution attached), for consideration:

**General Comments**

- 1) The City of Eden Prairie continues to support Alternative 3A as the preferred alternative as it serves the Major Center Area and Golden Triangle Area and provides the best opportunities for development, redevelopment, and economic development. Alternative 3A clearly has the highest ridership potential and the greatest positive economic impact to Eden Prairie and the region primarily due to its close proximity to existing and future job concentrations. However this alternative could be further improved in these respects by moving the Town Center Station closer to the Town Center or the Eden Prairie Center.
- 2) In order to better serve the Eden Prairie Town Center and Eden Prairie Center the feasibility of a more centrally located and walkable Town Center Station needs to be evaluated during the Preliminary Engineering process. Attached for reference are several concept location areas for the proposed Town Center Station that should be considered.
- 3) Consistent with the statements included in the Operations and Maintenance Facility Site Evaluation memorandum (Appendix H of the DEIS), a more thorough and full evaluation of the Southwest LRT line and all potential Operations and Maintenance Facilities (OMF) must occur before the OMF is sited. The evaluation must include all potential sites along the line and not just the sites included in the DEIS OMF documentation. The siting of the OMF must take into account and minimize impacts to local businesses, tax capacity, station area transit oriented development, and adjacent land uses. Furthermore construction and operation of the OMF must meet all applicable zoning codes, building codes and other city requirements for the City in which it is placed.



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- 4) The selection of the location, size and type (at-grade, structured, mix-used, etc.) of the park and ride facilities is a critical issue which must be closely coordinated with the City of Eden Prairie. The City believes there is significant opportunity to improve on the siting and size of the Park and Ride locations shown in the conceptual engineering drawings. In particular the City has the following park and ride related comments:
  - The City's preference is to minimize parking at the Town Center Station. This station is envisioned to be centrally located and walkable to a number of retail and residential properties. In addition, it is anticipated that the park and ride demand at this station can be shifted to adjacent stations.
  - The City would also prefer to minimize the size of the park and ride at the Golden Triangle Station as these additional trips could be better allocated to future development.
  - The use of the existing Southwest Station Park and Ride must be coordinated with Southwest Transit. This is a large existing park and ride facility and any potential changes in service could affect the available parking supply.
  - In order to accommodate and allow for station area development all larger park and ride facilities should be built as structured parking. Also, joint development opportunities should be explored at these locations.
  - In all cases the size of the facility must be balanced with parking demand to assure adequate parking supply for Park and Ride users and to avoid potential parking overflow issues that would impact adjacent businesses or residential neighborhoods.
  
- 5) The design of the Southwest LRT must complement and be coordinated with the services offered by Southwest Transit. Future Southwest Transit operations are critical to the design and operation of the Southwest LRT line. Southwest Transit needs to be an active partner in the Preliminary Engineering process.
  
- 6) The LRT crossing of Valley View Road at Flying Cloud Drive should be converted to a grade separated crossing. The Valley View Road corridor is a major artery serving Eden Prairie's Golden Triangle and Major Center areas which provides critical access to both I-494 and Highway 212. The operation of this corridor is extremely dependant on and sensitive to effective traffic signal coordination. The traffic analysis included in DEIS indicated failing operations along this corridor making it an inappropriate location for an at-grade LRT crossing.
  
- 7) Similarly the City of Eden Prairie has significant concerns about the impacts of an at-grade crossing of Mitchell Road. Mitchell Road is a major north-south artery through Eden Prairie providing access to both Highway 5 and Highway 212. Effective signal coordination is critical to the operation of this corridor. The impacts of this proposed at-grade crossing must be fully evaluated based on actual proposed LRT operating characteristics to determine the true impacts of an at-grade crossing in this location. In addition proposed development in the area including the impacts of the Mitchell Road station and park and ride must be accounted for.

- 8) The location, placement, and screening of the Traction Power Sub-Stations (TPSS) and other signal cabinets must be closely coordinated with the City of Eden Prairie. This equipment must be located, screened, and designed as appropriate to avoid impacts to existing and future developments.
- 9) The project must evaluate alternatives and determine solutions for mitigating design and construction impacts of the project on all businesses, residents, and properties along the corridor.

### **Detail Comments**

- 1) Section 3.1.2.2 (Segment) - DEIS states that the selected parcels on the south side of Technology Drive near Southwest Station are zoned Office. These parcels are zoned I-2.
- 2) Section 3.1.5.2 (Operations and Maintenance Facility) - School District land use adjacent to Wallace Road is zoned Public/Quasi Public.
- 3) Section 4.1.3.6 (Groundwater Sensitivity) - Tritium has been identified within the City's groundwater system which leaves most of our groundwater system as vulnerable and highly sensitive. The Emergency Management Zone has been mapped for our Wellhead Protection Plan and should be evaluated for the DEIS as this extends beyond the areas referenced in the document.
- 4) Section 4.1.5.2 (Groundwater) - The document states that groundwater contamination from construction related spills is likely to affect the water table in areas of high and very high sensitivity as identified in Section 4.1.3. This section should be updated to reference the City's local information on sensitivity.
- 5) Section 4.2.1 (Legal and Regulatory Overview) - The regulations referenced should include the State's Nondegradation Rules, NPDES regulations and the local stormwater rules
- 6) Section 4.2.1 (Legal and Regulatory Overview) - Table 4.2-1 should be updated to include the information that Nine Mile Creek Watershed District (NMCWD) has Wetland Conservation Act and Stormwater permitting authority within their District.
- 7) Section 4.2.1.6 (Local: Watershed Districts) - The information within this section should be updated to include NMCWD permitting authorities.
- 8) Section 4.2.2.2 (Wetlands, Streams and Lakes) - The document could provide more accurate information regarding potential impacts by using the City's wetland mapping. This could then be used to calculate a more accurate representation of wetland impacts for the remaining sections (such as 4.2.3.5). For example, a wetland is located within the vicinity of the proposed OMF 2.

- 9) Section 4.10 (Electromagnetic Interference and Utilities) - Short and long term impacts to public utilities must be minimized and mitigated by the project. These utilities provide critical public service which must be maintained at all times.
- 10) Section 4 (General) – The proposed Alternative 3A alignment passes immediately adjacent to the Eden Prairie Water Plant. The potential effects of vibration and stray current on the facility including the underground storage tanks, collector lines and distribution lines will need to be evaluated and if necessary mitigated. In addition the drive aisle around the outside of the facility is critical to the efficient use of the facility and must be maintained.
- 11) Section 6.2.2.3 (Traffic Signal Priority and Preemption) – The information in this section indicates that both traffic signal priority and preemption will be used at LRT at-grade crossings. The impacts of these proposed operations must be fully evaluated based on actual proposed LRT operating characteristics to determine the impacts and appropriate mitigation of the proposed at-grade crossings.
- 12) Section 6.2.2.3 (Intersection LOS Analysis) – This section indicates that the key periods of operational analysis are the AM and PM peak hours. In some locations the noon time rush may be as significant and should be evaluated as well. This is the case in the Eden Prairie Major Center Area (general area bounded by the Prairie Center Drive / Valley View Road ring road).
- 13) Section 6.2.2.3 (Intersection LOS Analysis) – The Traffic Study included in the appendix indicated that the same growth rate was used for traffic projections throughout the corridor. The proposed LRT project spans a large geographical area with a range of development patterns. Given these differences separate growth rates should be developed for each roadway corridor.
- 14) Section 6.2.2.3 (Intersection LOS Analysis) – The operational analysis in this section indicates failing operations in the Highway 212 / Valley View Road interchange area. The operation of this corridor is extremely dependant on and sensitive to effective traffic signal coordination and any implementation of traffic signal priority or preemption is expected to significantly impact its operation. These factors make the Valley View Road crossing an inappropriate location for an at-grade LRT crossing.
- 15) Section 6.2.2.3 (Intersection LOS Analysis) – The proposed grade crossing of Mitchell Road must be fully evaluated to determine its true impacts. The methodology used in the DEIS traffic analysis assumed standard priority/preemption impacts to the Mitchell Road traffic signals which may or may not be consistent with what will be required by LRT operations. In addition the analysis must take into account the proposed development in the area including the Mitchell Road station and park and ride, impacts to effective signal coordination which is critical to the operation of the corridor, and impacts to emergency vehicle pre-emption and operation due to its frequent use and the close proximity of both the police and fire stations.

- 16) Section 6.2.2.3 (Intersection LOS Analysis) – Eagle Ridge Academy school is located at 7255 Flying Cloud Drive immediately adjacent to the proposed LRT crossing of Flying Cloud Drive. The traffic characteristics of this site including the morning and afternoon vehicle queuing need to be accounted for in evaluating and designing the proposed at-grade crossing.
- 17) Section 6.2.2.4 (Transit Station Access) – The DEIS includes no analysis of the traffic impacts of the proposed stations and park and ride facilities. These facilities must be evaluated to determine the impacts and the appropriate mitigations.
- 18) Section 6.2.2.4 (Transit Station Access) – The existing Southwest Station commercial site and park and ride currently experiences on-site congestion at peak times that occasionally impacts Technology Drive. Any proposed expansion to this site needs to evaluate both the public street and on-site impacts.
- 19) Section 6.2.2.5 (Operations and Maintenance Facility) – The section on OMF 3 fails to indicate the long term effects this proposed location will have on development and redevelopment in the Mitchell Road station area. These impacts are in direct conflict with Goal 5 of the project “Support Economic Development”. The section also fails to indicate the likely long term wetlands impacts and the expected heavy use of Wallace Road during construction.
- 20) Section 6.2.2.5 (Operations and Maintenance Facility) – The DEIS includes no analysis of the traffic impacts of the proposed Operations and Maintenance facility. This facility must be evaluated to determine its traffic impacts and any appropriate mitigations.
- 21) Section 6.2.2.6 (Building Facility Access) – This section does not indicate that the bus access ramps to / from Highway 212 and Southwest Station are anticipated to be impacted.
- 22) Section 6.2.3 (Short-Term Construction Effects) – Temporary construction impacts must be evaluated and to the extent possible minimized and mitigated. This includes providing viable access to all properties at all times. In particular construction options and techniques for the proposed tunnels and grade crossings must be fully evaluated and coordinated with the City. Also viable access will need to be provided to all properties at all times.
- 23) Section 6.3.1.4 (Bicycle and Pedestrian Facilities) – Short and long term impacts to the Minnesota River Bluffs LRT Regional Trail must be minimized and mitigated in order to maintain the use of the trail both during and after construction of the LRT.
- 24) Section 6 (General) – A north-south trail running adjacent to the proposed LRT line and connecting Valley View Road and Shady Oak Road should be evaluated during project development. The trail would improve trail and sidewalk connectivity and would enhance pedestrian and bike access to the Golden Triangle station.

- 25) Section 6 (General) - As currently shown the Town Center Station may require that a new access point to/from the south be developed. This access point will provide a secondary access to Technology Drive businesses both during and after construction. The access will also provide an important and direct connection to the Town Center.
- 26) Table 9.4 (Reasonably Foreseeable Future Actions) – The City of Eden Prairie is currently proceeding with improvements to Shady Oak Road (County Road 61) between and including the interchange at Highways 62 and 212. The northern phase of the project is currently under construction. Construction of the southern phase is expected to start in 2014 or 2015. The proposed LRT alignment passes through the Shady Oak project just to the east of the Highway 212 interchange. The Southwest LRT project will need to continue to work cooperatively with the City and other project partners to assure that design and construction issues are appropriately coordinated and to keep the Shady Oak Road project on schedule. In addition in order to limit the combined construction impacts of the projects potential options for accelerating portions of the Southwest LRT project should be investigated.
- 27) Table 9.4 (Reasonably Foreseeable Future Actions) – Improvements to Highway 5 and Highway 212 between their merge and I-494 should be included in this table. This segment of roadway is currently congested and potential improvements should be considered. The Southwest LRT project needs to work in coordination with MnDOT to assure that the project does not create a significant impediment to the future improvements along Highway 5 and Highway 212.
- 28) Section 9.6.11.4 (Water Resources Mitigation) - The use of mitigation bank credits for permanent impacts to wetlands is proposed. This would result in impacts to the immediate watershed where the impacts are located as no mitigation bank credits are available here. The document should state that they will evaluate the immediate watershed and determine if there are potential mitigation opportunities that could be developed that would provide mitigation credits and reduce impacts to the local biota.
- 29) Table 12.2-2 (Preliminary List of Required Permits) - Add Nine Mile Creek Watershed District to table for Sediment/Erosion Control Permits and Wetland Conservation Act Permit.
- 30) Appendix F (Conceptual Engineering Drawings) – The existing Lone Oak Center development (southwest quadrant of Highway 212 / Mitchell Road interchange) is not shown on the plans. This development needs to be accounted for in the design and development of the project.
- 31) Appendix F (Conceptual Engineering Drawings) – The existing Gander Mountain development (north side of Technology Drive between Prairie Center Drive and Flying Cloud Drive) is not shown on the plans. This development needs to be accounted for in the design and development of the project.

- 32) Appendix F (Conceptual Engineering Drawings) – The United Health Group development (southeast quadrant of Highway 62 / Shady Oak Road interchange) is not shown on the plans. This development needs to be accounted for in the design and development of the project.
- 33) Appendix H (Soil, Groundwater, and Dewatering Conditions – 8<sup>th</sup> page) - Not all residents in the area are on municipal water. Properties on Willow Creek Road and Willowwood (area west of Highway 212) are served by wells. There may also be some private irrigation wells.

Sincerely,

A handwritten signature in black ink that reads "Rick Getschow". The signature is written in a cursive style with a long horizontal flourish at the end.

Rick Getschow  
City Manager

Attachments

CC: Mayor and City Council

**CITY OF EDEN PRAIRIE  
HENNEPIN COUNTY, MINNESOTA**

**RESOLUTION NO. 2012-161**

**SUBMIT COMMENTS ON THE  
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)  
FOR THE SOUTHWEST TRANSITWAY**

**WHEREAS**, the Southwest Transitway is a proposed 15-mile light-rail line serving Eden Prairie, Minnetonka, Hopkins, St. Louis Park and Minneapolis; and

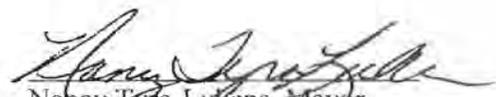
**WHEREAS**, the Federal and state environmental rules require that an Environmental Impact Statement (EIS) be prepared for the proposed Southwest Transitway project. The EIS process includes the preparation of a Draft Environmental Impact Statement (DEIS), which must be made available for public review and comment; and

**WHEREAS**, the Southwest Transitway Draft Environmental Impact Statement (DEIS) is available for public comment through December 11, 2012; and

**WHEREAS**, the City Council appreciates the opportunity to review the DEIS and desires to respectfully submit comments on the DEIS.

**NOW, THEREFORE, BE IT RESOLVED** that the Eden Prairie City Council authorizes the City Manager to submit comments on the DEIS consistent with the November 15, 2012 draft comment letter during the DEIS public comment period.

**ADOPTED** by the Eden Prairie City Council on November 20, 2012.

  
Nancy Tyra-Lukens, Mayor

**ATTEST:**

  
Kathleen Porta, City Clerk

# Southwest Transitway

## Town Center Station Location Considerations

### General

- The feasibility of more centrally located and walkable Town Center Station should be evaluated during the Preliminary Engineering Process
- Minimize Town Center Station parking. If possible re-allocate parking to Southwest Station and Mitchell Road.

### Location Priorities

- Walkability to Housing and Employment (Ridership Potential)
- Close proximity to Eden Prairie Center. Station within ¼ mile to a mall entrance.
- Maximize potential redevelopment and reinvestment opportunities.
  - Considered recent investments in area
- Separation from Southwest Station LRT Station
- Acceptable traffic impacts of track alignment

# Potential MCA Station Locations

## Location A – Town Center

- Guide Plan Approved Town Center Location
- Close proximity to existing and future housing and employment densities
- Potential for planned re-development
- Walkable to Eden Prairie Center (across Flying Cloud Dr)
- Anticipated Moderate Track Alignment Impacts

## Location B – EPC Northeast

- Close proximity to Eden Prairie Center
- Potential for re-development
- Walkable to existing and future housing and employment uses in Town Center (across Flying Cloud Dr)
- Anticipated Moderate Track Alignment Impacts

## Location C – MCA South

- Close proximity to Presbyterian Homes and walkable to residential uses south of MCA (across Prairie Center Dr)
- Walkable to housing and employment uses in Town Center
- Walkable to Eden Prairie Center (across Flying Cloud Dr)
- Potential for re-development
- Anticipated High Track Alignment Impacts



**Legend**

- Center of Radius Rings
- Station Area
- 1/4, 1/2 Mile Radius Ring

**STATION AREA A**



April 18, 2012



**Legend**

- Center of Radius Rings
- Station Area
- 1/4, 1/2 Mile Radius Ring

**STATION AREA B**



April 18, 2012



**Legend**

- Center of Radius Rings
- Station Area
- 1/4, 1/2 Mile Radius Ring

**STATION AREA C**



April 18, 2012

## **Attachment B**

**City of Eden Prairie Community Development Department,  
*Strategic Plan for Housing and Economic Development,*  
2012-2018 (Oct. 2, 2012)**



# Strategic Plan for Housing and Economic Development

Approved by the City Council October 2, 2012

Community Development Department

City of Eden Prairie

Strategic Plan for Housing  
and Economic Development

2012 - 2018

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## 1. Executive Summary

The City of Eden Prairie Strategic Plan for Housing and Economic Development (2012 – 2018) recognizes the Community Development Department’s mission, prioritizes the Housing and Economic Development Divisions’ projects, and identifies implementation strategies and funding sources for the next seven years. It is a comprehensive update of the 2005 Strategic Plan for Housing and Economic Development, which was created by the Community Development Department and reviewed by the City Council. The 2005 plan received minor updates in 2008 and 2010.

The 2012 - 2018 Strategic Plan for Housing and Economic Development is the product of a collaborative effort between the Community Development Department and the City Council.

The purpose of the Strategic Plan is to:

- Report on the Housing and Economic Development activities since 2005 (History)
- Identify and prioritize Housing and Economic Development projects for 2012-2018
- Outline the implementation actions to be undertaken during 2012-2018
- Foster coordination between the Community Development Department, City Administration and the City Council
- Help keep the public informed of key Housing and Economic Development projects and initiatives

Various policies and strategies from the City’s 2008 Comprehensive Guide Plan are recognized and prioritized within this Strategic Plan.

### 2012 - 2018 Projects

Chapter 4 of the Strategic Plan summarizes the projects that are planned for 2012-2018 and it comprises the following sections:

#### South West Light Rail Transit



Section 4.1 focuses on projects related to the proposed South West Light Rail Transit (SW LRT). These projects have been identified as top priorities of the Strategic Plan. SW LRT will connect Eden Prairie with downtown Minneapolis, the University of Minnesota, and downtown St. Paul.

Five station areas are being planned in Eden Prairie. Most of them will include substantial park-and-ride facilities as well as new or improved roadways, sidewalks, trails and other infrastructure. The station areas are also the focus of additional housing, employment and shopping opportunities via infill or redevelopment. In addition, the operation and maintenance facility for the SW LRT line is being strongly considered for Eden Prairie. This section contains a comprehensive list of all the Eden Prairie projects associated with SW LRT along with timelines, strategies and potential funding sources.

## **Economic Development**



Section 4.2 of the plan concentrates on the Economic Development initiatives and projects that are planned for the next few years. These projects are intended to stimulate business growth, community development and redevelopment and to ensure the overall economic growth and vitality of Eden Prairie. The projects include a broad range of activities such as business retention efforts, communication with the business community impacted by LRT projects, and a pro-active effort to work with developers to identify inventories and land availability. Most of the economic development projects initiate and direct special economic development and redevelopment, collect and distribute information regarding available financing sources and alternatives business development, and support transportation, road improvements and other infrastructure enhancements throughout the city. This section provides a detailed list of projects and implementation targets for economic development as well as priorities, timelines and funding sources.

## **Housing**



Section 4.3 consists of the Housing projects that are planned for the next few years. It focuses on the key policy priorities the City has established specifically related to housing development such as affordable housing programs, rental and homeownership initiatives, rehabilitation loan program, housing improvement grant and allocation of funding sources that could be used for various housing initiatives. This section provides detailed profiles on the housing projects, as well as priorities, timelines, strategies and funding sources.

## 2. Background

### 2.1 Vision / Mission / Values

#### Community Development Department

The Community Development Department supports the long-term vitality of the City through city-wide land use planning and development review activities, maintaining a positive environment for business, addressing housing and community service needs, and enhancing revenue generation through responsible property valuations. The department includes twenty full- and part-time employees within the following divisions: Assessing, Planning, Economic Development, and Housing and Community Services. The department creates and administers current and long-range plans for the City and promotes and facilitates the orderly development, redevelopment and economic viability of the City. The department helps maintain the City's high quality of life by partnering with other departments and organizations in addressing community needs.

*Figure 1. Community Development Department Divisions*



**Economic Development Division**

The Economic Development Division is responsible for services that promote business growth, community development and redevelopment, and that support the overall economic growth and vitality of the Eden Prairie. Division services include: (1) Business (job) retention, development, expansion, promotions, and communications; (2) New development and redevelopment planning and site location services; (3) Coordinate public financing for development and redevelopment; (4) Manage real estate sales and acquisition activities; (5) Support programs and initiatives of other City Departments, the Chamber of Commerce, School District, and other organizations as appropriate that improve or maintain a high quality of life in Eden Prairie; (6) Support and advocate for transportation and development infrastructure improvements; and (7) Help developers navigate development review process.

**Housing and Community Services Division**

The Office of Housing and Human Services has four areas of responsibility – Housing, Community Services, Immigrant Services, and Community Building.

For Housing, work includes the Affordable Housing Program, which includes affordable rental and home ownership initiatives and tracking progress on Livable Community Act goals; and the Rehab Loan Program, which provides low interest loans to eligible homeowners.

For Community Services, work includes matching individual needs with community based resources, performing strategic outreach to service providers, businesses and civic organizations, and managing contracts with human services providers.

For Immigrant Services, work includes supporting other city departments with translation and interpretation of Somali language and culture; and assisting newly arriving immigrants, from all countries, with securing the basic living needs.

For Community Building, work includes bringing together community groups and individuals to address issues related to human rights, education, transportation, immigration, and housing; and organizing work related to resource procurement through the FamiLink Resource Center.

### 3. History

#### 3.1. Strategic Planning Summary

The 2005 Strategic Plan for Housing and Economic Development was a collaborative interdepartmental effort that included City Council input. The plan was revisited in 2008 and 2010. In March, April and May of 2012, a series of three City Council workshops were held in relation to a more comprehensive update of the Strategic Plan. The purpose of these workshops was to update the City Council about the status of the 2005 initiatives and obtain input and direction from the Council for the new strategic plan.

Figure 2. Strategic Planning Process



3.2. 2005 Projects

2005 High Priority Projects Status

**Major Center Area (MCA),  
Wayfinding Signage**

*2005 Projects*

**Regulatory**

- Potential City Sign Ordinance amendments for off-site directional
- MNDOT approval for highway signs (also County if 212 turned back first)

**Financing**

- Private/Public Partnership (80% private, 20% public?)
- Special Assessments or other private sector payments
- Special Service District?
- HRA Levy increase (City-wide?)

**Current Status (as of July 2012)**

- Sign ordinance amendments not necessary for directional signs without business names
- MN DOT Turn back and TH61 signage Phase I completed; Phase II under review
- General Growth directional signage back to highways completed
- “Mall” directional signage on ring road completed
- Town Center monument sign installed



**Major Center Area (MCA)  
Park Acquisition**

*2005 Projects*

(Lake Idlewild portion of Emerson industrial property)

**Regulatory**

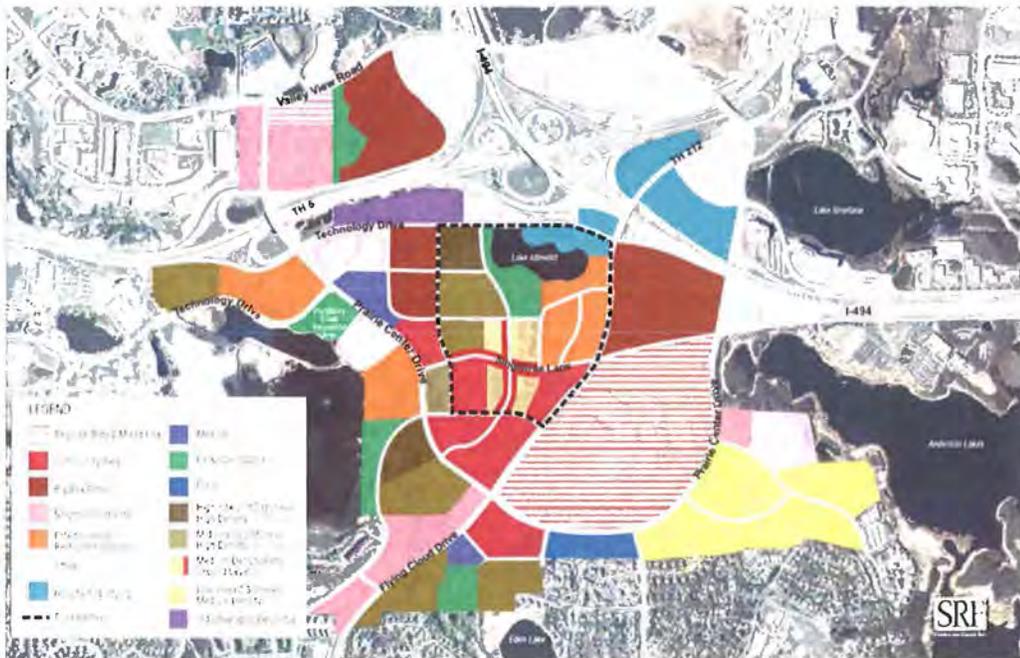
- Comp. Plan & Zoning Amendments
- Official Map?
- Land Dedication with any Subdivision of this property

**Financing**

- If can't require/negotiate with redevelopment or need amenity to catalyze redevelopment, consider grants, park dedication fees, referendum, etc.

**Current Status (as of July 2012)**

- Comprehensive Plan amendment completed in 2009 showing Park designation; implementation of zoning awaiting outcome of Town Center LRT station alternatives analysis
- Official Map may be implemented when LRT alignment finalized.
- Land dedication contingent on potential future redevelopment of Emerson Rosemount



*Major Center Area, Land Use Plan*

**Major Center Area (MCA)**

*2005 Projects*

**Local Street Construction and Realignments**

(Including associated sidewalks, overpasses, and transit improvements)

**Regulatory**

- Comp. Plan (Transportation Plan and Redevelopment Chapter)
- Official Map?
- Some ROW could be dedicated with redevelopment (some already exists or could be traded)

**Financing**

- Local State Aid (as available)
- Special Service District?
- Grants (Livable Communities LCDA or County TOD?)

**Current Status (as of July 2012)**

- Comp Plan amended for MCA roadway, sidewalk, transit improvements in 2009
- Official Map may be implemented when LRT alignment finalized
- ROW dedicated with Windsor Plaza; ROW/ easements and streetscape escrow received with Walmart rehab
- Special Service District agreements received from Windsor Plaza and Presbyterian Homes
- LCDA grant approved for public improvements related to future Presbyterian Homes redevelopment
- Trails completed on Flying Cloud Drive & Technology Drive
- Singletree Lane Phase I roadway and streetscape improvements completed



*Future North-South Roadway Alignment Options*



*Major Center Area, Long-Term Transportation Improvements*

**Major Center Area (MCA) Streetscape**

*2005 Projects*

(Valley View Road/Prairie Center Drive "Ring Road" and internal streets; includes sidewalks or trails, pedestrian lighting, landscaping, benches, transit shelters, banners, etc.)

**Regulatory**

- Comp Plan
- Potential Zoning Ordinance amendments to require or incent certain improvements with redevelopment

**Financing**

- HRA Levy Increase?
- Special Service District?
- Sidewalk Improvement Area?

**Current Status (as of July 2012)**

- Streetscape Master Plan approved and Comp Plan amended
- Town Center Zoning Ordinance adopted
- Windsor Plaza and Presbyterian Homes agreed to special services district
- Singletree Lane Phase I streetscape completed
- \$538,000 cash escrow received from Walmart for Singletree Lane Phase II streetscape



**Major Center Area (MCA) Public Art**

*2005 Projects*

(At key points along Greenways and at LRT Station)

**Regulatory**

- Comp. Plan
- Potential Ordinance Amendments to require development fees for public art or incent with redevelopment projects

**Financing**

- Development Fees?
- Endowments?

**Current Status (as of July 2012)**

- Comp Plan amended
- Town Center ordinance adopted
- Windsor waterfall and sculpture completed
- Staff meeting with Minneapolis held regarding LRT station art Station area public art discussions at Arts & Culture Commission



**Major Center Area (MCA) Mixed Use  
Redevelopment with Structural Parking**

*2005 Projects*

**Regulatory**

- Comp. Plan
- New Mixed Use Zoning District(s)

**Financing**

- Gap financing – new tax abatement or TIF where feasible
- Community Investment Fund?
- Special Assessments for Parking Structures?

**Current Status (as of July 2012)**

- Comp Plan amended
- Town Center mixed use ordinances adopted
- Windsor Plaza and Bobby & Steve’s redevelopments near completion (one restaurant pad remains)



**Golden Triangle Redevelopment of Old  
Physical Electronics Building**

*2005 Projects*

(EP Tech Center) As Office and Foss Swim Uses

**Regulatory**

- Comp. Plan Amendment and rezoning for office
- PUD Zoning Amendment, Site Plan Review, and plat for Foss

**Financing**

- Gap financing – TIF substandard building analysis contract to be considered by Council; if doesn’t qualify, potential tax abatement?

**Current Status (as of July 2012)**

- Superior Office redevelopment with TIF completed
- Also Starkey redevelopment of Research Inc. (William Austin Center)



*Old Physical Electronics*



*New Superior Office*

**Conference Center**

*2005 Projects*

(With new hotel development potentially on old Best Buy headquarters site or in MCA)

**Regulatory**

- Refine and adopt Golden Triangle and MCA studies into Comp. Plan
- Zoning Amendments as necessary and Site Plan review

**Financing**

- Gap financing – TIF if qualifies or tax abatement for conference center or meeting hall?
- Lodging Tax?

**Current Status (as of July 2012)**

- Continued interest from the private sector but no available sites
- Convention and Visitors Bureau being reconsidered with Chamber in 2012



*Old Best Buy Headquarter Site*

**Chestnut Apartment Improvements**

*2005 Projects*

(Physical and reduce police calls)

**Regulatory**

- Multifamily maintenance inspections
- Continue working with owner/management (encourage Property Manager Group participation, etc.)

**Financing**

- Encourage additional private reinvestment
- CDBG?
- Bond and low interest loan?

**Current Status (as of July 2012)**

- Adopted Fire Inspection ordinance for all rental properties
- Continued training and discussion with Property Manager's Group
- Fire Inspections completed - some repairs completed; more comprehensive solution needed



**St. John's Woods Housing Improvements** *2005 Projects*

**Regulatory**

- Multifamily maintenance inspections
- Initial meeting has taken place to discuss improvement strategies

**Financing**

- Housing Improvement Area (HIA)?

**Current Status (as of July 2012)**

- Adopted Fire Inspection ordinance for all rental properties
- Property management not interested in HIA
- Inspections and Property Management updates still needed



**2005 Medium Priority Projects Status**

**Golden Triangle Neighborhood Park Site** *2005 Projects*  
(10-20 acres to serve up to 3000 new housing units and trail connections)

**Regulatory**

- Refine and adopt GTA Study into Comp. Plan; designate park property
- Potential rezoning
- Potential park dedication amendments (fee increases? Take 10% of acreage plus setback area?)

**Financing**

- Park dedication fees?
- Referendum?
- Grants?

**Current Status (as of July 2012)**

- Comp. Plan amendments complete.
- Rezoning and development of park area anticipated when construction of new housing occurs.
- Humphrey Capstone report included small pocket park for LRT Station area.



## Vikings Training Facility

2005 Projects

### Regulatory

- Potential Comp. Plan and zoning amendments

### Financing

- Potential gap financing (dependent upon proposal and City desires for site)

### Current Status (as of July 2012)

- Contingent on whether new stadium site will include a training facility



## Edendale Housing Improvements

2005 Projects

### Regulatory

- Multifamily maintenance inspections

### Financing

- CDBG?

### Current Status (as of July 2012)

- Adopted Fire Inspection ordinance for all rental properties
- \$115,000 in CDBG grants funding for structural upgrades complete
- Plan for expanded parking approved
- 



**Truth-In-Housing**  
(Point of Sale Inspections)

2005 Projects

**Regulatory**

- Comp. Plan update should address need/policy interest
- Future ordinance amendments

**Financing**

- Inspection Fees – should break even

**Current Status (as of August 2012)**

- Comp Plan update complete
- Council workshop on August 21, 2012 and direction for staff to begin drafting ordinance & fees



**Neighborhood Service Areas in SW and NW Areas of City**

2005 Projects

**Regulatory**

- Address with neighborhood meetings during Comp. Plan Update Process (2006-2007)
- Potential rezoning

**Financing**

- City assistance likely unnecessary

**Current Status (as of July 2012)**

- Reviewed with the 2009 Comp Plan amendment. No recommendations for rezoning based upon adjacent single family development.
- During 2012 workshop, City Council did not express interest in further consideration
- Dell Rd daycare development (New Horizon) approved next to Fire Station 4



North Elevation - Conceptual Color Scheme

*New Horizon Daycare, Elevation Rendering*

**2005 Lower Priority Projects Status**

**Midwest Asphalt Area Redevelopment**

*2005 Projects*

**Regulatory**

- Comp. Plan amendments (2018 or before?)
- Rezoning
- Eminent Domain?

**Current Status (as of July 2012)**

- No Comp. Plan amendments adopted
- Will address with 2018 Comp. Plan updates

**Financing**

- Property Assembly?
- Gap Financing?



**BFI Site End Use Concepts**

*2005 Projects*

(Potential Combination of: Par 3 Golf Course/Driving Range, Off Leash Dog Park/Training Area, BMX Bicycle Course, Walking Trails along Bluff -160 acres)

**Regulatory**

- Comp. Plan amendment that it will be public use in future (address with text in Redevelopment Chapter with 2008 update)
- End Use Plan with MPLA within approx. 15 years (lease agreement) and adopt into Comp. Plan (2018 update or before?)

**Current Status (as of July 2012)**

- MPCA acquired landfill and implementing remedial action plan
- Follow up w/Park & Rec on allowable uses

**Financing**

- Consider maximizing park dedication fees to help create funding for future (or at least increasing; currently charging 4% and we're 4<sup>th</sup> highest City)



**2005 CDBG Projects Status**

**CDBG Funded Projects**

*2005 - 2012 Updates*

**Current Status (as of July 2012)**

- Upgrades of 3 senior group homes
- Upgrades of 4 developmental disabled group homes.
- Rehab of 2 ABC homes
- Assisted acquisition of property for PROP Shop
- Assisted City Hill Fellowship with new Green Affordable Home utilizing Hennepin Tech. construction students
- Assisted purchase of 8 Land Trust affordable housing projects
- Created new First Time Home Buyer's program in 2011 and assisted 11 home buyers
- Assisted 83 Home Rehabs



*Edendale Housing Improvements*



*Senior Group Home*



*PROP Shop*



*Affordable Land Trust Homes*



*Senior Group Home, Rehab Project*

**2005 Economic Development/Redevelopment Projects Status**

**Economic Development/Redevelopment Projects**

*2005 - 2012 Updates*

**Current Status (as of July 2012)**

- Superior Office redevelopment completed
- SuperValu Eastview Headquarters building renovated
- Liberty Property Trust (Compellent/Dell) building – 7625 Smetana completed
- New ATK building completed
- New CH Robinson campus Phases I and II completed
- Flying Cloud Fields completed
- Presbyterian Homes redevelopment approved and \$848,300 LCDA grant approved (construction anticipated 2013)
- CVS Drug Store completed
- Windsor Plaza & Bobby & Steve's redevelopment nearly completed (one restaurant pad remains)
- Best Buy store redevelopment completed
- Gander Mountain redevelopment completed
- New Harley Davidson dealership completed
- New Fireside Heath & Home store completed
- Fountain Place Retail Center;
- Office Max and Spire Credit Union completed
- Walmart renovations completed
- New Eden Prairie Ford completed
- Menards two level store redevelopment completed
- W 78th Retail redevelopment completed (Smash Burger/Verizon)
- Walgreens redevelopment completed
- Primrose School of Eden Prairie (Preschool) completed
- Erik's Bike Shop completed
- Emerson's \$25 million renovation under construction
- UHG's 1.5 million square foot office development approved and phase one under construction
- Wedding Day Jewelers expansion completed
- Anchor Bank renovation completed (former Krispy Kreme)
- Old Chicago renovations completed



*Best Buy*



*Gander Mountain*



*Primrose School of Eden Prairie*



*Old Chicago*

**Economic Development/Redevelopment Projects** *(continued)*      *2005 - 2012 Updates*

**Current Status (as of July 2012)**

- Famous Dave's renovation completed (former Boston Market)
- Redstone expansion completed
- IHOP renovation complete (former Fuddruckers)
- Best Buy store renovations underway (2012)
- Eden Prairie Den Road Liquor Store - new tenant renovations
- One Southwest Crossing (CIGNA) parking ramp expansion completed (2012)
- GE ECO Experience Center completed (2012)
- Osaka Restaurant renovations completed
- Star Bank renovations completed
- Starkey expansion completed (former Xiotech)
- Milestone Av Technologies renovations completed (former Dept. 56)
- Ion Corporation renovations completed
- VISI Data Center renovations completed



*One Southwest Crossing*



*Redstone*



*Milestone Av Technologies*



*Starkey*

## 4. 2012 - 2018 Projects

Figure 3. Housing and Economic Development Interconnected Relationship



### 4.1. Southwest Light Rail Transit (LRT)

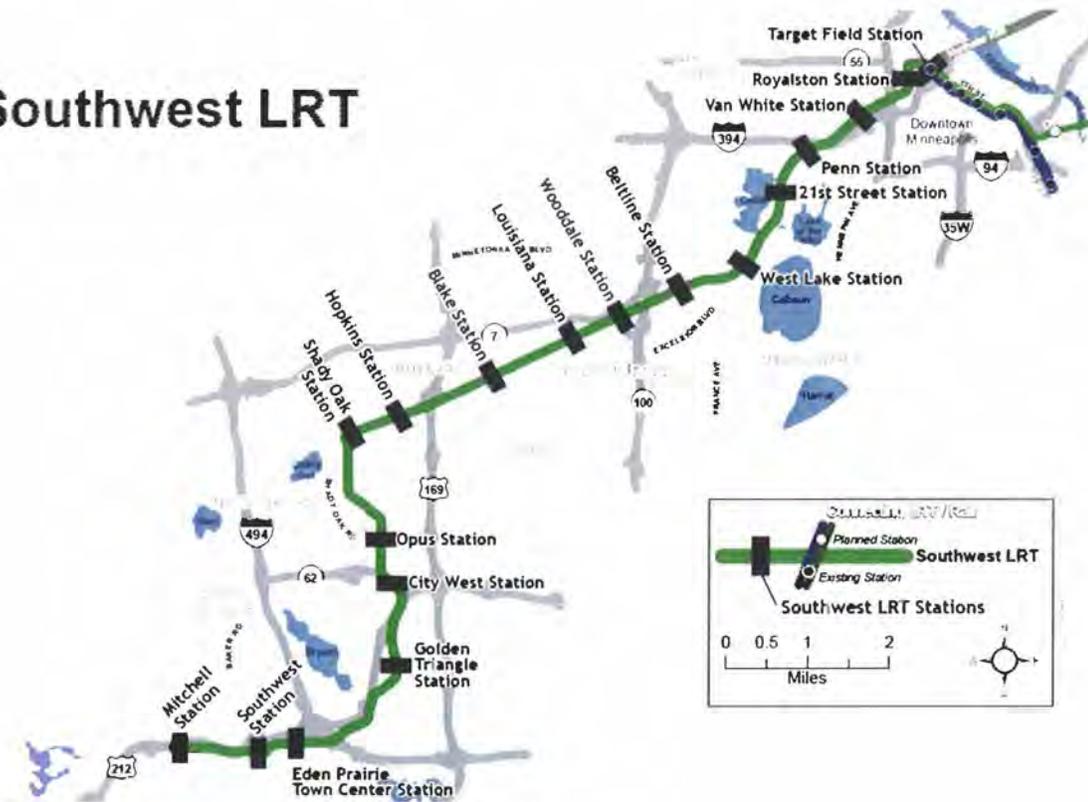
#### **Description**

The proposed Southwest Light Rail Transit (LRT) line is a high-frequency train serving Eden Prairie, Minnetonka, Hopkins, St. Louis Park, and Minneapolis. It is part of the Green Line which includes the Central Corridor LRT currently under construction. Therefore, riders of Southwest LRT will be able to continue into St. Paul via Central Corridor without changing trains.

The Southwest LRT line will also connect to other rail lines (Hiawatha, Northstar, and the future Bottineau) and high-frequency bus routes in downtown Minneapolis, providing access to the University of Minnesota, Minneapolis-St. Paul Airport, Mall of America, the State Capitol, downtown St. Paul, Big Lake, and eventually the northern Twin Cities suburbs.. Connections to other rail lines will occur at the Intermodal Station in downtown Minneapolis. At this time, the Southwest LRT is projected to open in 2018, though project schedule depends on securing federal and local funds.

There are five proposed Light Rail stations in Eden Prairie. The Operation and Maintenance Facility (OMF) for the Southwest LRT trains is also being considered for Eden Prairie. Eden Prairie's LRT projects include planning and development of the stations, park-and-ride facilities, potential OMF, local roadway improvements, sidewalks, trails, streetscape and other infrastructure. The station areas also have great potential for additional housing, employment and shopping opportunities via infill or redevelopment. Eden Prairie's strategies for SW LRT projects consist of utilizing in-house staff as much as possible, collaborating with Hennepin County Community Works and Metropolitan Council's Southwest LRT Project Office, and pursuing grant funding opportunities.

## Southwest LRT



Southwest LRT Map

### Eden Prairie Stations

Each station along the South West Corridor has a unique character. Conceptual site development plans and planned land use concepts strengthen the idea of “place-making” by emphasizing individual station characteristics. The following are the five proposed LRT stations in Eden Prairie:

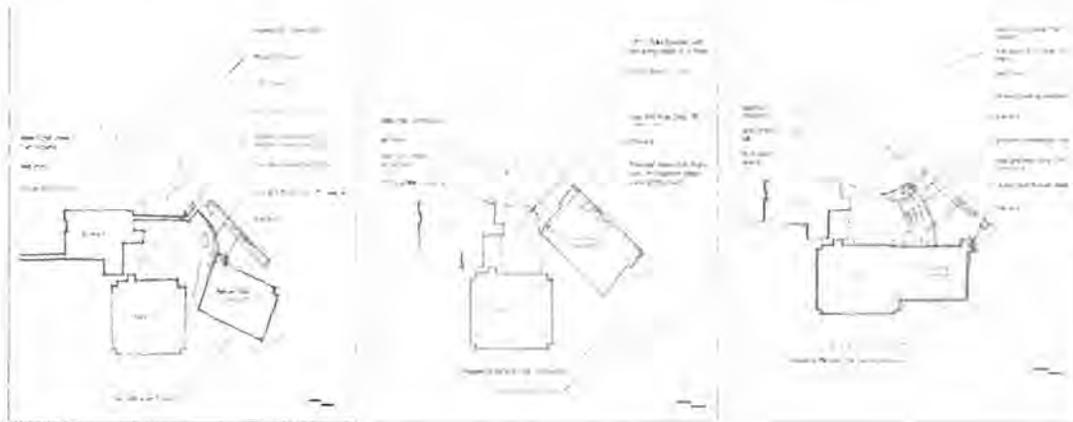


Eden Prairie LRT Stations Map

**STATION AREA PLANNING**

- **City West Station** - Sited on the South side of Highway 62, West of Highway 212.

City West Station will be located within a new campus currently being built by UnitedHealth Group, consisting of four 8-15 story office buildings with 6,600 employees. The development will be compact to allow for retention of the wetlands and natural features on the site, and will provide for internal pedestrian and bicycle circulation. Additional improvements to the street, bicycle and pedestrian systems will provide convenient and walkable access to the station for commuters from the surrounding areas and nearby residential and commercial developments. Retail and restaurant opportunities will likely be enhanced to serve the additional employees and commuters.



- **Golden Triangle Station** - Sited South of Shady Oak Road, East of Highway 212.

The Golden Triangle Station will serve the Golden Triangle business park, home to several corporate headquarters and a total of over 20,000 jobs. Development is mixed in among wetlands and natural areas and is mostly office, warehouse/distribution and manufacturing with some multi-family residential buildings. Approximately 200 acres of land adjacent to the proposed station is envisioned for a sustainably designed, mixed-use neighborhood with 2,650 housing units and up to 700,000 square feet of retail and additional office development within a 10 minute walk of the station. The plan preserves over 100 acres of open space adjacent to Nine Mile Creek and includes a greenway and additional recreational opportunities.



- **Town Center Station** - Sited on Technology Drive, West of Flying Cloud Drive.

The Eden Prairie Town Center Station area is adjacent to Emerson Process Management, which has recently expanded to over 1,000 employees at this location. There are also over 3,000 medical office jobs as well as retail stores, restaurants, apartments, Lake Idlewild and Purgatory Creek Park within walking distance of the station. This station is anticipated to serve mostly walkers and bicyclists from existing and planned uses in the Town Center area. The vision for the 120 acre Town Center area is a concentrated, pedestrian and transit-oriented, live-work community that has a supportive mix of high density residential, commercial, office, entertainment, and open space within a 10 minute walk of the proposed station. An additional Town Center Park is planned as a focal point and community gathering place. Improvements to the street, bicycle and pedestrian systems will provide convenient and walkable access to the station from nearby residential and commercial developments in the Town Center. Parking will be limited at this station due to the compact development and to further encourage walking and bicycling.



- **Southwest Station** - Sited South of Highway 5 / Highway 212, and West of Prairie Center Drive.

The Southwest Station area is currently home to a major express bus park-and-ride development with 905 parking spaces, 6,000 sq. ft. of office space, restaurants, apartments and condominiums immediately adjacent to the station. Approximately 3,000 medical and office jobs currently exist within walking distance with opportunity for

additional job growth. The vision for the Southwest Station area is to maintain and enhance the existing mix of residential and commercial uses within a 10 minute walk of the proposed station. Approximately 600,000 additional square feet of office space is expected to develop on nearby vacant land bringing additional jobs within walking distance of the proposed station. The adjacent restaurants, city park and natural area provide an amenity for residents and employees.



- **Mitchell Station** - Sited South of Highway 5 / Highway 212, and West of Mitchell Road.

The Mitchell Station area is the first station for commuters from the western suburbs and will include a major park and ride facility. It is located with convenient access from both Highway 212 and Highway 5 within the Eaton campus. Most of the land area within ½ mile of the station is currently developed as office and industrial uses including Eden Prairie City Hall, other municipal and school facilities, CH Robinson and the Optum medical office campus. Approximately 600,000 square feet of additional office is approved on the nearby Optum medical office campus with 3,500 additional jobs anticipated in the area. There is also an 8 acre site adjacent to the station that would be appropriate for transit parking and high density residential. Improvements to the street, bicycle and pedestrian systems will provide convenient and walkable access to the station.



**Funding Sources**

**Transit Project**

Funding for capital costs of the transit line, stations, park and ride facilities, local access improvements, and operation and maintenance facility will come from four sources: the transit sales tax in the Metro Area (30 percent), the Hennepin County Regional Railroad Authority (10 percent), the State of Minnesota (10 percent), and the Federal Transit Administration (FTA) (50 percent).

**Eden Prairie Southwest LRT Projects'**

Funding sources to support additional land use development and amenities around the station areas include: Tax Increment Financing (TIF), pooled TIF funds from previous projects, federal Community Development Block Grant (CDBG) funds, the City's Economic Development Fund, and grants.

**Grant Programs**

List of Grant Programs		
MN Department of Employment & Economic Development (DEED)	Hennepin County	Metropolitan Council
Minnesota Investment Fund (MIF)	Southwest LRT Community Works	Livable Communities Transit Oriented Development (TOD) Grants
Bioscience Business Development	Hennepin County Capital Improvement	Livable Communities Demonstration Account (LCDA)
Innovative Business Development	Environmental Response Fund (ERF)	Local Housing Incentive Account (LHIA)
Transportation Economic Development (TED)	Transit Oriented Development (TOD)	Tax Base Revitalization Account (TBRA)
Redevelopment Grant Program	Affordable Housing Incentive Fund (AHIF)	Corridors of Opportunity (CoO): Local Implementation Capacity Grants
	Hennepin County Corridors of Opportunity Challenge Fund	Corridors of Opportunity (CoO): Community Outreach and Engagement Grants

**Transit Project Timeline / Decision Milestones**

- **2012. Draft Environmental Impact Statement (DEIS) Comment Period** - The required DEIS is expected to be released for comment in October, 2012 with a minimum 30 day period for public comment. All substantive public comments must be addressed. Hennepin County is required to prepare a response to every timely and substantive comment it receives. When the public comment period is complete and all comments have been evaluated, the County is also required to make an official decision regarding the environmental review process. Once a final decision has been made, the County distributes a notice of the decision and a response to comments to individuals who submitted a timely and substantive comment. The project may then begin preliminary engineering, which will address the comments in more detail.
- **2013. Preliminary Engineering (PE) and Municipal Consent** - The Metropolitan Council is the lead agency for PE, which is expected to officially begin in January, 2013 and take approximately one year. The PE consultant contract has been divided into east and west segments, so there may be more than one consultant team working on PE. This process will take the transit project to 30% engineering and will include location of the tracks, transit station platforms, park and ride facilities, operation and maintenance facilities, and other necessary supporting infrastructure. Once the preliminary engineering is complete, each City along the transit corridor will be asked to provide municipal consent to the project. The request for municipal consent is expected to take place in the fourth quarter of 2013.
- **2014. Final Engineering and Final Environmental Impact Statement (FEIS)** - The Final Engineering and FEIS are expected to be completed in 2014. Engineering, operating, funding and project management plans are completed during this phase. This last phase also includes right-of-way acquisition, utility relocation, the preparation of final construction plans (including construction management plans); detailed specifications, construction cost estimates, and bid documents. The project's financial plan is finalized, and a plan for the collection and analysis of data needed to undertake a Before & After Study is developed. Construction typically follows completion of Final Design, when funding and project management are fully in place, although alternative approaches are possible. As an example, the Hiawatha project used the "design-build" construction approach. Design-build allows construction to begin on fully designed elements while other elements are finalizing design. This method is used in some cases to shorten construction periods for major projects. Concerns include lack of substantial public input time.
- **2014 - 2018. Construction** - The Southwest LRT project is expected to take four years to complete. This includes the tracks, station platforms, associated parking, the operations and maintenance facility, and all other necessary supportive infrastructure.
- **2018. Opening** - If there are no delays in the schedule, the transit line is expected to open in the fourth quarter of 2018.

**Eden Prairie Southwest Light Rail Transit (LRT) 2012 – 2018 Projects**

**Business Strategy Update**

**Priority: High**

**Timing: 2012-2018**

**Funding: Use City Staff**

➤ Overall Strategy:

- Keeping business and property owners along the corridor informed and involved



➤ 2012. Town Center station location alternatives:

- Individual meetings/conversations with 53 potentially affected businesses/property owners
- Comments will be used to help inform 2013 decision on Town Center station location



Town Center LRT Alternatives Map

## Town Center Station & Alignment

**Priority:** High

**Timing:** 2012-2013

**Funding:** Use City staff



*Town Center Station Area A*



*Town Center Station Area B*



*Town Center Station Area C*

➤ Council Direction:

- Evaluate the feasibility of a more centrally located and walkable Town Center Station (rather than the proposed Technology Drive location between Costco and Emerson Rosemount)
- Minimize Town Center Station parking. If possible re-allocate parking to Southwest Station and Mitchell Rd. Station
- Mitigate impacts on existing businesses

➤ Station Location & Alignment Priorities:

- Ridership Potential – Walkability to Housing and Employment
- Close proximity to Eden Prairie Center (station within ¼ mile to a mall entrance)
- Maximize potential redevelopment and reinvestment opportunities (consider recent investments in the area)
- Provide greater separation from Southwest Station LRT station
- Minimize adverse traffic impacts
- Provide grade separation of Prairie Center Drive and Flying Cloud Drive

➤ Consider three potential Town Center station alternatives:

- Location A – Singletree Lane area
- Location B – West 78<sup>th</sup> Street area
- Location C – Regional Center Road area

**Legend**

- Station Area
- 1/4 - 1/2 Mile Radius Ring

## Operation & Maintenance Facilities Site Selection

**Priority: High**

**Timing: 2012**

**Funding: SW LRT  
Project**

- An Operation and Maintenance Facility (OMF) is needed to serve Southwest LRT. The OMF requires 10-20 acres of land. It will include office space for approximately 100 transit workers and a storage and maintenance facility for the trains. Currently, one site is being considered in Minneapolis and three sites are being considered in Eden Prairie near the Mitchell Road station.
- Work with potentially impacted property owners in Eden Prairie to ensure their concerns and preferences as well as economic development potential and tax base are considered during the site selection process.
- Work with the Transitional Station Area Action Planning and Preliminary Engineering staff and consultants to ensure Eden Prairie’s comments are addressed in the OMF alternatives analysis. A decision is expected by the end of 2013.



**Legend**

- Preferred
- Secondary

*Potential Locations for the Operation Maintenance Facility in Eden Prairie*

## Transitional Station Area Action Plans (TSAAP)

**Priority: High**

**Timing: 2012-2013**

**Funding: Metropolitan Council Grant to County and City staff time**



- Hennepin County, with the collaboration of the Cities of Eden Prairie, Hopkins, Minneapolis, Minnetonka, and St. Louis Park, is hiring a consultant team for the development of Transitional Station Area Action Plans (TSAAP) for the 17 proposed stations along the SW LRT line. This work is considered to be part of the project development process.
- The Transitional Station Area Action Plans are an example of the early integration of LRT engineering and land use/economic development.
- Primary Focus:
  - Promote opening day readiness (2018) by bridging the gap between current conditions and those anticipated to exist on opening day of the Southwest LRT line.
  - Identify and prioritize infrastructure improvements that enhance existing business, support mixed-income housing opportunities, and encourage new development.
- Long-term Goal: Create unique, transit-oriented stations along a dynamic and diverse corridor that is part of a larger metropolitan transit network. The TSAAPs should address mitigation for existing businesses and facilitate the evolution of station areas into Transit Oriented Development (TOD) areas with a unique sense of place that relates positively to the corridor as a whole.
- Strategy: Work with the County, the TSAAP consultant team, staff from other cities, and the PE team to ensure the Transitional Station Area Action Plans are realistic and address Eden Prairie's needs including adequate business mitigation and long-term economic development viability.

## Town Center Stormwater Analysis

**Priority:** High

**Timing:** 2012 - 2013

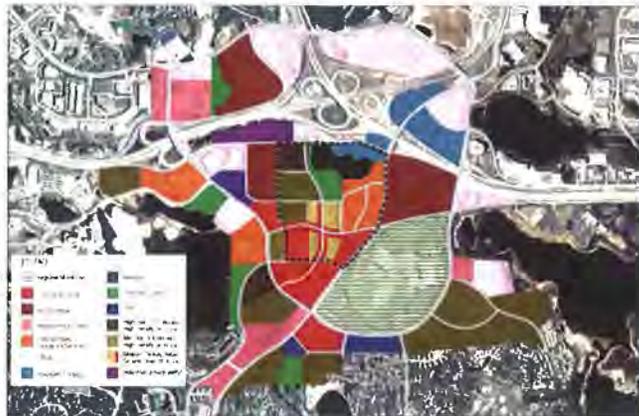
**Funding:**  
Metropolitan  
Council Grant to City  
and City staff time

➤ **\$45,000 Livable Communities Transit Oriented Development (TOD) Grant Awarded 2011**

- This TOD project will create opportunities for additional TOD redevelopment by addressing the need for innovative multi-purpose stormwater management facilities that utilize a shared function serving more than one property and providing more than one function (e.g. a regional Best Management Practice (BMP) that provides stormwater functions such as rate control and infiltration as well as potentially providing an aesthetic amenity in a new development.)

➤ **Two-phased approach:**

- First, work with hired consultants to identify potential locations where multi-purpose stormwater management facilities can be constructed within a one-half mile radius of the proposed station. Several specific areas will be selected, analyzed and conceptually designed in order to determine costs to accommodate TOD.
- Second, work with hired consultants to develop a Stormwater Management Guide for Redevelopment which will establish a set of stormwater management criteria specific to multi-purpose facilities. The Guide will inform and assist developers in designing innovative, green BMPs for use within the Station Area while facilitating transit-oriented development objectives.



*MCA Future Land Use*

## Corridor Housing Strategy

**Priority: High**

**Timing: 2012 - 2013**

**Funding: Metropolitan Council Grant to ULI and City staff time**

➤ **Southwest Corridor Housing Strategy:**

- **Housing Inventory**  
(Collect & understand existing conditions)
  - Transitional Station Area Action Plans  
(Inventory provides input to TSAAPs)
  - Household Demographics
  - Existing Available Housing
  - Commute & Labor Shed
  - Housing + Transportation Index
  - School Data
  - City Tools & Strategies
- **Market Feasibility & Accessibility**  
(Development assessment & TSAAP)
- **Gap Analysis**  
(Plans/market/financing/displacement)
- **Strategy & Goals**
  - Collaboration & Support
  - Stakeholder Engagement

- Work with consultant team and stakeholders on promotion of Fair and Affordable Housing in overall TOD strategies to ensure sufficient housing, both new production and preservation, to serve a full range of incomes.
- The Southwest Corridor-wide Housing Inventory will provide critical baseline data on existing housing conditions and demographic information in the Southwest Corridor. The Housing Inventory also ensures that the housing strategy is grounded in market reality and is connected to financial feasibility and employment growth.



## Community Engagement

**Priority: High**

**Timing: 2012 - 2013**

**Funding: Metropolitan Council Grant to New American Academy; City staff time**

- **Corridors of Opportunity Outreach and Engagement Grant**
- **Objective:**
  - Involving people from underrepresented communities such as low-income, people of color, immigrants, or people with disabilities in transit planning
- **Grant Recipient:: New American Academy (NAA)**
- **Purpose of grant::**
  - Outreach, identify and recruit low-income as well as disenfranchised but resolute immigrant participants who will assert leadership and civic engagement roles for the Southwest LRT project.
  - Form, the “Southwest Corridor Immigrant Council” to formulate and implement specific goals, visioning and long-term strategies that will benefit the southwest corridor
  - Train immigrants to be business entrepreneurs and take advantage of future TOD development opportunities
- **City strategy: Work with NAA and Metropolitan Council to help ensure that the Immigrant Council and business training includes all immigrant groups in Eden Prairie**



## Town Center Business Development

**Priority: Medium**

**Timing: 2012 - 2013**

**Funding: Metropolitan Council Grant to LISC; City staff time**

- Partnership with Twin Cities Local Initiatives Support Corporation (LISC) and their Corridor Development Initiative (CDI)
- The Local Initiatives Support Corporation (LISC) is dedicated to helping community residents transform distressed neighborhoods into healthy and sustainable communities of choice and opportunity
- The Town Center Business Development Project will look at development opportunities for local entrepreneurs and businesses within walking distance of the future Town Center LRT station in Eden Prairie
- Strategies:
  - work with LISC, the Eden Prairie Immigrant Council, the Open to Business Program, and the Eden Prairie Chamber of Commerce to include Eden Prairie’s immigrant community and other potential entrepreneurs in the initiative consider the need for additional affordable housing in the area as well as circulator buses to and from existing workforce housing



**Transit Oriented Development  
(TOD) Ordinance**

**Priority: Medium**

**Timing: 2012 - 2013**

**Funding: Applied for Metropolitan Council Grant to City; portion from Economic Development Fund; City staff time**

- In 2012, the City of Eden Prairie applied for a \$60,000 Livable Communities Transit Oriented Development (TOD) Grant from the Metropolitan Council to hire a consultant to help the City develop a TOD Ordinance for Eden Prairie’s LRT station areas. If awarded, the grant will be matched with \$7,500 of City Economic Development Funds and City staff time.
- The TOD Zoning District will provide standards for development of attractive, compact, walkable, mixed-use housing and employment centers that creates a live/work/play environment for the community near LRT station area. The purposes are to:
  - Provide a mix of higher density residential, mixed uses, and employment within walking distance of Light Rail, and a more efficient, compact and connected development pattern;
  - Incorporate connections between the various land uses; including pedestrian, street and visual;
  - Incorporate civic amenities such as urban parks and plazas, civic and cultural spaces, sidewalks and trails, and landscaped streetscapes;
  - Promote land-efficient parking design, including structured parking, on-street parking, and shared parking;
  - Locate and design buildings that are oriented to public spaces, including streets, sidewalks, plazas and open spaces, to create the feel and function of a traditional town center and to emphasize a pedestrian oriented environment; and
  - Encourage non-automobile access and circulation, including transit, walking and biking.



**Light Rail Transit (LRT) Station Area Redevelopment**  
(TOD Project)

**Priority: High**

**Timing: 2013+**

**Funding: Private/ Grants / TIF / Other**

- Facilitate development and redevelopment around each of the 5 station areas planned in Eden Prairie
- Apply for grants and consider gap financing as needed



**4.2. Economic Development**

**Description**

Economic development is the process of creating jobs, tax base and general wealth by targeting physical development of the community private and public business activity. Eden Prairie’s strength has built on a series of physical assets and community resources that contribute to what many business owners and developers have described as ‘quality of life’.

‘Quality of life’ derives from residents’ experience of schools, parks, ease of movement on the transportation system and the cost and value of housing stock. While traditional investment in economic development strategies is unchanged, over time staff has worked to support the basic quality of life fundamentals recognizing their role in community vitality. The city’s diversified profile across industry sectors, with strong representation in industrial, high tech manufacturing, retail, and financial and professional services has created a stable platform for continued growth. Over time as companies grow and experience a need for change, the City has responded with a focus on retaining those existing businesses.

A key component of economic strength is managing the needs of existing and prospective businesses to ensure that the mix is appropriate for Eden Prairie’s image and regional profile, and that there continues to be an adequate supply of land to support desired commercial or industrial/manufacturing activity.

**Funding Sources**

The City’s Economic Development Fund was created in the early 1990’s to support projects that help create and/or retain jobs, improve the local tax base, support redevelopment efforts, or otherwise enhance the quality of life in the community. The fund is capitalized through the sale of various city-owned surplus properties over the last 20 years including a recent sale of a small parcel for a new daycare center located next to Fire Station #4 in southwest Eden Prairie. Other funding sources used for Economic Development projects include: Minnesota Department of Employment and Economic Development (DEED) loan and grant programs, Minnesota Department of Transportation (MnDOT) grant programs such as Transportation Economic Development (TED) grants, City Tax Increment Financing (TIF) - Redevelopment and Economic Development, City TIF Pool, Private Developer, Eden Prairie Chamber of Commerce, Capital Improvement Plan (CIP) and the South West Light Rail Transit (LRT) funding sources mentioned in section 4.1 of the report.

**Economic Development 2012 – 2018 Projects**

*2012 - 2018 Projects*

**City Center Leases**  
 (Nearly half of the 230,000 square foot City Center is leased to CH Robinson and the EP School District)

**Priority: High**

**Timing: 2012 - 2014**

**Funding: City staff time**

- CH Robinson lease expires February 2014 and they have informed the City they will be moving into their new Eden Prairie headquarters campus
- Budget Advisory Commission (BAC) advised the City Council to find a new tenant
- Strategy: work with a commercial broker to help market the space on a percentage fee basis
- The current lease with the School District expires in 2012 and a new lease is expected to be signed



2012 - 2018 Projects

**Shady Oak Bridge Reconstruction**  
 (This bridge serves the Golden Triangle and City West Business Parks)

**Priority: High**

**Timing: 2012 - 2014**

**Funding: Private / Grants/County/City CIP/TIF Pool**

\$32 million project

- In 2012, the Economic Development Division helped secure a \$7 million grant through Transportation Economic Development Program (DEED & MNDOT)
- United Health Group is providing about \$8 million and the balance will be funded by the City and Hennepin County. City funding options include the CIP fund and pooled TIF funds designated for transportation
- Strategy: Continue communicating with area businesses, seeking grants and County funding, and facilitating construction to enhance business access and economic development opportunities



*2012 - 2018 Projects*

## Web-Based Business Directory

**Priority:** High

**Timing:** 2012 - 2013

**Funding:** Private / City / Chamber

- Shop QA – Business Directory
- Partner with the Eden Prairie Chamber of Commerce
- Business directory on City and Chamber websites



*2012 - 2018 Projects*

## Realtor's Forum

**Priority:** High

**Timing:** 2013+

**Funding:** City Staff Time/  
General Fund Supplies

- Collaborate with the School District to host a Realtor's Forum in 2013 and consider making it annual or biannual
- 2011 Realtor's Forum was well attended and received; included presentations by City and School District leaders and a tour of Eden Prairie
- Strategy: continue collaborating with the School District and attempt to get pre-approval for Realtor's continuing education credits again to aid attendance; plan presentation and a tour to highlight all of the positive aspects of Eden Prairie so the realtors relay that information to prospective residents



2012 - 2018 Projects

## Business Retention & Expansion

**Priority: High**

**Timing: Ongoing**

**Funding: ED Fund / TIF/  
Grants**

- Continue Supporting Business Retention and Expansion
- Consider financing as needed with TIF, MN Investment Fund DEED grants, Economic Development Fund



Rosemount Emerson- \$5 Million DEED



2012 - 2018 Projects

## Open To Business Program

**Priority: High**

**Timing: Ongoing**

**Funding: County/  
MCCD/ City ED Fund**

- Continue to support his new business assistance program as a partnership with Hennepin County and the Metropolitan Consortium of Community Developers (MCCD)
- In 2012, the City approved use of \$5,000 from the Economic Development Fund to support a MCCD staff person providing one-on-one assistance to Eden Prairie entrepreneurs with business plan development, cash flow projections, marketing, and loan preparation



2012 - 2018 Projects

## Prairie Center Dr Streetscape Phase I

**Priority: High**

**Timing: 2014+**

**Funding: Private (Presbyterian Homes) / ED**

- Presbyterian Homes agreed to fund their portion of the streetscape and be part of a Special Service District for on-going maintenance; development anticipated to start construction in late 2013 or 2014 and will include streetscaping the west side of Prairie Center Drive from Columbine to Flying Cloud
- Continue working with other property owners along Prairie Center Drive to gauge interest in a larger Phase I project and potential Special Service District



2012 - 2018 Projects

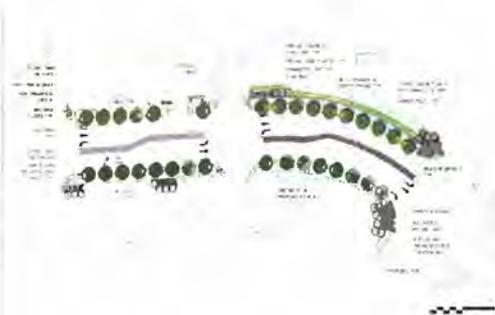
## Singletree Lane Phase II Streetscape

**Priority: High**

**Timing: 2014 - 2015**

**Funding: Private /City CIP/ TIF Pool ED Fund/Grants**

- Continuation of the Major Center Area Streetscape Plan for Singletree Lane that was implemented between Flying Cloud Drive and Eden Road; Phase II extends for Eden Road to Prairie Center Drive
- The project includes street reconstruction and streetscaping in keeping with Phase I
- Walmart has dedicated ROW for the street project and an escrow for their portion of the streetscape improvements
- Strategy: Continue working with property owners regarding design, financing, and maintenance including potential Special Service District
- Revisit the City's policy of 80% private, 20% City financing of streetscape projects



*2012 - 2018 Projects*

## Major Center Area (MCA) Mixed Use Redevelopment

**Priority: High**

**Timing: 2014+**

**Funding: Private / TIF /  
Grants / Other**



- Town Center mixed use ordinances adopted; rezoning pending outcome of Southwest LRT Town Center station alternatives analysis and TSAAP process
- City-owned Ace Daycare property lease expires in 2015
- Has great redevelopment potential
- Long term vision is to redevelop this property to higher density vertically integrated housing, retail, and office use
- Strategy: complete Town Center station alternatives analysis, TSAAP process, Town Center Business Development Study and Town Center Stormwater Analysis to help finalize redevelopment plans; facilitate redevelopment including applying for grants and consideration of gap financing



*2012 - 2018 Project*

**Major Center Area (MCA)  
Wayfinding Signage Phase II**

**Priority: Medium**

**Timing: 2012+**

**Funding: Private / ED  
Fund / MNDOT**

- Wayfinding phase II: This would complete the back to highway signs
- \$50k cost estimate but funding source and MnDOT approval pending
- Council policy of 80% private/20% City funding should be confirmed or amended



*2012 - 2018 Project*

**Major Center Area (MCA)  
Local Street Construction**

**Priority: Medium**

**Timing: 2014+**

**Funding: State Aid/  
SW LRT Project/  
City CIP / TIF Pool/  
Private  
Redevelopment**

- Includes a new north-south roadway and grid system of streets in the Town Center and extension of MedCom Boulevard to Franlo Road
- Includes any associated sidewalks, trails, pedestrian lighting, landscaping, street furniture, benches, transit shelters and banners
- ROW dedicated with Windsor Plaza and agreed to future Special Service District improvements
- Road easements obtained from Walmart & Emerson
- Public Works agreed to fund MedCom extension if future developer completes ROW dedication at no cost
- Strategy: Continue working with property owners, complete Town Center LRT station alternatives analysis, TSAAP and PE processes to determine final Town Center street locations; consider potential funding from LRT project, and work with property owners and developers to set aside additional ROW and potentially agree to assessments or Special Service District participation

2012 - 2018 Projects

**GTA Land Use / Transportation Analysis**  
(TOD Project)

**Priority: Medium**

**Timing: 2013 - 2014**

**Funding: ULI, County  
Community Works  
TSAAP /Grants**

- Reevaluate redevelopment (job) growth opportunities in the GTA utilizing ULI Development Workshop, TSAAP process and other grant funding opportunities as needed
- Identify transportation improvement needed to accommodate future job growth



**LIBERTY**  
PROPERTY TRUST

**SUPERVALU** *LifeTouch*



2012 - 2018 Projects

## Coworking/Collaborative Business Center & Business Incubator

(An alternative for independent workers, small businesses, start-ups, and corporate work groups)

**Priority: Medium**

**Timing: 2012 - 2013**

**Funding: Private / ED Fund / City Ctr. Space**

- Help find a space or facilitate a private company to open co-location office/business incubator space in Eden Prairie
- The space can have multi-functions. It can serve the Somali groups that are asking for incubation support for Somali businesses



Co-location Space



Co-location Space

2012 - 2018 Projects

## Fiscal Impact Modeling (FIM)

**Priority: Medium**

**Timing: 2013+**

**Funding: Grants/ City Staff Time**

- New software demo in February 2012
- Spreadsheet tool evaluates impact of development on a city's bottom line
- Compares different development scenarios and fiscal impacts on City government finances
- Developed by the U of M Center for Urban and Regional Affairs (CURA) and being refined through a demonstration project with the City of St Paul
- Strategy: Continue collaborating with CURA and other Southwest LRT cities on a possible demonstration project utilizing FIM to help analyze different TOD development scenarios



2012 - 2018 Projects

**City Entry Monument Signage Program**

**Priority:** Medium

**Timing:** 2013-2014

**Funding:** ED Fund

- Develop a plan for installing entry monuments at key strategic locations in the City to assist residents and visitors in identifying when they have entered Eden Prairie.



2012 - 2018 Projects

**Convention & Visitors Bureau - Conference Center**

**Priority:** Medium

**Timing:** 2013+

**Funding:** Private / TIF / Other

- Met with Hoteliers February 2012
- Discussed forming a Convention & Visitors Bureau
- Hoteliers also expressed need for a large meeting space or conference center in EP
- Strategy: Continue working with Chamber of Commerce on potential Convention & Visitors Bureau and continue working with hoteliers, brokers and property owners on potential conference center location and any gap financing considerations



*2012 - 2018 Projects*

**Major Center Area (MCA) Public Art**  
(Future Vision Options)

**Priority: Medium**

**Timing: 2014+**

**Funding: Private / Grants / Ordinance**

- Potential Comprehensive Plan Amendments and-Potential Ordinance Amendments to require development fees for public art or incent with redevelopment projects
- Strategy: Continue integrating into LRT Station area public art discussions at Arts & Culture Commission and consider provisions in new TOD Ordinance



*2012 - 2018 Projects*

**Midwest Asphalt Redevelopment**

**Priority: Low**

**Timing: 2014+**

**Funding: Private / Grants / TIF / Other**

- Future Redevelopment Area in North Central Eden Prairie
- Explore options for any necessary remediation; work with any prospective developers and consider potential TIF redevelopment district



2012 - 2018 Project

## Singletree Lane / W78th St. Realignment

**Priority:** Low

**Timing:** 2018+

**Funding:** State Aid / City  
CIP, TIF Pool /  
Southwest LRT Project /  
Grants

- Realignment of Singletree lane so that it connects with W. 78<sup>th</sup> St. was recommended in the Major Center Area Study as a near-term improvement; the City Council reprioritized it to long-term and approved interim improvements to Singletree Lane expected to accommodate traffic until approximately 2018. Strategy: Discuss policies for completing improvements including potentially integrating with the Southwest LRT project depending upon the outcome of Town Center station area alternatives



### 4.3. Housing

#### Strategies

1. Partner with vendor agencies and community groups to identify service needs and gaps in the community and facilitate the funding process to ensure quality, appropriate services to meet the needs. This is an on-going process, accomplished by participation in monthly meetings, on-site visits, and referrals.
2. Ensure that immigrant populations have the tools and knowledge to share in the high quality of life in Eden Prairie.
3. Identify and coordinate resources to prevent duplication of services and promote efficient use of resources.
4. Allocate General Funds and CDBG funds to affordable housing initiatives, housing rehab and human services programs

#### Funding Sources

##### **Tax Increment Financing (TIF; City of Eden Prairie)**

Taxes generated from the increased value (assessed value) of an improved property (new housing project) are used to help finance the improved property over a specific period. Projects financed with TIF must provide rents affordable to persons with incomes below 50 percent of the metro median on 20 percent of the total units or below 60 percent of the metro median income on 40% of the total units.

##### **TIF Pooled Housing and Admin Funds**

Existing TIF Housing projects often include provisions for a percentage of the tax increment funds to be pooled for future affordable housing projects. These funds can be used to help finance new affordable housing development or improvements to existing units as long as income limits are met by the residents. These funds can support City programs such as Homeowner's Association Improvement Grants (HAIG) and the Housing Rehab Program. A small percentage of the tax increment from projects is also allocated to administrative expenses. These TIF Admin funds can be used for attorney and consultant costs of preparing documents such as TIF extensions to preserve affordability.

##### **Community Development Block Grant Program (City & Federal)**

Created by HUD in 1974, this program provides annual entitlements to cities based on a population, age of housing, and poverty level formula. Cities have the flexibility to use these funds in a variety of ways to address issues affecting primarily low-income persons. Eden Prairie dedicates most of its funding for housing related activities including financing affordable renting projects. CDBG financed projects must provide rents that are affordable to persons with income below 80 percent of the median for the metro area. For rental housing, the City of Eden Prairie typically requires that rents be affordable to persons with incomes below 50 percent or 60 percent of the metro median to meet TIF requirements. For homeownership and rehab, the City typically requires incomes below 80 percent of the metro median.

**Other Grants, Loans, and Incentives**

A number of other grants, loans and incentives are available for housing projects that include affordability components. The City administers Housing Revenue Bonds to help Eden Prairie property owners finance improvements to multi-family developments with moderate and low-income families and seniors. The City collects a percentage fee for this service. Hennepin County administers the Affordable Housing Incentive Fund (AHIF) program which provides loans for rehab or construction of affordable housing. The Metropolitan Council administers the Local Housing Incentive Account (LHIA) which provides loans to purchase property for affordable housing. The Metropolitan Council also administers the Livable Communities Demonstration Account (LCDA) and Transit Oriented Development (TOD) grants and the Corridors of Opportunity Local Implementation Capacity grants, all of which favor projects with affordable housing. In addition, the Minnesota Housing Finance Agency (MHFA) administers the Low Income Housing Tax Credits (LIHTC) program which provides incentives for developers to include affordable housing in their projects.

**Housing 2012 – 2018 Projects**

**Extend Affordability of Existing TIF Housing Projects**

**Priority: High**

**Timing: 2012+**

**Funding: TIF Admin;  
TIF**

- The TIF for various affordable housing developments was originally approved for 15 years, after which time, the affordability requirements expire
- Strategy: Work with property owners to extend the TIF and affordability requirements while improving the properties as needed; start with projects expiring first and package extensions together when feasible; use TIF Admin for attorney/consultant costs
- First Priority: Extend TIF 12
- (Columbine)
  - Built 1996
  - Units: 32
  - Funding Sources: CDBG and TIF (Expires 2012)



**Scenic Heights Green Mid-Market Neighborhood**

**Priority: High**

**Timing: 2012 - 2014+**

**Funding: ED Fund/  
TIF Pool / CDBG /  
HTC/Grants**



- An 8 acre remnant parcel from construction of Hwy 212 will soon be sold by MNDOT for development at the southwest quadrant of 212 and County Road 4 accessible from Scenic Heights Road
- The City Council has expressed interest in development of a green, mid-market single-family neighborhood; there is also market interest in a neighborhood commercial component which could be considered if adequately separated from the existing nearby residential
- Strategies: In order to ensure and incent green, mid-market development, pursue temporary ownership as a first right of refusal from MNDOT
- Research Green/LEED Neighborhood Development/Design (LEED ND) standards and “New Normal” housing guidelines and obtain feedback from City Commissions, the adjacent neighborhood and developers on criteria for guiding and zoning this property
- Study the housing market to set a price range and define a criteria for Mid-Market Housing Development
- Develop concept site plans for neighborhood/developer discussions
- Consider partnerships and financing options including City Hill Fellowship Green Home Model with WHAHLT (Land Trust)/ Hennepin Technical College Construction Partnership, and grants
- Issue a RFP for green, mid-market development; review the proposals and resell the property to a private developer conditioned on approval of acceptable plans in keeping with the new Green, Mid-Market criteria
- Facilitate financing of the development

**Increase Homeownership Opportunities**

**Priority: High**

**Timing: 2012+**

**Funding: CDBG / TIF Pool/ Grants**

- **Invest in opportunities for low and moderate income residents to own homes**
- **Strategy: First Time Homebuyer Program**
  - No Interest, Deferred Loan
  - Loans up to \$25,000 Available
  - Assistance may be used for:
    - 50% of the required down payment
    - 10% principal reduction up to \$20,000
    - 100% of allowable closing costs up to \$5,000



- **Strategy: Collaborate with West Hennepin Affordable Housing Land Trust (WHAHLT)**
  - The City has provided a rolling CDBG loan account with WHAHLT to assist with single-family and townhome ownership opportunities including new construction and existing homes
  - WHAHLT indicates they have additional potential homebuyers and asked for our letter of reference for the State Housing Grant
  - Current focus on purchase and rehab of foreclosed/distressed properties with subsequent resale of building to income-eligible homeowner with WHAHLT retaining land ownership



## Housing Improvement Areas (HIA)

**Priority:** High

**Timing:** 2012+

**Funding:** Special Assessments



- Promotes neighborhood stabilization and revitalization of townhome properties that do not have adequate resources for necessary repairs/improvements
- Properties are assessed for the cost of the improvement
- City provides the financing for the improvements and assesses the individual homeowner's property tax
- Terms are generally 15 years – current interest rate
- Strategy: Work with existing townhome associations to identify needs and facilitate HIA creation; work with Financing to consider reduced fees/interest rates for HIA special assessments while protecting City's financial rating

## Homeowner's Association Improvement Grants (HAIG)

**Priority:** High

**Timing:** 2012+

**Funding:** TIF Pool



- Facilitates housing improvements for townhome properties with 95% low - moderate income owners
- Strategy: Work with Homeowner Associations (HOAs) to identify needs and income eligibility; HOA receives a grant to make certain eligible improvements. Grant is matched by HOA funds (cash or soft); focus on projects that improve energy efficiency and accessibility

## Rehab Loans – Single Family and Duplexes

- Priority: High**      ➤ Up to \$20,000 loan to income eligible homeowners for qualified repairs/improvements
- Timing: 2012+**      ➤ Interest Free – Deferred for 30 years or until home is sold
- Funding: CDBG; pooled TIF**      ➤ 90 Outstanding Housing Rehab Loans; Payoff Amount: \$1,679,374
- Strategy: Use repaid loan funds, new CDBG funds, and pooled TIF funds to assist approximately 12 rehab projects per year and preserve/enhance quality of existing housing
- Currently funded entirely with CDBG, which is limited to residents with incomes below 80% of area median
- Requesting flexibility to use pooled TIF funds to help support this program for residents with incomes above 80% but less than 95% of median income



## Rehab Grants – Nonprofits

- Priority: Medium**      ➤ 10 Nonprofit Organizations, including group homes and a senior facility, received CDBG rehab grants since 2006
- Timing: 2012+**      ➤ Total All Grants Amount: \$911,960
- Funding: CDBG**      ➤ Strategy: Identify needs and use repaid and new CDBG for grants to preserve/enhance the quality of group homes and other nonprofit facilities serving income eligible residents



**Existing Rental Housing  
Quality/Operations/Affordability  
(e.g., Chestnut Apartments)**

**Priority: Medium**

**Timing: 2012+**

**Funding: TIF Pool / CDBG**

- Some existing apartments need physical improvements or have operational challenges. They may be providing affordable rents without subsidies due to the condition of the properties
- Strategies: Reach out to the owners of Chestnut Apartments to offer a financial package for necessary improvements in return for converting a number of market rate units to affordable rental for a specified period of time. If improvements are privately funded, explore the possibility of using public financing to cover the gap between the affordable rate and the market rate
- Explore other ways to increase the number of affordable rental units among our existing supply of rental housing
- Utilize the Property Manager’s Group to educate landlords regarding Fair Housing requirements, the City Rental Inspections and Maintenance Program, and other initiatives to improve the operations and maintenance of rental housing
- Explore ways to assist with operational issues that may affect future preservation of affordable housing (e.g., Lincoln Parc)



## New Housing Affordability

**Priority: Medium**

**Timing: 2012+**

**Funding: CDBG/ TIF/  
TIF Pool/ WHAHLT/  
Grants/ Tax Credits**

- Eden Prairie has adopted a goal of having 1,198 to 1,843 new affordable housing units (out of 3,500 total projected new units) between 2010 and 2020 to help meet regional goals; this includes subsidized and market rate affordability; existing unaffordable market rate units can also be converted to affordable to help meet this goal
- Strategy: Work with all housing developers and encourage to include affordable units in their developments utilizing all potential funding mechanisms



5. Appendixes

Appendix 1. Economic Development and Housing Funding Sources

**Economic Development Fund** (as of May 1, 2012)

Fund Balance and Projections					
Year	<u>Beginning Cash Balance</u>	<u>Rental Income (Daycare)</u>	<u>Sale of Daycare</u>	<u>Sale of Dell Property</u>	<u>Ending Cash Balance</u>
2012	\$ 3,854,672	\$ 66,492		\$ 450,000	\$ 4,371,164
2013	\$ 4,371,164	\$ 66,492			\$ 4,437,656
2014	\$ 4,437,656	\$ 66,492			\$ 4,504,148
2015	\$ 4,504,148	\$ 49,869			\$ 4,554,017
2016	\$ 4,554,017		\$ 850,000		\$ 5,404,017
2017	\$ 5,404,017				\$ 5,404,017
2018	\$ 5,404,017				\$ 5,404,017
2019	\$ 5,404,017				\$ 5,404,017
2020	\$ 5,404,017				\$ 5,404,017
2021	\$ 5,404,017				\$ 5,404,017
2022	\$ 5,404,017				\$ 5,404,017
2023	\$ 5,404,017			\$ -	\$ 5,404,017
2024	\$ 5,404,017				\$ 5,404,017
2025	\$ 5,404,017				\$ 5,404,017
<b>Total</b>		\$ 249,345	\$ 850,000	\$ 450,000	

**Economic Development Fund Proposed Uses**

<u>Project Description</u>	<u>Year</u>	<u>Cost</u>	<u>Estimated Cost</u>
Singletree Improvement - KinderCare Acquisition	2009	\$ 833,710	\$ -
City Portion of Singletree Phase I Improvements	2010	\$ 115,000	\$ -
Town Center Phase II Market/Financial/ Design Studies	2009-10	\$ 16,809	\$ -
20% of MCA Wayfinding Phase II-III Signage	2012 -2016	\$ -	\$ 175,000
20% of Prairie Center Drive Streetscape	2014-2018?	\$ -	\$ 1,600,000
20% of Remainder of Singletree Lane Streetscape	2014-2015?	\$ -	\$ 360,000
20% of Future North-South Main Streetscape Available for Business Retention/Emerging Needs	2016-2017?	\$ -	\$ 400,000
	As needed	\$ -	\$ 1,836,164
<b>TOTAL</b>		<b>\$ 965,519</b>	<b>\$ 4,371,164</b>

**2012 Fund Balance (after Dell property sale closing) \$ 4,371,164**

**Pooled TIF Funds**

**Proposed Uses**

<u>Project</u>	<u>Total Cost</u>	<u>TIF</u>
Shady Oak Bridge Reconstruction	\$30 million +/-	\$2 million
Singletree Lane Phase II Reconstruction	?	?
Singletree - W78th Realignment	\$ 3.5 million	?

**Housing Funding Sources** (as of May 1, 2012)

**CDBG Allocation**

<u>Program Year</u>	<u>CDBG Allocation</u>	<u>Housing Rehab</u>	<u>Affordable Housing</u>	<u>Public Service</u>	<u>Program Admin</u>
2007	\$267,766	\$150,469	\$45,000	\$40,165	\$32,132
2008	\$256,033	\$116,684	\$65,200	\$46,000	\$28,149
2009	\$259,443	\$65,448	\$120,000	\$45,500	\$28,495
2010	\$280,792	\$144,680	\$50,000	\$55,500	\$30,612
2011	\$233,334	\$103,668	\$50,000	\$54,000	\$25,666
2012	\$243,436	\$164,659	\$0	\$52,000	\$26,777
<b>Projected</b>					
2013-2015	\$690,000	\$314,100	\$150,000	\$150,000	\$75,900

**CDBG Generated Program Income**

<u>Development</u>	<u>Annual Payment</u>	<u>Expires</u>
Edenvale	\$37,812.00	Jan 2015
Bluffs @ Nine Mile	\$37,342.00	Dec 2016
Columbine	\$10,000.00	Jul 2024
Lincoln Parc	\$21,508.00	Dec 2021
<b>Total</b>	<b>\$106,662.00</b>	

**Pooled TIF Funds**

<b>TIF Fund Balance &amp; Projections - City Share</b>				
<u>Year</u>	<u>Housing</u>	<u>Housing (Cumulative)</u>	<u>Redevelopment</u>	<u>Redevelopment (Cumulative)</u>
2011	1,549,048		2,571,362	
2012	224,807	1,773,855	383,979	2,955,341
2013	389,365	2,163,220	383,979	3,339,320
2014	167,595	2,330,815	383,979	3,723,299
2015	145,038	2,475,853	383,979	4,107,278
2016	56,858	2,532,711	383,979	4,491,257
2017	56,858	2,589,569	383,979	4,875,236
2018	56,858	2,646,427	50,532	4,925,768
2019	68,398	2,714,825	50,532	4,976,300
2020		2,714,825	50,532	5,026,832
2021		2,714,825	52,442	5,079,274
2022		2,714,825	147,404	5,226,678
2023		2,714,825	26,314	5,252,992
2024		2,714,825	26,314	5,279,306
2025		2,714,825	26,314	5,305,620
2026		2,714,825	26,314	5,331,934
2027		2,714,825	26,314	5,358,248
2028		2,714,825	26,314	5,384,562
2029		2,714,825	26,314	5,410,876
2030		2,714,825	26,314	5,437,190
2031		2,714,825	26,314	5,463,504
2032		2,714,825	<u>26,314</u>	5,489,818
<b>Total</b>	<b>2,714,825</b>		<b>5,489,818</b>	

Projections last updated September 2011 by Springsted

**Pooled TIF Funds** *(continued)*

<b>Proposed Uses</b>		
<u>Project</u>	<u>Total Cost</u>	<u>TIF</u>
Scenic Heights Acquisition	\$ 1-2 million?	\$ 1-2 million
Scenic Heights Mid-Market Housing	?	?
HAIH Housing Rehab	?	?
Chestnut Apartments Rehab	\$ 1 million	\$ 1 million

## **Attachment C**

**Eden Prairie City Code, Section 11.27, subd. 1**

## CHAPTER 11

### LAND USE REGULATIONS (ZONING)

#### SECTION 11.01. OBJECTIVES.

This Chapter is adopted to protect and to promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare, and specifically to achieve the following objectives: (1) to assist in the implementation of the City Comprehensive Guide Plan as amended; (2) to foster a harmonious, convenient workable relationship among land uses; (3) to promote the stability of existing land uses that conform with the Guide Plan and to protect them from inharmonious influences and harmful intrusions; (4) to insure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the City as a whole; (5) to prevent excessive population densities and over-crowding of the land with structures; (6) to promote a safe, effective traffic circulation system; (7) to foster the provision of adequate off-street parking and off-street truck loading facilities; (8) to facilitate the appropriate location of community facilities and institutions; (9) to provide human and physical resources of sufficient quantity and quality to sustain needed public services and facilities; (10) to protect and enhance real property values; and, (11) to safeguard and enhance the appearance of the City, including natural amenities of hills, woods, lakes, and ponds.

#### SECTION 11.02. DEFINITIONS.

For the purpose of this Chapter, the following terms shall have the meanings stated:

Source: City Code  
Effective Date: 9-17-82

1. "Accessory Structure" - A detached structure, building or facility, which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building. Such accessory structures shall include but not be limited to pools, tennis courts, water oriented accessory structures, etc.

Source: Ordinance No. 16-96  
Effective Date: 4-26-96

2. "Accessory Use" - A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or lot.
3. "Agriculture" - The cultivation of the soil and all activities incident thereto, except that said term shall not include the raising and feeding of hogs, sheep, goats, cattle, poultry, and fur bearing animals and shall not include riding academies, commercial stables or kennels.

Source: City Code  
Effective Date: 9-17-82

4. "Antenna" - Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Source: Ordinance No. 27-97  
Effective Date: 6-13-97

5. "Base Area" - The "Base Area" of a building or buildings shall be the sum of the gross horizontal areas of the first floor of such building or buildings measured from the exterior faces of the exterior walls or from the centerline of party walls separating two buildings. In particular, "Base Area" shall include:

- a. Elevator shafts and stairwells on the first floor.

## SECTION 11.27. TC TOWN CENTER DISTRICT.

**Subd. 1. Purposes.** The intent of the Town Center (TC) zoning district is to provide an area for development of an attractive, compact, walkable, mixed-use town center that creates a live/work/play environment for the community. To support the intent of the Town Center, the purposes of the TC zoning district are to:

- A. Provide a mix of higher density regional uses, vertical mixed uses, more housing within walking distance of services, and a more efficient, compact and connected development pattern;
- B. Incorporate connections between the various land uses; including pedestrian, street and visual;
- C. Incorporate civic amenities such as urban parks and plazas, civic and cultural spaces, sidewalks and trails, and landscaped streetscapes;
- D. Promote land-efficient parking design, including structured parking, on-street parking, and shared parking;
- E. Locate and design buildings that are oriented to public spaces, including streets, sidewalks, plazas and open spaces, to create the feel and function of a traditional town center and to emphasize a pedestrian oriented environment; and
- F. Encourage non-automobile access and circulation, including transit, walking and biking.

The standards applicable to the TC zoning district are intended to implement the vision, goals and principles established in the Eden Prairie Major Center Area Framework Plan and Major Center Area Planning Principles and the Town Center Design Guidelines, which will be carried out through specific standards related to land use mix, site planning, building bulk & dimensions, architecture, building materials, transportation access, parking, landscaping, signage and lighting.

**Subd. 2. Definitions.** The following terms, as used in this Section, shall have the following meanings:

- A. “Building Break” – A recess in the building façade that provides façade articulation, creates the impression that one building is two or more buildings, incorporates a unique building element, and improves the building’s overall composition and aesthetic. Minimum requirements for a building break are a depth of two (2) feet and a width of four (4) feet.
- B. “Building Stepback” – A setback of a building’s upper floor(s) in order to reduce the building’s bulk, articulate the base of the building, ensure a more comfortable street environment, and provide light and air at street level.
- C. “Building Street Frontage” – The proportion of a lot’s frontage on a public street that is occupied by a building as measured at the required maximum front yard setback. Corner lots must meet maximum front yard setback requirements for both public street frontages.
- D. “Building Transparency” – Openings in the street-facing façade of a building which are transparent, including windows and doors, that enable increased physical and/or visual interaction between street/sidewalk/plaza activities and a building’s interior uses and activities.
- E. “Community Commercial” – Medium-scale retail stores and personal services primarily serving the residents and employees of the community. No individual building or tenant space shall exceed 60,000 sq. ft. in area.
- F. “Drive-Through Facilities” – Facilities that accommodate automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces needed for waiting vehicles. Examples of drive-through facilities include, but are not limited to, drive-up windows, menu boards, order boards or boxes, drive-in restaurants and drive-up banks.

**Attachment D**

**City of Eden Prairie, *Comprehensive Guide Plan*  
(Oct. 20, 2009)**

## CHAPTER 3 LAND USE ELEMENT - 10-20-09

The Land Use Element begins with an inventory of existing land use and vacant land within the community. The chapter follows with information regarding future development/redevelopment opportunities, and concludes with sections covering special issue areas, historic preservation, and solar access.

### 3.1 LAND USE INVENTORY

#### EXISTING LAND USE

Figure 3.1 illustrates the existing land use pattern in the City of Eden Prairie, while Table 3.1 breaks each land use category down into approximate acreages. The City of Eden Prairie occupies approximately 22,424 acres. Of the total area 88 percent are now developed.

Residential uses comprise 7,024 acres, or 31. percent of the City's total area. The largest residential land use is low density residential at 24.5 percent of land area. Medium density residential uses include just over 5.8 percent of land area while high density residential uses make up just over 0.8 percent of the City's land area.

Park and Open Space currently make up almost 14.5 percent of the City's area. The City also includes a variety of office, commercial and industrial land uses that comprise almost 11 percent of the City's area.

### 3.2 FUTURE LAND USE

Development has followed a prescribed process to ensure thoughtful integration of natural beauty with physical development. To guide land use and development, the City

prepared and continually updated its Land Use Guide Plan. The original Land Use Guide Plan Map was created in 1967 with a majority of it still represented today. The City uses the Comprehensive Land Use Guide Plan to develop recommendations in areas of land use, supportive infrastructure, and development review. The Plan is specific enough to guide many day-to-day development decisions and provides the policies, standards, and principles that serve as the basis for updating the zoning ordinance and other development controls that the City enforces.

Eden Prairie is now largely developed. Only 3% of the City consists of vacant developable land. The developed status does not mean that there will be no change or growth within the community. It does mean that most growth will now occur in the form of redevelopment (rebuilding, remodeling of buildings or redevelopment of a property or area). Redevelopment is typically more complex and time consuming than development of vacant land. Eden Prairie's convenient location, desirable setting and amenities will mean that there will be continued interest in new forms of development, redevelopment, and reinvestment. The Land Use Guide Plan recognizes this shift toward redevelopment and reinvestment and includes specific and general policies and plans to guide this change. In particular, the Plan includes a specific land use plan and land use category to guide redevelopment of the Town Center Area (envisioned as a compact, walkable downtown area) and policy plans for the Major Center Area and the Golden Triangle Area. See Figure 3.2 Eden Prairie Land Use Guide Plan and Chapter 8 Redevelopment/Economic Development for further information about these plans and

policy areas.

### MUSA LINE

There is 2,333 acres of land outside of the MUSA Line. The land is guided low density, water and parks/open space. There are 243.14 acres guided rural residential, 509 acres guided water and 1,711.85 acres guided parks /open space. The low density guide area is zoned rural with a 10 acre minimum lot size. No expansion of the MUSA Line is proposed.

### LAND USE CATEGORIES

The Land Use Guide Plan densities and classifications are a general guide, while the zoning standards govern for actual development practice. Figure 3.2 is the Land Use Guide Plan for 2007-2030, showing the land uses for which individual parcels are guided. The City's existing zoning map is shown in Figure 3.3 The definitions of the Land Use Guide Plan designations and an explanation of how they correspond to zoning districts are as described below.

### Residential

Rural Residential : This category allows a gross residential density of .10 units per acre. This land is outside of the MUSA Line.

Low Density Residential: This category allows a gross residential density between 1 and 2.5 dwelling units per acre. Typical development includes single family detached dwellings. Corresponding zoning districts include the Rural, R1-44, R1-22, and R1-13.5 districts. Attached housing may occur in land guided low density, provided it meets these density requirements and transitions appropriately to adjacent developments.

Medium Density Residential: This category allows a gross residential density between 2.5 and 6.7 dwelling units per acre. Typical development includes single family detached dwellings, in addition to multiple family attached dwelling units that are approved either through conventional platting or a planned unit development. Corresponding zoning districts include the R1-9.5 district and the RM-6.5 (multi-family) district.

High Density Residential: This category allows a gross residential density between 6.7 and 17.4 dwelling units per acre. Typical development includes multiple family attached dwelling units that are approved either through conventional platting or a planned unit development. The corresponding zoning district is the RM-2.5 district.

### Commercial

Neighborhood Commercial: This category includes areas that specifically provide retail stores, offices, and personal service establishments for the residents of the immediate neighborhood areas. The corresponding zoning district is the N-COM District. Typical developments consist of 50,000 square feet or less. Site coverage is .20-.40

Community Commercial: This category provides areas for retail stores, offices, and personal service establishments for the residents of the immediate community area. The corresponding zoning district is the C-COM District. Typical developments consist of 200,000 square feet or less. Site coverage is .20-.40

Regional Commercial: This category is located in areas where one or more of the

following characteristics are present: a) large sites are available to provide locations for major shopping centers which serve a wider region than the City itself; b) relatively large sites for sales and service operations that are not typically found in shopping center structures and attract little or no pedestrian traffic; and c) sites to provide limited sales and service operations that are oriented and directly related to highway or freeway uses, tourists and travelers. Corresponding zoning districts are the C-Reg, C-Reg-Ser and the C-Hwy districts. Site coverage is .20-.40

### **Town Center**

This category designates the land use for a mixed-use downtown area to be located near the center of the Major Center Area. The 120 acre area is to be redeveloped over time into a compact, walkable, vibrant, pedestrian oriented area. The Town Center is a result of a history of planning dating back to the 1970's and the adoption of the 2006 Major Center Area (MCA) Study and Plan. The focus of the MCA Study is on creating a concentrated pedestrian and transit oriented development area that has a supportive mix of higher intensity land uses (retail, service, office, housing, park, hospitality, and entertainment). Much of the area is to consist of vertical mixed use buildings (i.e. office or housing over shops and restaurants) and the nearby housing will be higher density than typically found in other parts of the City. Future transit services (light rail and bus) will help ensure convenient access and mobility. Parking will be in parking structures and on-street with limited use of surface parking lots. Future buildings will front on a street with a lively and active street life. Parks, trails, landscaped streets and plazas will add green space and recreation amenities to the area. The redevelopment will be designed to support

Eden Prairies' community health, active living and sustainability goals. In order to limit traffic congestion, development intensity in the balance of the MCA will be lower than in the Town Center. See the Town Center Land Use Plan and the Major Center Area Study for further information. Corresponding zoning is the TC - Town Center Mixed Use District. Residential is 45-75 du per acre. Commercial is .20-.40.

In the Town Center , 3,683 units are proposed on 48 acres of redeveloped land at densities up 75 units per acre.

### **Office**

This category designates land for a variety of professional office purposes including general business and professional uses. The corresponding zoning district includes the OFC district. Site coverage is .30-.50

### **Industrial**

This category reserves land for industrial and related activities with minimal adverse impact to differing land use. Acceptable land uses include manufacturing, warehousing, and limited office uses. Corresponding zoning districts include the I-2 and I-5 districts. Site coverage is .30-.50.

This category also provides locations where industries that need larger sites and outside storage, screened from views of differing land uses, that can operate without adverse effects on other uses. The corresponding zoning district is the I-GEN district. Site coverage is. 30-.50.

### **Parks**

This category reserves land for publically owned parks and open space. The corresponding zoning is Public.

## **Attachment E**

**Technical Analysis of the Adverse Effects of SWLRT on  
Gander Mountain, prepared by RLK, Inc. (Dec. 28, 2012)**

# Technical Analysis of the Adverse Effects of SWLRT on Gander Mountain

## Gander Mountain Store #489

12160 Technology Drive  
Eden Prairie, Minnesota

December 28, 2012

Prepared for

**Gander Mountain**  
180 East 5<sup>th</sup> Street, Suite 1300  
St. Paul, MN 55101

Prepared by

**RLK Incorporated**  
6110 Blue Circle Drive - Suite 100  
Minnetonka, MN 55343

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## I. EXECUTIVE SUMMARY

The Metropolitan Council and the Federal Transit Administration have published a Draft Environmental Impact Statement (DEIS) for the proposed Southwest Transitway light rail transit (SWLRT) line. The stated purpose and need for the SWLRT is to provide a high-capacity transit connection improving mobility, accessibility, and system linkages to major population and employment centers including Downtown Minneapolis, Chain of Lakes and Recreation Area, Excelsior and Grand, Downtown Hopkins, Golden Triangle Business District, Opus Business Park, and Eden Prairie Center. The DEIS considers several alternatives for providing high-capacity transit service in the Southwest Transitway study area, including Alternative 3A, which is the Locally Preferred Alternative (LPA).

This report focuses on Segment 3 of the LPA, which includes the western portion of the SWLRT in Eden Prairie. Segment 3 identifies Technology Drive in Eden Prairie as part of the route for the light rail, progressing westbound from Flying Cloud Drive through Prairie Center Drive. In particular, this report considers the adverse effects on Gander Mountain Store #489 of placing the proposed SWLRT rail line on Technology Drive, as currently envisioned by Segment 3 and as depicted in DEIS Appendix F, Southwest Transitway Conceptual Design, LRT Alternative Segment 3 Plan and Profile, Sheet 4 of 15. The report first describes existing Store #489 conditions, then analyzes the adverse effects on Store #489 during SWLRT construction and SWLRT operation. The report concludes with a discussion of possible measures to mitigate the adverse effects on Store #489.

### **Existing Conditions of Store #489**

Gander Mountain Store #489 officially opened for business in March 2007 and is located at 12160 Technology Drive on 4.7 acres in Eden Prairie, Minnesota. The site is bounded by Technology Drive to the south and Highway 212 to the north, and lies between Flying Cloud Drive to the east and Prairie Center Drive to the west. The only access to the store is from Technology Drive.

This report begins by discussing existing conditions to establish a basis for evaluating the adverse effects of the SWLRT project on the store, including site conditions and store operations, access and traffic, and store economics. The existing conditions reflect successful operations and an economically viable store.

Currently, Gander Mountain Store #489 is profitable and attracts approximately 200,000 customers annually. Total sales at the store increased by 33 percent in 2012 as compared with the same period in 2011. This compares to only an 8 percent increase in total sales between 2011 and 2012 for other Gander Mountain stores in the Twin Cities market. Store #489 is served by two driveways (a main entrance and a delivery entrance) that provide ease of access. Internal circulation in the parking lot is currently well-conceived and separates delivery vehicles from customers.

### **Adverse Effects on Store #489 During SWLRT Construction**

Placing the SWLRT on Technology Drive in front of Store #489 will generate significant adverse effects during construction of the line. The DEIS does not analyze any adverse effects on the store that will result from construction, and relies upon an aerial photograph

of the site that does not reflect current conditions. As a result, it is unclear whether the DEIS proposes to eliminate the store's delivery entrance. Eliminating the delivery entrance will make delivery truck access to the store virtually impossible, rendering the site unusable for Gander Mountain's purposes.

Even if the delivery (west) driveway access remains, Store #489 will suffer significant adverse effects during SWLRT construction. The DEIS envisions a new, single access to Store #489 constructed at approximately the center of the site. In addition, the DEIS shows that the existing main (east) entrance to the store will be eliminated. But the DEIS does not provide any details regarding the construction of the SWLRT on Technology Drive or of the new entrance for Gander Mountain, and makes no mention of the need for construction easements for staging and storing materials. RLK has analyzed the construction impacts to the site that the proposed access changes are likely to require and estimates that costs to make the modifications could exceed \$200,000. In addition, the store will lose between 40 and 50 parking stalls during construction. Construction will also will change circulation patterns in the store's parking lot, resulting in conflicts with pedestrians, cars, and trucks all competing for limited space.

Driver perception will also result in adverse impacts on Store #489 during SWLRT construction, as road closures will force customers to travel an additional 6 to 7 minutes to reach the store. If drivers believe that Technology Drive is impassible or poses an access challenge as a result of SWLRT construction activity, drivers will avoid Store #489 in favor of stores along routes of lesser resistance. Trucks, cars, and pedestrians using the site will also need to be re-routed to avoid conflicts with construction equipment and construction zones. Gander Mountain estimates that customer traffic to Store #489 will drop by approximately 50 percent during SWLRT construction.

### **Adverse Effects on Store #489 With SWLRT in Operation**

SWLRT operations on Technology Drive in Eden Prairie will have significant, long-term and permanent adverse effects on Gander Mountain Store #489. The SWLRT project will forever change access to the store from Technology Drive, providing the store with a main entrance that is unsuitable for a retail business. Traffic operations and safety will degrade as Gander Mountain's customers will be forced to wait for long LRT trains to pass before they may enter the store's parking lot. The SWLRT project will also impair traffic circulation in the store's parking lot, forcing all vehicles—be they small passenger cars carrying customers or 18-wheel tractor trailers making deliveries—to use a single entrance. And even with the SWLRT project preserves the store's delivery (west) driveway, the traffic pattern in the new parking lot guarantees that pedestrian, car, and delivery vehicle conflicts will be commonplace. These continuing impacts will result in significant annual net operating losses for the Gander Mountain Store #489, as Gander Mountain's former customers choose competitors with safer and easier access. The DEIS contains no analysis of the impacts to commercial and retail use on Technology Drive after construction of the SWLRT project. However, Gander Mountain anticipates that SWLRT operations will result in a permanent reduction in annual store sales of approximately 30 percent.

RLK, which assists Gander Mountain with site analysis for new store locations, has analyzed the Eden Prairie location as a vacant site, post-SWLRT construction and using Gander Mountain's site selection criteria. Based upon that analysis, RLK concluded that

after SWLRT commences operations, the Eden Prairie site would no longer be a suitable location for a Gander Mountain store.

### **Mitigation Measures**

The City of Eden Prairie has proposed relocating the Town Center Transit Station to the southeast, which would move the SWLRT alignment off of Technology Drive. Gander Mountain supports this proposed measure, because it: (1) eliminates the adverse impacts of SWLRT on Gander Mountain Store #489; (2) serves the purpose and need of the project, which is to link Eden Prairie Center with other population centers in the Twin Cities metropolitan area; and (3) is consistent with the City's vision for the station as one that would serve mostly walkers and bikers from existing and planned uses in the Town Center area.

If SWLRT must remain on Technology Drive, Gander Mountain suggests moving the point at which SWLRT will cross Technology Drive to the east. This measure would mitigate some of the adverse effects of SWLRT on Store #489, because it would allow the store to keep its existing main (east) entrance and resolves on-site traffic circulation issues. However, the measure would still result in long traffic back-ups, which are inherent in any SWLRT crossing of Technology Drive, no matter the crossing location.

### **Conclusion**

This report concludes that construction of the SWLRT on Technology Drive will result in significant adverse effects on Gander Mountain Store #489. The Technology Drive alignment will degrade access, destroy site circulation, and imperil the store's economic viability. The report identifies a mitigation measure—relocating the Town Center Station to the southeast—that meets the purpose and need of the project, has the full support of the City of Eden Prairie, and would address Gander Mountain's concerns by moving the SWLRT alignment off of Technology Drive.

## II. CURRENT SITE CONDITIONS AND STORE #489 ECONOMICS

Gander Mountain Store #489 at 12160 Technology Drive in Eden Prairie, Minnesota, opened in March 2007. In 2012 the store was remodeled to the Gander Mountain Expanded Selection (GMEX) prototype and is developing a strong customer base. The store, located on the north side of Technology Drive, is open for business from 9 a.m. to 9 p.m. Monday through Saturday and from 10 a.m. to 6 p.m. on Sunday, with extended store hours for select holidays. Approximately 200,000 customers visit the store annually.

The remainder of this section discusses existing conditions to establish a basis for evaluating the adverse effects of the SWLRT project on the store, including site conditions and store operations, access and traffic, and store economics. The existing conditions reflect successful operations and an economically viable store.

### A. Site Conditions and Store #489 Operations

The LPA in the DEIS uses an aerial photograph for Technology Drive that appears to be 8 to 10 years old. (See DEIS Appendix F, Southwest Transitway Conceptual Design, LRT Alternative Segment 3 Plan and Profile, Sheet 4 of 15, reproduced for convenience as Exhibit 1 to this report.) The photograph does not reflect current conditions and does not include Gander Mountain Store #489. Rather, the photograph depicts the previous land use on the site. For a diagram showing current site conditions, see Exhibit 2 to this report. For current site photographs, see Exhibits 3A-3D to this report.

The current Store #489 site is crossed and bordered by multiple easements. The location of the Gander Mountain store on site has been dictated by the location of the easements and setbacks. There is no other location on this site where the Gander Mountain Store #489 structure and parking lot could have been placed. (See Exhibit 4 to this report.)

The Gander Mountain Store #489 site includes two access driveways, one to the east of the store used as the store's main entrance and one to the west of the store used by delivery vehicles. These driveways have typical and safe design slopes (less than 2% grade) for an entry drive. In addition, the site has an access walkway to the existing pedestrian and bike trail on the south side of Technology Drive.

The current site layout for Gander Mountain Store #489 provides 219 parking spaces. The parking lot is paved with curb and gutter and is signed and striped for the store use. The site includes parking lot lighting around the perimeter of the site as well as through the middle of the parking lot. Landscaping on the site includes screening of the parking lot, trees, shrubs, perennials, brick columns, ornamental fencing, berms, and an irrigation system.

There is a stormwater pond located on the Gander Mountain site which is buffered by native plants. This pond was created within a former wetland and is protected under a conservation easement.

The existing utility systems, which include the sanitary sewer, water, and stormwater systems, are functional and adequate for the site.

## B. Access and Traffic

Gander Mountain Store #489 customers arrive and depart using Technology Drive, which connects to the regional road system. As discussed above, the store has two access driveways to Technology Drive. The west access driveway serves store delivery vehicles. The east access driveway is the primary customer entrance and is identified by a monument sign. Customer vehicles are of all types, ranging from passenger vehicles to campers to pick-up trucks with extended trailers.

Approximately 30 delivery vehicles service the Gander Mountain Store #489 weekly, usually during weekday morning hours. The delivery vehicles range from single axle delivery vans to 73-foot, 18-wheel tractor-trailers. The delivery trucks enter the site using the west access driveway and proceed to the delivery docks at the northwest corner of the store. These vehicles unload their cargo at the delivery docks and then proceed eastbound along the northern side of Store #489. The delivery vehicles turn south at the site's eastern boundary and exit the site using the east access driveway. This path separates delivery vehicles from customer vehicles, except when the delivery vehicles are exiting the site as the east access driveway. The existing delivery maneuvers within the site are safe and efficient. (See Exhibit 5 to this report.)

Technology Drive provides the only access to the Gander Mountain Store #489. The following discussion describes the existing traffic conditions of this store to establish a basis for comparison with and without the SWLRT. Currently, Technology Drive is a local street that functions as a collector route between Prairie Center Drive and Flying Cloud Drive. Year 2009 average daily two-way traffic volume was recorded by the Minnesota Department of Transportation (MnDOT) as 8,400 vehicles per day.

There are no traffic signals on Technology Drive between Flying Cloud Drive and Prairie Center Drive. All driveways to Technology Drive are controlled with stop signs. The existing speed limit on Technology Drive is 45 mph. The lane arrangement for Technology Drive is unbalanced; that is, there are two through lanes westbound and a single through lane eastbound. In the area of Gander Mountain, there are no turn lanes on Technology Drive. There is an easterly downslope toward the Gander Mountain store from a crest near the property line between the Costco property and the Emerson property. However, the sight distance at the Gander Mountain Store #489 driveways meets MnDOT requirements.

In December 2012, RLK Incorporated (RLK) conducted traffic counts on Technology Drive in front of Gander Mountain Store #489 to determine existing traffic operations at the site. The counts included eastbound and westbound traffic, as well as counts of traffic turning into the main (east) store entrance driveway and the delivery (west) driveway. RLK conducted the counts during a weekday p.m. peak hour and Saturday midday peak hour. Figure 1A illustrates the turning movement counts recorded for the weekday p.m. peak hour (4:15-5:15 p.m.). Figure 1B illustrates the turning movement counts recorded for the Saturday midday peak hour (12:15-1:15 p.m.).

Figure 1A. Existing Weekday P.M. Peak Hour Turning Movements (Source: RLK)

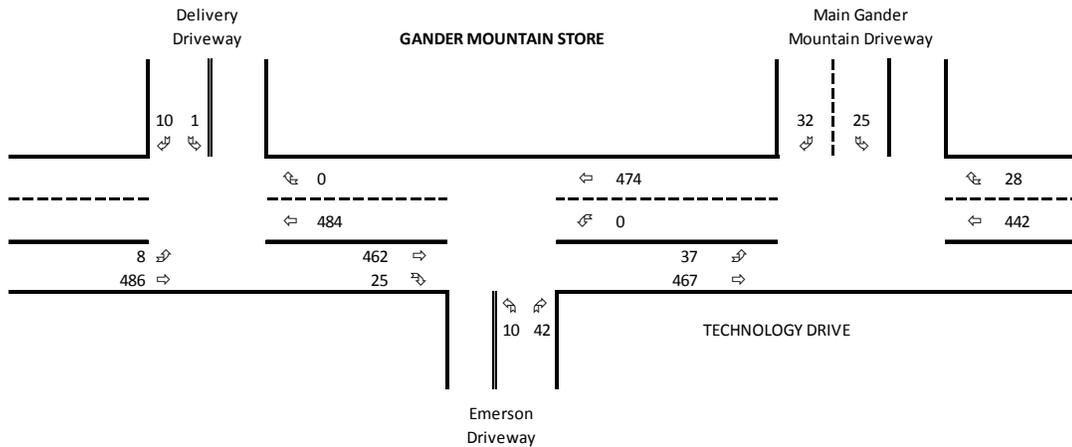
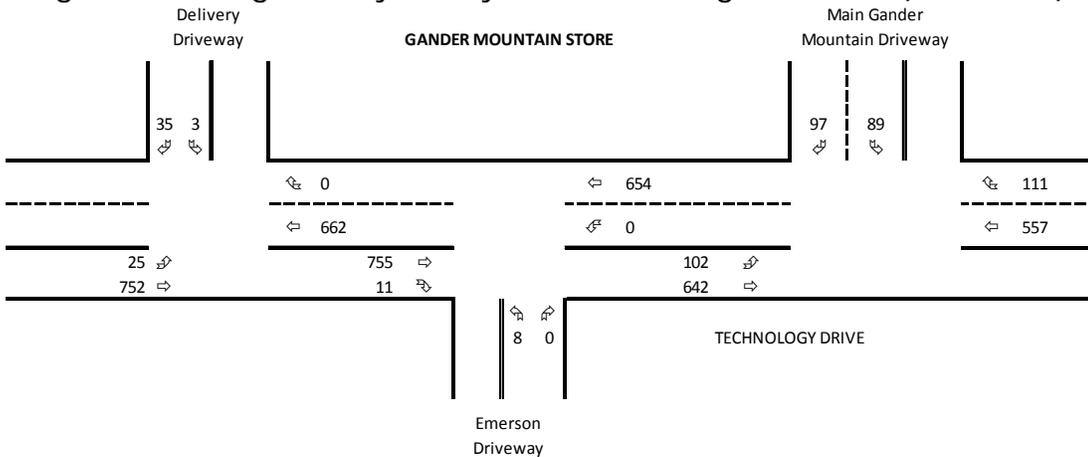


Figure 1B. Existing Saturday Midday Peak Hour Turning Movements (Source: RLK)



RLK tested the existing traffic operations at both the east and west driveway access points at Gander Mountain Store #489 and found good traffic flow with little delay. The current weekday p.m. peak hour traffic flow along Technology Drive allows for easy customer access in and out of the store site. The analysis of Saturday traffic operations yielded similar results, with a slight increase in customer delay exiting the site.

### C. Store #489 Economics

Gander Mountain Store #489 store was remodeled and repositioned in April 2012 as the new GMEX prototype. The GMEX prototype showcases a larger number of firearms, as well as firearm accessories and services, than a traditional Gander Mountain store. The GMEX prototype also increases customer interest in areas such as fishing, hunting, and apparel. Total sales at the Eden Prairie store have increased by 33 percent in 2012 when compared to the same period in 2011. This compares to only an 8 percent increase in total sales between 2011 and 2012 for other Gander Mountain stores in the Twin Cities market. Gander Mountain Store #489 is projected to experience an operating profit in 2012. This will be the first annual operating profit in the store's history.

### III. ADVERSE EFFECTS OF SWLRT ON GANDER MOUNTAIN STORE #489

#### A. Adverse Effects on Store #489 During SWLRT Construction

The construction of Segment 3 of the LPA on Technology Drive will have significant adverse effects on Gander Mountain Store #489. SWLRT construction will change traffic patterns on Technology Drive in the vicinity of Store #489. These traffic pattern changes will likely include temporary lane closures and temporary lane shifts, and potentially the temporary closure of entire segments of Technology Drive. In particular, the DEIS proposes that Segment 3 of the LPA will cross Technology Drive at-grade from south to north at a location immediately adjacent to Gander Mountain Store #489. (See DEIS at 2-31; DEIS Appendix F, Southwest Transitway Conceptual Design, LRT Alternative Segment 3 Plan and Profile, Sheet 4 of 15, reproduced for convenience as Exhibit 1 to this report.) The Technology Drive crossing will eliminate Store #489's main entrance (east) driveway and require the creation of a new entrance for the store. Construction of the Technology Drive crossing will necessitate the temporary closure of Technology Drive east or west of the crossing, or both. The construction activity on Technology Drive will adversely affect the operations and economic viability of the Gander Mountain Store #489.

The remainder of this section discusses how SWLRT construction will adversely affect Store #489, analyzing site conditions and store operations, access and traffic, and store economics. As demonstrated below, the temporary road closures and altered site access will adversely affect existing traffic safety in the store's parking lot and on Technology Drive, and will significantly reduce the store's current customer base.

#### 1. Site Conditions and Store #489 Operations

As noted above, the LPA in the DEIS uses an aerial photograph for Technology Drive that appears to be 8 to 10 years old, does not reflect current conditions, does not include the Gander Mountain store, and reflects the previous land use of the site. (See DEIS Appendix F, Southwest Transitway Conceptual Design, LRT Alternative Segment 3 Plan and Profile, Sheet 4 of 15, reproduced for convenience as Exhibit 1 to this report.) Exhibit 2 to this report reflects 2012 conditions. See Exhibit 6 to this report for an overlay of the current Gander Mountain Store over the old DEIS layout. See Exhibits 3A-3D to this report for current site photos.

The LPA in the DEIS depicts a new entrance for the Gander Mountain Store #489, but does so based upon outdated and inaccurate information. In fact, the DEIS shows the Gander Mountain Store #489 site with only a single access location at the center of the site, completely eliminating the delivery (west) driveway access point. Moreover, the DEIS describes the need for consolidation of access locations on Technology Drive. (See DEIS Chapter 6 at 6-46.)

Given that the DEIS does not depict the existing delivery (west) driveway access for Store #489, it is unclear whether the SWLRT project is proposing to eliminate that driveway. Eliminating the existing delivery (west) driveway will cause significant adverse effects on Store #489, both during SWLRT construction and later when SWLRT begins operations. As discussed in Section II.B above and as illustrated on Exhibit 7 to this report, the circulation route for delivery trucks that the existing delivery driveway affords is of critical importance to the safety of Store #489's parking lot and to the profitable operation of the store. Eliminating the delivery driveway will require that delivery trucks use the same access as Gander Mountain's customers. This will make

delivery truck access to the loading docks virtually impossible, rendering the site unusable for Gander Mountain's purposes. (See Exhibit 7 to this report.)

Even if the delivery (west) driveway access remains, Store #489 will suffer significant adverse effects during SWLRT construction. The DEIS envisions a new, single access to Store #489 constructed at approximately the center of the site. In addition, the DEIS shows that the existing main (east) entrance to the store will be eliminated. (See DEIS Appendix F, Southwest Transitway Conceptual Design, LRT Alternative Segment 3 Plan and Profile, Sheet 4 of 15, reproduced for convenience as Exhibit 1 to this report.) But the DEIS does not provide any details regarding the construction of the SWLRT on Technology Drive or of the new entrance for Gander Mountain, and makes no mention of the need for construction easements for staging and storing materials. In short, the DEIS simply does not consider the SWLRT construction impacts on Gander Mountain Store #489.

RLK has analyzed the construction impacts to the site that the proposed access changes are likely to require, including curb and gutter, parking lot, signage, striping, light poles, stormwater drainage, and landscaping. (See Exhibit 8 to this report.) In specific, SWLRT construction activities will disturb the overall site plan, requiring the following modifications:

- Pavement Removal
- Site "re-grading"/pavement restoration
- Curb & gutter removal/replacement
- Signage and striping removal/replacement
- Stormwater removals/redesign/re-configuration

Other areas of the site adversely impacted by SWLRT construction are likely to include the stormwater pond and drainage structures. The stormwater pond is located east of the store's paved parking area, directly north and adjacent to the proposed SWLRT line. Utility systems must be revised to accommodate the SWLRT construction, which will disrupt Gander Mountain's service while the utilities are updated. These utilities include sanitary sewer lines, water mains, and the storm water system (manholes, catch basins, pipes, and the pond). RLK estimates that SWLRT construction will require modifications to the Gander Mountain Store #489 site will cost approximately \$200,000.

In addition, the forced redesign of the Gander Mountain Store #489 parking lot will reduce customer safety. The SWLRT construction will change circulation patterns in the store's parking lot, resulting in conflicts with pedestrians, cars, and trucks all competing for limited space. Moreover, trucks, cars, and pedestrians using the site will need to be re-routed to avoid conflicts with construction equipment and construction zones. The existing pedestrian/bike access to the store will also need to be relocated; right now, it is within the area that the DEIS proposes as the new entrance for Store #489.

RLK also estimates that Gander Mountain Store #489 will lose between 40 and 50 parking stalls during construction. The vast majority of these parking stalls are in prime locations, situated within 180 feet of the store entrance. A few additional parking stalls may be added back after construction is complete, but they will be located far from the store and at an elevation fully 8 feet below the store's entry doors. Relocating the parking stalls may violate the Americans With Disabilities Act (ADA). At best, the SWLRT project will reduce the functionality of Store #489's parking lot eliminating dozens of parking spaces and by replacing the store's most desirable parking spots with spots that are much less desirable. (See Exhibit 7 to this report.)

The DEIS does not discuss how long it will take to construct the SWLRT project in the vicinity of Store #489 on Technology Drive. However, Gander Mountain experienced LRT construction impacts first-hand in St. Paul, where Central Corridor LRT construction disrupted traffic flow on University Avenue for nearly two years and included street closures and traffic rerouting. Gander Mountain can only assume similar construction conditions will be repeated at its Eden Prairie location. RLK estimates that, at a minimum, Gander Mountain's customers, employees, and vendors will have to endure at least one construction season for SWLRT on Technology Drive. And during construction, traffic normally using Technology Drive will be rerouted to other area roadways, thereby eliminating Store #489's pass-by customer traffic.

Driver perception will also result in adverse impacts on Store #489 during SWLRT construction. If drivers believe that Technology Drive is impassible or poses an access challenge as a result of SWLRT construction activity, drivers will avoid Store #489 in favor of stores along routes of lesser resistance. Gander Mountain estimates that customer traffic to Store #489 will drop by approximately 50 percent during SWLRT construction.

## 2. Access and Traffic

The DEIS outlines short-term and long-term effects of SWLRT construction on the overall corridor. Although Chapter 6 of the DEIS describes the transportation impacts associated with SWLRT, it does not discuss how construction will affect traffic on Technology Drive or in the area of Store #489. The DEIS simply mentions that Segment 3 of the LPA crosses Technology Drive at-grade. (DEIS at 6-20.)

RLK has identified and analyzed the possible traffic operations and safety impacts to the Gander Mountain store site resulting from the Segment 3 SWLRT alignment. The proposed location of the on-street crossing is at the main Emerson property driveway intersection with Technology Drive, midway between the existing Gander Mountain main (east) and delivery (west) driveways. This on-street crossing will require closing the store's existing main (east) driveway and creating a new four-way intersection at the SWLRT crossing. (See DEIS Appendix F, Southwest Transitway Conceptual Design, LRT Alternative Segment 3 Plan and Profile, Sheet 4 of 15, reproduced for convenience as Exhibit 1 to this report.) The new intersection will include traffic signals to control vehicles at the intersection and to ensure that vehicles stop when SWLRT trains pass through the crossing.

Construction of the on-street, at-grade crossing in itself will limit the movement of vehicles on Technology Drive. The only access to Store #489 is from Technology Drive. During construction portions, or perhaps all, of Technology Drive will be closed. Limiting traffic on or closing Technology Drive during SWLRT will adversely affect Gander Mountain Store #489. If SWLRT construction is occurring east of the store, Gander Mountain customer traffic must have access to and from the west. This means Gander Mountain customers who normally access the store from the east will be diverted to Prairie Center Drive so that they may access the store from the west using Technology Drive. If SWLRT construction is occurring to the west of the store, Gander Mountain customers who normally access the store from the west must be redirected to Flying Cloud Drive so that they may access the store from the east using Technology Drive.

RLK investigated travel time changes associated with the anticipated closures of Technology Drive east or west of the store. The tables 1A and 1B below show the additional time it will take detoured customers to get to the Gander Mountain Store #489.

**Table 1A**  
**When Technology Drive is closed to the East**  
**Weekday P.M. Peak Hour (Source: RLK)**

	<b>Detour Time to Reach Gander Mountain</b>
To Store from East	6 minutes
From Store to East	5 minutes

**Table 1B**  
**When Technology Drive is closed to the West**  
**Weekday P.M. Peak Hour (Source: RLK)**

	<b>Detour Time to Reach Gander Mountain</b>
To Store from West	6 minutes
From Store to West	7 minutes

The above tables illustrate extremely long travel times for Gander Mountain customers during SWLRT construction. These delays will result in customers choosing other, more conveniently accessible sporting goods stores.

### 3. Store #489 Economics

Gander Mountain expects Store #489 to experience a decrease in sales of between 50 and 60 percent annually during SWLRT construction. This sales decrease will result in an annual net operating loss for the store—which is currently profitable—and is a direct result of access limitations on Technology Drive during SWLRT construction. Customers must travel on Technology Drive to reach the store; there are no alternate routes. During construction, Technology Drive will experience lane closures and shifts, and potential complete road closure. The store parking lot will experience constant change and disruption as a result of construction on Technology Drive, elimination of the store’s main entrance, and construction of the store’s new entrance. In addition, the parking lot will be under construction, with the loss of convenient parking spaces as well as conflicts with pedestrians, cars, delivery trucks, and SWLRT construction equipment.

Two Gander Mountain competitors are nearby in the Eden Prairie market, which further complicates matters for Store #489. In 2012, Fleet Farm opened a new 270,000 square foot store that includes fishing, hunting, and camping products and services. Also in 2012, Arnstens opened a store that provides firearm products and services. (See Exhibit 9 to this report)

In short, during SWLRT construction activities, customers will realize that Technology Drive is under construction and may be impassible, and that the Store #489 parking lot is dangerous and inconvenient. Gander Mountain Store #489 has nearby competitors offering convenient access and well-designed parking facilities. Gander Mountain’s customers will take the path of least resistance and avoid Store #489 during SWLRT construction.

## **B. Adverse Effects on Store #489 With SWLRT in Operation**

SWLRT operations on Technology Drive in Eden Prairie will have significant, long-term adverse effects on Gander Mountain Store #489. The SWLRT project will forever change access to the store from Technology Drive, providing the store with a main entrance that is unsuitable for a retail business. Traffic operations and safety will degrade as Gander Mountain's customers will be forced to wait for long LRT trains to pass before they may enter the store's parking lot. The SWLRT project will also impair traffic circulation in the store's parking lot, forcing all vehicles—be they small passenger cars carrying customers or 18-wheel tractor trailers making deliveries—to use a single entrance. And even with the SWLRT project preserves the store's delivery (west) driveway, the traffic pattern in the new parking lot guarantees that pedestrian, car, and delivery vehicle conflicts will be commonplace. These continuing impacts will result in significant annual net operating losses for the Gander Mountain Store #489, as Gander Mountain's former customers choose competitors with safer and easier access. The remainder of this section discusses how SWLRT operations will adversely affect Store #489, analyzing site conditions and store operations, access and traffic, and store economics.

### **1. Site Conditions and Store Operations**

The DEIS contains no analysis of the impacts to commercial and retail use on Technology Drive after construction of the SWLRT project. There is no discussion of the impacts on Gander Mountain's business associated the forced redesign of Store #489's access from Technology Drive and parking lot. The new main driveway entrance and the redesigned parking lot will have three significant adverse effects on Store #489: (1) it introduces long vehicle backups on Technology Drive; (2) it creates unsafe driveway grades; and (3) it permanently renders the store's parking lot unsafe and inefficient.

First, the new main entrance to Store #489 and new SWLRT intersection in front of the store will create lengthy backups of vehicles waiting to turn into the store's parking lot or to exit onto Technology Drive. Every 7.5 minutes, an LRT a train will pass through the intersection, resulting in a 3.5-minute or longer delay per vehicle for entering or exiting traffic. And for traffic attempting to exit, cars waiting to leave the Gander Mountain parking lot will block parking stalls and otherwise disrupt circulation patterns—including blocking access to the store's front door. Out of frustration, Gander Mountain's former customers are likely to choose a competing sporting goods store with easier access.

Second, the store's new main entrance will have an unsafe driveway grade. The new access to the Gander Mountain Store #489 will have slopes at the driveway entry that exceed 4 percent, which is an unsafe condition when road surfaces are wet or icy. This is undesirable and results in degradation of customer safety. A safe design would include an area at the intersection with slopes at 2 percent or less where vehicles may safely wait to exit onto Technology Drive.

Third, the store's reconfigured parking lot will be inefficient and unsafe. The SWLRT project will provide Store #489 with a new main entrance at the center of the property, permanently eliminating approximately 15 prime parking spaces with a new drive aisle immediately in front of the store. The drive aisle effectively separates the store from the parking field, so now customers must cross the drive aisle to walk into the store and must cross the drive aisle again to return to their vehicles. This creates two potential safety problems: 1) as vehicles wait for pedestrians to

cross into or out of the store, they may back-up to Technology Drive and block through traffic on Technology Drive, and 2) vehicles may not respect pedestrians in the cross-walk, jeopardizing their safety.

In addition, the new store entrance will permanently complicate parking lot circulation. As discussed above, even if the delivery (west) entrance remains after the SWLRT project is complete, vehicles making deliveries to Gander Mountain delivery trucks will have to modify their delivery patterns. With the new parking lot, delivery trucks exiting the loading docks will be forced to drive through the center of the parking lot, cross the new access aisle, and proceed back to the west entrance. With the newly relocated main entrance, it is physically impossible for delivery trucks to exit using the main driveway. This delivery circulation requires trucks 1) to attempt a very difficult maneuver between dual-sided parking aisles, which will not be possible if vehicles are not completely within the stripe parking stall; 2) cross over portions of the parking lot that will be heavily traveled by store patrons; and 3) exit at the west access. (See Exhibit 7 to this report.)

## **2. Access and Traffic**

### **a. The DEIS Did Not Analyze the SWLRT Crossing on Technology Drive as an At-Grade Crossing**

The DEIS did not identify the SWLRT crossing on Technology Drive as an at-grade crossing that warranted a traffic analysis. Omitting such analysis is inconsistent with the methodology of the DEIS. To determine whether an at-grade crossing warranted a traffic analysis, the DEIS used a Roadway Crossing Analysis Decision Tree (RCADT). The decision tree calls for a traffic analysis if: (1) a crossing is at-grade; (2) there is a signalized intersection with 200 feet of the crossing; and (3) the average annual daily traffic volume at the crossing is more than 5,000 vehicles per day. (See DEIS, Appendix H, at 296). Technology Drive is an at-grade crossing and will be signalized. The existing traffic volume exceeds 5,000 vehicles per day. Therefore, under RCADT, the DEIS should have included a traffic analysis for the crossing.

### **b. The Adverse Effects on Gander Mountain of the At-Grade Crossing on Technology Drive**

Because the DEIS did not include a traffic analysis for the at-grade crossing on Technology Drive, RLK prepared a traffic analysis for the crossing. In particular, RLK analyzed the likely traffic impacts of the crossing on commercial and retail uses on Technology Drive—and specifically at Gander Mountain Store #489—during SWLRT transit operations. As discussed below, RLK’s analysis identified substantial adverse impacts.

#### **i. Methodology**

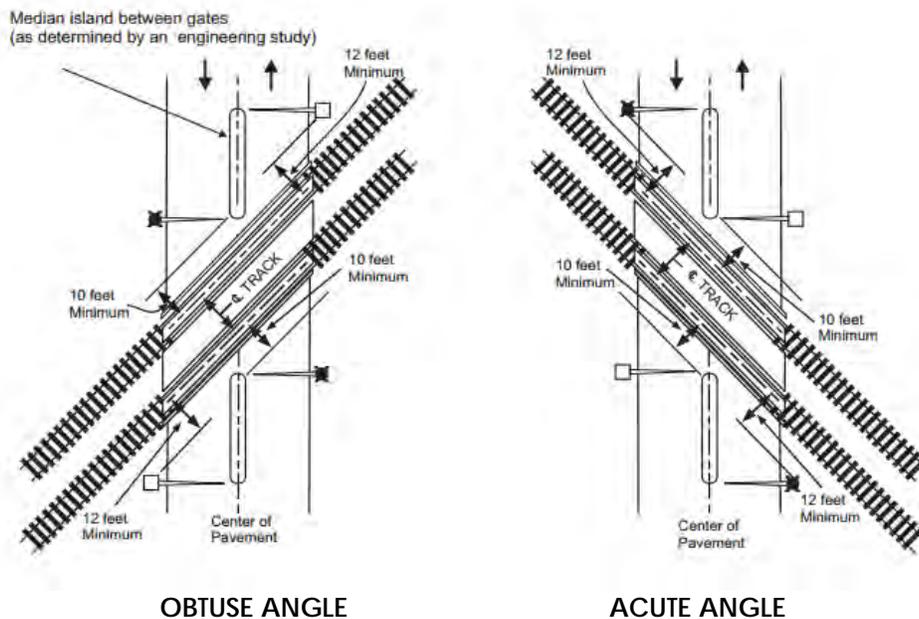
In preparing its traffic analysis, RLK used the same assumptions as the DEIS, considered the same future years as the DEIS, and relied upon standard models. The DEIS considered two future years for after-construction conditions – 2018 and 2030. Overall, the DEIS assumed an additional million persons will inhabit the seven county metro area by the year 2030. In addition, the DEIS assumes an annual traffic growth rate of 1.12%. Therefore, to measure the traffic impact of the SWLRT operation on Technology Drive and at the crossing, RLK modeled the

future traffic conditions for years 2018 and 2030. The analysis considered conditions with and without the SWLRT for comparison purposes.

For the conditions with SWLRT trains present, RLK considered the following assumptions which are set forth in the DEIS at Chapter 2, page 25: SWLRT trains will run 20 hours per day, 7 days per week. SWLRT trains will operate every 7.5 minutes during peak times (6-9:45am and 3-7:15pm), every 10 minutes during midday and evenings, and every 30 minutes from 4-6am and 9pm-1am. RLK modeled conditions for the p.m. peak hour (4:15 – 5:15 p.m. and Saturday midday peak hour (12:15 to 1:15 p.m.). Therefore, RLK modeled 8 trains in each direction (one train every 7.6 minutes) for the p.m. peak hour, and 6 trains in each direction for the Saturday midday condition (one train every 10 minutes).

The DEIS also did not consider the type of traffic control that is appropriate for the Technology Drive at-grade crossing, or whether the new entrance for Store #489 will be adversely affected by the crossing. Based on preliminary plans showing the tracks crossing Technology Drive diagonally, the Minnesota Manual on Uniform Traffic Control Devices (MnMUTCD) identifies requirements for crossing gates for at-grade angled LRT crossings (See Figure 2.) With the required configuration set forth in Figure 2, the distance between the new SWLRT crossing at the main Gander Mountain driveway and the delivery (west) driveway is less than 150 feet. Any eastbound vehicle back-up will routinely extend well to the west of the delivery driveway, blocking that entrance.

**Figure 2. Crossing Gate Spacing Requirements at Angled LRT Crossings**



Source: Minnesota Manual on Uniform Traffic Control Devices, page 8C-6.

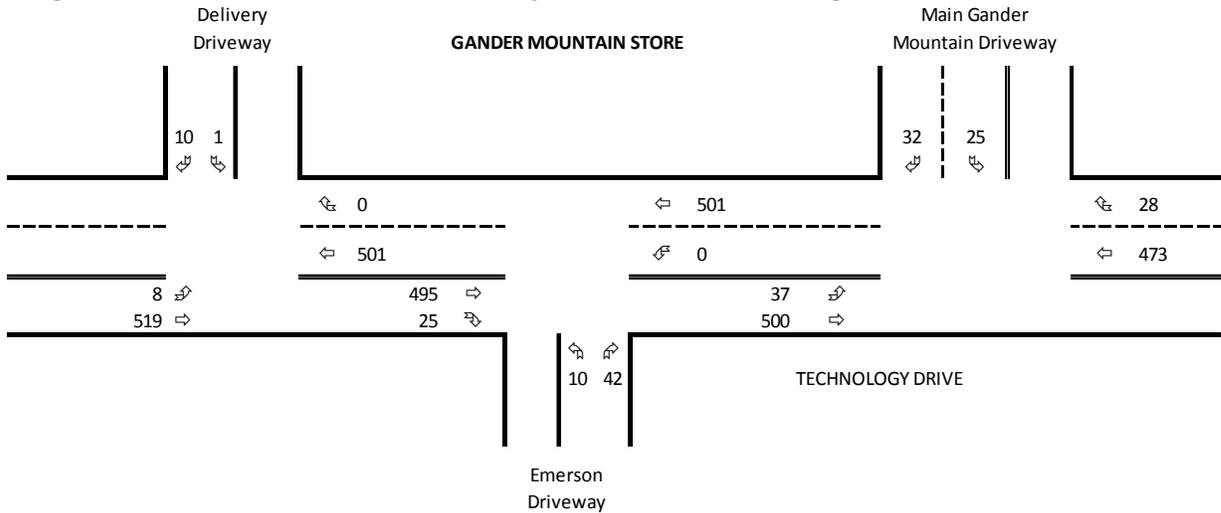
**ii. Traffic Analysis**

RLK’s analysis found that in both 2018 and 2030, the SWLRT at-grade crossing in front of Gander Mountain Store #489 will adversely affect traffic mobility on Technology Drive. Once traffic enters Technology Drive from Prairie Center Drive from the west or Flying Cloud Drive from the east, it

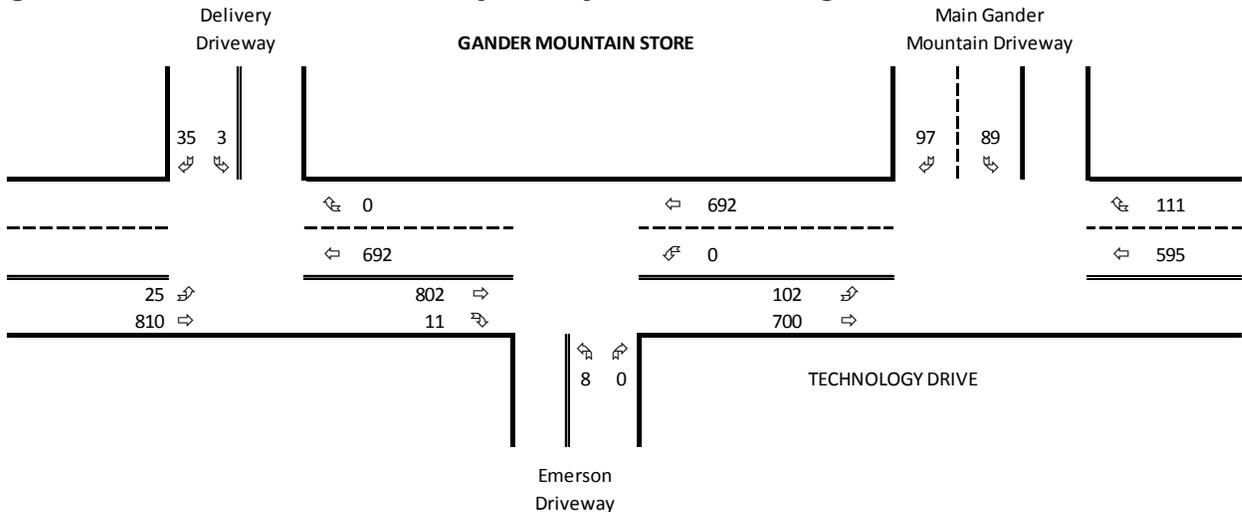
is trapped and must wait every time a train crosses. There are no other streets that connect Technology Drive. The SWLRT crossing, therefore, will create very long queues of vehicles (as many as 54 cars by 2030).

The results of the 2018 analysis are summarized below. Figures 3A and 3B reflect traffic conditions without SWLRT.

**Figure 3A. Year 2018 No-Build Weekday P.M. Peak Hour Turning Movements (Source: RLK)**



**Figure 3B. Year 2018 No-Build Saturday Midday Peak Hour Turning Movements (Source: RLK)**



Under the 2018 no-build scenario (that is, without SWLRT on Technology Drive), the Store #489 driveways and the Emerson driveway intersections operate acceptably, with short average vehicle delays. These acceptable operations are the result of free-flowing through movement of traffic eastbound and westbound on Technology Drive.

However, the situation changes markedly with the SWLRT at-grade crossing. As discussed above, SWLRT construction will align the main driveway of Gander Mountain Store #489 with

the Emerson driveway, and include an at-grade LRT crossing on Technology Drive. As a result, the SWLRT project creates a four-way intersection that is bisected by light rail. Figures 4A and 4B, which reflects the 2018 SWLRT build scenario, illustrates turning movements created by the combining of the driveways.

Figure 4A. Year 2018 Build Weekday P.M. Peak Hour Turning Movements (Source: RLK)

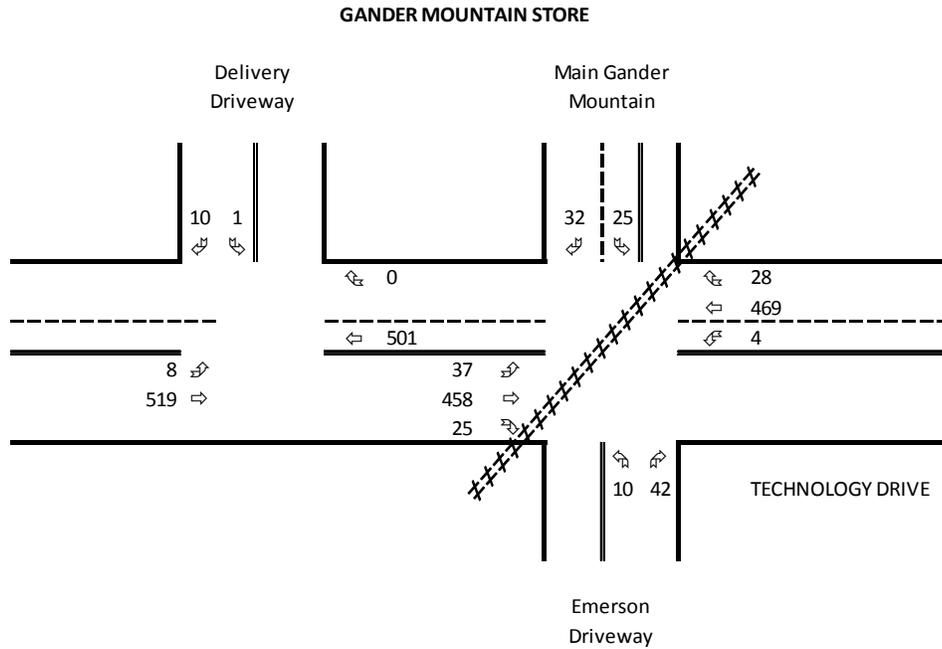
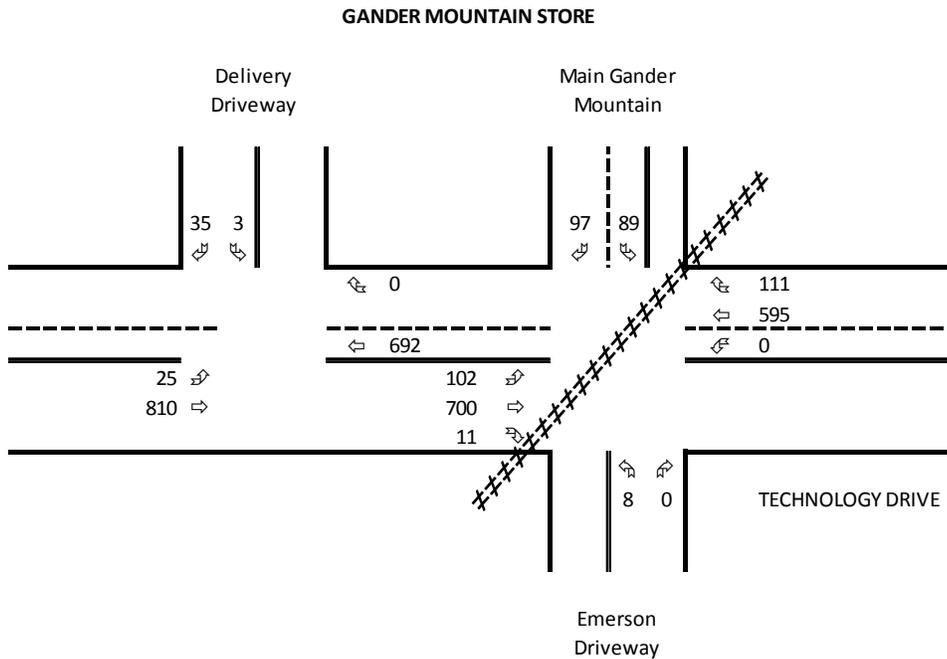


Figure 4B. Year 2018 Build Saturday Midday Peak Hour Turning Movements (Source: RLK)



The 2018 traffic operations reflecting the SWLRT are degraded with significant increases in vehicle delay. The vehicle back-ups will be very long, especially while a train is crossing

Technology Drive. Note that the traffic signal at the crossing must clear the intersection of traffic before the train approaches the crossing, and that the crossing gates must be lowered.

The train does not slow at the intersection and proceeds across Technology Drive while all vehicular traffic is stopped. For comparison, RLK measured the time it took for an LRT train to cross and clear a similar intersection on the Hiawatha Light Rail line, and found the time was approximately 50 seconds. RLK projects a similar crossing time for SWLRT at the Technology Drive at-grade crossing.

Traffic engineers use a measure called the 95th percentile queue. This measurement defines the vehicle queue length (distance, in feet, that vehicles are backed-up in line waiting to move) that has only a 5-percent chance of occurring during the analysis period. RLK modeled the 95th percentile queue for the 2018 SWLRT build scenario on Technology Drive at both the weekday p.m. peak hour and the Saturday midday peak hour. Tables 2A and 2B present the modeled results:

**Table 2A. 2018 95<sup>th</sup> Percentile Queue Lengths (Build) – Weekday P.M. Peak Hour (Source: RLK)**

	<b>95<sup>th</sup> percentile queue (in feet)</b>
Eastbound Technology Drive	489 (approx. 22 cars)
Westbound Technology Drive	379 (approx. 17 cars)
Northbound Emerson Driveway	42 (approx. 2 cars)
Southbound Main Gander Mountain Driveway	51 (approx. 3 cars)
Southbound Delivery Driveway	33 (approx. 2 cars)

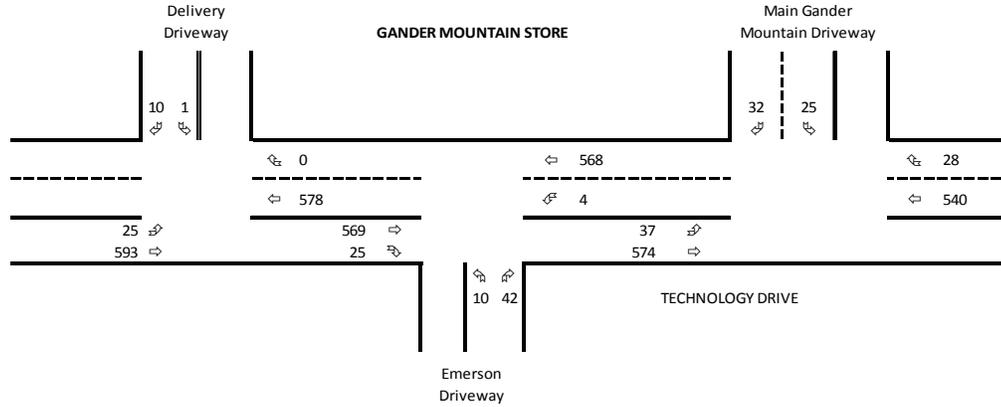
**Table 2B. 2018 95<sup>th</sup> Percentile Queue Lengths (Build) – Saturday Midday Peak Hour (Source: RLK)**

	<b>95<sup>th</sup> percentile queue (in feet)</b>
Eastbound Technology Drive	891 (approx. 40 cars)
Westbound Technology Drive	584 (approx. 27 cars)
Northbound Emerson Driveway	28 (approx. 1 car)
Southbound Main Gander Mountain Driveway	178 (approx. 8 cars)
Southbound Delivery Driveway	54 (approx. 2 cars)

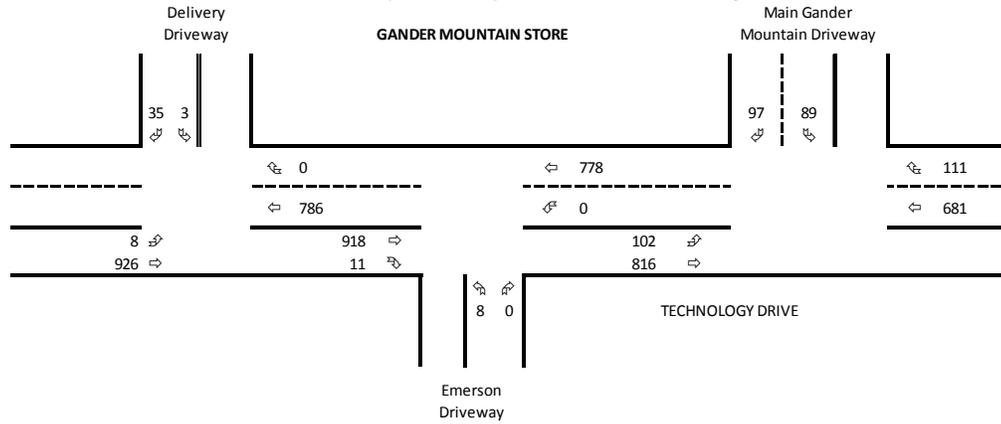
As the tables above illustrate, the back-ups resulting from the SWLRT crossing on Technology Drive range from a low of approximately 2 cars to a high of approximately 40 cars.

The results of RLK’s 2030 analysis are summarized below. Figures 5A and 5B reflect traffic conditions in a 2030 no build scenario (that is, without SWLRT).

**Figure 5A. Year 2030 No-Build Weekday P.M. Peak Hour Turning Movements (Source: RLK)**



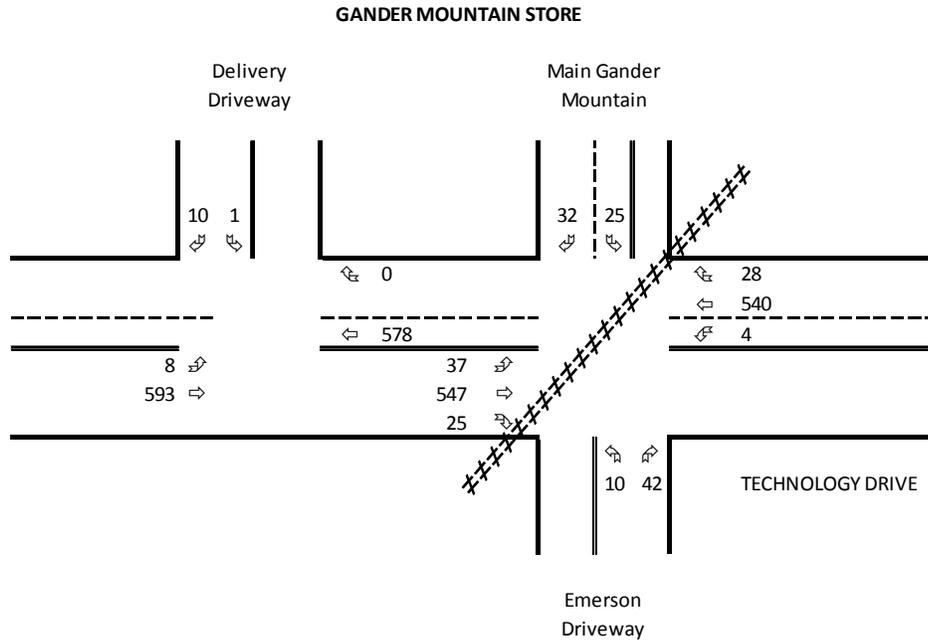
**Figure 5B. Year 2030 No-Build Saturday Midday Peak Hour Turning Movements (Source: RLK)**



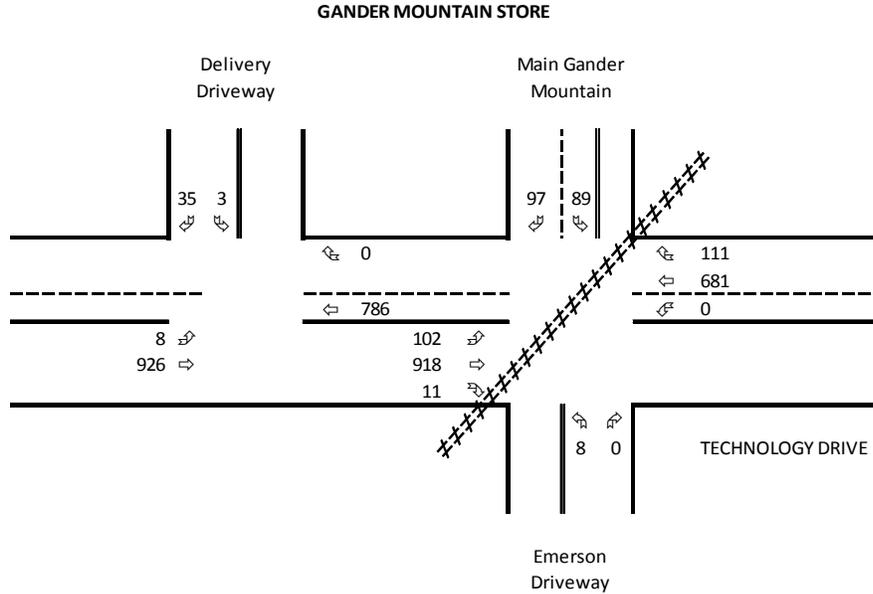
The analysis of the 2030 no-build scenario (that is, without the SWLRT) indicates heavier traffic volumes on Technology Drive by 2030 will create the need for additional capacity (i.e., more lanes).

Figures 6A and 6B illustrate the turning movements for the 2030 SWLRT build scenario.

**Figure 6A. Year 2030 Build Weekday P.M. Peak Hour Turning Movements (Source: RLK)**



**Figure 6B. Year 2030 Build Saturday Midday Peak Hour Turning Movements (Source: RLK)**



RLK also modeled the 95th percentile queue for the 2030 SWLRT build scenario, for both the weekday p.m. peak hour and Saturday midday peak hour. The results of the modeling are set forth in Tables 3A and 3B.

**Table 3A. 2030 95th Percentile Queue Lengths (Build) – Weekday P.M. Peak Hour (Source: RLK)**

	<b>95<sup>th</sup> percentile queue (in feet)</b>
Eastbound Technology Drive	475 (approx. 22 cars)
Westbound Technology Drive	442 (approx. 21 cars)
Northbound Emerson Driveway	43 (approx. 2 cars)
Southbound Main Gander Mountain Driveway	54 (approx. 3 cars)
Southbound Delivery Driveway	38 (approx. 2 cars)

**Table 3B. 2030 95th Percentile Queue Lengths (Build) – Saturday Midday Peak Hour (Source: RLK)**

	<b>95<sup>th</sup> percentile queue (in feet)</b>
Eastbound Technology Drive	936 (approx. 43 cars)
Westbound Technology Drive	1,190 (approx. 54 cars)
Northbound Emerson Driveway	27 (approx. 1 cars)
Southbound Main Gander Mountain Driveway	242 (approx. 11 cars)
Southbound Delivery Driveway	47 (approx. 2 cars)

As the above tables illustrate, the back-ups resulting from the SWLRT crossing on Technology Drive are substantially worse under the 2030 build scenario than under the 2018 build scenario. By 2030, the back-ups range from a low of approximately 2 cars to a high of approximately 54 cars. Such back-ups alone will require over 2.5 minutes to clear. And as discussed above, the stopped time for the LRT train to cross and clear the intersection is approximately 1 minute, based upon RLK’s measurements of the Hiawatha Light Rail line. Therefore, by 2030 traffic at Gander Mountain Store #489 will have delays of at least 3.5 minutes per vehicle when an LRT train crosses Technology Drive. The southbound vehicle back-up will extend beyond the Gander Mountain front door and into the drive aisles. This will result in gridlock.

The long vehicle back-ups that develop along Technology Drive at a result of the SWLRT crossing create a hazardous traffic condition. Long vehicle queues translate into excessive delays for drivers from each direction. Under the circumstances, drivers exiting at unsignalized driveways onto Technology Drive will become impatient, accepting smaller gaps for their merge into traffic. This type driver reaction increases the potential for accidents and area-wide gridlock.

From traffic and transportation perspectives, the Technology Drive alignment for SWLRT suffers from incomplete analysis, will unsafe access conditions, and significantly impedes vehicle mobility.

### 3. Store #489 Economics

Gander Mountain anticipates that SWLRT operations will result in a permanent reduction in annual store sales of approximately 30 percent. With the loss of annual sales, Store #489 will experience a permanent annual net operating loss. After SWLRT commences operations, the store will have dramatically impaired access to and from Technology Drive. The store's new main entrance and reconfigured parking lot will adversely affect access and make delivery vehicle operations virtually impossible. It will also make the store parking lot unsafe for store customers. Gander Mountain customers who patronize competitors during construction will continue to do so once the SWLRT line is operational. And, as discussed above, Gander Mountain competes with several well-designed retail stores in Eden Prairie at which customers will not face the traffic delays and safety issues that SWLRT will inflict on Store #489.

RLK and its affiliates assist Gander Mountain with site analysis for new store locations. RLK analyzed the Eden Prairie store location as a vacant site, post-SWLRT construction, using Gander Mountain's site selection criteria. The full site analysis is Exhibit 10 to this report. Based on Gander Mountain's current site selection criteria, RLK has concluded that after SWLRT commences operations, Eden Prairie site would no longer be a suitable location for a Gander Mountain store for the following reasons:

1. The presence of SWLRT severely restricts access to and from the site. This restricted access is not conducive to a retail operation such as a Gander Mountain store.
2. Several utility and drainage easements encumber the site. These encumbrances, in conjunction with unsuitable soil conditions, will likely make the site more expensive to develop and more expensive to construct a store.
3. Gander Mountain's preferred 52,000 SF prototype will not fit on the site.
4. Gander Mountain's secondary 45,600 SF prototype will require several variances to adequately fit on the site and to meet local government development regulations.

(See Exhibits 11-12 to this report.)

## IV. MEASURES TO MITIGATE THE ADVERSE EFFECTS ON STORE #489

### A. SWLRT Mitigation Measure That Meets the Project's Purpose and Need

The City of Eden Prairie has proposed relocating the Town Center Transit Station to the southeast. As a result, the SWLRT alignment would move off of Technology Drive. This report strongly supports Eden Prairie's suggested relocation of the Town Center Transit Station. Relocating the Town Center Transit Station to the southeast also serves the purpose and need of the project, which is to link Eden Prairie Center with other population centers in the Twin Cities metropolitan area. In addition, relocating the Town Center Transit Station to the southeast is consistent with the City's vision for the station as one that would serve mostly walkers and bikers from existing and planned uses in the Town Center area. Relocating the Town Center Transit Station and moving the SWLRT alignment off of Technology Drive would resolve the adverse impacts of SWLRT on Gander Mountain Store #489.

### B. SWLRT Mitigation Measure if SWLRT Must Remain on Technology Drive

This report identifies the many adverse impacts associated with the SWLRT alignment on Technology Drive. However, if SWLRT must remain on Technology Drive, Gander Mountain suggests moving the point at which SWLRT will cross Technology Drive to the east. This measure may mitigate some of the adverse effects of SWLRT on Store #489, because the store could keep its existing main (east) entrance. That is, this mitigation measure will eliminate the need to redesign the store's internal parking lot layout, lighting, grading, stormwater, monument sign, and landscaping. This measure is consistent with the LPA described in the DEIS. However, as discussed above, this measure does not meet the purpose and need of a transit station that links Eden Prairie Center with other population centers Twin Cities. As the City of Eden Prairie has explained, the location of the Town Center Transit Station on Technology Drive is simply too far from Town Center and Eden Prairie Center.

An LRT at-grade crossing at the location shown on Exhibit 13 to this report would reduce the construction impacts for the Gander Mountain site. The existing main driveway and delivery driveway would operate as they do currently. Through traffic along Technology Drive would be restricted during construction.

In addition, even if moved to the east, the at-grade crossing on Technology Drive will cause long traffic back-ups that will adversely affect Store #489. Tables 4A and 4B summarize the traffic impact to the Gander Mountain site access for the 2018 SWLRT build scenario with the crossing location moved east to the position depicted in Exhibit 13 to this report. Tables 4C and 4D summarize traffic impact to the Gander Mountain site access for the 2030 SWLRT build scenario with the crossing location moved east to the position depicted in Exhibit 13 to this report. These tables include an approximate number of vehicles in each queue length.

In 2030, eastbound back-ups approach Gander Mountain's main driveway, especially in the Saturday midday condition.

**Table 4A. RELOCATED CROSSING - 2018 95<sup>th</sup> Percentile Queue Lengths (Build) – Weekday P.M. Peak Hour (Source: RLK)**

	<b>95<sup>th</sup> percentile queue (in feet)</b>
Eastbound Technology Drive	454 (approx. 21 cars)
Westbound Technology Drive	293 (approx. 14 cars)
Northbound Emerson Driveway	51 (approx. 3 cars)
Southbound Main Gander Mountain Driveway	47 (approx. 2 cars)
Southbound Delivery Driveway	27 (approx. 1 cars)

**Table 4B. RELOCATED 2018 95<sup>th</sup> Percentile Queue Lengths (Build) – Saturday Midday Peak Hour (Source: RLK)**

	<b>95<sup>th</sup> percentile queue (in feet)</b>
Eastbound Technology Drive	775 (approx. 35 cars)
Westbound Technology Drive	551 (approx. 25 cars)
Northbound Emerson Driveway	15 (approx. 1 cars)
Southbound Main Gander Mountain Driveway	121 (approx. 5 cars)
Southbound Delivery Driveway	57 (approx. 3 cars)

**Table 4C. RELOCATED CROSSING - 2030 95<sup>th</sup> Percentile Queue Lengths (Build) – Weekday P.M. Peak Hour (Source: RLK)**

	<b>95<sup>th</sup> percentile queue (in feet)</b>
Eastbound Technology Drive	476 (approx. 22 cars)
Westbound Technology Drive	440 (approx. 21 cars)
Northbound Emerson Driveway	56 (approx. 3 cars)
Southbound Main Gander Mountain Driveway	170 (approx. 9 cars)
Southbound Delivery Driveway	40 (approx. 2 cars)

**Table 4D. RELOCATED 2030 95<sup>th</sup> Percentile Queue Lengths (Build) – Saturday Midday Peak Hour (Source: RLK)**

	<b>95<sup>th</sup> percentile queue (in feet)</b>
Eastbound Technology Drive	937 (approx. 43 cars)
Westbound Technology Drive	621 (approx. 28 cars)
Northbound Emerson Driveway	25 (approx. 1 cars)
Southbound Main Gander Mountain Driveway	168 (approx. 9 cars)
Southbound Delivery Driveway	56 (approx. 3 cars)

Moving the a-grade crossing to the east resolves some on-site circulation issues for Gander Mountain Store #489, but would still result in long traffic back-ups. Such back-ups are inherent in any SWLRT crossing of Technology Drive, no matter the crossing location. (See Exhibit 12 to this report.)

### **C. SWLRT Mitigation Measures That Do Not Meet the Project's Purpose and Need**

Alternative 1A analyzed in the DEIS lacks local support. In addition, Alternative 1A does not appear to link Eden Prairie Center with other population centers in the Twin Cities metropolitan area, which is one of the purposes of the project. However, Alternative 1A would address Gander Mountain's concerns because that alternative does not include an SWLRT alignment on Technology Drive.

In the course of preparing this report, RLK considered several northern alignments for SWLRT, which would have moved the alignment off of Technology Drive. One alignment considered was to route SWLRT along the south side of TH 212. Another considered was to run SWLRT down the center median of TH 212. Each of these alignments addresses Gander Mountain's concerns. However, both alignments would have removed the Town Center Transit Station from the area, which does not meet the project's purpose of linking link Eden Prairie Center with other population centers in the Twin Cities metropolitan area.

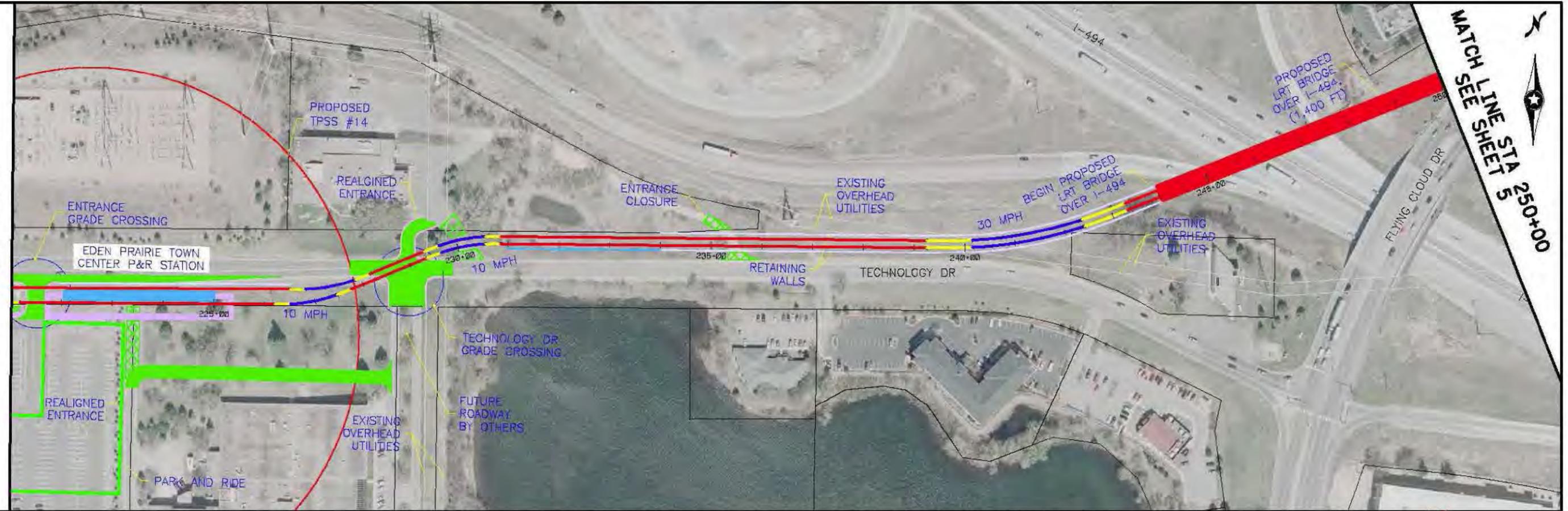
## APPENDICES

Exhibit 1	DEIS Site Exhibit
Exhibit 2	Aerial
Exhibits 3A-D	Site Photos
Exhibit 4	Existing Site Plan
Exhibit 5	Existing Conditions with Truck Turning Movements
Exhibit 6	SWLRT Project's Proposed Technology Drive Alignment and Relocated Entrance Overlay on Existing Store #489 Conditions
Exhibit 7	Truck Turning Movements at Gander Mountain Store #489 Under SWLRT Project's Proposed Technology Drive Alignment
Exhibit 8	SWLRT Project's Proposed Site Plan for Gander Mountain Store #489
Exhibit 9	Gander Mountain's Competitors in Area
Exhibit 10	Gander Mountain New Store Due Diligence Checklist
Exhibit 11	Gander Mountain Store 52,000 SF Concept Plan Post-SWLRT Construction
Exhibit 12	Gander Mountain Store 45,600 SF Concept Plan Post-SWLRT Construction
Exhibit 13	Alternate Crossing Location for SWLRT Technology Drive Alignment
Exhibit 14	Resumes

# Exhibit 1

## DEIS Site Exhibit

MATCH LINE STA 221+00  
SEE SHEET 3



MATCH LINE STA 250+00  
SEE SHEET 5

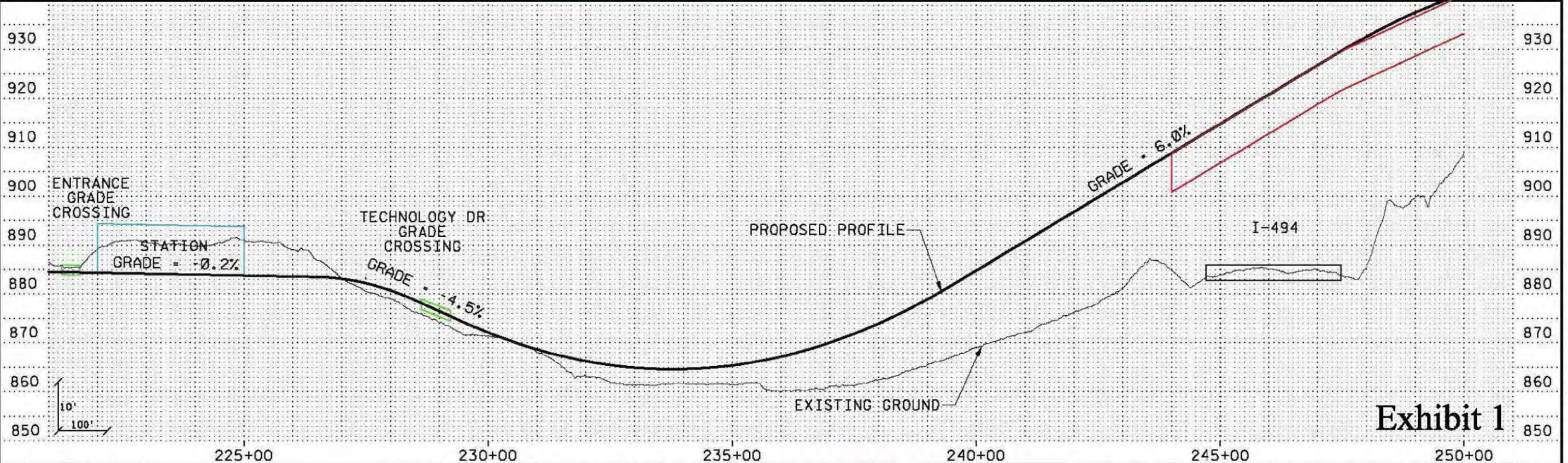
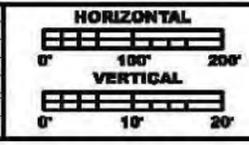


Exhibit 1

11/26/10 AM  
 5/17/2010  
 ...SWT\_HDR\_KS\_LRT\_3\_gh104\_031010.dgn

NO	DATE	BY	CKD	APPR	REVISION



**PRELIMINARY  
DRAFT  
NOT FOR  
CONSTRUCTION**



DRAWN BY	
DESIGNED BY	
CHECKED BY	
COMM. NO.	

**SOUTHWEST TRANSITWAY CONCEPTUAL DESIGN**  
 LRT ALTERNATIVE SEGMENT 3  
 PLAN AND PROFILE  
 STA: 221+00 - 250+00

**SHEET  
4  
OF  
15**

3150

## Exhibit 2

### Aerial



# Gander Mountain - Aerial

## Eden Prairie, Minnesota

December 2012  
Exhibit 2



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 Minneapolis, MN 55425 1707 10 Street  
 612-944-0272 1-800-964-9878

## Exhibit 3 Exhibits 3A-D

### Site Photos





LOOKING NORTH AT THE EAST ENTRANCE TO GANDER MOUNTAIN



LOOKING NORTH AT THE WEST TRUCK ENTRANCE TO GANDER MOUNTAIN



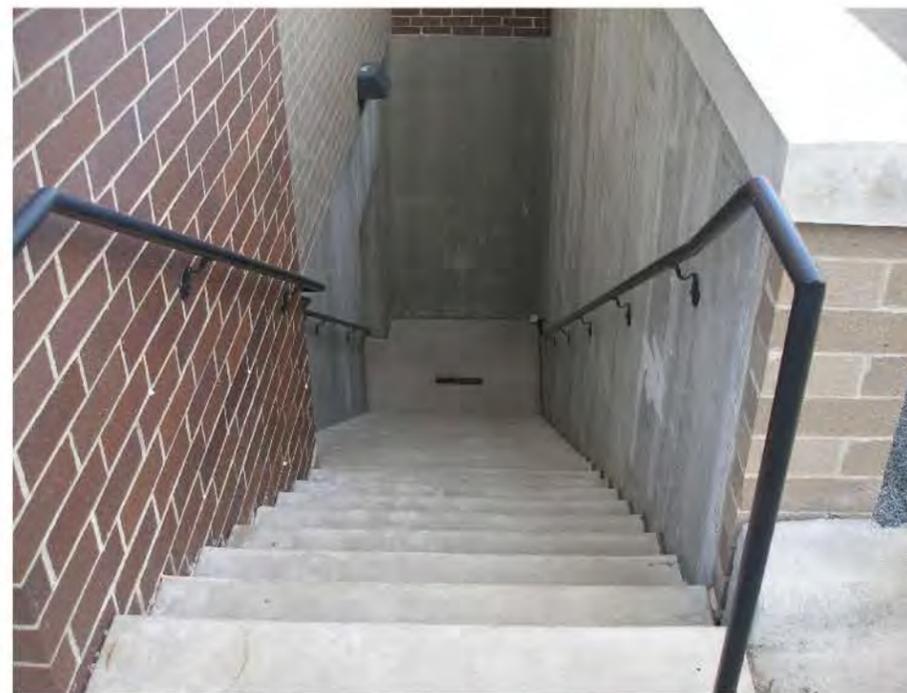
LOOKING NORTH AT THE PROPOSED ENTRANCE TO GANDER MOUNTAIN

Dec. 28, 2012 11:05am G:\Dorsey and Winters\02-14-12\Gander\0204\SitePlan\0204\03\03 - Site Photos\Entrances\04

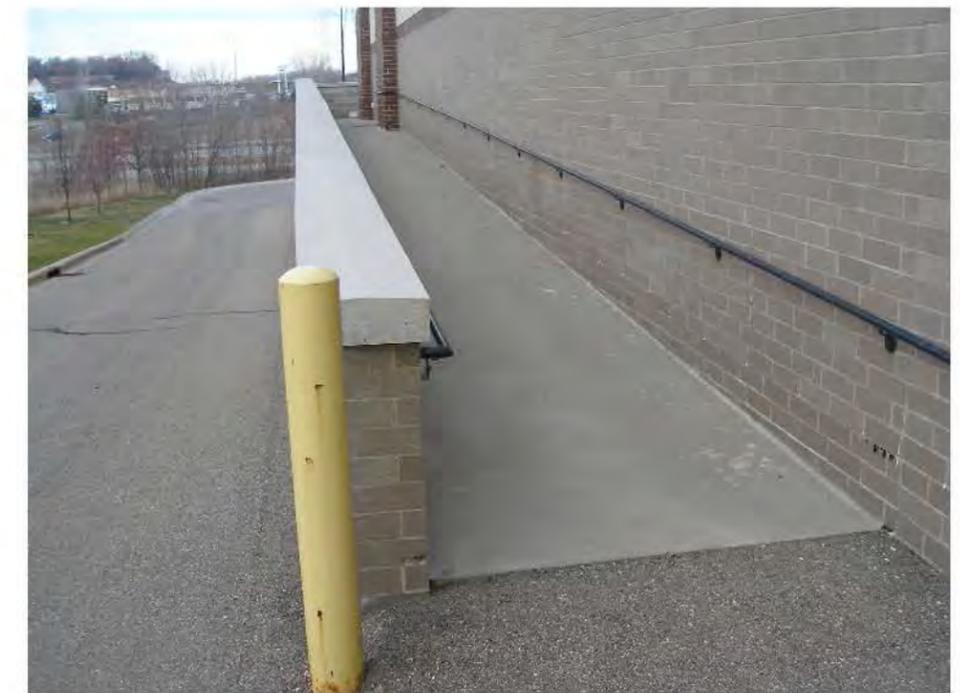




LOOKING NORTH  
(SOUTH SIDE OF BUILDING)



LOOKING EAST  
(SOUTHWEST CORNER OF THE BUILDING)



LOOKING NORTH  
(WEST SIDE OF THE BUILDING)



LOOKING SOUTH  
(THE NORTH SIDE OF THE BUILDING)



LOOKING SOUTH  
(THE NORTH SIDE OF THE BUILDING)



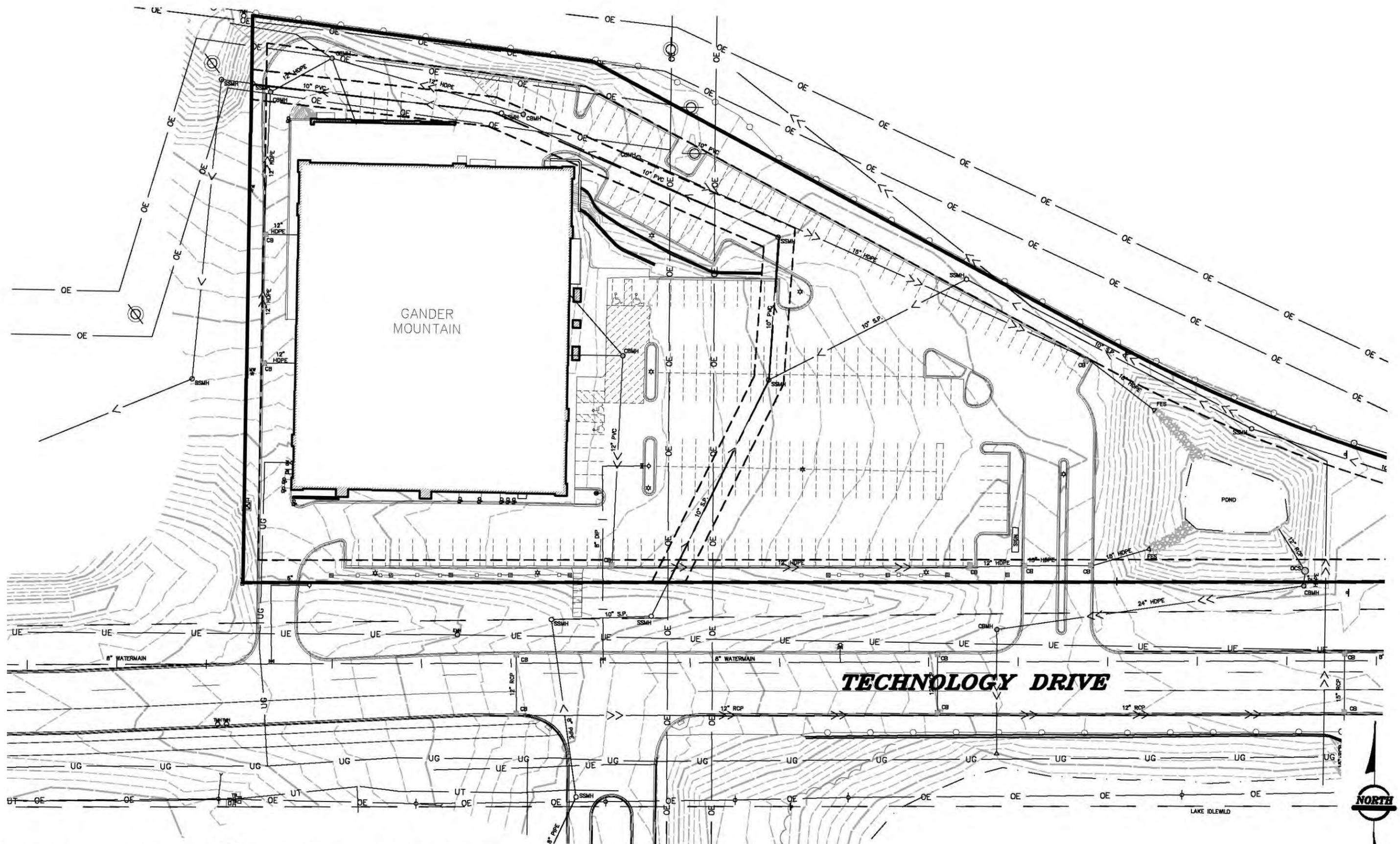
LOOKING SOUTHWEST  
(THE NORTH SIDE OF THE BUILDING)

Dec. 28, 2012 11:02am G:\Denny and Winters\02-14-12\Gander\021412\021412\_70 - Site Photos\4

# Exhibit 4

## Existing Site Plan

Dec 20, 2012 10:44am G:\Dorsey and Whitney\2012-140-M.dwg\200\Exhibits\Exhibit 3, 4, 8, 10, 14 - AutoTurn Figures.dwg

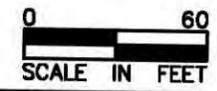



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 (612) 552-0872  
 216 South Main St., Ste 105  
 Montpelier, VT 05602  
 1-800-454-0278

# Gander Mountain #489

## Existing Site Plan

PRIVILEGED AND CONFIDENTIAL, ATTORNEY-CLIENT PRIVILEGE, WORK PRODUCT

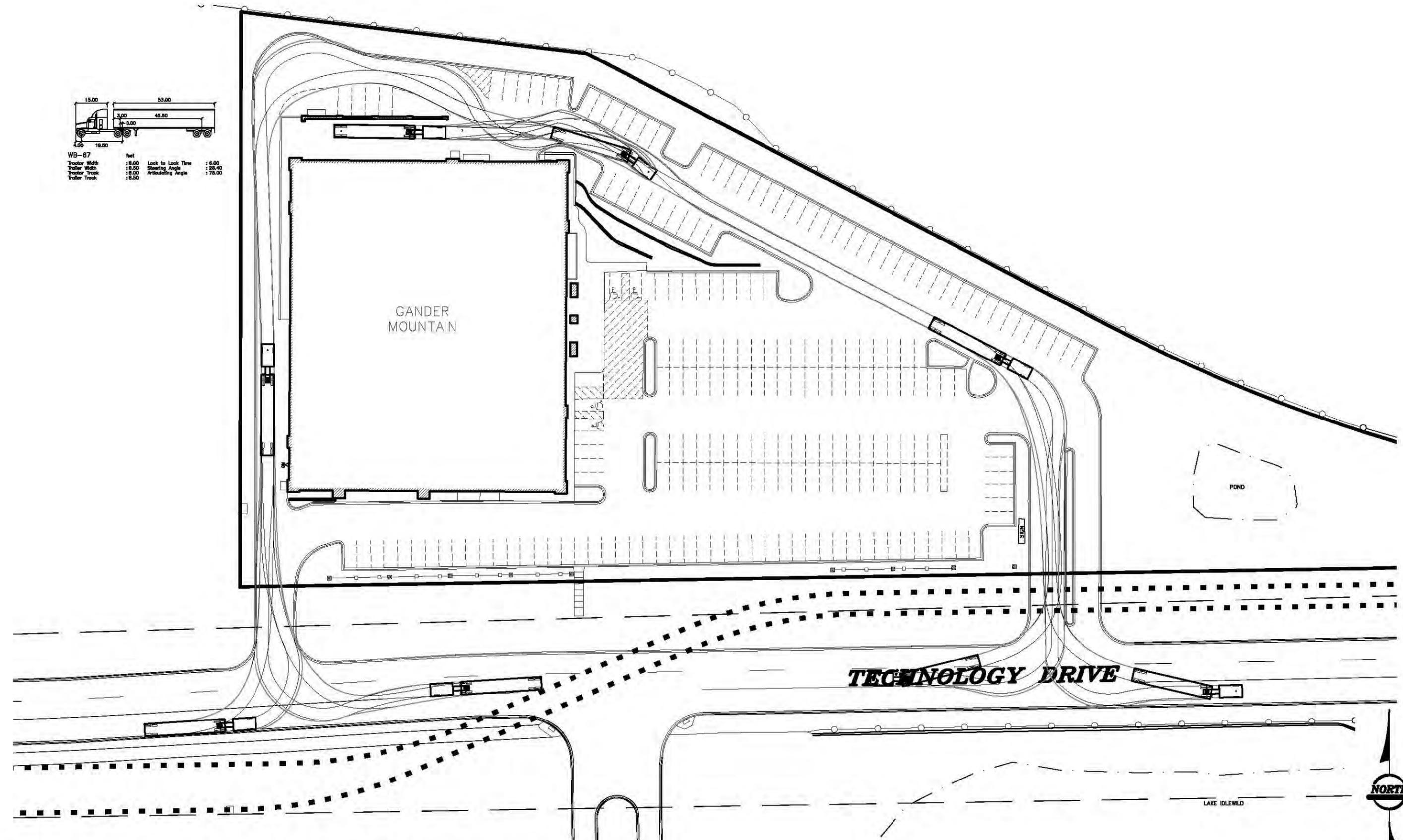
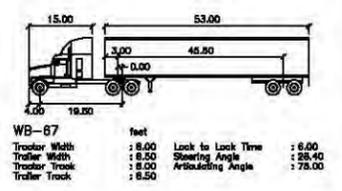


December 2012 - Exhibit 4

## Exhibit 5

### Existing Conditions with Truck Turning Movements

Dec 28, 2012 11:11am G:\Dorsey and Whitney\2012-140-Middwg\200\Exhibits\Exhibit 3, 4, 8, 10, 14 - AutoTurn Figures.dwg



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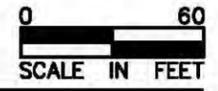
6110 Blue Circle Dr, Ste 100  
Millsboro, NJ 08249  
(802) 555-0872

316 South Main St, Ste 105  
Middletown, MD 21701  
1-800-454-0272

# Gander Mountain #489

## Existing Conditions with Truck Movements

PRIVILEGED AND CONFIDENTIAL, ATTORNEY-CLIENT PRIVILEGE, WORK PRODUCT



December 2012 - Exhibit 5

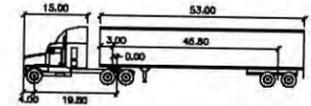
## Exhibit 6

# SWLRT Project's Proposed Technology Drive Alignment and Relocated Entrance Overlay on Existing Store #489 Conditions

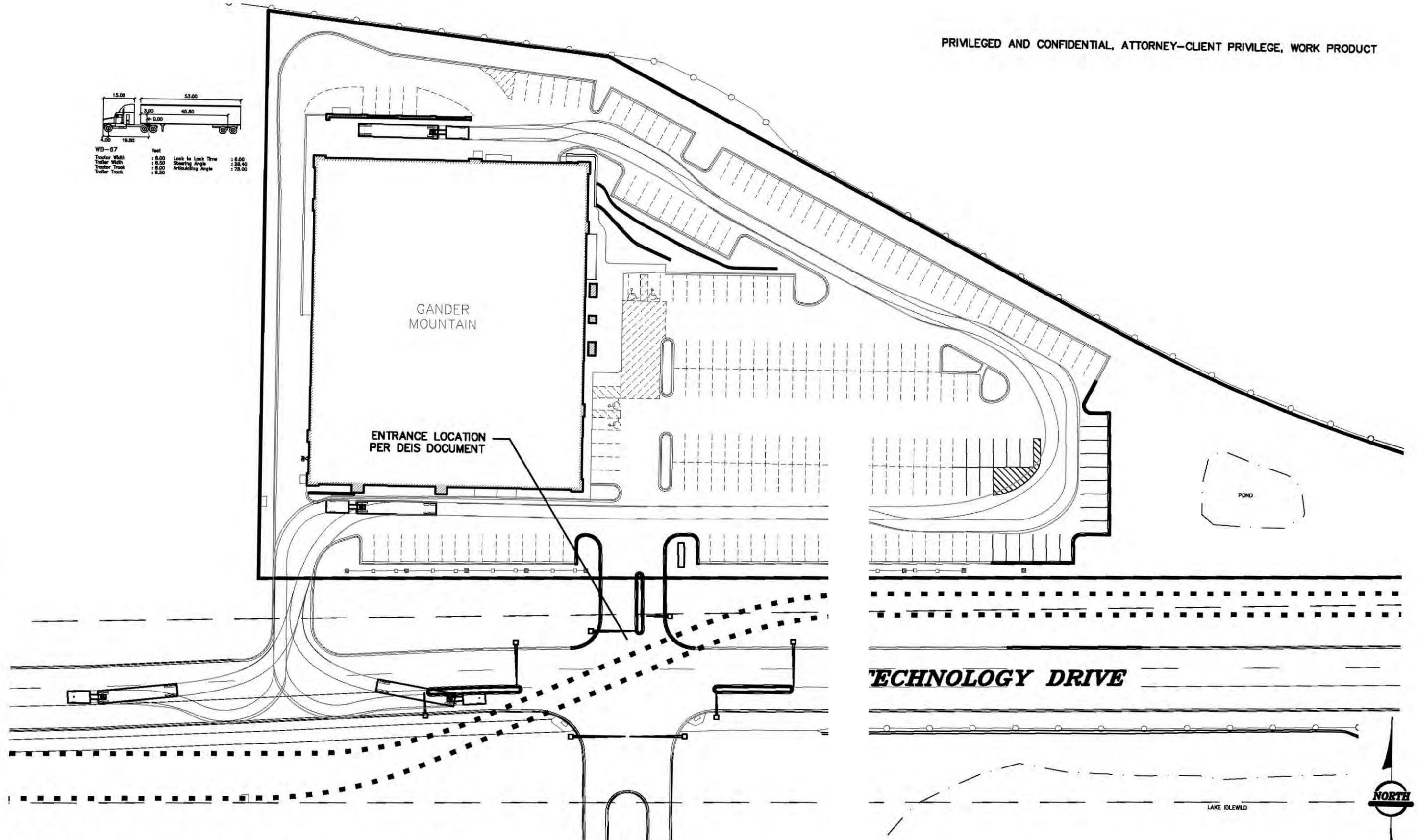


## Exhibit 7

### Truck Turning Movements at Gander Mountain Store #489 Under SWLRT Project's Proposed Technology Drive Alignment



WB-67		feet	
Tractor Width	: 8.00	Look to Look Thru	: 6.00
Tractor Length	: 8.50	Steering Angle	: 58.40
Tractor Track	: 8.00	Articulating Angle	: 178.00
Tractor Wheel	: 6.50		



Dec 28, 2012 12:51pm G:\Dorsey and Whitney\2012-140-M\dwg\2000E\exhibits\Exhibit 4, 5, 7, 8 - AutoTurn Figures.dwg

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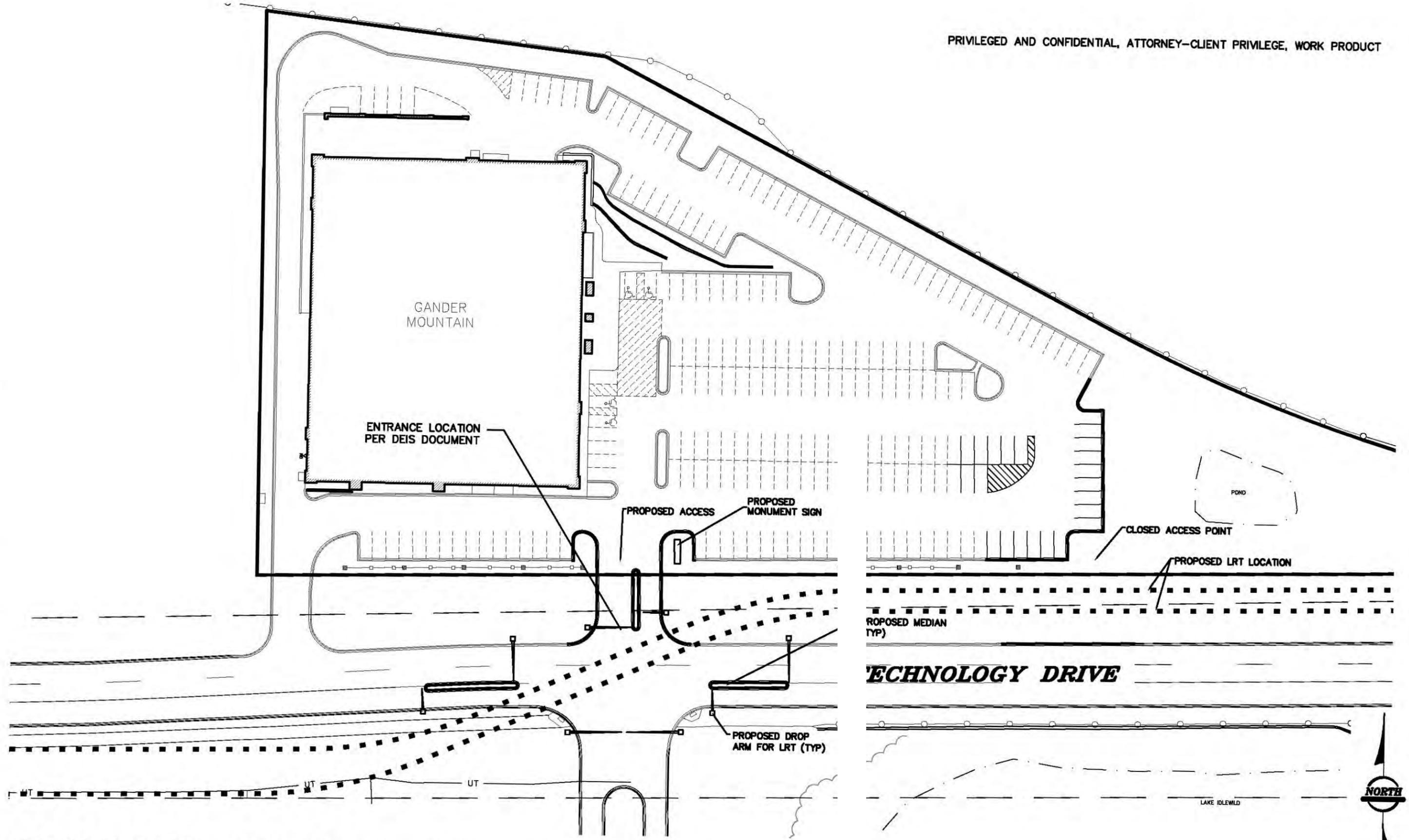
6110 Blue Circle Dr., Ste 100  
Minnetonka, MN 55345  
(952) 532-0872

216 South Main St., Ste 105  
Marion, ND 58201  
1-800-884-9678

# Truck Turning Movements at Gander Mountain Store #489 Under SWLRT Project's Proposed Technology Drive Alignment

## Exhibit 8

### SWLRT Project's Proposed Site Plan for Gander Mountain Store #489



Dec 28, 2012 12:53pm G:\Dorsey and Whitney\2012-140-M\dwg\200\Exhibits\Exhibit 4, 5, 7, 8 - AutoTurn Figures.dwg

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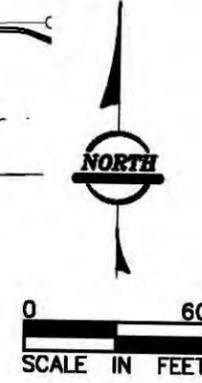
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216 South Main St., Ste 105  
Marion, ND 58201  
1-800-454-0278

# SWLRT Project's Proposed Site Plan for Gander Mountain Store #489



## Exhibit 9

# Gander Mountain's Competitors in Area



## Exhibit 10

# Gander Mountain New Store Due Diligence Checklist

## GANDER MOUNTAIN NEW STORE DUE DILIGENCE CHECKLIST

The Gander Mountain Store #489 Store was analyzed as a vacant site, post-SWLRT construction, using Gander Mountain's site selection criteria. This full site analysis is based on Gander Mountain's current site selection criteria and concludes that after SWLRT commences operations, the Gander Mountain Store #489 site will no longer be a suitable location for a Gander Mountain store.

The following items were considered in this analysis of site selection for a Gander Mountain Store.

### Analysis of Overall Site

This site is currently zoned Regional Service Commercial and allows for retail stores. However, there are several unique characteristics of this site that need to be considered in the analysis of locating a retail store on this property. Physical constraints beyond the wedge shape of the property include the presence of existing sanitary sewer lines with easements, the presence of large overhead electric lines and associated poles, and the presence of a varying width drainage and utility easement that wraps the entire parcel. In short, these constraints significantly restrict where a building may be placed on this property.

Access to this site is very limited by the presence of a Light Rail Transit (LRT) line running along the southern border of the property for more than one half of the property's length. It appears that access for inbound customers and trucks would be limited to the intersection where the LRT switches from the north side to the south side of Technology Drive. As the site is not large enough to accommodate the turn-around of delivery trucks, a second access point near the western property line would be required, as depicted on the included concept plan. (Exhibit 12)

The operational protocols of the LRT are not known at this time. It is assumed that this line will be regularly used during business hours. Each time the line is used, customer and delivery truck access to the store will be interrupted at the main entrance for up to several minutes. Noise and vibration concerns on the store operations should also carefully be considered.

### Analysis of 52,000 SF Prototype

It is our understanding that Gander Mountain would prefer to place a 52 K SF prototype store (Exhibit 12) on this site. However, several of the site factors mentioned above would prevent this from happening. As can be seen on Exhibit 12, a 52 K SF prototype footprint simply cannot be positioned on this site and also allow for truck access or the required parking. The City's Land Development Regulations require 5 parking spaces per 1000 SF (260 spaces for a store of this size).

## Analysis of 45,600 SF Prototype

Given the site cannot support Gander Mountain's standard 52 K SF prototype building, we generated a concept plan for Gander Mountain's smaller 45.6 K SF prototype. (See Exhibit 12.) It is unknown whether the market economics in Eden Prairie would support a smaller store and this should be analyzed.

Although the building fits on the lot, there are several considerations that need to be addressed. The first issue is the building setback requirements contained in the City's Land Development Code. The code provides that the front yard building setback is 35 feet. If the City determines the front yard to be that portion of the lot along Technology Drive, the 45.6 K SF building would not fit on this site and still allow truck access. As depicted, it is currently only shown to be only 15 feet away from the property line. It may be possible to obtain a variance for the building setback, but this would need to be confirmed with City staff.

As shown, there is only enough room to fit 178 parking spaces on this site with the prototype building. This equates to a parking ratio of only 3.8 spaces per 1000 SF. As mentioned, the City Code requires 5.0 spaces per 1000 SF of building size. As a matter of practice, Gander Mountain's sites are typically not designed to have less than 4 spaces per 1000 SF. In fact, whenever possible these sites are designed using parking spaces that are 10 feet wide to better accommodate customer trucks. That would not be possible on this site. If a parking variance could not be obtained, this site would require an above- or below-ground parking structure.

It is assumed that adequately sized stormwater facilities could be located north of the parking field in the wedge portion of the site.

## Summary and Recommendation

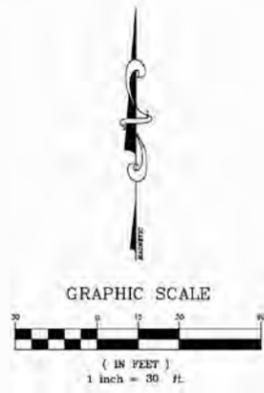
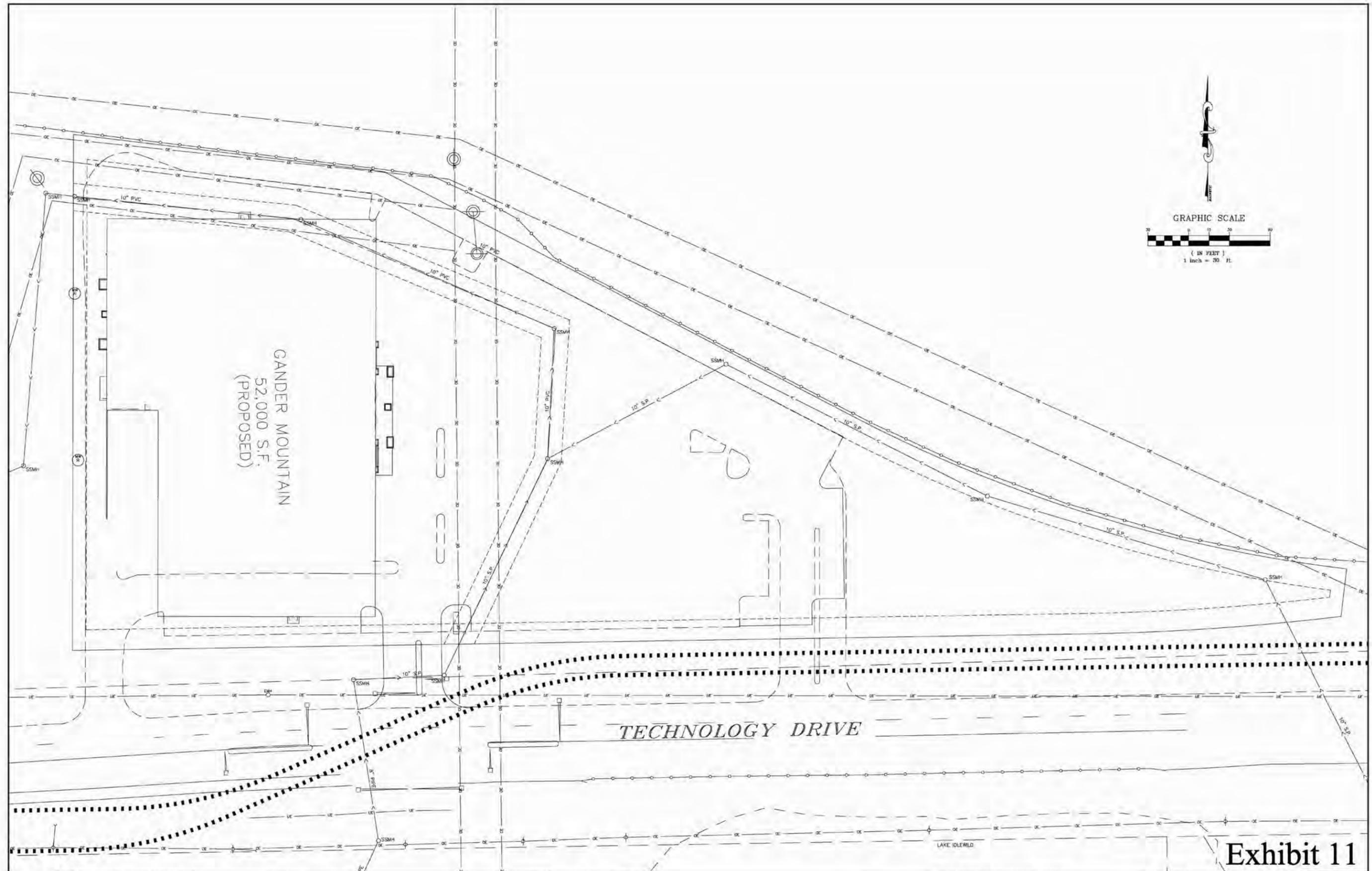
Based on all of the above listed constraints, with the presence of the LRT and its disruptions to site access, this site is not conducive to the development of a Gander Mountain store. Gander Mountain's preferred store size of 52,000 SF simply cannot be placed on the site. Although a 45,600 SF store foot print does physically fit on the site, there are several variances that would need to be obtained. If the front yard setback variance cannot be obtained, the site does not fit the smaller prototype foot print, either.

Given the physical characteristics of this site, it is likely that development of a store will incur significantly higher site development costs than is typical for a Gander Mountain site. This will be due to the elevation change over the site, the added construction costs associated with a formerly contaminated site, the large overhead power lines, the potential need to relocate portions of the existing sewer line, and the potential need to construct a parking structure.

For all of the above reasons, we recommend that Gander Mountain not proceed with its plans to develop a store at this location. There are simply too many issues with this site.

## Exhibit 11

# Gander Mountain Store 52,000 SF Concept Plan Post-SWLRT Construction



GANDER MOUNTAIN  
52,000 S.F.  
(PROPOSED)

TECHNOLOGY DRIVE

Exhibit 11

**ba** BROOKS AND AMADEN, INC.  
civil engineering • land surveying  
P. O. BOX 891269 • TAMPA, FLORIDA 33689  
P: 813-653-1125 • www.brooks-amaden.com  
State of Florida, D.B.P.R. Certificate of Auth. #5221

NO.	DATE	REVISION

DESIGNED BY: NJM  
DRAWN BY: DBW  
CHECKED BY:  
SCALE: 1" = 30'

PREPARED FOR:  
GANDER MOUNTAIN  
180 EAST 5TH STREET, SUITE 1300  
ST. PAUL, MN 55101  
(651) 325-4300

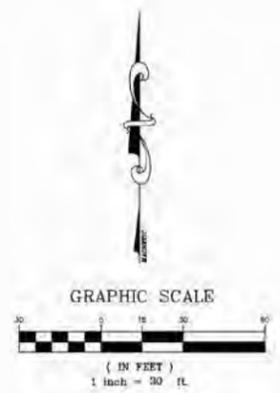
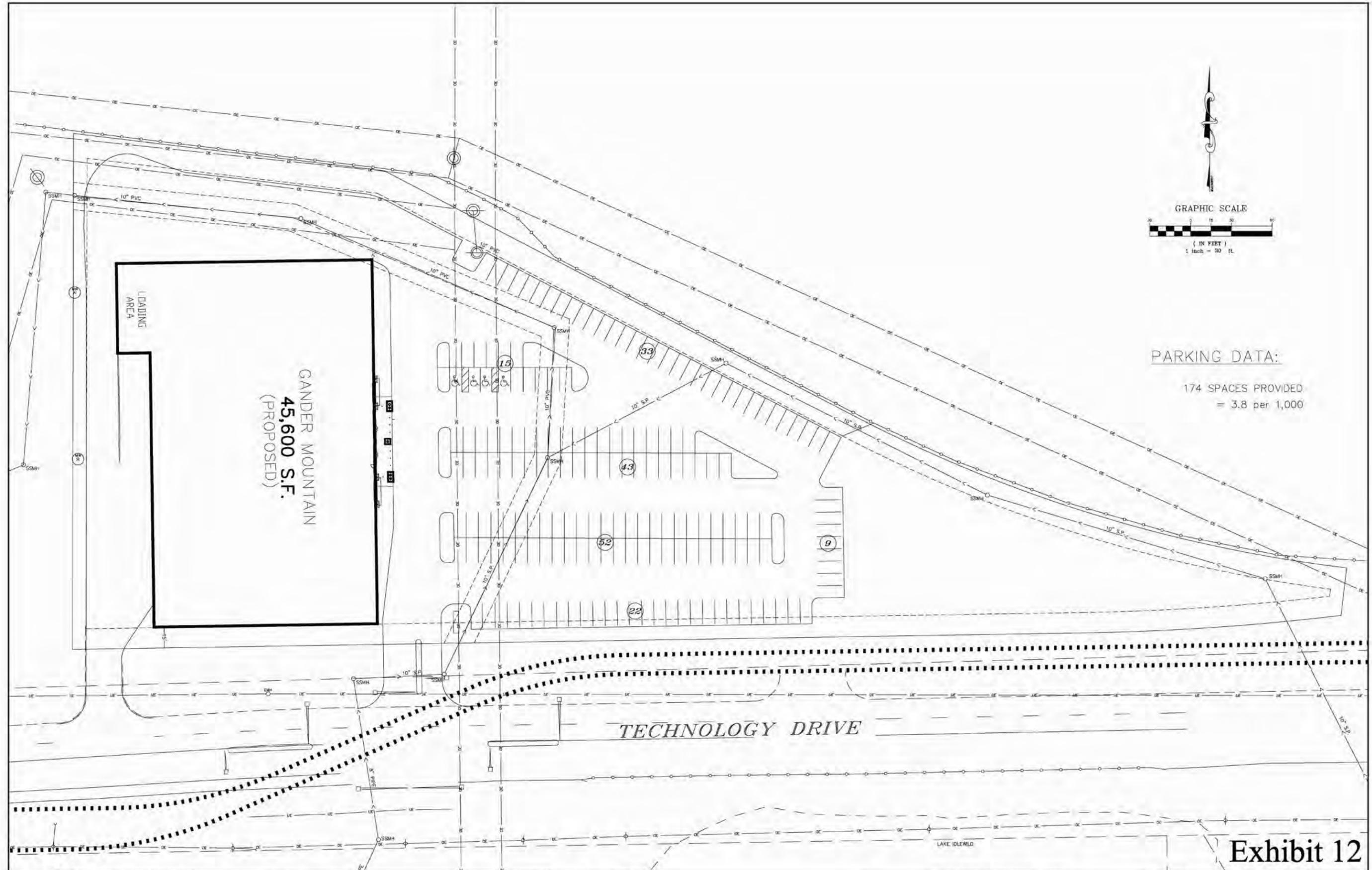
GANDER MOUNTAIN  
HENNEPIN COUNTY, MINNESOTA  
**52,000 Concept Plan**  
**Post-SWLRT Construction**

CERTIFIED BY:  
NICHOLAS J. MESSINA, P.E. #07542  
DATE:

PROJECT NUMBER: 5045-44  
DATE: 12-18-12  
S-T-R  
SHEET NUMBER: 3174

## Exhibit 12

# Gander Mountain Store 45,600 Concept Plan Post-SWLRT Construction



**PARKING DATA:**  
 174 SPACES PROVIDED  
 = 3.8 per 1,000

**Exhibit 12**

**ba** BROOKS AND AMADEN, INC.  
 civil engineering • land surveying  
 P. O. BOX 891269 • TAMPA, FLORIDA 33689  
 P: 813-653-1125 • www.brooks-amaden.com  
 State of Florida, D.B.P.R. Certificate of Auth. #5221

NO.	DATE	REVISION

DESIGNED BY: **NJM**  
 DRAWN BY: **DBW**  
 CHECKED BY:  
 SCALE: **1" = 30'**

PREPARED FOR:  
**GANDER MOUNTAIN**  
 180 EAST 5TH STREET, SUITE 1300  
 ST. PAUL, MN 55101  
 (651) 325-4300

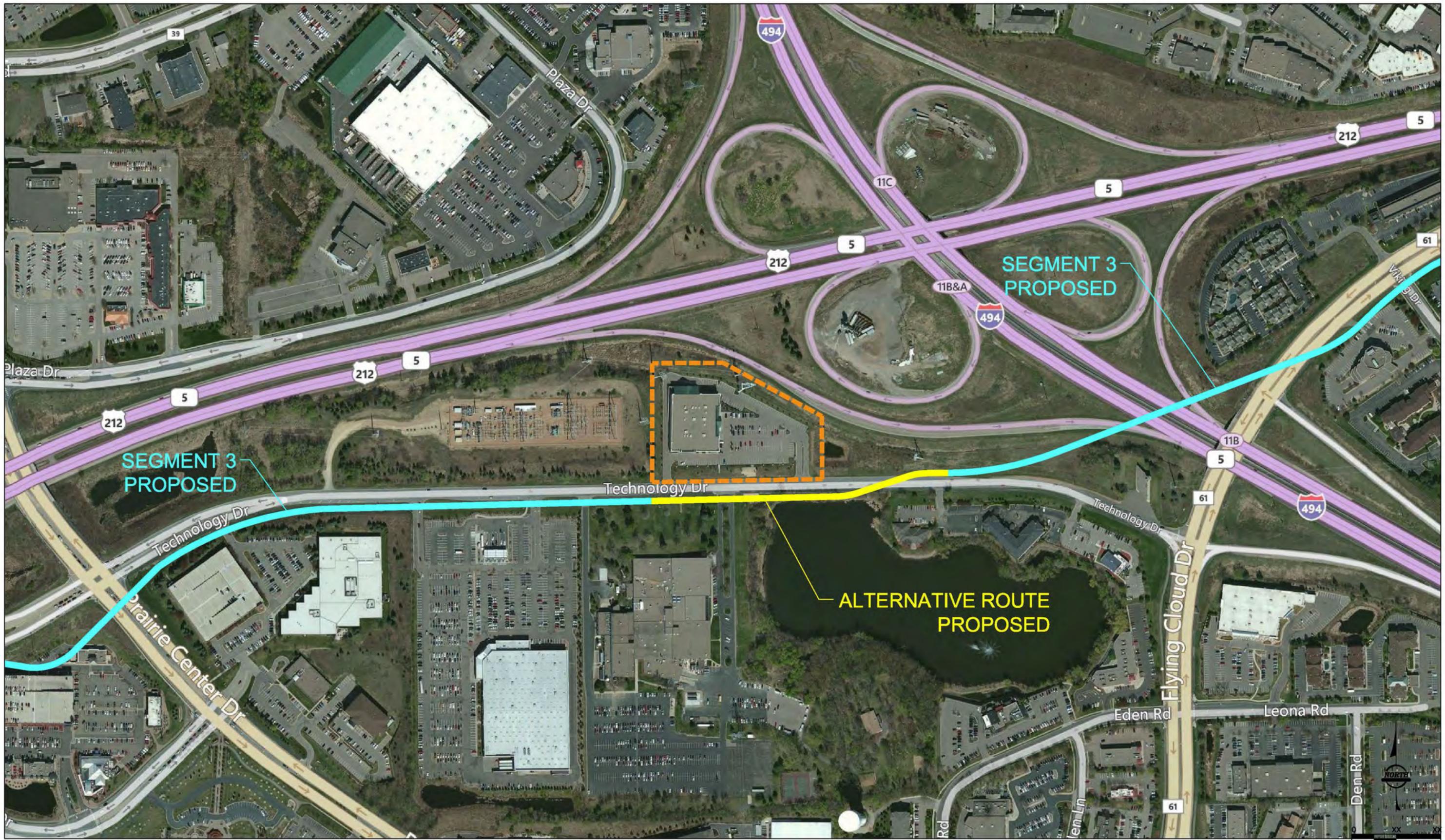
**GANDER MOUNTAIN**  
 HENNEPIN COUNTY, MINNESOTA  
**45,600 Concept Plan**  
**Post-SWLR Construction**

CERTIFIED BY:  
 NICHOLAS J. MESSINA, P.E. #07542  
 DATE:

PROJECT NUMBER: **5045-44**  
 DATE: **12-18-12**  
 S-T-R  
 SHEET NUMBER: **3176**

## Exhibit 13

### Alternate Crossing Location for SWLRT Technology Drive Alignment



# Alternate Crossing Location for SWLRT Technology Drive Alignment

December 2012  
Exhibit 13

## Exhibit 14

## Resumes



**Years of Experience: 26**

**REGISTRATIONS:**

Professional Engineer:

*Minnesota*

*Wisconsin*

*Iowa*

*Illinois*

*Florida*

*Washington*

**PROFESSIONAL AFFILIATIONS:**

*Institute of Transportation Engineers  
Traffic Engineering Council*

*North Central Institute of Transportation Engineers  
Signal Operations Committee*

*Sensible Land Use Coalition*

*Minnesota Surveyors and Engineers Society*

**EDUCATION:**

*Bachelor of Science  
Civil Engineering  
University of Washington*

*P 952-933-0972  
vswing@rlkinc.com*

*RLK Incorporated  
6110 Blue Circle Drive  
Minnetonka, MN 55343*

**VERNON SWING** is Principal Transportation Engineer with over 26 years of traffic engineering and transportation planning experience. Worked extensively in both the public and private sectors with an emphasis on conducting traffic impact studies and mitigation designs. Offers strong expertise in representing complex traffic considerations to public agencies. Prior to working for the private sector, gained 10 years of increasingly responsible signal design and operations experience as a Special Projects Engineer with the Washington State Department of Transportation.

**RELEVANT EXPERIENCE:**

Relevant experience includes projects involving capacity analysis, access, signal and illumination design, signal operations, signing and traffic control design, and complete street planning. Select examples of project experience include intersections and corridor analysis, plus pedestrian and bicycle facility design.

- *Environmental Documentation* - The Lakes, Blaine, MN. Medtronics, Mounds View, MN. Mr. Swing provided traffic engineering for more than 1,080 acres of *The Lakes* mixed-use development, which include 17 intersections and three arterials for *The Lakes* award-winning property in Blaine. The City of Hopkins, in the redevelopment of a former True Value brownfield needed help with traffic and the rezoning of this property, and with the environmental documentation required by the Minnesota Environmental Quality Board (EQB). Following extensive input from a range of stakeholders, three alternative preliminary site plans were created so that the scale of environmental impacts could be more closely analyzed to enable the site construction through 2008 for use by Cargill.
- *Corridor Study & Design* – Duluth, MN. Mr. Swing was the Project Principal for the streetscape of approximately two miles of Grand Avenue between 62nd Avenue and Carlton Street. This was one of the largest street reconstruction projects undertaken by the City of Duluth. The City's goals for this project included improving parking conditions, bicycle access, replacing aging utilities, and improving/coordinating traffic signals for this main city road. Worcester, MA. Mr. Swing was the Project Manger for the relocation and upgrade of this gateway to the City of Worcester, MA.
- *Relocation of Albany Shaker Road* - Albany, NY. Mr. Swing served as Project Manager for traffic issues related to the relocation and expansion of five miles of Albany Shaker Road near the Albany, New York Airport. This project entailed corridor design and planning, traffic control planning, modal option planning and recreational trail planning and design.

STEPHEN J. MANHART, PE  
PTOE, PTP



**Years of Experience: 24**

**REGISTRATIONS:**

Professional Engineer  
MN, KS, IL, IN

*Professional Traffic Operations  
Engineer Certification*

*Professional Transportation  
Planner Certification*

*State of Minnesota Signal and  
Lighting Certified Construction  
Technician Levels I and II*

**PROFESSIONAL  
AFFILIATIONS:**

*Institute of Transportation  
Engineers Policy  
& Legislative Committee*

*North Central Section of  
ITE Intersection  
Traffic Control Committee*

*Minnesota Surveyors and  
Engineers Society*

*Institute of Transportation  
Engineers Fellow, Midwestern  
District Director to ITE  
International Board of Direction  
(2007-09)*

**EDUCATION:**

*Bachelor of Science  
Civil Engineering  
University of Kansas– Lawrence*

*Bachelor of Arts  
Geography  
University of Colorado*

**SENIOR TRANSPORTATION ENGINEER II**

**EXPERTISE:**

Over 24 years of traffic engineering and transportation planning experience in both public and private sectors. Experienced in assisting agencies in managing, developing and delivering a variety of traffic and transportation projects. Experienced user of SIGNCAD, ConeZone, HCS+, SYNCHRO and SimTraffic software. Currently serves as Chair of the Planning Commissioner for the City of Burnsville, Minnesota. Past Midwestern District Director of the Institute of Transportation Engineers (ITE) International Board of Direction representing the eleven-state Midwestern District.

**PROJECT EXPERIENCE:**

Project experience includes permanent and temporary traffic signal design; signing design and implementation; work zone traffic control; transportation planning and environmental analysis; roundabout analysis; traffic operations and maintenance; traffic corridor management; and federal funding applications under the Surface Transportation Program. Select examples of his project experience include:

- **Environmental Documentation** - Prior Lake Aggregates Alternative Urban Area-wide Review (AUAR), Savage, Minnesota. Working within AUAR team, provided traffic, noise and air quality analysis of two build scenarios for the quarry's end use development plan. Responsibilities included Managing Traffic Data Collection activities; Trip Generation and Distribution; Analyzing Existing and Design Year Traffic Operations for two build scenarios and one no-build alternative; and AUAR responses to Traffic, Air Quality and Noise Analyses. Analysis utilized traffic projections for each alternative taken from the Met Council 2020 Travel Demand Model factored down to 2017 conditions, and comparing the traffic operation results using SYNCHRO and SimTraffic software.
- **Corridor Analysis** – Pierce Butler Route Extension Alternatives Analysis, Saint Paul, Minnesota. Work scope was to perform Alternative Analysis for extension of Pierce Butler Route from I-35E to intersection with Prior Street/Transfer Road. Responsibilities included Managing Traffic Data Collection activities; Analyzing Existing and Design Year (2030) Traffic Operations for three build alternatives and one no-build alternative; Analyzing Truck Traffic Impacts; and Developing Environmental Assessment Worksheet responses to Traffic, Air Quality and Noise Analyses. Analysis utilized traffic projections for each alternative taken from the Met Council 2030 Travel Demand Model and comparing the traffic operation results using SYNCHRO and SimTraffic software. Measure of Effectiveness, including Levels of Service, total travel time, total delay, and volumes of relocated truck traffic were developed for each alternative.
- **Design-Build** – Mn/DOT District 4 Sign Replacement Design-Build, TH 28, 29, 34, 113 and 114, northwestern Minnesota. Professional Traffic Operations Engineer responsible for the field assessment of existing signs, field design layouts of new sign installations, preparation of assessment and design spreadsheets, and inventory of all signs at the project's completion. Project contained over 7000 signs on five Trunk Highways in District 4. Performed as a design-build project. Certified spreadsheets on each submittal package.
- **Work Zone Traffic Control** – Minnesota Department of Transportation, TH 55 Mill and Overlay, Rosemount, Minnesota. Senior Traffic Engineer responsible for the preparation of detour plans and staging plans for milling and overlaying 6.6 miles of Trunk Highway 55 in the City of Rosemount and Nininger Township. The project also included corridor detour and traffic control plans to permit limited use of the road during the three phases of construction. The construction staging was cognizant of access to private driveways, and special signing for affected businesses.

**JEFF WESTENDORF**  
RLA, LEED AP BD + C



*Years of Experience: 11*

*Registrations:*

*Registered*

*Landscape Architect:*

*Minnesota (#44018)*

*LEED AP BD + C Certification*

*Professional Affiliations:*

*American Society of Landscape*

*Architects (ASLA)*

*Education:*

*Bachelor of Arts*

*Landscape Architecture*

*&*

*Bachelor of Science*

*Environmental Design*

*Minor in Horticulture*

*North Dakota State University*

*P 952-933-0972*

*jwestendorf@rlkinc.com*

*RLK Incorporated*

*6110 Blue Circle Drive*

*Minnetonka, MN 55343*

## **LANDSCAPE ARCHITECT**

**JEFF WESTENDORF** is a Registered Landscape Architect with over eleven years of experience in the landscape architecture profession. He has an extensive inventory of site design experience, including sport complexes, casino and resorts, streetscape improvements, municipal parks, and highway beautification. Mr. Westendorf's responsibilities include conceptual design, schematic design, design development, and construction document preparation. Jeff provides clients with concise results from his knowledge and experience with construction issues and attention to detail and results that are based on site design.

### **SELECTED PROJECT EXPERIENCE**

#### ***Bruce Vento Trail, St. Paul, MN***

Project manager responsible for coordination of City staff, neighborhood, and bridge design; project scope is preparing 30% design plans for image placement and cost for a bridge to span 300 feet of highway and railroad tracks.

#### ***Lower Afton Trail, St. Paul, MN***

Landscape architect for one mile of an off-road multi-purpose trail that navigated a 5% grade throughout the run of the trail. Designed the trail layout and site amenities.

#### ***Trunk Highway 169 Design Build, St. Peter, MN***

Project landscape architect and manager for implementing the detail design of the site, landscape, amenities for the project. Coordinated with project design team and responsible for final design and construction coordination with contractors.

#### ***East River Parkway, Minneapolis, MN (MPRB)***

Landscape architect for a 2.0 mile Bicycle and Pedestrian Trail Reconstruction. Designed the trail layout and site amenities. Project included cultural resource review, concept through final design, lighting, WPA wall reconstruction, conformance to State Aid and MnDOT guidelines.

#### ***Grand Casino Hotel - Mille Lacs, MN***

Landscape design for a new hotel site adjacent to the Casino. The main entrance was designed with a Native American theme using colored concrete, curved walkways, seat-walls and native plantings. The theme of the hotel flows well into the design of the Casino.

#### ***Orion Oaks Park – Lake Orion, MI***

Landscape architect for the City preparing a charrette process with the community to prepare a conceptual site plan and trail layout. Coordinated with City staff and the community to achieve a positive approval process. This 900 + acre park includes fishing areas, ten miles of walking trails, a five mile achievement trail, mountain biking trails and cross-country skiing trails.

#### ***Huroc Island Park - Flat Rock, MI***

Responsible for a public charrette to produce a conceptual park master plan. The park is located on an island in Huron River which includes a playground, walking trails and a gazebo. A phasing plan was created to help the City build the park.

[www.RLKinc.com](http://www.RLKinc.com)

CHRIS D. HUSS, PE



YEARS OF EXPERIENCE: 18

#### EDUCATION

*BS Civil Engineering  
University of Wisconsin-  
Madison*

#### CERTIFICATIONS

*SWPPP Plan Design*

#### EXPERTISE

*Project management  
Lead design engineer  
Engineering design  
Construction management  
EAW preparation  
Contaminated site  
remediation and obtaining  
funding  
Landfills design and  
construction*

*P 952-933-0972  
chuss@rlkinc.com  
www.rlkinc.com*

*RLK Incorporated  
6110 Blue Circle Drive  
Minnetonka, MN 55343*

#### PROFESSIONAL ENGINEER

**CHRIS HUSS** is a Professional Engineer with over 18 years of engineering and construction experience. He has provided design and management services for a wide range of civil engineering projects for both public and private clients. In addition to his design and management experience, Mr. Huss also has significant experience with site hydrology and stormwater management plans as well as plan and specification preparation and coordination with regulatory agencies.

#### EXPERTISE

**13 years – Consulting Engineering and Design:** Managing projects, obtaining approvals from regulatory agencies, meeting with clients and agencies to discuss projects. Assisting with the approval process, presentations at city and regulatory agencies. Creating plans and specifications for projects; concept design, plan preparation, grading, utility, hydrology, submittals to cities and agencies, assist with permitting process.

**5 years – Construction Services:** Managing construction projects, bidding projects, awarding contracts, administering contracts, oversight of construction activity.

#### PROJECT EXPERIENCE

- *Bennett Lumber Project, Minneapolis, MN*— Project manager/engineer on this 5.6-acre redevelopment which transforms three industrial use parcels into multi-family housing. Including EAW, approved in May 2011. Required land use approvals included site plan review, variances for density, and Conditional Use Permits, numerous meetings and public hearings, and engaging with neighborhood groups.
- *Penfield, St. Paul, MN*— Civil engineering designed to maximize usable space which limits the opportunities for stormwater management. Reviewed City and Watershed stormwater requirements and determined a feasible solution for this challenging site for volume and rate control requirements by designing a hybrid stormwater system that can be placed adjacent to the proposed building. Worked with architect in design of a green roof for the building, thus decreasing buildings stormwater runoff volume.
- *Acme/Flux Apartments, Minneapolis, MN*— 216 apartments, guided client through the various agency approvals regarding the civil and land assembly. Charged with designing site to city and watershed standards and keeping pace with the architects and placement of the built structures. Designed the underground stormwater treatment chambers located below preserved green area around the perimeter of the site which is designed to provide storage, infiltration and a controlled release, allowing for decreased peak flows from the site.
- *Lower Afton Trail, St. Paul MN*—Project manager/design engineer for one mile of an off-road multi-purpose trail. Assisted with presentation of project to the County, City, and neighborhood group. Prepared final design, layout, obtained MnDOT and all regulatory approvals for trail construction. (Construction 2012)
- *Dean Lakes / Savanna Pointe, Shakopee MN*—Design engineer for this 272± acre mixed-use development. This phased commercial/residential development involved substantial concept planning, an amendment to the comprehensive plan and a supplement to the AUAR. A major component of the *Dean Lakes* design was the creation of a conservation area, which circulates throughout the property and includes wildlife habitat, ecological restoration areas, innovative stormwater treatment areas and pedestrian trails that link components of the development together.



**YEARS OF EXPERIENCE: 26**

**REGISTRATIONS**

*American Institute  
of Certified Planners*

**AFFILIATIONS**

*Minnesota Shopping  
Center Association*

*National Association of  
Industrial & Office Parks  
Public Policy Committee Chair*

*Sensible Land Use Coalition*

**EDUCATION**

*Master of Arts  
Urban & Regional Planning,  
Mankato State University*

*Bachelor of Arts  
History & English  
Bemidji State University*

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**STEVE SCHWANKE** is a Principal Planner with 26 years of experience. He is responsible for overseeing RLK's land development approvals, redevelopment and master planning projects for commercial and mixed-use projects. Mr. Schwanke offers strong expertise in securing environmental review and project planning services.

**PROJECT EXPERIENCE:**

Planning leadership on the following projects:

- *Commercial Development* –ADC Property in Bloomington, Cabela's in Rogers, Centre Pointe in Roseville, Rainbow Foods, numerous sites, Northland Park in Brooklyn Park, Upsher-Smith Corporate Campus in Maple Grove, Liberty Diversity Industries numerous sites, Chanhassen Business Center in Chanhassen, Veritas Software Campus in Roseville, Ballard Moving/Storage, numerous sites, Alliant Tech Systems numerous sites, and Equitable Life in Eden Prairie.
- *Mixed-Use Development* – Valley Green Corporate Center in Shakopee, Cedar Avenue Corridor in Richfield, Hartford Place in Eden Prairie and Lexington and University Avenue in St. Paul.
- *Redevelopment* – Penn Avenue Corridor in Richfield, Twin Lakes in Roseville, Atlas Cement Plant in Duluth, Dale Street Shops in St. Paul, Meacham Park in St. Louis, MO, and Brooklyn Boulevard. in Brooklyn Park.
- *Environmental Review* – Responsible for the preparation and presentation of various environmental reports as part of the development process, including preparation of AUAR, EAW and EIS documents for numerous developments.

**PREVIOUS EXPERIENCE:**

- Planner, Metropolitan Council for five years and the City of Eagan for 3 years.
- Served as an Adjunct Faculty Professor at the University of Minnesota on the Twin Cities campus and at the University of Minnesota Graduate Degree Program in Mankato, Minnesota.

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December 31, 2012

**VIA HAND DELIVERY AND EMAIL**  
(swcorridor@co.hennepin.mn.us)

Katie Walker, AICP  
Senior Administrative Manager  
Hennepin County  
Housing, Community Works & Transit  
701 Fourth Avenue South, Suite 400  
Minneapolis, MN 55415

**Re: Comments of Gander Mountain Company on the Southwest Transitway  
Draft Environmental Impact Statement**

Dear Ms. Walker:

Dorsey & Whitney represents Gander Mountain Company ("Gander Mountain"), and on behalf of Gander Mountain submits the following comments on the Draft Environmental Impact Statement ("DEIS") for the Southwest Transitway light rail transit ("SWLRT") project in Eden Prairie, Minnetonka, Edina, Hopkins, St. Louis Park, and Minneapolis, Minnesota. Gander Mountain submits these comments in response to the notice of availability for the DEIS under the National Environmental Policy Act ("NEPA") in the *Federal Register* and under the Minnesota Environmental Policy Act ("MEPA") in the *EQB Monitor*. 77 Fed. Reg. 62235 (Oct. 12, 2012); 36 EQB Monitor 3-5 (Oct. 15, 2012). Gander Mountain owns and operates Store #489 at 12160 Technology Drive in Eden Prairie. Gander Mountain supports expansion of light rail transit service to Eden Prairie and in general supports DEIS Alternative 3A, the Locally Preferred Alternative (LPA), for the SWLRT project. As the City of Eden Prairie explained in its December 4, 2012, comment letter on the DEIS, Alternative 3A has the highest ridership potential and the greatest positive economic impact for Eden Prairie as a whole.

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However, the proposed Alternative 3A route in Eden Prairie along Technology Drive poses serious concerns for Gander Mountain Store #489. Under Alternative 3A, the SWLRT line in Eden Prairie will run the length of Technology Drive south of the Gander Mountain store. DEIS Appendix F, Southwest Transitway Conceptual Design, LRT Alternative Segment 3 Plan and Profile, Sheet 4 of 15. The proposed location of the Town Center transit station, one of five SWLRT stations in Eden Prairie, is on the south side of Technology Drive, adjacent to Emerson Process Management—Rosemount at 12001 Technology Drive and directly in front of the Costco Wholesale store at 12011 Technology Drive. Just east of the proposed Town Center transit station location, and directly in front of Gander Mountain Store #489, the SWLRT line will cross from the south side of Technology Drive to the north, then continue east following Technology Drive. The Technology Drive alignment and south-to-north crossing in front of Gander Mountain Store #489 will require the permanent relocation of the store's main entrance. DEIS Appendix F, Southwest Transitway Conceptual Design, LRT Alternative Segment 3 Plan

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and Profile, Sheet 4 of 15. Relocating the entrance will severely limit Gander Mountain Store #489's customer access, increase traffic congestion, decrease safety, and eliminate numerous parking spaces. Gander Mountain estimates that sales at Store #489 will decrease between 50 and 60 percent annually during SWLRT construction and that operation of SWLRT will result in a permanent reduction in annual Store #489 sales of approximately 30 percent. These temporary and permanent reductions will convert a profitable store into one that will experience a permanent net operating loss. Despite these impacts, the DEIS fails to identify or discuss the adverse impacts on Store #489, relies upon information that does not reflect current conditions in depicting the store's relocated main entrance, and offers no measures to mitigate the adverse effects on the store that will result from the SWLRT's Technology Drive alignment. As a result, the DEIS is inadequate under NEPA and MEPA.

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Gander Mountain supports the proposal by the City of Eden Prairie to relocate the Eden Prairie Town Center transit station to the southeast, off of Technology Drive and closer to Eden Prairie Center. Relocating the station to the southeast makes the station "more centrally located and walkable," as the City explained in the "General Comments" portion of its December 4, 2012, comment letter. In addition, moving the SWLRT line off of Technology Drive and relocating the Eden Prairie Town Center transit station meets the purpose and need of the SWLRT project, which is to link Eden Prairie Center to other major population and employment centers in the Twin Cities metropolitan areas.

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**I. THE TECHNOLOGY DRIVE ALIGNMENT DOES NOT MEET THE PURPOSE AND NEED OF THE SWLRT PROJECT**

As the DEIS explains, a purpose and need statement under NEPA defines why a proposed project has been initiated and the problems that the proposed project seeks to remedy. DEIS at 1-8. A DEIS must "specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." 40 C.F.R. § 1502.13. *See also Native Ecosystems Council v. U.S. Forest Service*, 428 F.3d 1233, 1246-47 (9th Cir. 2005) (The purpose and need determine the range of alternatives an agency must consider in the EIS.). By definition, therefore, a proposed project and alternatives must meet the purpose and need statement in a DEIS. A proposed action or an alternative is "unreasonable if it does not fulfill the purpose of the project." *City of Richfield v. FAA*, 152 F.3d 905, 907 (8th Cir. 1998). *See also Native Ecosystems Council*, 428 F.3d at 1246-47 ("Alternatives that do not advance the purpose of the [project] will not be considered reasonable or appropriate."); *Laguna Greenbelt, Inc. v. U.S. Dept. of Transp.*, 42 F.3d 517, 524 (9th Cir. 1994) ("The range of alternatives that must be considered in the EIS need not extend beyond those reasonably related to the purposes of the project."); *Sierra Club North Star Chapter v. LaHood*, 693 F.Supp.2d 958, 968 (D. Minn. 2010) ("NEPA does not require an agency to consider, in an EIS, 'unreasonable' alternatives that do not meet a project's purpose and need.") (internal citation omitted).

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Placing the Eden Prairie Town Center transit station on Costco's property and routing the SWLRT line along Technology Drive does not meet the purpose and need of the SWLRT project. The purpose and need of the project is to

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provide a high-capacity transit connection improving mobility, accessibility, and system linkages to major population and employment centers including Downtown Minneapolis, Chain of Lakes and Recreation Area, Excelsior and Grand, Downtown

Hopkins, Golden Triangle Business District, Opus Business Park,  
and *Eden Prairie Center*.

DEIS at 1-8 (emphasis added). Routing the SWLRT line on Technology Drive and locating the Eden Prairie Town Center transit station on Costco's property does not link Eden Prairie Center and Town Center with other major population and employment centers. A Town Center transit station at the Costco property on Technology Drive will be at least one-half mile from the heart of Town Center and approximately three-quarters of a mile from Eden Prairie Center. See Attachment A to this Comment, City of Eden Prairie Southwest LRT DEIS Comments, dated Dec. 4, 2012 (including three "concept location area" maps depicting the City's preferred locations for the Town Center transit station). Given the distance between Eden Prairie Center and the proposed station on Technology Drive, locating the Town Center transit station on the Costco property does not meet the SWLRT project's purpose of connecting Eden Prairie Center with other major population and employment centers in the Twin Cities metropolitan area.

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Locating the Town Center transit station on Technology Drive is also inconsistent with the City of Eden Prairie's vision for the station. According to the City's vision, the Town Center station "is anticipated to serve mostly walkers and bicyclists from existing and planned uses in the Town Center area." Attachment B to this Comment, City of Eden Prairie Community Development Department, *Strategic Plan for Housing and Economic Development, 2012-2018* (Oct. 2, 2012) at 24. The City also wants to ensure that the transit station is "within a 10 minute walk" of the 120-acre Town Center area, which is a "concentrated, pedestrian and transit-oriented, live-work community that has a supportive mix of high density residential, commercial, office, entertainment, and open space." *Id.* To "further encourage walking and biking," the City envisions that parking at the Town Center transit station "will be limited." *Id.* The City's vision of the Town Center transit station is consistent with its "Town Center" zoning district, the intent of which is to "provide an area for development of an attractive, compact, walkable, mixed-used town center that creates a live/work/play environment for the community." Attachment C to this Comment, Eden Prairie City Code, Section 11.27, subd. 1. See also Attachment D to this Comment, City of Eden Prairie, *Comprehensive Guide Plan* (Oct. 20, 2009) at 3-3 (The Town Center is a 120 acre area "to be redeveloped over time into a compact, walkable, vibrant, pedestrian oriented area" with "[f]uture transit services (light rail and bus) [to] help ensure convenient access and mobility.").

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In stark contrast to the City of Eden Prairie's vision, the DEIS concept for the Town Center transit station is a park-and-ride facility built on Costco's Technology Drive property. The Costco property is currently zoned as "regional commercial," which is a category characterized by "relatively large sites for sales and service operations that are not typically found in shopping center structures and attract little or no pedestrian traffic . . ." Attachment D to this Comment, City of Eden Prairie, *Comprehensive Guide Plan* (Oct. 20, 2009) at 3-3. A park-and-ride facility is inconsistent with the City's vision of a Town Center transit station with "limited" parking to "further encourage walking and biking" and serving a "compact, walkable, vibrant, pedestrian oriented area." The DEIS opines that Alternative 3A Segment 3 (which includes the City of Eden Prairie) has "a high potential for development around station locations." DEIS at 5-20. But as the City notes, Eden Prairie is now largely developed and the best potential for redevelopment is in the Town Center area. Attachment D to this Comment, City of Eden Prairie, *Comprehensive Guide Plan* (Oct. 20, 2009) at 3-3. Placing a park-and-ride facility on Technology Drive will not foster the type of redevelopment that the City desires.

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**II. THE DEIS IS INADEQUATE UNDER NEPA AND MEPA BECAUSE IT FAILS TO DISCUSS THE SUBSTANTIAL ADVERSE IMPACTS OF THE SWLRT TECHNOLOGY DRIVE ALIGNMENT ON GANDER MOUNTAIN**

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Alternative 3A proposes to place the Eden Prairie Town Center transit station on Technology Drive, with the SWLRT tracks crossing from the south side of the road to the north just east of the station and directly in front of Gander Mountain Store #489. This alignment requires the permanent relocation of Store #489's main entrance. Relocating the entrance will cause substantial adverse impacts on the store by severely limiting the store's customer access, increasing traffic congestion, decreasing safety, and eliminating approximately 40-50 parking spaces during SWLRT construction and permanently eliminating approximately 15 prime parking spaces. Attachment E to this comment, Technical Analysis of the Adverse Effects of SWLRT on Gander Mountain, prepared by RLK, Inc. ("RLK Report") at 3-4, 9-12. These impacts will reduce the store's sales by approximately 50 to 60 percent during SWLRT construction and permanently reduce the store's annual sales by approximately 30 percent. *Id.* In so doing, the SWLRT project will convert a profitable store into a store that will post permanent net operating losses, thereby impairing the store's ability to continue. But the DEIS fails to identify or discuss the adverse impacts on Store #489 and, as a result, is inadequate under NEPA and MEPA.

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**A. The DEIS Fails to Discuss the Impacts of a Technology Drive Alignment on Gander Mountain**

NEPA and MEPA require a lead federal agency or a state responsible governmental unit, such as the Federal Transit Administration (FTA) or the Metropolitan Council, to prepare a DEIS that considers the environmental effects of their actions before approving a proposed project. 42 U.S.C. § 4332. Under NEPA, the DEIS must "take a 'hard look' at the environmental consequences before taking a major action." *Sierra Club v. Kimbell*, 623 F.3d 549, 559 (8th Cir. 2010). Similarly, under MEPA, "[t]he very purpose of an EIS . . . is to determine the potential for significant environmental effects *before* they occur." *Trout Unlimited v. Minn. Dep't of Agriculture*, 528 N.W.2d 903, 909 (Minn. Ct. App. 1995) (emphasis original). NEPA and MEPA also require the DEIS to be "detailed" and "analytical," with information on a proposed project's adverse effects to be analyzed early in the process so that decision-makers have the benefit of that information before taking an action. NEPA, 42 U.S.C. § 4332, 40 C.F.R. §§ 1502.2(a), 1502.5; MEPA, Minn. Stat. § 116D.04, subd. 2a. *See also Sierra Club v. Kimbell*, 623 F.3d at 559. In addition, the DEIS must include a discussion of impacts commensurate with their significance. NEPA, 40 C.F.R. §§ 1502.2(a); MEPA, Minn. R. 4410.2300(H). NEPA also requires that an EIS be a "detailed" and "analytic" discussion of the impacts "in proportion to their significance." 42 U.S.C. § 4332; 40 C.F.R. § 1502.2(a). The DEIS must be prepared "early enough so that it can serve practically as an important contribution to the decisionmaking process." 40 C.F.R. § 1502.5. *See also Sierra Club v. Kimbell*, 623 F.3d at 559 (construing NEPA); *Trout Unlimited*, 528 N.W.2d at 909 (Minn. Ct. App. 1995) (construing MEPA in holding that environmental review documents cannot defer the analysis of environmental effects or mitigation measures). The DEIS may not serve simply as a document "used to justify a decision." Minn. R. 4410.0300, subp. 3.

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Among the effects that the DEIS must study under NEPA are a project's economic impacts. 40 C.F.R. § 1508.8. "When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment." 40 C.F.R. § 1508.14. MEPA also requires that the DEIS discuss "potentially significant adverse . . . direct, indirect, or cumulative" economic impacts. Minn. R. § 4410.2300(H). In

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addition, NEPA and MEPA require the DEIS to analyze public health and safety. See 40 C.F.R. §§ 1508.8, 1508.27 (NEPA's implementation rules). The requirement includes the obligation to assess the safety impacts caused by rail projects. See *Mid States Coalition for Progress v. Surface Transp. Bd.*, 345 F.3d 520, 536 (8th Cir. 2003) (construing NEPA).

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There is no analysis of the adverse effects on Gander Mountain Store #489 in the DEIS. The DEIS includes a "conceptual design" for the portion of the SWLRT line including the Eden Prairie Town Center transit station and the proposed alignment running in front of Store #489 on Technology Drive in Eden Prairie. DEIS Appendix F, LRT Alternative Segment 3 Plan and Profile, Sheet 4 of 15. And the conceptual design depicts a "realigned entrance" for Store #489. But the conceptual design is superimposed upon an aerial photograph that was taken before Store #489 opened in 2006 and does not reflect the area's current conditions. For example, the aerial photograph does not show the store's existing parking lot or the current configuration of the store's two vehicle entrances from Technology Drive—including the main entrance that the SWLRT project proposes to displace. Attachment E to this Comment, RLK Report, at 6, 9 and Exs. 1, 4 and 6. To satisfy NEPA and MEPA, the DEIS must use the "best available existing information" in evaluating the impacts of a project. See, e.g., *Methow Forest Watch v. U.S. Forest Service*, 383 F.Supp.2d 1263 (D. Or. 2005) (citing 40 C.F.R. § 1502.22 and holding that if information is unavailable, an agency must provide summary of existing information); *People ex. rel. Van De Kamp v. Marsh*, 687 F.Supp. 495, 500 (N.D. Calif. 1988) (agency must use "the most up-to-date information available.") By relying upon an outdated map for the conceptual design of Store #489's relocated entrance, the DEIS does not employ the most up-to-date information in evaluating impacts. And up-to-date aerial photographs of the area, which show the current configuration of Store #489—including the store footprint, parking lot, and entrances off of Technology Drive—are publicly available on Google Earth and Google Maps. Attachment E to this Comment, RLK Report, at Ex. 2.

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Even if it had included accurate information regarding the conceptual design of the proposed relocated entrance for Store #489, the DEIS would still be inadequate under NEPA and MEPA because it contains no analysis whatsoever regarding the SWLRT project's impacts on the store during SWLRT construction or operation. Attachment E to this Comment, RLK Report, at 9-12, 13-20. For example, the DEIS discussion of the proposed project's transportation effects in Segment 33—where Store #489 is located—contains factual errors and no specific analysis of the project's effects on Gander Mountain. According to the DEIS, access to "several private properties" in Segment 3 would be "slightly realigned" at "Technology Drive on the south side of the road." DEIS at 6-46 (emphasis added). In reality, Store #489 is on the north side of Technology Drive and its access will be significantly and permanently relocated. See Section II.B below. The DEIS transportation effects analysis also incorrectly presumes, without analysis or discussion, that "automobile access would be maintained" even after access points on private properties in Segment 3 are "slightly realigned." DEIS at 6-46. In fact, the proposed project will have substantial adverse effects on the quality of customer access to Store #489. See Section II.B below.

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The DEIS also fails to address the project's economic effects on Store #489 during SWLRT construction and operation, which will be substantial. See Section II.B below. Although the DEIS acknowledges that Alternative 3A has the "potential to impact access to businesses along Technology Drive . . . during construction," DEIS 5-15, the DEIS makes no attempt to evaluate the adverse economic effects of this potential impact. After construction is complete and during SWLRT operation, the DEIS asserts that parking and access to businesses are unlikely to be affected. According to the DEIS, there will be no affect because "business parking

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is provided off site.” DEIS at 5-19. In fact, the DEIS predicts that in its entirety, Alternative 3A will eliminate only 11 off-street parking spaces. *Id.* But the proposed relocation of Store #489’s main entrance alone will eliminate approximately 50 to 60 parking spaces during construction and permanently eliminate at least 15 prime parking spaces. Attachment E to this Comment, RLK Report, at 10, 13-14. These actions, coupled with substantially impaired store access on Technology Drive during SWLRT construction and operation, will reduce annual store sales by 50 to 60 percent during SWLRT construction and permanently reduce annual store sales by at least 30 percent during SWLRT operation. *Id.* at 9-12, 13-20; Section II.B below. The reduced sales create a significant but unanalyzed adverse economic effect. Similarly, the DEIS states that “[p]ermanent access restrictions for businesses are not anticipated,” DEIS at 5-19, but Store #489 will suffer a permanent reduction in the quality of customer access, which will result in significant adverse economic effects that the DEIS does not address. See Section II.B below.

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**B. A Technology Drive Alignment For SWLRT in Eden Prairie Will Result in Substantial Adverse Impacts on Gander Mountain During SWLRT Construction and Operation**

**1. The Adverse Effects on Gander Mountain Store #489 During SWLRT Construction**

Placing the SWLRT on Technology Drive in front of Store #489 will generate significant adverse effects during construction of the line. The DEIS does not analyze any adverse effects on the store that will result from construction and relies upon an aerial photograph of the site that does not reflect current conditions. Attachment E to this Comment, RLK Report, at 9-12. As a result, it is unclear whether the DEIS proposes to eliminate the store’s delivery entrance. Eliminating the delivery entrance will make delivery truck access to the store virtually impossible, rendering the site unusable for Gander Mountain’s purposes. Attachment E to this Comment, RLK Report, *Id.*

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Even if the delivery (west) driveway access remains, Store #489 will suffer significant adverse effects during SWLRT construction. The DEIS envisions a new, single access to Store #489 constructed at approximately the center of the site. DEIS Appendix F, Southwest Transitway Conceptual Design, LRT Alternative Segment 3 Plan and Profile, Sheet 4 of 15. In addition, the DEIS shows that the existing main (east) entrance to the store will be eliminated. *Id.* But the DEIS depicts the new entrance based upon an aerial photograph for Technology Drive that appears to be 8 to 10 years old, does not reflect current conditions, does not include the Gander Mountain store, and reflects the previous land use of the site. Attachment E to this Comment, RLK Report, at 9-12. In addition, the DEIS does not provide any details regarding the construction of the SWLRT on Technology Drive or of the new entrance for Gander Mountain, and makes no mention of the need for construction easements for staging and storing materials. RLK has analyzed the construction impacts to the site that the proposed access changes are likely to require and estimates that costs to make the modifications could exceed \$200,000. In addition, the store will lose between 40 and 50 parking stalls during construction. Construction will also change circulation patterns in the store’s parking lot, resulting in conflicts with pedestrians, cars, and trucks all competing for limited space. *Id.*

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Driver perception regarding the difficulty of access will also result in adverse impacts on Store #489 during SWLRT construction. If drivers believe that Technology Drive is impassible or poses an access challenge as a result of SWLRT construction activity, drivers will avoid Store #489 in favor of stores along routes of lesser resistance. Trucks, cars, and pedestrians using

the site will also need to be re-routed to avoid conflicts with construction equipment and construction zones, significantly increasing customer travel times. Gander Mountain estimates that SWLRT construction will cause customer traffic to Store #489 to drop significantly, resulting in a decrease in sales of between 50 to 60 percent annually during SWLRT construction. Attachment E to this Comment, RLK Report, at 12. The adverse economic effects on Gander Mountain Store #489 during SWLRT construction would likely result in a taking under the federal and state constitutions, and under Minnesota statutes, for which FTA and the Metropolitan Council must pay just compensation. U.S. Const. amend. V; Minn. Const. art. I, §13; Minn. Stat. ch. 117.

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**2. The Adverse Effects on Gander Mountain Store #489 During SWLRT Operation**

SWLRT operations on Technology Drive in Eden Prairie will have significant, long-term and permanent adverse effects on Gander Mountain Store #489. The SWLRT project will forever change access to the store from Technology Drive, providing the store with a main entrance that is unsuitable for a retail business. Traffic operations and safety will degrade as Gander Mountain's customers will be forced to wait for long LRT trains to pass before they may enter the store's parking lot. The SWLRT project will also impair traffic circulation in the store's parking lot, forcing all vehicles—be they small passenger cars carrying customers or 18-wheel tractor trailers making deliveries—to use a single entrance. And even if the SWLRT project preserves the store's delivery (west) driveway, the traffic pattern in the new parking lot guarantees that pedestrian, car, and delivery vehicle conflicts will be commonplace. These continuing impacts will result in significant annual net operating losses for the Gander Mountain Store #489, as Gander Mountain's former customers choose competitors with safer and easier access. Attachment E to this Comment, RLK Report, at 13-22. The DEIS contains no analysis of the impacts to commercial and retail use on Technology Drive after construction of the SWLRT project. However, Gander Mountain anticipates that SWLRT operations will result in a permanent reduction in annual store sales of approximately 30 percent. *Id.*, at 22. The adverse economic effects on Gander Mountain Store #489 during SWLRT operation would likely result in a taking under the federal and state constitutions, and under Minnesota statutes, for which FTA and the Metropolitan Council must pay just compensation. U.S. Const. amend. V; Minn. Const. art. I, §13; Minn. Stat. ch. 117.

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RLK assists Gander Mountain with site analysis for new store locations. Using Gander Mountain's site selection criteria, RLK has analyzed the Eden Prairie location as a vacant site after SWLRT construction is complete. Based upon that analysis, RLK concluded that after SWLRT operations commence, the Eden Prairie site would no longer be a suitable location for a Gander Mountain store. Attachment E to this Comment, RLK Report, *id.*

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**III. THE DEIS IS INADEQUATE UNDER NEPA AND MEPA BECAUSE IT FAILS TO DISCUSS MEASURES THAT MAY MITIGATE THE SUBSTANTIAL ADVERSE IMPACTS OF THE SWLRT TECHNOLOGY DRIVE ALIGNMENT ON GANDER MOUNTAIN**

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NEPA's implementing rules require a DEIS to include consideration of mitigation measures. 40 C.F.R. § 1502.14. *See also Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 351 (1989) (noting NEPA's "requirement that an EIS contain a detailed discussion of possible mitigation measures."). Mitigation includes avoiding impacts altogether, minimizing impacts by limiting the degree or magnitude of the action, rectifying an impact, reducing or eliminating an impact over time, or compensating for an the impact by replacing or providing

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substitute resources. 40 C.F.R. § 1508.20. MEPA's implementing rules also mandate that a DEIS "shall identify those measures that could reasonably eliminate or minimize and adverse environmental . . . effects of the proposed project." Minn. R. 4410.2300(l) (emphasis added). See also *Coon Creek Watershed Dist. v. Minn. Env'tl. Quality Bd.*, 315 N.W.2d 604, 605-06 (Minn. 1982) (an EIS must evaluate "measures which could be helpful in mitigating any adverse environmental impact caused by the action").

Discussion of mitigation measures in a DEIS must be complete and detailed. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 351 (1989). Without such a discussion, neither the agency preparing the DEIS nor interested groups and individuals may properly evaluate the severity of a proposed project's adverse effects. *Mid States Coalition for Progress v. Surface Transp. Bd.*, 345 F.3d 520, 536 (8th Cir. 2003). A mere listing of mitigation measures in a DEIS, without supporting analytical data, does not satisfy NEPA and MEPA. *League of Wilderness Defenders/Blue Mts. Biodiversity Project v. Forsgren*, 309 F.3d 1181, 1192 (9th Cir. 2002); *Gaule v. Meade*, 402 F.Supp.2d 1078, 1084 (D. Alaska 2005). Rather, a DEIS must contain "enough definition to allow for a meaningful review and evaluation of the [mitigation] plan to ensure that it would be successful." *Sierra Club v. Flowers*, 423 F.Supp.2d 1273, 1324 (S.D. Fla. 2006). See also *Oregon Natural Res. Council v. Harrell*, 52 F.3d 1499, 1507 (9th Cir. 1995) (EIS that does not document efficacy of mitigation measures is inadequate); *Wilderness Soc'y v. Bosworth*, 118 F.Supp.2d 1082, 1106-07 (D. Mont. 2000) (best management practices not shown as sufficient to remedy landslide problem).

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Here, the DEIS did not evaluate the adverse effects from the SWLRT Technology Drive alignment on Gander Mountain Store #489, which renders the document inadequate under NEPA and MEPA. See Section II.A above. Because the DEIS did not evaluate the adverse effects on Gander Mountain, the document did not discuss any measures to mitigate those adverse effects. Accordingly, the DEIS is inadequate under NEPA and MEPA. *Id.*

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However, even where the DEIS identified adverse effects in Segment 3 of Alternative 3A in Eden Prairie, the document's discussion of mitigation measures is inadequate. For example, the DEIS identifies potential adverse impacts during SWLRT construction associated with access to businesses, including businesses on Technology Drive. DEIS at 5-15. In addition, the DEIS notes that construction will result in "temporary adverse effects" on traffic patterns. *Id.* at 6-47. The DEIS suggests that "[s]hort-term construction impacts can be mitigated" by employing a list of measures, including "using standard construction best management practices (BMPs) such as the use of deliberative construction staging, dust and erosion control, proper mufflers on equipment, restricted construction times, optimum traffic re-routing measures, minimization of lane, sidewalk, or trail closures during construction, and maintenance and timely removal of temporary traffic control devices." *Id.* at 5-16. The DEIS also offers a "traffic management plan" as mitigation, *id.* at 6-47, and notes that the Alternative 3A area is "served by a mature integrated network of roadways" so construction should have a "minimal affect upon the transportation system." *Id.* at 5-15. But a mere recitation of mitigation measures, without any details or a discussion of their efficacy, does not comply with NEPA and MEPA. The DEIS is inadequate because it offers nothing more than a laundry list of possible measures that may be used to mitigate clearly identified adverse construction impacts.

L4

**IV. GANDER MOUNTAIN'S PROPOSED MITIGATION MEASURES**

**A. Relocate the Town Center Transit Station to the Southeast**

To mitigate the adverse effects on Gander Mountain Store #489, Gander Mountain supports the City of Eden Prairie's proposal to move the Town Center transit station to the southeast, closer to Town Center and Eden Prairie Center. Relocating the Town Center transit station will also move the SWLRT alignment south and off of Technology Drive. In addition, this mitigation measure serves the purpose and need of the project, which is to link Eden Prairie Center with other population centers in the Twin Cities metropolitan area. In addition, relocating the Town Center transit station to the southeast is consistent with the City's vision for the station as one that would serve mostly walkers and bikers from existing and planned uses in the Town Center area. See Section I above. Relocating the Town Center Transit Station and moving the SWLRT alignment off of Technology Drive would resolve the adverse impacts of SWLRT on Gander Mountain Store #489. Attachment E to this Comment, RLK Report, at 23.

I2

**B. Move the Technology Drive SWLRT Crossing to the East**

For the reasons set forth in these comments, Gander Mountain opposes any SWLRT alignment on Technology Drive. Any Technology Drive alignment will cause serious and permanent adverse impacts on Store #489. However, if FTA and the Metropolitan Council insist that SWLRT must remain on Technology Drive, Gander Mountain suggests moving the point at which SWLRT will cross Technology Drive to the east. *Id.* at 23-24. Moving the crossing to the east, as depicted in Attachment E to this Comment, RLK Report, at Ex. 13, may mitigate some of the adverse effects of SWLRT construction and operation on Store #489. By moving the crossing to the east, the store would keep its existing main (east) entrance, thus eliminating the need to redesign the store's internal parking lot layout, lighting, grading, stormwater management, monument sign, and landscaping. The measure is also consistent with Alternative 3A as described in the DEIS.

M2

F0

However, Gander Mountain Store #489 will still suffer severe and permanent adverse effects even if the SWLRT Technology Drive crossing is moved to the east. Any SWLRT crossing of Technology Drive, no matter the crossing location, will result in long traffic back-ups that will create gridlock and dissuade potential Gander Mountain customers from traveling to the store. Attachment E to this Comment, RLK Report, at 23-24. These conditions will cause significant revenue loss for Store #489. *Id.* at 22. Such losses would likely constitute a taking under the federal and state constitutions, and under Minnesota statutes, for which FTA and the Metropolitan Council must pay just compensation. U.S. Const. amend. V; Minn. Const. art. I, §13; Minn. Stat. ch. 117.

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F0

In addition, moving the crossing to the east does not meet the purpose and need of the project. Even if the SWLRT crossing is moved to the east, the SWLRT line and the Town Center park-and-ride station remain on Technology Drive. As discussed above, the purpose of the SWLRT project is to link Eden Prairie Center with other population centers Twin Cities. Placing the Town Center transit station on Technology Drive is simply too far from Town Center and Eden Prairie Center to meet the purpose and need of the project.

K4

### C. Other Mitigation Measures Considered

RLK, Gander Mountain's consultant, considered several other mitigation options. One option is Alternative 1A as analyzed in the DEIS. That option was rejected as the Locally Preferred Alternative in favor of Alternative 3A. In addition, Alternative 1A does not appear to link Eden Prairie Center with other population centers in the Twin Cities metropolitan area, which is one of the purposes of the project. DEIS at 1-8. However, Alternative 1A would address Gander Mountain's concerns because that alternative does not include an SWLRT alignment on Technology Drive. Attachment E to this Comment, RLK Report, at 25.

F0

In addition, RLK considered several northern alignments for SWLRT. Each of these alignments would have moved the SWLRT line off of Technology Drive, thereby mitigating some of the project's adverse effects on Gander Mountain Store #489. One northern alignment that RLK considered was to route SWLRT along the south side of TH 212. Another was to run SWLRT down the center median of TH 212. *Id.* However, both alignments would have eliminated the Town Center transit station, which does not meet the project's purpose of linking link Eden Prairie Center with other population centers in the Twin Cities metropolitan area.

F0

### CONCLUSION

Gander Mountain supports expansion of light rail transit service to Eden Prairie and in general supports DEIS Alternative 3A for the SWLRT project. However, the proposed Alternative 3A route in Eden Prairie along Technology Drive poses serious concerns for Gander Mountain Store #489 during SWLRT construction and operation. First, the Technology Drive alignment does not meet the purpose and need of the project, which is to connect Eden Prairie Center with other major population and employment centers in the Twin Cities. Placing the SWLRT alignment and the Town Center transit station on Technology Drive is simply too far from Town Center and Eden Prairie Center to meet the purpose and need of the project.

K4

Moreover, the DEIS is inadequate under NEPA and MEPA because it fails to identify or discuss the adverse effects on Store #489, relies upon information that does not reflect current conditions in depicting the store's relocated main entrance, and offers no measures to mitigate the adverse effects on the store that will result from the SWLRT's Technology Drive alignment. And the adverse effects on Store #489 from SWLRT construction and operation will be profound. Permanently relocating Store #489's main entrance will severely limit the store's customer access, increase traffic congestion, decrease safety, and eliminate approximately 40-50 parking spaces during SWLRT construction and permanently eliminate approximately 15 prime parking spaces. These impacts will reduce the store's sales by approximately 50 to 60 percent during SWLRT construction and permanently reduce the store's annual sales by approximately 30 percent. In sum, the SWLRT project will convert a profitable store into a store that will post permanent net operating losses, the thereby impairing the store's ability to continue.

L4

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F0

To mitigate the adverse effects on Store #489, Gander Mountain supports the City of Eden Prairie's proposal to move the Town Center transit station to the southeast, closer to Town Center and Eden Prairie Center. Moving the station serves the SWLRT project's purpose of linking Eden Prairie Center with other population centers in the Twin Cities metropolitan area. In addition, relocating the Town Center transit station to the southeast is consistent with the City of Eden Prairie's vision for the station to serve primarily walkers and bikers. Relocating the station would also mitigate the project's adverse impacts on Gander Mountain Store #489 by moving

I2

the SWLRT alignment off of Technology Drive. Therefore, to eliminate the unanalyzed impacts on the Gander Mountain store and to serve the purpose and need of the SWLRT project, Gander Mountain supports moving the Town Center transit station as the City of Eden Prairie proposes.

Sincerely,



Thaddeus R. Lightfoot

TRL/sg

Attachments

cc: Marisol Simon, FTA Regional Administrator  
(courtesy copy w/ attachments by U.S. Mail)



GARY KATI SIMONS  
<gksimons5@msn.com>

12/31/2012 02:04 PM

To <swcorridor@co.hennepin.mn.us>

cc

bcc

Subject Southwest Transit LRT

Thank you for providing an opportunity to comment on the proposed LRT from Eden Prairie to downtown Minneapolis. And thank you for providing a very comprehensive environmental impact statement. It is clear that considerable time and effort has gone into the analysis and publication of this review.

I am an Eden Prairie resident who commutes daily to work in Bloomington. I am also a frequent user of the Regional trail between Eden Prairie and the Uptown area, mostly for evening or weekend biking.

My comment is around the need for additional transit options between Eden Prairie and downtown. The morning commute going East on either 494 or Crosstown (62) is very congested. Travel speeds seldom reach 50 mph and are more commonly slow and go or stop and go. A slight reduction in traffic levels can substantially improved the commute speed. This was evident during the depths of the recession in 2009, when traffic volume dropped about 5% and speeds increased significantly. Since then the traffic has been building and despite major road renovations (Crosstown commons and 494/169 interchange), the commuting speeds continue to fall. The proposed LRT is clearly a potential solution to redirect some of the traffic during peak commute times. I don't know if the current analysis takes into account the improved travel time on 494/crosstown if some of the vehicle trips are redirected to the LRT, but if it does not, it should.

P4

The no build option doesn't appear to predict the costs associated with additional lanes for the Crosstown or 494. With increasing population and trips from the Southwest metro to downtown, it would seem likely that additional lanes would eventually be needed to alleviate the impending gridlock. Given the limited land available on Crosstown between Highways 169 and 35W, the cost to complete such a project would be substantial. The opposition to such a project would also be significant.

T0

I encourage the Met Council to proceed with the Southwest Transit LRT. This community needs to continue to improve its transit options. Relying on roads alone, whether for cars or buses, is not sufficient. As our population and vehicle trips increase, we will need to have many options for transportation. Incorporating LRT into the metro area's infrastructure is a move in that direction. LRT would also provide an important reverse commute capability that doesn't exist today.

A

Regards,  
Gary Simons  
7024 Tartan Curve  
Eden Prairie, MN 55346



**William Pentelovitch**  
<wzpent@gmail.com>

12/31/2012 02:30 PM

To swcorridor@co.hennepin.mn.us

cc

bcc

Subject Comments on Southwest Transitway DEIS

Dear Project Manager: Attached to this email please find a letter containing the comments of William Z. Pentelovitch and Vivian G. Fischer to the Southwest Transitway Draft Environmental Impact Statement.

**William Z. Pentelovitch  
Vivian G. Fischer, MD**

**6 Park Lane  
Minneapolis, Minnesota 55416  
612.920.8780**

[wzpent@gmail.com](mailto:wzpent@gmail.com)  
[vivfischer@gmail.com](mailto:vivfischer@gmail.com)

December 28, 2012

Hennepin County  
Housing, Community Work & Transit  
ATTN: Southwest Transitway  
701 Fourth Avenue South  
Suite 400  
Minneapolis, Minnesota 55415

*Re: Comments on the Southwest Transitway Draft  
Environmental Impact Statement*

Dear Project Manager:

Please accept these comments from the undersigned on the Southwest Transitway Draft Environmental Impact Statement (“DEIS”). For frame of reference, our home on Park Lane has approximately 75 feet of frontage on the south side of the Kenilworth Channel, approximately halfway between the railroad bridge crossing the channel (to the east) and Cedar Lake (to the west). We have resided in the home for just over 29 years.

**D**

We are aware that the Minneapolis Park & Recreation Board (“MPRB”) has submitted its own Comments to the DEIS, and having reviewed them we are in agreement with the following sections of the MPRB’s Comment Letter: Opposition to Co-Location alternative; section 1.2 (Section 4(f) analysis); section 1.3 (Design Character); section 1.4 (Trail access, use, and maintenance); section 1.5 (Noise and Vibration); section 1.6 (Visual appeal); section 1.7 (Safety); the entirety of section 7 (Intersection

1.2 D,S1 - 1.3 M1,D,N6 - 1.4 T0,D,P9 - 1.5 D,O1 -  
1.6 D,N2 - 1.7 D,R2 - 7. I2,D,R2,N1,N6,N8,O1

8. D,N1,N2,D,S2,D,R2 - 9. D,D,S2,D,R2,S2,N9

10. D,P9,D,N2,D,O1

with West 21<sup>st</sup> Street); the entirety of section 8 (Kenilworth Channel, Bridge); the entirety of section 9 (Cedar Lake Parkway-Grand Rounds); and the entirety of section 10 (Park Siding Park). We take no position on the remaining sections of the MPRB Comment Letter.

In addition, we offer the following brief comments for your additional consideration:

1. Section 3.4.5.3 of the DEIS states that potential long term effects may occur at the Kenilworth Lagoon/Channel, but that those issues will be addressed during preliminary engineering. We are very concerned that construction activities and the vibrations of over 200 trains per day passing over the Kenilworth Channel may cause further deterioration of the wooden retaining walls along the north and south banks of the Channel between the existing railroad bridge and Cedar Lake. The retaining walls are currently in a severely deteriorated condition and, as a result, severe erosion is occurring behind the walls which is causing significant amounts of soil and debris (leaves) to enter the Channel; moreover, the erosion is exposing and damaging the root systems of many of the trees along the channel, several of which are already in danger of falling across the channel. This presents a safety hazard to the thousands of people who kayak and canoe through the channel each week during the summer, and the hundreds who ski skate through the channel in the winter. Preliminary engineering studies should consider the impact of construction activities and vibration on the deteriorated Channel retaining walls and consider how to prevent and/or remediate the deterioration and erosion.

E2 O1

N3, N6

2. The intersection where the current rail line and Kenilworth trail intersect Cedar Lake Parkway is congested and dangerous. Adding over two hundred train crossings per day there at grade would only worsen congestion and present heightened safety concerns. Elevating the LRT over Cedar Lake Parkway would successfully address both problems, in our opinion.

E2

R2 P4

However, elevating the LRT over Cedar Lake Parkway would also create noise and visual pollution issues which would be unacceptable to the neighborhood and users of the Ground Rounds, and which would almost certainly have an immediate and negative effect on property values. There appears to have been no consideration given to the harm that will be caused to real estate values and tax collections if the LRT were to be elevated rather than placed at or below grade. Park Lane, which only has 25 houses, has perhaps the densest concentration of valuable residential real estate in the

E8 N2

E2 O1, O6

M2

City of Minneapolis. The 25 houses on Park Lane, and the two adjacent houses on Burnham Road with Cedar Lake frontage, are collectively assessed for 2012 at just under \$34 million, and generate real estate taxes for Hennepin County, the City of Minneapolis, Special School District # 1 and the MPRB in excess of \$670,000 per year. Those values and the accompanying tax revenues, will likely be seriously impaired by elevating the LRT over Cedar Lake Parkway. For that reason, we support the MPRB's alternative proposal of lowering the tracks below grade in an open trench. Alternatively, and preferably, we would support tunneling the LRT beneath the Kenilworth Trail Corridor. Either of those approaches would avoid the visual and noise pollution of elevated tracks, the safety and congestion problems of a grade level crossing, and --- in all likelihood --- actually increase property values in the Park Lane and adjoining neighborhoods, since under those circumstances we believe that the LRT would be a valuable amenity rather than an eyesore and a nuisance.

T0

E8

N2

R2

O1

P4

Thank you for considering these comments.

M2

William Z. Pentelovitch

Vivian G. Fischer, MD

- Mayor R.T. Rybak
- Council Member Lisa Goodman
- County Commissioner Gail Dorfman
- State Senator Scott Dibble
- State Representative Frank Hornstein
- Representative Keith Ellison
- Senator Amy Klobuchar
- Senator Al Franken



Peder Knutsen  
<pknutsen88@gmail.com>

12/31/2012 02:48 PM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>

cc

bcc

Subject Kenilworth Corridor

E0, E9

My name is Peder Knutsen. I live at 2728 Dean Parkway. I have many objections to a fast, loud, hi speed transit that will be in close proximity. I worry about the safety of my children who often walk up to Cedar Lake Beach, and this requires a track crossing. I worry about the incessant noise from trains passing and from warning bells.

R2

N1,N6

E4

O1

I worry about the disruption to our serene Kenilworth Lagoon. Thousands of kayaks and paddle boards make the trek into Cedar Lake every year from Lake of the Isles, and frequent, noisy high speed transit will ruin this resource. Instead of a peaceful nature experience, the channel will turn into a big city thoroughfare.

E2 R2

O1

In short, I have all of the 'not in my backyard' concerns (noise, safety issues, lowered property values), but I also believe that options presented thus far will utterly ruin the natural resource of the park that comprises the border zones of Cedar Lake and Lake of the Isles.

M2,  
M3

The only solution that makes sense to me is to consider a tunnel. Others with more knowledge and experience are drafting tunnel solutions that will also be submitted. This is the only way to preserve this resource.

N1

If light rail does go through, and it does not run underground, I fear we will have ruined a precious resource for future generations.

E0

Thank you for considering the tunnel option.

Peder Knutsen  
2728 Dean Parkway  
Minneapolis, MN. 55416

Sent from my iPhone



Lynn Blumenthal  
<lbcasting@mac.com>  
12/31/2012 02:56 PM

To swcorridor@co.hennepin.mn.us  
cc  
bcc  
Subject Comments to the SW Transitway DEIS

December 31, 2012

Hennepin County

Hennepin County Housing, Community Works & Transit

ATTN: Southwest Transitway

701 Fourth Avenue South

Suite 400

Minneapolis, MN 55402

Dear Project Manager:

Please consider the following comments on the Draft Environmental Impact Statement (DEIS) for the proposed Southwest LRT, specifically as it relates to the Kenilworth Corridor

**SECTION A / General Comments & Concerns:**

1. While the DEIS recognizes that “portions of the land between Cedar Lake and Lake of the Isles are very high sensitivity,” the DEIS puts no particular focus on the Kenilworth Corridor.

E0 S3

2. Instead, the environmental assessment is spread more-or-less evenly across the 15 miles of the proposed transit way (the “study area”). An

exception is the Freight Rail Relocation Segment, which receives much attention in terms of its potential impact on residents in St. Louis Park. This is not to fault an emphasis on the relocation analysis. It is simply to draw a contrast between the different levels of data gathering and technical analysis.

3. The entire study area is viewed as “dominated by urban land use.” This perspective comes across particularly clearly for the Kenilworth Corridor, in direct contrast with the perspective of the Minneapolis Park and Recreation Board. The MPRB, for example, views the Kenilworth Regional Trail as an area focused on “serenity, habitat restoration, minimal development and passive recreation.” Nor is the urban-land-use perspective consistent with the fact that the DEIS identified fourteen federal or state-listed species and native plants within one mile of the proposed transit way. Ten of the species and native plants are found in Segment A of the transit way (primarily the Kenilworth Corridor), which is significantly more than is found in any other segment. No adverse environmental impact is noted with respect to any of the ten species. Little-to-no analysis is offered to support this conclusion.

E2

N1

E10 N8

4. Few measures are proposed to mitigate the potential adverse environmental impacts of the project, and nearly none that are of a specific nature. For example, the DEIS notes that “the impact of replacing an existing bridge over the channel that connects Cedar Lake and Kenilworth Lagoon could be substantial because of sensitive receptors traveling the lagoon.” However, no mitigation measures are set out in the DEIS. Instead, the bridge design, bank treatment and aesthetics for the new bridge are to be addressed later, *after* the Final Environmental Impact Statement (FEIS) has been approved.

E4

5. The DEIS sees the habitat as typically of low quality, and states that the native habitats are mostly concentrated in areas other than the Kenilworth Corridor. Only 2.5% of Segment A is said to have native habitat, something that strikes me as an understatement. The DEIS does note, however, that increased habitat fragmentation “could be expected from the construction

N8

E10

of required safety/security barriers to separate the light rail tracks from adjacent bicycle/pedestrian trails,” which could be mitigated “through the use of wildlife underpasses.” This is one of the few specific mitigation measures proposed in the EIS, and seems to run counter to the determination that there is little to mitigate. E2 N8

6. The DEIS is required to analyze the cumulative impact of reasonably foreseeable future developments. This is also true for the potential indirect effects that may occur in the future. For example, the stated intent of LRT stations is to precipitate development on nearby property. The environmental effects of that future development, when added to the impact of the LRT, may have a significant environmental impact. However, no analysis of the potential cumulative or indirect effects of the Southwest LRT within the Kenilworth Corridor was conducted. Instead, it is simply stated that those effects could be controlled by existing regulations, primarily those of the City. E10 N12

### **SECTION B / Proposed Overpass Bridge**

1. The DEIS acknowledges that the proposed LRT bridge over Cedar Lake Parkway (CLP) “would have a substantial [visual] impact on this historic landscape.” A similar long-term architectural impact is acknowledged. However, further consideration of these impacts is deferred to the “Section 106 consultation process.” This is a federally mandated collaboration process. The City and MPRB are parties to the process. Any resolution of the bridge proposal is likely to occur after the approval of the DEIS and therefore unacceptable. S4 E8

2. Separate from these acknowledgements, Cedar Lake Parkway (CLP) is a part of the Grand Rounds Historic District, which is eligible for the National Register of Historic Properties (NLRP). E8 S4

3. Because of Cedar Lake Parkway’s eligibility for the NRHP and because the SW LRT project has and will receive federal funding, the DEIS identifies Cedar Lake Parkway as a “property” under Section 4(f) of the U.S. E8 S3

Department of Transportation Act of 1966. Section 4(f) is intended to prevent the conversion of historic sites, parks, recreation areas and wildlife and waterfowl refuges to transportation uses, except under certain limited circumstances. For purposes of Section 4(f), the prohibition applies whenever the protected property is directly incorporated into a project or the project is so proximate to a protected property that it results in an impact that causes substantial impairment to the property's use or enjoyment (so-called "constructive use"). Substantial impairment occurs when the protected attributes of the property are substantially diminished. Exceptions to the prohibition arise when there is no feasible and prudent alternative to the use of the property and the action included all possible planning to minimize harm to the property resulting from the use.

E8

S3

4. For an unstated reason(s), the DEIS concludes that the proposed LRT overpass is neither a direct or constructive use of the historic attributes of Cedar Lake Parkway. Therefore, the DEIS finds that there is no Section 4(f) prohibition applicable to the construction of the bridge. The DEIS contains no analysis of the proposed bridge's proximity to park property as an independent basis for finding a constructive use under Section 4(f).

E8

S3

5. Further, the DEIS does not make any assessment of the potential noise impact of elevating the transit way nor the visual intrusion of the elevated transit way to nearby residents or to bike/pedestrian trail users.

E8

O1

E8

N2

6. Finally, the DEIS has no analysis of potential measures to mitigate the visual and noise impact caused by trains traveling across the proposed overpass nor any assessment of the impact of alternatively tunneling the transit way underneath the Parkway. While the MPRB did conduct a preliminary assessment of a trenched LRT underpass, no reference was made to a below grade crossing in the DEIS.

E8

For the above reasons, the "adequacy" of the analysis and conclusions in the DEIS relating to the proposed LRT overpass is highly questionable and subject to challenge.

L4

**SECTION C: Noise/vibration issues:**

1. FTA noise impact criteria are based on land use and existing noise levels. The Federal Transportation Agency (FTA) has three land-use noise categories: Category 1 is for land where quiet is an essential element of its use; Category 2 are residences and buildings where people normally sleep; Category 3 are institutional land uses such as schools, libraries and churches. The parkland to the west of the Kenilworth Corridor is shown as a Category 3 land use in the DEIS. The residential properties to the east and west of the Corridor are shown as Category 2. The Minneapolis Park and Recreation Board (MPRB) has objected to the characterization of its parkland as Category 3, believing instead that it is Category 1.

O1

2. Low ambient noise levels cause the impact threshold to be lower. For example, if the existing noise level is 50 dB, then an increase to 55 dB is a severe impact according to FTA standards. If the existing noise level is 55 dB, then the noise level has to increase to 62 dB before the impact is severe. It does not appear as though any direct measurement of existing noise level was taken within the Kenilworth Corridor. The closest location appears to be Kenilworth Place and Upton Avenue South, which is identified as being “representative of noise-sensitive land use in the Kenwood Neighborhood, away from major thoroughfares.”

O1

3. Within Segment A, the DEIS estimates that there are 73 moderate noise impacts and 183 severe impacts. It states “many of the impacts are due to low existing ambient noise levels combined with proximity of residential neighborhoods to the alignment and high speeds of operation.” Other impacts were associated with the warning signal use at the 21st Street station coupled with low ambient noise levels.

O1

4. The DEIS states that noise levels that result in a severe impact presents a compelling need for mitigation. However, the DEIS does not recommend any specific mitigation measures for the Kenilworth Corridor. In fact, the only specific recommendation in the DEIS calls for the use of Quiet Zones

O1

and this is recommended only for the freight rail relocation segment in St. Louis Park.

5. For measuring vibrations, the FTA screening distances for LRT projects are 450 feet for Category 1 land use, 150 feet for Category 2, and 100 feet for Category 3.

6. The DEIS identifies 247 Category 2 vibration-sensitive land uses in Segment A, which are mostly single-family and multifamily residences. The DEIS assessment predicts that there will be 124 potential vibration impacts from the LRT caused by geological conditions (west of Van White station) and increased train speeds.

O1

7. Potential mitigation measures listed in the DEIS include special trackwork, vehicle specifications, ballast masts and floating slabs. The need for and selection of specific measures is deferred until the completion of a detailed vibration analysis, which “will be conducted during the FEIS in coordination with Preliminary Engineering.”

The general observations above relate to a failure of the DEIS to adequately assess the potential environmental, structural and noise/vibration impacts within the Kenilworth Corridor, particularly given its acknowledged environmental sensitivity, and to identify and recommend mitigation measures. These deficiencies should be studied and corrected in the DEIS and require response. The response should not be that these issues will be addressed during the Preliminary Engineering process as that is AFTER the DEIS is approved and does not sufficiently answer the immediate concerns.

L4

Thank you for your time and consideration.

Sincerely,

Lynn Blumenthal

2615 Burnham Road

Minneapolis, MN 55416

December 31, 2012

Hennepin County  
Hennepin County Housing, Community Works & Transit  
ATTN: Southwest Transitway  
701 Fourth Avenue South  
Suite 400  
Minneapolis, MN 55402

Dear Project Manager:

Please consider the following comments on the Draft Environmental Impact Statement (DEIS) for the proposed Southwest LRT, specifically as it relates to the Kenilworth Corridor

**SECTION A / General Comments & Concerns:**

1. While the DEIS recognizes that “portions of the land between Cedar Lake and Lake of the Isles are very high sensitivity,” the DEIS puts no particular focus on the Kenilworth Corridor.

E10

S4

2. Instead, the environmental assessment is spread more-or-less evenly across the 15 miles of the proposed transit way (the “study area”). An exception is the Freight Rail Relocation Segment, which receives much attention in terms of its potential impact on residents in St. Louis Park. This is not to fault an emphasis on the relocation analysis. It is simply to draw a contrast between the different levels of data gathering and technical analysis.

3. The entire study area is viewed as “dominated by urban land use.” This perspective comes across particularly clearly for the Kenilworth Corridor, in direct contrast with the perspective of the Minneapolis Park and Recreation Board. The MPRB, for example, views the Kenilworth Regional Trail as an area focused on “serenity, habitat restoration, minimal development and passive recreation.” Nor is the urban-land-use perspective consistent with the fact that the DEIS identified fourteen federal or state-listed species and native plants

E2

N1

N8

E10

within one mile of the proposed transit way. Ten of the species and native plants are found in Segment A of the transit way (primarily the Kenilworth Corridor), which is significantly more than is found in any other segment. No adverse environmental impact is noted with respect to any of the ten species. Little-to-no analysis is offered to support this conclusion. E10 N8

4. Few measures are proposed to mitigate the potential adverse environmental impacts of the project, and nearly none that are of a specific nature. For example, the DEIS notes that “the impact of replacing an existing bridge over the channel that connects Cedar Lake and Kenilworth Lagoon could be substantial because of sensitive receptors traveling the lagoon.” However, no mitigation measures are set out in the DEIS. Instead, the bridge design, bank treatment and aesthetics for the new bridge are to be addressed later, *after* the Final Environmental Impact Statement (FEIS) has been approved. E0  
E2

5. The DEIS sees the habitat as typically of low quality, and states that the native habitats are mostly concentrated in areas other than the Kenilworth Corridor. Only 2.5% of Segment A is said to have native habitat, something that strikes me as an understatement. The DEIS does note, however, that increased habitat fragmentation “could be expected from the construction of required safety/security barriers to separate the light rail tracks from adjacent bicycle/pedestrian trails,” which could be mitigated “through the use of wildlife underpasses.” This is one of the few specific mitigation measures proposed in the EIS, and seems to run counter to the determination that there is little to mitigate. N8  
E2,  
E10

6. The DEIS is required to analyze the cumulative impact of reasonably foreseeable future developments. This is also true for the potential indirect effects that may occur in the future. For example, the stated intent of LRT stations is to precipitate development on nearby property. The environmental effects of that future development, when added to the impact of the LRT, may have a significant

environmental impact. However, no analysis of the potential cumulative or indirect effects of the Southwest LRT within the Kenilworth Corridor was conducted. Instead, it is simply stated that those effects could be controlled by existing regulations, primarily those of the City.

N12  
E10

### **SECTION B / Proposed Overpass Bridge**

1. The DEIS acknowledges that the proposed LRT bridge over Cedar Lake Parkway (CLP) “would have a substantial [visual] impact on this historic landscape.” A similar long-term architectural impact is acknowledged. However, further consideration of these impacts is deferred to the “Section 106 consultation process.” This is a federally mandated collaboration process. The City and MPRB are parties to the process. Any resolution of the bridge proposal is likely to occur after the approval of the DEIS and therefore unacceptable.

2. Separate from these acknowledgements, Cedar Lake Parkway (CLP) is a part of the Grand Rounds Historic District, which is eligible for the National Register of Historic Properties (NLRP).

E2

3. Because of Cedar Lake Parkway’s eligibility for the NRHP and because the SW LRT project has and will receive federal funding, the DEIS identifies Cedar Lake Parkway as a “property” under Section 4(f) of the U.S. Department of Transportation Act of 1966. Section 4(f) is intended to prevent the conversion of historic sites, parks, recreation areas and wildlife and waterfowl refuges to transportation uses, except under certain limited circumstances. For purposes of Section 4(f), the prohibition applies whenever the protected property is directly incorporated into a project or the project is so proximate to a protected property that it results in an impact that causes substantial impairment to the property’s use or enjoyment (so-called “constructive use”). Substantial impairment occurs when the protected attributes of the property are substantially diminished. Exceptions to the prohibition arise when there is no feasible and prudent alternative to the use of the property and the action included

S4

all possible planning to minimize harm to the property resulting from the use.

4. For an unstated reason(s), the DEIS concludes that the proposed LRT overpass is neither a direct or constructive use of the historic attributes of Cedar Lake Parkway. Therefore, the DEIS finds that there is no Section 4(f) prohibition applicable to the construction of the bridge. The DEIS contains no analysis of the proposed bridge's proximity to park property as an independent basis for finding a constructive use under Section 4(f).

E8 S4

5. Further, the DEIS does not make any assessment of the potential noise impact of elevating the transit way nor the visual intrusion of the elevated transit way to nearby residents or to bike/pedestrian trail users.

E4 O1  
E4 N2

6. Finally, the DEIS has no analysis of potential measures to mitigate the visual and noise impact caused by trains traveling across the proposed overpass nor any assessment of the impact of alternatively tunneling the transit way underneath the Parkway. While the MPRB did conduct a preliminary assessment of a trenched LRT underpass, no reference was made to a below grade crossing in the DEIS.

E4

For the above reasons, the "adequacy" of the analysis and conclusions in the DEIS relating to the proposed LRT overpass is highly questionable and subject to challenge.

L4

**SECTION C: Noise/vibration issues:**

1. FTA noise impact criteria are based on land use and existing noise levels. The Federal Transportation Agency (FTA) has three land-use noise categories: Category 1 is for land where quiet is an essential element of its use; Category 2 are residences and buildings where people normally sleep; Category 3 are institutional land uses such as

O1

schools, libraries and churches. The parkland to the west of the Kenilworth Corridor is shown as a Category 3 land use in the DEIS. The residential properties to the east and west of the Corridor are shown as Category 2. The Minneapolis Park and Recreation Board (MPRB) has objected to the characterization of its parkland as Category 3, believing instead that it is Category 1.

2. Low ambient noise levels cause the impact threshold to be lower. For example, if the existing noise level is 50 dB, then an increase to 55 dB is a severe impact according to FTA standards. If the existing noise level is 55 dB, then the noise level has to increase to 62 dB before the impact is severe. It does not appear as though any direct measurement of existing noise level was taken within the Kenilworth Corridor. The closest location appears to be Kenilworth Place and Upton Avenue South, which is identified as being “representative of noise-sensitive land use in the Kenwood Neighborhood, away from major thoroughfares.”

3. Within Segment A, the DEIS estimates that there are 73 moderate noise impacts and 183 severe impacts. It states “many of the impacts are due to low existing ambient noise levels combined with proximity of residential neighborhoods to the alignment and high speeds of operation.” Other impacts were associated with the warning signal use at the 21st Street station coupled with low ambient noise levels.

4. The DEIS states that noise levels that result in a severe impact presents a compelling need for mitigation. However, the DEIS does not recommend any specific mitigation measures for the Kenilworth Corridor. In fact, the only specific recommendation in the DEIS calls for the use of Quiet Zones and this is recommended only for the freight rail relocation segment in St. Louis Park.

5. For measuring vibrations, the FTA screening distances for LRT projects are 450 feet for Category 1 land use, 150 feet for Category 2, and 100 feet for Category 3.

01

6. The DEIS identifies 247 Category 2 vibration-sensitive land uses in Segment A, which are mostly single-family and multifamily residences. The DEIS assessment predicts that there will be 124 potential vibration impacts from the LRT caused by geological conditions (west of Van White station) and increased train speeds.

O1

7. Potential mitigation measures listed in the DEIS include special trackwork, vehicle specifications, ballast masts and floating slabs. The need for and selection of specific measures is deferred until the completion of a detailed vibration analysis, which “will be conducted during the FEIS in coordination with Preliminary Engineering.”

The general observations above relate to a failure of the DEIS to adequately assess the potential environmental, structural and noise/vibration impacts within the Kenilworth Corridor, particularly given its acknowledged environmental sensitivity, and to identify and recommend mitigation measures. These deficiencies should be studied and corrected in the DEIS and require response. The response should not be that these issues will be addressed during the Preliminary Engineering process as that is AFTER the DEIS is approved and does not sufficiently answer the immediate concerns.

L4

Thank you for your time and consideration.

Sincerely,

Lynn Blumenthal  
2615 Burnham Road  
Minneapolis, MN 55416



David Lilly  
 <dlilly@danburygroup.com>  
 12/31/2012 03:03 PM

To swcorridor@co.hennepin.mn.us  
 cc  
 bcc  
 Subject Southwest Light Rail Corridor Draft EIS.

Southwest Transitway Project Office

Please include and address the following comments and concerns about the DEIS for the proposed LRT corridor along the Kenilworth Trail. At the outset it seems unbelievably shortsighted to potentially wreck one of the most beautiful and unique urban parks in this country. A park that is used and enjoyed by hundreds of thousands of people each year. No amount of mitigation, other than tunneling along the entire length of the Kenilworth Corridor (defined as that section beginning in the south at Cedar Lake Parkway and ending in the north when it reaches Dunwoody Boulevard) will adequately preserve and protect this iconic urban environment. The following concerns are presented in no particular order.

E2

1. **Pedestrian Environment.** Many users of the current Kenilworth Corridor bike and pedestrian trail access the trail from its west side where Washburn Avenue South ends. This is an important and frequently used access point for both pedestrians and bicyclists. Construction of an LRT line with fencing running along both sides of the track will eliminate this access and thereby significantly reduce access to this important parkland trail enjoyed by hundreds if not thousands of bikers, joggers, walkers and dog walkers each day.

E7 P9

2. **Park Access.** Similarly, no provision is made for access to the parkland woods to the west of the proposed LRT line between Burnham Road on the South and the Cedar Lake trail on the North. There are numerous paths entering the woods along this portion of the park that would be shut off to walkers seeking to enjoy the tranquility of an urban woodland. Such a closure would dramatically effect the use pattern of the park.

N1

E2

3. **Migratory Birds.** We have noted that the Kenilworth Trail and in particular the woods to the west of the trail and the channel between Lake of the Isles and Cedar lake plays host every spring to scores of migratory birds and waterfowl. Inadequate provision has been made in the DEIS for mitigation or elimination of the impact on migratory species by an active LRT line.

E10

N8

4. **Nesting Habitat.** The channel between Lake of the Isles and Cedar lake has in the past few years served as a nesting habitat for wood ducks and other varieties of waterfowl. The DEIS does not adequately address the impact of an LRT line on waterfowl habitat.

E10

N8

5. **Wild Animal Behavior.** Over the years we have observed numerous deer, fox, raccoon, woodchuck and coyote that have crossed over the existing Kenilworth Trail from the west into the park to the east bordering the channel between Lake of the Isles and Cedar Lake. An LRT line of the type proposed will disrupt if not curtail natural wildlife movement.

6. **Visual.** The sensitive and almost pastoral quality of the Kenilworth Trail will be completely eliminated by the constant passage of brightly colored LRT cars often with gaudy advertisements that will clash and be discordant with the aesthetics and experience of one of the great urban parks in North America.

E4

N2

7. **Noise.** A particular concern is the use of whistles and bells by LRT trains at grade crossings and on approach to station stops. Mitigation of this type of noise is essential if it is not to destroy the quiet and exclusively residential neighborhood along the corridor. Similarly, train

E4

O1,  
O7

speed must be kept at a minimum to reduce to the noise generated by wheels turning on tracks, the displacement of air by the train and electric motors running at higher rpm's. Also of concern are the sounds associated with braking and acceleration. E4

8. **Grade Crossing Gates.** A significant component of noise along the existing Hiawatha corridor which is applicable to the proposed Southwest Corridor is the sounding of bells as a grade crossing gate is lowered as a train approaches. Again, this type of noise is inconsistent with the park and residential setting. Inadequate study or alternatives have been considered. E4 O1,  
O7

9. **Vibration.** Adequate provision must be made to eliminate vibration as trains pass through residential neighborhoods. Vibratory impacts vary with subsurface soil conditions and, accordingly, no single solution will be adequate in terms of mitigation. E4 O5,  
O6

10. **Bridge Over Cedar Lake Parkway.** There is no question that a bridge of the size and height proposed is completely inconsistent with the character of the Park and will be completely out of scale in comparison to other nearby structures. If a bridge is used to cross this parkway, the visual impact of creating the necessary grade changes has not been adequately described. E8 N2

Will the rail bed be raised using fill along both the northern and southern approaches or will progressively taller pilings supporting an ever rising concrete deck be utilized? The only way to adequately mitigate is to tunnel under Cedar Lake Parkway. E4

11. **Bridge Across Channel Connecting Lake of the Isles to Cedar Lake.** The diminutive and historic bridge that is there now is proposed to be replaced by a much larger and aesthetically inappropriate structure. The only feasible mitigation is to tunnel under the channel in order to maintain the character of this portion of the Kenilworth Trail. E2

12. **Surface Parking Lot at 21st Street Station.** Inadequate provision has been made for the additional automobile traffic that will pass through a quiet residential neighborhood. Creating surface parking will destroy a prairie like parcel of land that represents an important element of the neighborhood and will provide screening of a station. There has been inadequate provision or assessment of traffic and parking patterns created by an LRT line. P10  
E10

13. **Assessment of Ridership.** The ridership assumptions of the current proposed LRT path completely fail to properly account for increased ridership which would occur should a different routing be selected. A capital investment of this magnitude should serve more Minneapolis residents than the proposed alignment will. It is nice to bring suburbanites into our great city but it should not be done by diminishing the desirable urban aesthetics that makes Minneapolis such a remarkable place. If Minneapolis is to bear the burden of a *suburbancentric* LRT, it should be routed through more densely populated areas and at a minimum should enhance the commercial development already in place. The increased capital cost of running the line through Uptown and then into downtown Minneapolis where it would serve a lively commercial center and a diverse population would be offset by increased ridership and enhanced economic vitality. E10 P2  
T4  
M3  
G1

Sincerely,  
David M. Lilly, Jr.  
Diane P. Lilly  
2800 Kenilworth Place  
Minneapolis, MN 55405  
612 280-2755  
[dlilly@danburygroup.com](mailto:dlilly@danburygroup.com)



Laura Knutsen  
<lauraknutsen@gmail.com>  
12/31/2012 03:06 PM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>  
cc  
bcc  
Subject Fwd: Kenilworth Corridor

Sent from my iPhone

Begin forwarded message:

**From:** Peder Knutsen <pknutsen88@gmail.com>  
**Date:** December 31, 2012, 1:58:20 PM MST  
**To:** [lauraknutsen@gmail.com](mailto:lauraknutsen@gmail.com)  
**Subject:** Kenilworth Corridor

My name is Laura Knutsen, and I live in close proximity to the proposed light rail thoroughfare.

I have reviewed the environmental impact statement, and I have many concerns about the noise and frequency of the trains so close to our homes.

O1

I have three boys who frequently cross the tracks to go the Cedar Lake Beach, and I worry about all the foot traffic that crosses at Cedar Lake Parkway.

R2

P9

I also am very concerned about the trains crossing the Kenilworth Lagoon. The noise and visual clutter will take a wooded and pristine waterway and ruin it forever.

O1

E4

N2

The only option that makes sense to me is to tunnel the corridor. This is the only way I would support the project.

E0

Thanks for your consideration.

Laura Knutsen  
2728 Dean Parkway  
Minneapolis, MN. 55416

Sent from my iPhone



"Lisa Gulbranson"  
 <lrgulbranson@comcast.net>  
 12/31/2012 03:18 PM

To <swcorridor@co.hennepin.mn.us>  
 cc  
 bcc  
 Subject Safety Concerns Regarding the Freight Rail Re-Route for SW LRT

To Whom It May Concern:

I am writing in response to the Southwest Light Rail Transit (SWLRT) – Draft Environmental Impact Statement (DEIS) published in regard the SWLRT which includes the proposed freight rail re-route in St. Louis Park, Minnesota.

The current SWLRT-DEIS has significant flaws and the planned re-route idea either needs to be dropped completely or a great deal more study must be done. As this action is proposed and described in Chapter 1, Section 1.3.2.3 as rebuilding a little known, lightly used spur line into a main freight rail line, which will initially allow 788% increase of rail car traffic. What the SWLRT-DEIS does not address, but should, are the real world impacts of this action on the affected area. C

Besides my general concerns about the SWLRT-DEIS, the portion of the report dealing with freight rail noise and safety at the High School (Chapters 3, 4, and 9) causes me the greatest concern. The unique noise and safety issues associated with locating main line freight within 35 feet of the High School parking lot and 75 feet from the building are not adequately discussed. When the High School is mentioned the information is dismissive. At no point in the SWLRT –DEIS are the negative impacts the extra freight trains will have on the learning environment and safety of the students at St. Louis Park High School. Before the proposed re-route should even be considered the cost of sufficiently mitigating the impact to St. Louis Park High School need to be evaluated.

Examples of concerns include but are not limited to the following:

- A plan for emergency evacuation of the school should evacuation be necessary when a train is passing
  - How will the many classrooms affected by train noise be sound proofed
  - How will the students who want to use the new rail bridge to cross Hwy. 7 on their way to school be kept off the bridge.
  - How will the added vibration of longer, heavier and more frequent trains be mitigated to the investment the school makes in technology is not lost.
  - How will the safety hazards of blind crossings, curves and hundreds of teenagers in close proximity be eliminated
  - How will a derailment be prevented so our children's lives are not at risk
- C

None of the mitigation requested by the City of St. Louis Park or the St. Louis Park School Board on behalf of her residents is being considered. This mitigation is not frivolous; it is necessary to maintain the safety, livability and property values for the residents of St. Louis Park.

Signed,

Lisa Gulbranson  
 2852 Brunswick Ave S  
 Saint Louis Park, MN 55416  
 952-270-4104  
 lrgulbranson@comcast.net



"jahp2691@yahoo.com"  
<jahp2691@yahoo.com>

12/31/2012 03:25 PM

Please respond to  
"jahp2691@yahoo.com"  
<jahp2691@yahoo.com>

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>

cc

bcc

Subject Jeffrey Peltola comments on SW Transitway DEIS

Attached please find my comments on the SWLRT DEIS.

Jeffrey Peltola

December 31, 2012

\* Via e-mail to [swcorridor@co.hennepin.mn.us](mailto:swcorridor@co.hennepin.mn.us) \*

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

Re: Southwest Transitway DEIS Comments (West Lake Station and Vicinity)

To Whom It May Concern:

I am Jeffrey Peltola and live approximately one block south of the proposed West Lake station (3131 Excelsior Blvd #913, Minneapolis, MN 55416).

I have been active in my community on transportation issues over the past three years, including extensive participation in the 2010 Minneapolis Station Area Strategic Planning project. Since January 2011 I have mentored five University of Minnesota civil engineering student teams that have analyzed transportation problems around the intersection of Lake St & Excelsior Blvd and explored potential solutions, doing so with considerable community engagement. The final reports and presentations are posted at [www.pwpg.org/lake-st-excelsior-blvd/](http://www.pwpg.org/lake-st-excelsior-blvd/). The fall 2012 projects had the benefit of being informed by the Minneapolis Park & Recreation Board's (MPRB) design charrette for South Isles/North Calhoun, and the walkability workshop organized by Hennepin County staff, both of which occurred in October 2012 (I participated in both).

I testified at the Eden Prairie public hearing on November 29, 2012, and attach those remarks, which are more overarching and philosophical in nature. The comments in this letter focus on the results of the above-mentioned body of work, and implications for the forthcoming preliminary engineering and transitional station area action planning for the West Lake station. In fact, many improvements can and should be implemented well in advance of LRT opening day, even as soon as 2013.

Issues/Problems

**Vehicle Traffic:**

Existing traffic delays on the major thoroughfares, Lake St (CSAH 25) and Excelsior Blvd (CSAH 3), are frequent and severe. This was well-documented in the spring 2011 study, which is often cited in neighborhood groups' and others' comments on the SWLRT DEIS. That study made several short-term and long-term recommendations that were followed up on in subsequent work.

E10

P4

**Pedestrian and Bicycle Environment Unpleasant/Unsafe:**

The fact that the existing pedestrian/bicycle environment is unpleasant and at times unsafe was thoroughly documented in the spring 2011 study and the October 2012 walkability workshop.

E7

P9

**Lack of North-South Connectivity:**

Due to history and geography, the area is dominated by the east-west orientation of the two major roadways (among the highest in volume in Hennepin County) and the old railway lines (now bikeways, to be joined by rail transit). To improve both traffic flow and the pedestrian/bicycle environment, more north-south links within the area are needed. This will be especially important for placemaking in the immediate vicinity of the station itself.

E7

P9

**Parking (On- and Off-Street) in High Demand:**

Existing parking challenges are also well known in the area. Off-street parking is in high demand, and commercial property owners report the need to tow cars from off-street surface lots. There is concern that the forthcoming LRT station might make the problem worse. The prevailing view in the community is that more parking is needed (the sooner the better), but that there should not be a “park-and-ride” lot or ramp at the West Lake station. The full range of parking options (and combinations thereof) need to be evaluated and openly discussed, including (but not limited to) paid district parking with validation, meters on nearby streets, residential permit parking on surrounding neighborhood streets, as well as additional structured parking. The latter was explored in a fall 2012 student project by evaluating what would be entailed with such a facility at a sample site – existing surface lot space owned by the MPRB on the south side of Excelsior Blvd, shared with the Lake Calhoun Center office building.

E10

P10

Specific Items Needing Preliminary Engineering and Station Planning Attention

**Intersection of Excelsior Blvd and 32<sup>nd</sup> St:**

A thorough evaluation of alternatives to improve this intersection is needed. This is especially true in light of recent fatal crashes. An ever-increasing number of turning movements, most notably left-turns by eastbound traffic (particularly come LRT opening day) will need to be handled by this intersection. To do so safely and efficiently, modifications will almost certainly be needed. An in-depth assessment of the appropriateness and feasibility of a modern roundabout at this location will be essential.

E10

P4

P9 E7

**Pedestrian Access to and Movement within Station Site and Immediate Vicinity:**

This topic is integral to placemaking, in general, which will be critical to the success of the West Lake Station and station area. Improvements in this regard need to be addressed in preliminary engineering and station planning, but implementation should not wait until LRT opening day. The two existing auto-oriented malls pose challenges to making improvements to the pedestrian environment. The advent of a light-rail transit station presents an enormous opportunity. It is now possible to envision and create “two fronts” for this commercial district – the existing auto-oriented one facing high-volume roadways, and a new transit- and pedestrian-oriented one facing the station. The additional spur of land owned by Hennepin County to the south of the station site significantly increases the placemaking potential. It is critical that this parcel be used for a higher purpose (not, for example, a park-and-ride, even “temporarily”).

I2

In City of Minneapolis DEIS comments, it was mentioned that the situation at the W. Lake St bridge is similar to that at 35W & 46<sup>th</sup> St and the Central Corridor West Bank stations. That statement is incorrect. For the West Lake station, the setting is fundamentally different. The transit station platform(s) for West Lake will be at the same elevation as both ends of the Lake St bridge (on a four corners). Thus it is unnecessary to widen the Lake St bridge to allow for bus stops with stairs and elevators. That actually would be an inferior design, not only in terms of added capital and operation & maintenance costs; the crest of that bridge would be a very unpleasant place to disembark, wait for, and board buses. It is exposed to the elements and looks out over a sea of flat commercial rooftops. It will be far preferable to circulate buses off of Lake St to stops at the same elevation as – and as close as reasonably possible to – the station platform(s). This arrangement would reinforce (rather than detract from) other placemaking measures.

I2

From the north and south sides of the east and west ends of the Lake St bridge, pedestrians should be directed via pathways to an inviting, comfortable, safe and pleasant place surrounding the station site. Creating these pathways should be done sooner rather than later (several years in advance of LRT opening day). Other re-grading and site prep work, informed by preliminary engineering and transitional station area action planning, should also be done as soon as possible. This should include removing the

I2

fence (or significant portions of it) in the area under the Lake St bridge. There already is substantial use of “cow paths” in this area, demonstrating a clear need that should not wait several years to be met.

Additional north-south street and sidewalk connectivity should also be put in place years before LRT opening day, informed by LRT station engineering and planning. A fall 2012 student project explored various options. All should be given thorough consideration in the 2013 PE and TSAAP work. The most important concept for placemaking in the vicinity of the future station is a new city street to connect Abbott Ave S. to Market Plaza passing under the Lake St bridge along the rail authority property boundary (see attached figure). The student project demonstrated sufficient space is available. Such a street could be narrow, without parking, and have a low speed limit (e.g., 15 m.p.h.), and have a sidewalk. It would help enliven the area, provide alternatives for north-south traffic and pedestrian movements, and reduce pressure on the major thoroughfares. It also might have the effect of enhancing the potential for pedestrian- and transit-oriented development to create the additional “front” mentioned previously. This connector street would also provide additional means for circulating buses and vehicles into and out of the station site once LRT is operational.

I2

E7 P9

**Traffic Flow Improvements on Lake St and Excelsior Blvd:**

Improvements to Lake St and Excelsior Blvd have been a major focus for the five civil engineering student projects, the MPRB charrette, and the County walkability workshop. It has been mentioned several times (as pointed out in neighborhood groups’ and others’ comments) that Hennepin County has no plans to make major capital investments on either County Road in the foreseeable future. Nonetheless, there are well-documented problems that need to be addressed, particularly in light of the forthcoming LRT station.

E7

J1

The student projects examined an array of potential solutions from smaller and inexpensive operational changes to larger more expensive physical infrastructure reconfigurations. The more extensive modifications are discussed here; ones that can and should be implemented quickly are discussed below.

The spring 2011 project – in addition to small-scale items – explored a variety of ideas and recommended that two options be evaluated further, which was done in the fall 2011 projects. The attached figure shows what a pedestrian-bike bridge might look like, crossing Lake St just east of the W. Calhoun/Dean Parkway intersection. (Another possibility at this location, as suggested during the MPRB charrette, would be to have the Parkway (street and pathways) cross a bridge over Lake St.) The other possibility examined in fall 2011 is eliminating the unusual Lake St & Excelsior Blvd ‘Y’-intersection all together, by creating an underpass/bridge (see attached figure). Both of these capital improvement concepts were shown to be technically and economically feasible.

A lower cost change at the W. Calhoun/Dean Parkway & Lake St intersection was shown at the MPRB charrette. It involves eliminating left-hand turns, and would entail directing such traffic to make a right-turn before reaching the intersection, and to then make the left-turn onto the Parkway either to the north or the south of the intersection. This concept was evaluated in both fall 2012 student projects. Traffic modeling showed that the idea has merit. Another concept shown in the MPRB charrette was to swing W. Calhoun Parkway further to the west from Lake Calhoun immediately south of the Lake Calhoun Center office building. The fall 2012 student work also examined a conceptual structured parking facility at the site of the existing surface lot co-owned by the building and MPRB. The concepts were shown to be compatible with each other (see attached figure). Whether or not a parking structure (alone or with other development) is constructed, a new city street to connect Market Plaza on the south side of Excelsior Blvd, curving to the south of the surface lot, and connecting with W. Calhoun Parkway should be thoroughly considered, especially if eliminating left-turns at the Lake St intersection is pursued. (The fall 2012 student work shows further alterations that would be beneficial to do in tandem.)

J1

E10

Another operational change for the triangular area composed of Market Plaza, Lake St and Excelsior Blvd was studied in fall 2012. The “loop” concept, which would require some geometric adjustments, was shown to improve traffic flow through the area (see attached figure). It certainly has its pros and cons, but something along these lines might be worthy of further exploration if capital funds cannot be allocated to making improvements in this area. The MPRB in its DEIS comments calls for a comprehensive traffic circulation study to be performed for the West Lake Station area (as do other commenters). Such a study would not have to start from scratch, and could build on the five student projects. In addition, the City of Minneapolis has done recent, up-to-date, traffic counts and will be rolling out new traffic signal control systems in 2013, which can also benefit from the student work and can be informed by station area planning.

J1

**Several Improvements to Put in Place in 2013:**

The MPRB charrette, the County walkability workshop, and the student projects, together, suggest several small improvements that can be teed up quickly and implemented in 2013 (in coordination with station area planning). Done collectively they can have a significant, positive impact for all users, at relatively low cost.

1.) Eliminate left-turns from northbound Market Plaza into the Calhoun Commons (Whole Foods) lot (opposite fire station). Eliminate left-turns out of that driveway. Install signage just east of Market Plaza instructing westbound Excelsior Blvd drivers to proceed past Market Plaza to enter Calhoun Commons. Immediately to the west, add a left-turn yield-on-green to the stoplight at the entrance to Calhoun Commons from eastbound Excelsior Blvd.

2.) Fill in the curb cut at the northeast corner of the Lake Calhoun Center parking lot, just east of the stoplight at Lake St & Excelsior Blvd, to prevent dangerous bypasses. In this same vicinity, fill in cuts in Excelsior Blvd median to eliminate left-hand crossing turns into the Lake Calhoun Center lot or the gas station. Eliminate the pedestrian crossing at Lake St and Excelsior Blvd. The existing crossing at this unusual, high volume intersection is poorly marked, dangerous, and periodically unnecessarily impedes traffic flow severely. There are nearby alternatives at Market Plaza and W. Calhoun/Dean Parkway that should be improved with enhanced pavement markings, signage, call buttons and countdown timers.

J1

I appreciate the opportunity to comment on the Southwest Transitway (Light Rail Transit) Draft Environmental Impact Statement.

Sincerely,



Jeffrey Peltola  
3131 Excelsior Blvd #913  
Minneapolis, MN 55416

Attachments:

- November 29, 2012, Eden Prairie Public Hearing Testimony by Jeffrey Peltola
- Figure 1: North-south connector street under Lake St bridge
- Figure 2: Conceptual rendering of Y-intersection elimination with underpass/bridge
- Figure 3: Schematic of eliminating left-turns at Lake St & W. Calhoun/Dean Pkwy
- Figure 4: Schematic of “loop” concept for re-arranging traffic patterns

I'm Jeffrey Peltola, 3131 Excelsior Blvd #913, Minneapolis, MN 55416.

Most of my remarks tonight will focus on issues related to the proposed West Lake Station and surrounding area.

A guiding philosophy for the entire Green Line Extension project -- both station planning and preliminary engineering -- should be that transit stations are intended to be ACTUAL PLACES, not merely nodes between modes of transportation.

I2

Ridership – the number of LRT passengers – isn't the only indicator of success. The number of PEDESTRIAN TRIPS done in and around the station areas is even more important. They don't pay fares unless they board trains, but they're an integral part of the economic return we're seeking on this type of capital investment. Some of the biggest mistakes and missed opportunities with transit projects have stemmed from losing sight of this. (Think Fairfax County vs. Arlington County, Virginia, if you're familiar with that part of the Washington, DC, area Metro system.)

E7

P8

E10

Around West Lake, I think it's fair to say there's a broad consensus when it comes to the issue of parking: More Parking -- YES (the sooner the better), but Park & Ride (adjacent the station) -- NO.

P10

There's also a broad consensus that right now there are serious traffic problems, and the bike and pedestrian environment is unpleasant and unsafe.

E7

P4

Near the end of 2010, at the conclusion of the previous Minneapolis station area planning project, a number of us didn't like some of the things in the final document. We got together and submitted about a half dozen comments. While doing so, it was obvious we didn't want to wait several years for LRT to see transportation improvements in our community. Even before Southwest became an Obama Administration "We Can't Wait" project, we were resolved TO GET ON WITH IT.

This led to a U of MN civil engineering student capstone project in Spring 2011, two more Fall 2011, and two more this Fall 2012. So far, five projects, 19 students, and lots of community engagement throughout. (In fact, the projects this fall had the special benefit of community input generated by the Mpls Park Board charrette and the Walkability Workshop Cmsr Dorfman helped organize.) Flowing out of this effort, I'm in the process of founding a new nonprofit called Public Works for Public Good. Check out [pwpg.org](http://pwpg.org). All the project material is posted there on the "Lake St & Excelsior Blvd" page.

L1

The pace of work on this large LRT project -- and especially complex West Lake station area -- will accelerate greatly in the coming months. It's essential that the various governmental entities -- their leaders, staff and consultants -- collaborate effectively, in a manner that's transparent to the public. I, along with many others, look forward to being constructive partners.

Figure 1

# Concept 3: Looking South



Modified from Bing Maps

## Concept 3: Road Split Underneath Lake Street Bridge

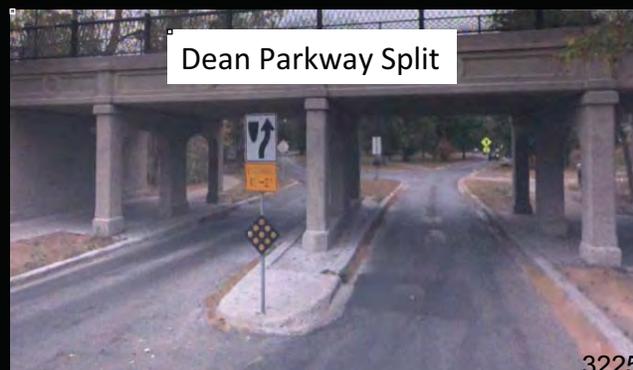


Figure 2

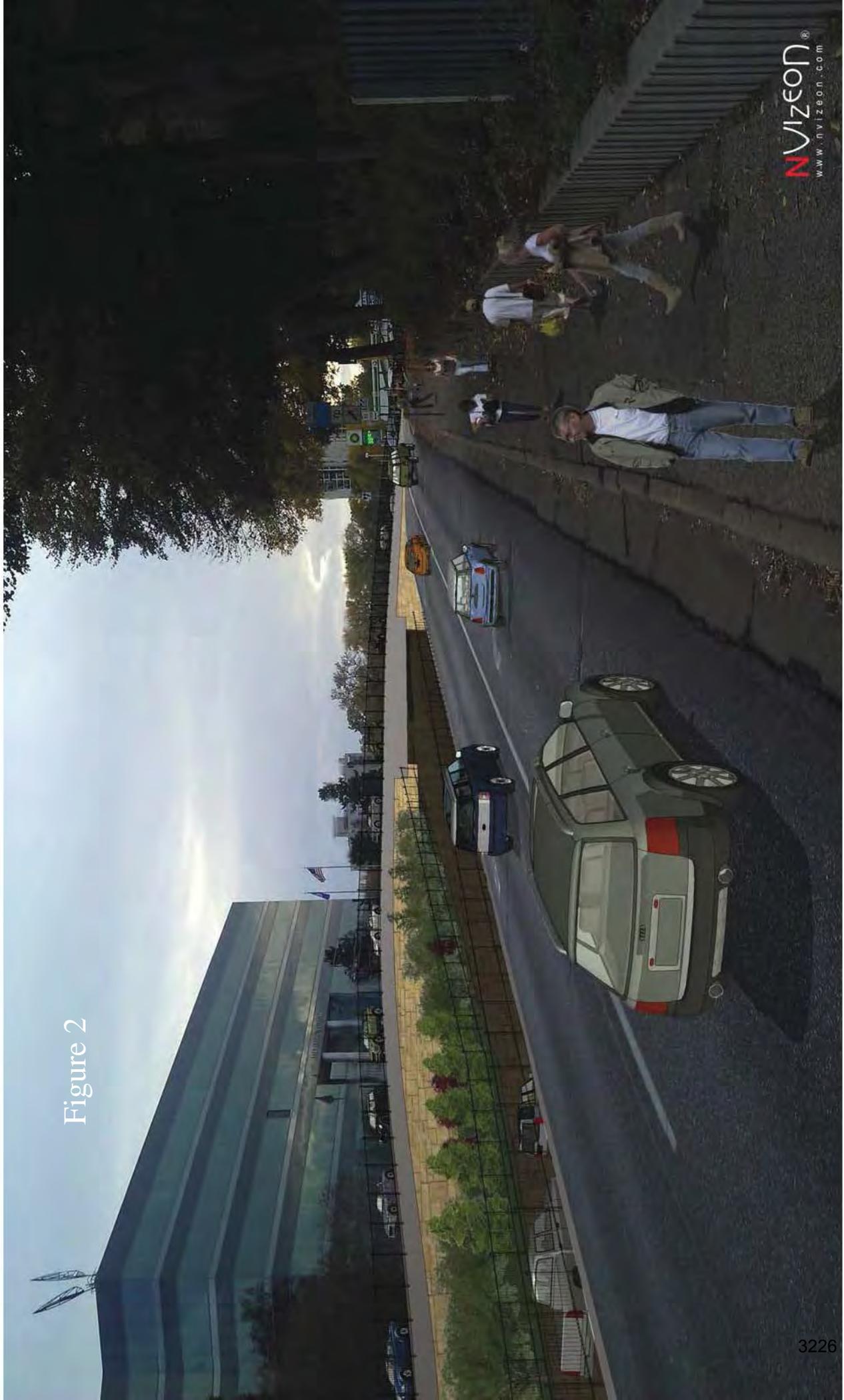


Figure 3

# Realignment: Looking West

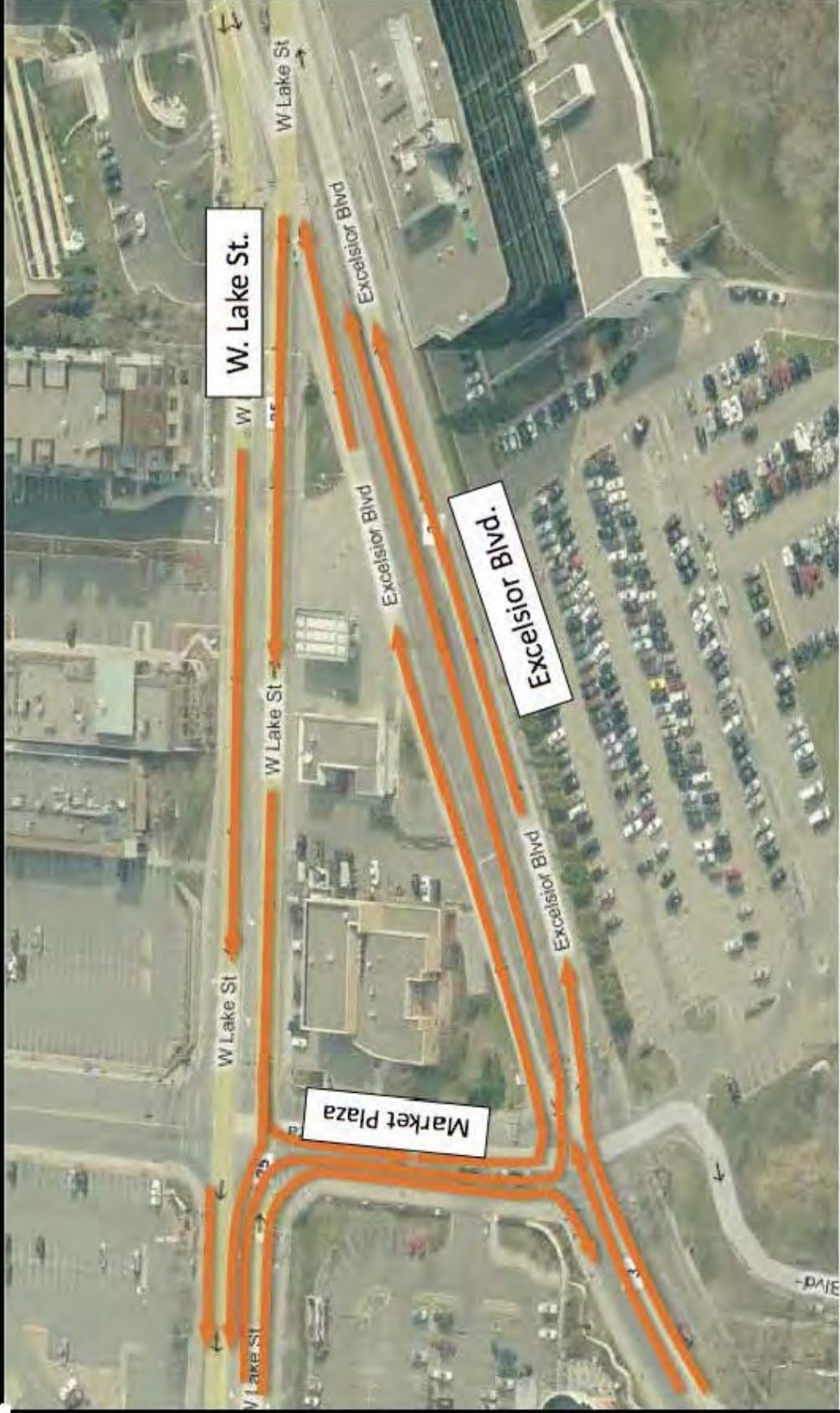


Modified from Bing Maps

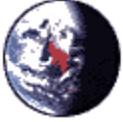


Figure 4

# Reconfiguration of 3 Streets into Loop



Modified from Bing Maps



kikiqck@comcast.net  
12/31/2012 03:35 PM

To swcorridor@co.hennepin.mn.us  
cc  
bcc  
Subject Karin Quick Comments on SW Transitway DEIS

To Whom It May Concern:

I live near the proposed West Lake Station, and appreciate the opportunity to comment on the Southwest Transitway (Light Rail Transit) Draft Environmental Impact Statement.

I have two major concerns:

E10

**1. Use of land owned by Hennepin County adjacent to West Lake station site.**

Previous planning work has suggested that maybe this parcel should be used for parking by LRT users. That would be a horrible mistake, as such strategically located, valuable land should be used for a much higher purpose. A major priority for new transit capital investments is to better link housing and jobs. Improving transit as well as increasing the supply of affordable housing are also high priorities for Hennepin County. It stands to reason that Hennepin County, where it owns substantial property near a station, should lead the way in creating affordable, life-cycle and supportive housing.

M1

**2. Quality of transit service for Minneapolis residents.**

Preliminary engineering and construction of SWLRT (Green Line extension) should provide for the flexibility of starting/ending train runs at one or more midway points along the corridor. It would be unfair for Minneapolis residents to contend with boarding packed trains far more frequently than suburban residents. The flexibility to also provide for some express/limited-stop service should also be preserved (which would benefit suburban passengers).

E10

I appreciate your thoughtful consideration of my comments.

Sincerely,

Karin Quick  
3131 Excelsior Blvd #913  
Minneapolis, MN 55416



"David M. Lilly, Jr."  
 <dlilly@danburygroup.com>  
 12/31/2012 03:36 PM

To "swcorridor@c  
 <swcorridor@d  
 cc  
 bcc

See Comment #672 for  
 Theme Delineations

Subject Fwd: Southwest Light Rail Corridor Draft EIS.

Please accept the following as an amendment to our earlier comments re the Southwest Light Rail Corridor Draft EIS:

In the paragraph numbered "1", we refer to current access patterns to the existing Kenilworth trail from its west side from the end of Washburn Avenue South. We should have noted that there are far more people (by a factor of at least 100) that enter the trail from the opposite easterly side using the footpath that begins at the corner of Kenilworth Place and Upton Avenue South.

Sincerely,

Diane Lilly

David M. Lilly, Jr.

[dlilly@danburygroup.com](mailto:dlilly@danburygroup.com)

Begin forwarded message:

**From:** David Lilly <[dlilly@danburygroup.com](mailto:dlilly@danburygroup.com)>

**Subject:** Southwest Light Rail Corridor Draft EIS.

**Date:** December 31, 2012 3:03:05 PM CST

**To:** [swcorridor@co.hennepin.mn.us](mailto:swcorridor@co.hennepin.mn.us)

Southwest Transitway Project Office

Please include and address the following comments and concerns about the DEIS for the proposed LRT corridor along the Kenilworth Trail. At the outset it seems unbelievably shortsighted to potentially wreck one of the most beautiful and unique urban parks in this country. A park that is used and enjoyed by hundreds of thousands of people each year. No amount of mitigation, other than tunneling along the entire length of the Kenilworth Corridor (defined as that section beginning in the south at Cedar Lake Parkway and ending in the north when it reaches Dunwoody Boulevard) will adequately preserve and protect this iconic urban environment. The following concerns are presented in no particular order.

1. **Pedestrian Environment.** Many users of the current Kenilworth Corridor bike and pedestrian trail access the trail from its west side where Washburn Avenue South ends. This is an important and frequently used access point for both pedestrians and bicyclists. Construction of an LRT line with fencing running along both sides of the track will eliminate this access and thereby significantly reduce access to this important parkland trail enjoyed by hundreds if not thousands of bikers, joggers, walkers and dog walkers each day.

2. **Park Access.** Similarly, no provision is made for access to the parkland woods to the west of the proposed LRT line between Burnham Road on the South and the Cedar Lake

trail on the North. There are numerous paths entering the woods along this portion of the park that would be shut off to walkers seeking to enjoy the tranquility of an urban woodland. Such a closure would dramatically effect the use pattern of the park.

3. **Migratory Birds.** We have noted that the Kenilworth Trail and in particular the woods to the west of the trail and the channel between Lake of the Isles and Cedar lake plays host every spring to scores of migratory birds and waterfowl. Inadequate provision has been made in the DEIS for mitigation or elimination of the impact on migratory species by an active LRT line.

4. **Nesting Habitat.** The channel between Lake of the Isles and Cedar lake has in the past few years served as a nesting habitat for wood ducks and other varieties of waterfowl. The DEIS does not adequately address the impact of an LRT line on waterfowl habitat.

5. **Wild Animal Behavior.** Over the years we have observed numerous deer, fox, raccoon, woodchuck and coyote that have crossed over the existing Kenilworth Trail from the west into the park to the east bordering the channel between Lake of the Isles and Cedar Lake. An LRT line of the type proposed will disrupt if not curtail natural wildlife movement.

6. **Visual.** The sensitive and almost pastoral quality of the Kenilworth Trail will be completely eliminated by the constant passage of brightly colored LRT cars often with gaudy advertisements that will clash and be discordant with the aesthetics and experience of one of the great urban parks in North America.

7. **Noise.** A particular concern is the use of whistles and bells by LRT trains at grade crossings and on approach to station stops. Mitigation of this type of noise is essential if it is not to destroy the quiet and exclusively residential neighborhood along the corridor. Similarly, train speed must be kept at a minimum to reduce to the noise generated by wheels turning on tracks, the displacement of air by the train and electric motors running at higher rpm's. Also of concern are the sounds associated with braking and acceleration.

8. **Grade Crossing Gates.** A significant component of noise along the existing Hiawatha corridor which is applicable to the proposed Southwest Corridor is the sounding of bells as a grade crossing gate is lowered as a train approaches. Again, this type of noise is inconsistent with the park and residential setting. Inadequate study or alternatives have been considered.

9. **Vibration.** Adequate provision must be made to eliminate vibration as trains pass through residential neighborhoods. Vibratory impacts vary with subsurface soil conditions and, accordingly, no single solution will be adequate in terms of mitigation.

10. **Bridge Over Cedar Lake Parkway.** There is no question that a bridge of the size and height proposed is completely inconsistent with the character of the Park and will be completely out of scale in comparison to other nearby structures. If a bridge is used to cross this parkway, the visual impact of creating the necessary grade changes has not been adequately described. Will the rail bed be raised using fill along both the northern and southern approaches or will progressively taller pilings supporting an ever rising concrete deck be utilized? The only way to adequately mitigate is to tunnel under Cedar Lake Parkway.

11. **Bridge Across Channel Connecting Lake of the Isles to Cedar Lake.** The

diminutive and historic bridge that is there now is proposed to be replaced by a much larger and aesthetically inappropriate structure. The only feasible mitigation is to tunnel under the channel in order to maintain the character of this portion of the Kenilworth Trail.

12. **Surface Parking Lot at 21st Street Station.** Inadequate provision has been made for the additional automobile traffic that will pass through a quiet residential neighborhood. Creating surface parking will destroy a prairie like parcel of land that represents an important element of the neighborhood and will provide screening of a station. There has been inadequate provision or assessment of traffic and parking patterns created by an LRT line.

13. **Assessment of Ridership.** The ridership assumptions of the current proposed LRT path completely fail to properly account for increased ridership which would occur should a different routing be selected. A capital investment of this magnitude should serve more Minneapolis residents than the proposed alignment will. It is nice to bring suburbanites into our great city but it should not be done by diminishing the desirable urban aesthetics that makes Minneapolis such a remarkable place. If Minneapolis is to bear the burden of a *suburbancentric* LRT, it should be routed through more densely populated areas and at a minimum should enhance the commercial development already in place. The increased capital cost of running the line through Uptown and then into downtown Minneapolis where it would serve a lively commercial center and a diverse population would be offset by increased ridership and enhanced economic vitality.

Sincerely,

David M. Lilly, Jr.

Diane P. Lilly

2800 Kenilworth Place

Minneapolis, MN 55405

612 280-2755

[dlilly@danburygroup.com](mailto:dlilly@danburygroup.com)



Kyla Wahlstrom  
<wahl001@umn.edu>  
12/31/2012 03:41 PM

To swcorridor@co.hennepin.mn.us  
cc  
bcc  
Subject Input: on the DEIS-Southwest Transitway Project

Dear Project Review Committee members:

We have lived at 2500 Sheridan Ave. S., opposite the Burnham Bridge, for 36 years. We are very concerned about the placement of the LRT line in the Kenilworth Corridor. The only situation worse than that would be to have it co-located with the existing freight rail lines. Except for the few daily 10-minute interludes of the passing freight trains, the Kenilworth Corridor is a place of breathtaking silence. We cannot imagine the noise impacts on that pristine area, full of wildlife and unexpected beauty, in the heart of the city. There is not one neighborhood in the city of Minneapolis more desirable than Kenwood. The value on our home has increased by 10-fold in 36 years, due to the location and the beauty so close at hand. There is no question in our mind that our property values will decrease somewhat with the location of a light rail line within 100 yards of our house.

D  
E0 O1  
E4  
E2 M2

We fully support the concept of light rail, and when it has been most effective, it allows neighborhoods to remain vibrant because the local residents in an LRT neighborhood have easy, convenient transportation that is needed by them. Having a light rail train run through our neighborhood merely because it is open land or most cost effective, and not because you need to actively engage the local residents to improve the livability of that neighborhood, is incredibly foolish. What is to be gained for our neighborhood to have 260 trains per day running through it? Nothing, really, as the "accessibility" argument for our neighborhood does not hold water.

M3

Having a station area constructed at 21st Street also reveals a lack of thorough investigation. When the Burnham Bridge was re-built some years ago, there was a re-affirmation of the concern for increased traffic in the neighborhood when it was discussed to change the bridge back to being a two-way bridge. Solid thinking prevailed at that time, as it did when the chain of lakes was planned for one-way use, except for Lake Calhoun. Getting to the 21st Street Station will be horribly inconvenient and take anyone out of their way, as they seek to go downtown or to go west. I know this because on a summer day, when I am working in the yard, at least 10-20 cars per day will stop and ask me how to get to the Hidden Beach area of Cedar Lake--they easily get lost or turned around in our neighborhood, where no street is a straight, through-street.

I2

The existing tracks next to the mid-town greenway are exactly located where local residents need and could use light rail service. Instead of relocating 60 homes and destroying existing parkland along the Kenilworth Corridor, why not use existing land that is not parkland? The use of land along Highway 100 from Highway 7 to 394, and then turning east to follow the south frontage road on 394 to the Penn Ave. LRT station would be another alternative, and would take far fewer homes and no parkland. Also, that plan would serve the area of the WestEnd Shops as well.

I2

In sum, solutions other than using the Kenilworth Corridor or, even worse, co-locating the LRT

with the current freight train line, must exist. Please be thoughtful in your decision. The price we will all pay in the long run will certainly reveal how forward-thinking (or not) the decision-makers really were--with no recompense except regret if they fail to do this right.

E0

D

Sincerely yours,  
Kyla and Richard Wahlstrom  
2500 Sheridan Ave. S.  
Minneapolis, MN 55405



Dixie Imholte  
 <dlang99627@aol.com>  
 12/31/2012 03:44 PM

To swcorridor@co.hennepin.mn.us  
 cc jmolby@earthlink.net, DLang99627@aol.com  
 bcc  
 Subject Comment with KIAA on Draft LRT Environmental Impact Statement

FROM: Ralph and Dixie Imholte  
 2502 W. 21<sup>st</sup> Street, Minneapolis, MN 55405  
 612-377-4180

**Comment with KIAA on Draft LRT Environmental Impact Statement**

We own a home on 21<sup>st</sup> Street and Sheridan Ave. As “sensitive receptors” we strongly disagree with the following:

**Page 3-117**

Four at-grade center-track platforms are proposed for each station in the segment. No sensitive receptors, with the exception of the aforementioned trail users, are located adjacent to the station sites; therefore no additional visual impacts are anticipated.

I have paced off the number of steps from our property line to the existing railroad tracks. It is approximately 100 hundred yards. It is NOT the exception that trail users will only experience impact. We are seriously concerned about the noise that will be generated by an at-grade crossing at 21<sup>st</sup> Street in that any outdoor ambience around our home will surely be severely impacted. Trail users are traveling and will come and go thereby creating a temporary impact (a short term and less pleasurable experience within this stretch of the trail). The homes very near any proposed station (such as ours) will be impacted 24 hours a day.

This part of the neighborhood is very busy in the summertime with use of the beautiful nature area to the West of this intersection. Many individuals and families with small children park in the immediate neighborhood and walk across the existing tracks in order to enjoy the beach on Cedar Lake. An at-grade track will present a challenging safety risk to all those traveling to the beach.

Given the amount of money allocated for the design of the Penn Ave. station we strongly recommend that the 21<sup>st</sup> Street crossing design include below grade track. This would also provide a safer pedestrian access to the Cedar Lake Beach and Park area.

Dixie and Ralph Imholte

O1,  
 O5,  
 O6

E4

I2



Steven Inman  
<SVINMAN@comcast.net>  
12/31/2012 03:46 PM

To swcorridor@co.hennepin.mn.us  
cc  
bcc  
Subject Southwest Transitway DEIS Comments

To Whom it May Concern:

We are writing with respect to the proposed Southwest Transitway LRT. In response to the draft environmental impact statement (DEIS), we would like to raise the following issues:

- Co-location of the light rail and freight rail lines through the Kenilworth corridor. We share the City of Minneapolis's concerns with respect to co-location of light and freight rail through the Kenilworth corridor. While we generally support the locally-preferred alternative outlined in the DEIS, we will oppose any efforts to co-locate both types of rail through the Kenilworth corridor. In addition to joining all of the concerns raised by the city in its submitted comments, we would also like to note the degree to which co-location will unduly burden the residents near/along the Kenilworth corridor. Specifically, we anticipate that both the construction and operation of freight and light rail will result in permanent noise, vibration, traffic, and park access issues that will not be easily mitigated, and will make crossing the corridor very difficult and dangerous. For those reasons, we strongly oppose co-location of freight and light rail through the Kenilworth corridor, and are willing to pursue all available means of preventing such an approach from being used.
- Parking. Other than our objection to any co-location of light rail and freight rail, our primary concern regarding the 21st Street station is the parking issue. As station "neighbors," we are concerned about the degree to which the station will make worse an already problematic street parking situation. Currently, the neighborhood already experiences significant parking problems during the summer months, as patrons of Cedar Lake's East Beach routinely fill all available street parking within 3-4 blocks of the proposed 21st Street station. These streets are narrow, residential in nature, and are already heavily used, leading to parking and other related difficulties for neighborhood residents. Our concern is that the light rail stop in the same location will exacerbate a situation where neighborhood residents often find it difficult to park on the streets near their homes, and where non-neighborhood residents congest the narrow, residential streets. While the city opposes any "park and ride" type structures from being used at stations within city limits, we would not be opposed to the existence of a small park and ride or other limited off-street parking option--provided it is accompanied with some manner of aggressively-enforced street parking restrictions. In fact, it is our hope that regardless of whether a park and ride lot is constructed, reasonable neighborhood street parking restrictions will be implemented to mitigate the inevitable parking issues that will result from the 21st Street station's existence.
- Noise and vibration mitigation. While we understand that some rail noise and vibration is an inevitable byproduct of living near rail lines and/or rail stations, we request that all reasonable noise and vibration pollution mitigation measures (e.g., light rail vehicle speed restrictions; use of floating

D  
O1,  
O5,  
O6,  
O12

P10  
D

E10

I2

P10

O1,  
O5,  
O6,  
O9

platform slabs or equivalent station noise mitigating technologies; limits on type/volume of bells, horns, whistles, etc., used; use of natural sound barriers such pine trees or other landscaping) be implemented.

- Proposed bridge over Cedar Lake Road/Trail.

Our final concern is with respect to the proposed rail bridge over Cedar Lake Parkway/Trail. While we agree that an at-grade crossing may not be appropriate for the location, we are concerned about the degree to which a large, overhead structure will disrupt the character of the location and/or access to Cedar Lake and the Kenilworth Trail. If a tunnel or other approach is not feasible, we request that the bridge or other structure be designed to limit any possible negative impact on nearby residents.

Thank you for the the opportunity to comment on the DEIS, and for your consideration.

Regards,

Dr. and Mrs. Steven and Michelle Inman  
2014 Sheridan Avenue South  
Minneapolis, Minnesota 55405  
612.377.1296

O1,  
O5,  
O6,  
O9

E10



"Heinle, DJ"  
<DJHeinle@cmarch.com>

12/31/2012 03:58 PM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>

cc

bcc

Subject: Minneapolis Corridor Coalition DEIS Comments

Attn Stakeholders of SWLRT DEIS,

The Minneapolis Corridor Coalition has prepared and adopted these comments for your use.

Thanks,

DJ Heinle, AIA  
Director



architecture • planning • interior design

219 North 2<sup>nd</sup> Street, Suite 301  
Minneapolis, MN 55401-1454

**d** 612.547.1334

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[www.cmarch.com](http://www.cmarch.com)



## Minneapolis SW LRT Corridor Coalition

December 27, 2012

RE: Southwest Transitway Draft Environmental Impact Statement

Dear Project Manager:

The Minneapolis SW LRT Corridor Coalition was formed from the following Minneapolis neighborhoods and citizen organizations to support each other in addressing their needs regarding the design of the light rail line and stations.

The Minneapolis Corridor neighborhoods are:

North Loop  
Harrison  
Bryn Mawr  
Kenwood  
Cedar-Isles-Dean  
West Calhoun  
Lowry Hills

The Corridor citizen organizations are:

Cedar Lake Park Association (CLPA)  
Bassett Creek Valley Redevelopment Oversight Committee (ROC)

In 2010 the coalition was formed for the common mission:

- Coordinate designs where possible to ensure appropriate expressions of the city's multifaceted character.
- Preserve the park like setting of the corridor, enhance access to the parks along the corridor, and assure the Kenilworth Trail's unobstructed connections to both the Cedar Lake Regional Trail and the Midtown Greenway.
- Advocate for needed mitigation to minimize the negative impacts of the light rail running through the corridor.
- Speak as one voice, when appropriate, to decision makers about the needs and desires of the corridor community.

The coalition has prepared the following comments to help shape the desired outcomes for the project as it impacts the City of Minneapolis, its residents, and neighborhoods.

1. The coalition supports light rail and its benefits to the community. A
2. The coalition supports further commercial and residential development in appropriate places along the corridor and at station areas. M1 D
3. The coalition does not support the co-location alternative.
4. The coalition supports a grade-separated intersection of the Cedar Lake Regional Trail and the SW LRT, and endorses the confluence design proposal created by the Cedar Lake Park Association. E8

5. Stations and rails shall be designed to minimize noise and vibration impact to neighboring residents, parks, trails, and recreation areas. Mitigation must be carefully considered and design elements included which limit noise. O10
6. The coalition advocates reverse commuting as a mean to attain social justice for the north side community by using the transitway to reach jobs and opportunities in the suburban areas connected by the corridor. E4
7. The project should provide enhanced safety at areas that impact pedestrians, trailways, bicycle routes, and other means of crossing traffic. M5
8. The coalition is opposed to locating an Operations and Maintenance facility within Minneapolis. R2 E9
9. All five Minneapolis stations should be funded within the corridor to serve the needs of the city, its residents and workers. H1
10. The coalition does not support park and ride facilities in urban station areas. I2 M1
11. The project should provide infrastructure for connecting transit service which allows for direct access for residents by walking, biking, or busing. Stations should be designed to allow for people of all demographics to utilize this transitway including accessibility, vertical transportation, and visual cues. I1  
I2

Thank you for this opportunity to provide comments on the DEIS. We look forward to participating in the design of stations and specific corridor issues as the project moves forward.

Sincerely,

DJ Heinle  
Minneapolis SW LRT Corridor Coalition, steering committee



"Carper, Lynne L"  
<ICARPER1@Fairview.org>

12/31/2012 04:11 PM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>

cc

bcc

Subject SWDEIS comments

Please see attachments

I. Lynne Carper (111)  
Transportation Supervisor  
Security/Protection Services  
M 125  
University of Minnesota Medical Center, Fairview  
2450 Riverside Ave.  
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Comments on SWDEIS  
From  
Irving Lynne Carper  
St. Louis Park resident  
4010 Highwood Road  
St. Louis Park, MN 55416  
952-928-9846  
icarper1@fairview.org

I find the SWDEIS deficient in its analysis of safety factors in section 3.7 Safety and Security.

There is no or certainly not sufficient analysis of safety risks of relocation of freight rail traffic from the Kenilworth corridor (co-location) to the relocated MN&S route through St. Louis Park.

The re-location proposal will move freight trains with tank cars that contain hazardous chemicals from a relative flat track with gradual curves and excellent sight lines to a re-engineered road bed with steep grades much sharper curves and limited sight lines.

C

Currently there are only 2 train passages each week day on the MN&S route (1 train going north and then returning) with a usual consist of 15 – 20 cars. The Kenilworth route has 8 – 12 passages each day (4-6 going to Mpls and then returning) with a usual consist of between 40 - 120 cars. These may be mixed consists or unit trains of tank cars hauling ethanol and other chemicals. I personally counted 67 tank cars in a unit train on these tracks this fall. During the PMT in St. Louis Park the TC&W stated that they have no control over contents or cars provided by shippers.

My point of the concern with contents and tank cars is the there was no mention of risks associated with moving such cargo past a school unnecessarily when safer options are available (co-location in the Kenilworth corridor).

C

There is mention of derailments and chemical spills in St. Louis Park in 3.7.2.1, but they are confined to experience in St. Louis Park and Hennepin County, which ignores what is happening in other parts of the country. (This is like ignoring school shootings because they haven't happened here). Examples of actual derailments and Chemical spills will be discussed below.

1. Tank Car risks:
  1. Tank car flaw - web reference

<http://www.kcrg.com/news/local/Common-Type-of-Rail-Car-has-Dangerous-Design-Flaw--169474166.html>



CHICAGO (AP) — For two decades, one of the most commonly used type of rail tanker has been allowed to haul hazardous liquids from coast to coast even though transportation officials were aware of a dangerous design flaw that almost guarantees the car will tear open in an accident, potentially spilling cargo that could catch fire, explode, or contaminate the environment.

The rail and chemical industries have committed to a safer design for new tankers but are pressing regulators not to require modifications to tens of thousands of existing cars, despite a spike in the number of accidents as more tankers are put into service to accommodate soaring demand for ethanol, the highly flammable corn-based fuel usually transported by rail.

Derailments have triggered chemical spills and massive blasts like one in July in Columbus, Ohio, that blew up with such intensity that one witness said it "looked like the sun exploded." Some communities with busy railways are beginning to regard the tankers as a serious threat to public safety.

"There's a law of averages that gives me great concern," said Jim Arie, fire chief in Barrington, a wealthy Chicago suburb where ethanol tankers snake through a bustling downtown. "Sometimes I don't sleep well at night."

He's not the only one. The town's mayor is trying to build a national coalition to push for safety reforms.

The tanker, known as the DOT-111, is a workhorse of the American rail fleet, with a soda-can shape that makes it one of the most easily recognizable cars on freight routes.

The tanker itself is not suspected of causing derailments, but its steel shell is too thin to resist puncture in accidents. The ends are especially vulnerable to tears from couplers that can rip off between cars. Unloading valves and other exposed fittings on the tops of tankers can also break during rollovers.

The flaws were noted as far back as a 1991 safety study.

An Associated Press analysis of 20 years' worth of federal rail accident data found that ethanol tankers have been breached in at least 40 serious accidents since 2000. In the previous decade, there were just two breaches.

The number of severe crashes is small considering the total mileage covered by the many tankers in service. But the accident reports show at least two people have been killed by balls of flame, with dozens more hurt. And the risk of greater losses looms large.

The rail and chemical industries and tanker manufacturers have acknowledged the design flaws and voluntarily committed to safety changes for cars built after October 2011 to transport ethanol and crude oil. The improvements include thicker tank shells and shields on the ends of tanks to prevent punctures.

But under their proposal to regulators, the 30,000 to 45,000 existing ethanol tankers would remain

unchanged, including many cars that have only recently begun their decades-long service lives.

The National Transportation Safety Board asked in March for the higher standards to be applied to all tankers, meaning existing cars would have to be retrofitted or phased out.

The industry's proposal "ignores the safety risks posed by the current fleet," the NTSB said, adding that those cars "can almost always be expected to breach in derailments that involve pileups or multiple car-to-car impacts."

The federal Pipeline and Hazardous Materials Safety Administration, part of the U.S. Department of Transportation, is considering both arguments, but the regulatory process is slow and could take several years, experts said.

Industry representatives say a retrofit isn't feasible because of engineering challenges and costs. They insist the threat of serious accidents is overstated.

"How many millions of miles have the 111 cars run without problems?" said Lawrence Bierlein, an attorney for the Association of Hazmat Shippers Inc. "It's more likely you're going to be hit by lightning."

But worries about the tankers' weaknesses persist, especially since the volume of dangerous cargo on American rails is only expected to grow.

Ethanol production has soared from 900 million gallons in 1990 to nearly 14 billion gallons last year. Seeking to lessen America's dependence on foreign oil, federal mandates will quadruple the amount of ethanol and other renewable fuel that's blended into the nation's gasoline and diesel by 2022.

Nearly all of it moves by rail. In 2010, that meant 325,000 carloads of ethanol, according to the Association of American Railroads. Ethanol is now the highest-volume hazardous material shipped by rail. In 2000, it wasn't even in the top 10.

"That may account for the increasing frequency of accidents involving the DOT-111s and the current attention that's being drawn to them," said Paul Stancil, a senior hazardous materials accident investigator with the NTSB.

Since 2005, ethanol has increasingly been shipped in higher densities using "virtual pipelines" — trains in which every car carries the same product. The NTSB says that practice increases the potential severity of accidents like one in 2009 in the northern Illinois city of Rockford.

On the way home from her nursing job, Chris Carter stopped at a rail crossing near Rockford as a Canadian National freight train barreled past carrying more than 2 million gallons of ethanol to Chicago.

Unknown to the train's two crew members and the small number of waiting motorists, a section of track had washed out in a rainstorm earlier that evening.

"I notice to my right side there's sparks like fireworks, like a sparkler," Carter said. "So that catches my eye. In my head I'm going, 'Oh my God, this is going to derail.' I could feel it, I could tell."

The train began to come apart, its cars bouncing and colliding like toys thrown by a child. One exploded as it tumbled through the air.

"I stood there just frozen, watching these unbelievable explosions," Carter recalled. "The concussion from the energy just blew your hair back."

More than 20 miles away, Carter's husband, and son saw the fire from their farmhouse. It looked to them like a sunrise.

As Carter and the others ran, an older woman who injured her knee couldn't move. She cast a tiny silhouette against an enormous wall of flame. A man ran back and rescued her.

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The cost of retrofitting existing tankers is estimated conservatively at \$1 billion and would be shouldered mostly by the ethanol-makers who own and lease the cars. The rail industry points to its improving safety record, but that's little comfort to communities like Barrington, said Village President Karen Darch.

"There's a risk every day of affecting lots of people in one incident," Darch said, "lots of property, but obviously most importantly, lots of people's lives."

## 2. Tank car derailment

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This occurred in an area very similar to the tracks that will be used for increased train traffic that are adjacent to St. Louis Park high school and within 3 blocks of Peter Hobart Elementary.

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Further documentation may be found by using by using Google "NS derailment Columbus" to see extensive information.

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Police identified the two women killed as ... seated on the bridge about 20 feet over Main Street with their backs to the tracks when the CSX train's open-air coal cars began to pass a few feet behind them. Their bodies were found still seated on the bridge, police said.

The emergency brakes engaged automatically as the result of a rupture in a pressurized air brake line somewhere along the train, Southworth said. He could not say whether the emergency braking, the rupture, or some other problem caused the derailment

Benjamin Noppenberger said "All you could see was (21) train cars tumbled every which way and coal everywhere. [Train] cars were on the road and parking lot, and everything in the lot (parked cars) was crushed." Police had to dig out and search the cars for occupants.



Most of the 21 derailed cars (53' in length ea.) dumped their entire 110-ton load in the accident. They left the tracks and rolled down an embankment, crushing everything below.

Video may be seen at WSJ TV, articles are in the Huffington Post and at the Baltimore Sun. Please follow up by using Google "CSX derailment" to see extensive information.

#### 4. Toxic Chemical train derails into creek by Camden NJ 11/30/2012

Four of the cars involved in the crash were carrying the chemical -- a highly toxic and flammable substance called vinyl chloride -- which leaked from at least one tank car into Mantua Creek, New Jersey emergency and environmental officials said. A total of seven rail cars derailed.

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Nearby schools placed students on lockdown, and authorities ordered evacuations in a very limited area around the accident.

The Gloucester County Times says 18 people are reported to be having difficulty breathing.

It's not clear what caused the derailment.

Conclusion:

The risk analysis is deficient if not biased.

There is a much safer alternative. Co-location

Risk must become a factor in the analysis. Decision makers must be fully informed of dangers to our children as they will have to live with a decision that can go terribly wrong.

Comments:

Would we allow a flammable fuels pipeline to be routed next to a school?

Would we allow a fuel transport loading facility across the street from our schools, even if it were legally zoned?

Would anyone be comfortable with their children being at risk for the above?



This must be revisited. Our children's lives cannot be exchanged for dollar savings.

If this freight rail did not exist, co-location would be the only option and would be done regardless.

Lynne Carper

Comments on SWDEIS  
From  
Irving Lynne Carper  
St. Louis Park resident  
4010 Highwood Road  
St. Louis Park, MN 55416  
952-928-9846  
icarper1@fairview.org

I find the SWDEIS deficient in its analysis of safety factors in section 3.7 Safety and Security.

There is no or certainly not sufficient analysis of safety risks of relocation of freight rail traffic from the Kenilworth corridor (co-location) to the relocated MN&S route through St. Louis Park.

C

The re-location proposal will move freight trains with tank cars that contain hazardous chemicals from a relative flat track with gradual curves and excellent sight lines to a re-engineered road bed with steep grades much sharper curves and limited sight lines.

Currently there are only 2 train passages each week day on the MN&S route (1 train going north and then returning) with a usual consist of 15 – 20 cars. The Kenilworth route has 8 – 12 passages each day (4-6 going to Mpls and then returning) with a usual consist of between 40 - 120 cars. These may be mixed consists or unit trains of tank cars hauling ethanol and other chemicals. I personally counted 67 tank cars in a unit train on these tracks this fall. During the PMT in St. Louis Park the TC&W stated that they have no control over contents or cars provided by shippers.

My point of the concern with contents and tank cars is the there was no mention of risks associated with moving such cargo past a school unnecessarily when safer options are available (co-location in the Kenilworth corridor).

C

There is mention of derailments and chemical spills in St. Louis Park in 3.7.2.1, but they are confined to experience in St. Louis Park and Hennepin County, which ignores what is happening in other parts of the country. (This is like ignoring school shootings because they haven't happened here). Examples of actual derailments and Chemical spills will be discussed below.

1. Tank Car risks:
  1. Tank car flaw - web reference

<http://www.kcrg.com/news/local/Common-Type-of-Rail-Car-has-Dangerous-Design-Flaw--169474166.html>



CHICAGO (AP) — For two decades, one of the most commonly used type of rail tanker has been allowed to haul hazardous liquids from coast to coast even though transportation officials were aware of a dangerous design flaw that almost guarantees the car will tear open in an accident, potentially spilling cargo that could catch fire, explode, or contaminate the environment.

The rail and chemical industries have committed to a safer design for new tankers but are pressing regulators not to require modifications to tens of thousands of existing cars, despite a spike in the number of accidents as more tankers are put into service to accommodate soaring demand for ethanol, the highly flammable corn-based fuel usually transported by rail.

Derailments have triggered chemical spills and massive blasts like one in July in Columbus, Ohio, that blew up with such intensity that one witness said it "looked like the sun exploded." Some communities with busy railways are beginning to regard the tankers as a serious threat to public safety.

"There's a law of averages that gives me great concern," said Jim Arie, fire chief in Barrington, a wealthy Chicago suburb where ethanol tankers snake through a bustling downtown. "Sometimes I don't sleep well at night."

He's not the only one. The town's mayor is trying to build a national coalition to push for safety reforms.

The tanker, known as the DOT-111, is a workhorse of the American rail fleet, with a soda-can shape that makes it one of the most easily recognizable cars on freight routes.

The tanker itself is not suspected of causing derailments, but its steel shell is too thin to resist puncture in accidents. The ends are especially vulnerable to tears from couplers that can rip off between cars. Unloading valves and other exposed fittings on the tops of tankers can also break during rollovers.

The flaws were noted as far back as a 1991 safety study.

An Associated Press analysis of 20 years' worth of federal rail accident data found that ethanol tankers have been breached in at least 40 serious accidents since 2000. In the previous decade, there were just two breaches.

The number of severe crashes is small considering the total mileage covered by the many tankers in service. But the accident reports show at least two people have been killed by balls of flame, with dozens more hurt. And the risk of greater losses looms large.

The rail and chemical industries and tanker manufacturers have acknowledged the design flaws and voluntarily committed to safety changes for cars built after October 2011 to transport ethanol and crude oil. The improvements include thicker tank shells and shields on the ends of tanks to prevent punctures.

But under their proposal to regulators, the 30,000 to 45,000 existing ethanol tankers would remain

unchanged, including many cars that have only recently begun their decades-long service lives.

The National Transportation Safety Board asked in March for the higher standards to be applied to all tankers, meaning existing cars would have to be retrofitted or phased out.

The industry's proposal "ignores the safety risks posed by the current fleet," the NTSB said, adding that those cars "can almost always be expected to breach in derailments that involve pileups or multiple car-to-car impacts."

The federal Pipeline and Hazardous Materials Safety Administration, part of the U.S. Department of Transportation, is considering both arguments, but the regulatory process is slow and could take several years, experts said.

Industry representatives say a retrofit isn't feasible because of engineering challenges and costs. They insist the threat of serious accidents is overstated.

"How many millions of miles have the 111 cars run without problems?" said Lawrence Bierlein, an attorney for the Association of Hazmat Shippers Inc. "It's more likely you're going to be hit by lightning."

But worries about the tankers' weaknesses persist, especially since the volume of dangerous cargo on American rails is only expected to grow.

Ethanol production has soared from 900 million gallons in 1990 to nearly 14 billion gallons last year. Seeking to lessen America's dependence on foreign oil, federal mandates will quadruple the amount of ethanol and other renewable fuel that's blended into the nation's gasoline and diesel by 2022.

Nearly all of it moves by rail. In 2010, that meant 325,000 carloads of ethanol, according to the Association of American Railroads. Ethanol is now the highest-volume hazardous material shipped by rail. In 2000, it wasn't even in the top 10.

"That may account for the increasing frequency of accidents involving the DOT-111s and the current attention that's being drawn to them," said Paul Stancil, a senior hazardous materials accident investigator with the NTSB.

Since 2005, ethanol has increasingly been shipped in higher densities using "virtual pipelines" — trains in which every car carries the same product. The NTSB says that practice increases the potential severity of accidents like one in 2009 in the northern Illinois city of Rockford.

On the way home from her nursing job, Chris Carter stopped at a rail crossing near Rockford as a Canadian National freight train barreled past carrying more than 2 million gallons of ethanol to Chicago.

Unknown to the train's two crew members and the small number of waiting motorists, a section of track had washed out in a rainstorm earlier that evening.

"I notice to my right side there's sparks like fireworks, like a sparkler," Carter said. "So that catches my eye. In my head I'm going, 'Oh my God, this is going to derail.' I could feel it, I could tell."

The train began to come apart, its cars bouncing and colliding like toys thrown by a child. One exploded as it tumbled through the air.

"I stood there just frozen, watching these unbelievable explosions," Carter recalled. "The concussion from the energy just blew your hair back."

More than 20 miles away, Carter's husband, and son saw the fire from their farmhouse. It looked to them like a sunrise.

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Lynne Carper

C



Chad Hayenga  
<cchayenga@gmail.com>

12/31/2012 04:15 PM

To swcorridor@co.hennepin.mn.us

cc

bcc

Subject SW Corridor Comment

Attached you will find my comments that I gave at the St. Louis Park City Hall where 3 county commissioners attended.

I have also pasted it in this email, if you prefer to have it that way.

I received my property tax notice in the mail today. It says that the value of my home has increased in the last year by 3.2% and, because the value of my home has increased, so will my property taxes. I pay my taxes and appreciate a number of the services Hennepin County provides. Most commissioners would probably agree that spending taxpayer's money wisely is of paramount importance. Would you agree? It is my understanding that you could save the taxpayers of Hennepin County around \$120 million by co-locating LRT and the freight trains right where they are, but by re-locating them it will cost about \$120 million. From a dollars and cents perspective, this just doesn't add up.

That being said, I've not complained to my elected officials (not much anyway) when dollars have been spent in ways that I deemed foolish. So for me the financial issue is secondary to some degree. However, the thought of

- [redacted] running a 1 to 1 ½ mile freight train through our community on the MN&S line, is like jamming miles worth of railcars into, what is essentially, a back road or a side street.

- [redacted] while carrying whatever hazardous materials the RR company desires to place on the train cars,



- [redacted] while blocking multiple crossings simultaneously,

- [redacted] with engines running at full throttle to get up the hill,

- [redacted] with tracks well above grade – many residents look up at the RR tracks

- [redacted] with 1300 students and many more staff at the HS – is at best thoughtless and at worst, ruthless

I have two daughters at the HS and another in elementary school. If the powers that be decide re-routing the freight rail on the MN & S is the best option – which would be mind boggling to me – I expect, as I'm sure you would if you were in my shoes, that hundreds of millions of dollars would be spent to assure the safety of SLP HS students and staff as well as the residents that live along the MN & S. The tracks should not be above grade for such a massive train,



especially a train that is within 50 feet of the HS and less than that of dozens of houses. If you are going to move the freight on the MN & S, then create a railway corridor that is at least the width of the Kenilworth corridor and is at grade or below grade to improve the safety of the citizens that live along the line.

C

My wife and I had no intention of staying in SLP for the 15 years we have been here. We thought we would move after our kids got bigger and we would need more space in our small walkout rambler. However, SLP provided a number of incentives for us to stay: first, the Spanish Immersion program, second, Move up in the park – allowing us to put an addition on our house and third, the commitment to upgrade the quality of life through the many parks and trails throughout the city. The city of SLP has been named multiple times to the list of 100 best cities in which to live in the US. Our HS has consistently been in the top 3 HS in the state of MN. There is a reason for that. SLP does what it needs to do to put their citizens first and holds safety and livability as the highest priority. I am hopeful that you will hear my plea and the pleas of my neighbors and take the safety issues seriously while also putting \$120 million to good use where it is needed most.

C

Thank you.

Chad Hayenga  
2700 Brunswick Ave S  
St. Louis Park, MN 55416

952.513.7088



**marged@aol.com**  
12/31/2012 04:24 PM

To swcorridor@co.hennepin.mn.us,  
jwischmack@eminnetonka.com,  
tschneider@eminnetonka.com, gbarone@eminnetonka.com,  
cc  
bcc  
Subject Comments on LRT

Enclosed is the same letter I sent previously but I have added more homeowners who are concerned with the project. Thank you for listening. Margaret Edstrom

Southwest Transitway Project

Comments on the Environmental Impact Statement

The residents of Minnetonka, living in the Beachside community, on Pompano Drive are responding to the Environmental Impact Statement on the Southwest LRT and are expressing our concerns on the impact to our neighborhood, our homes and our investment in our homes from the proposed crossing of the LRT line at the intersection of the Smetana and Feltl Roads. Our homes are extremely close to the proposed crossing and we have concerns about the noise that will emanate from that crossing as well as the ecological impact on the surrounding area.

O6

The LRT at the above intersection of Smetana and Feltl Roads at grade level will cause interruptions in an already busy traffic flow and will create noise from train alarms, sounding every 7.5 minutes during the day and also frequently at night. We will hear the train alarms from our homes when the windows are open and when we are on our decks. Constant noise from the trains will also frighten the wildlife in the wetland area that is adjacent to the proposed crossing and that separates our homes from the proposed crossing. We purchased our homes for many reasons, including the quiet, the woods, and the wildlife that surrounds us.

J3

N8

N8

We are also concerned about the rerouting of Feltl Road and the most likely need to cut down the trees near the crossing, which currently provides us with a sound buffer to the traffic on Smetana, Feltl and Opus in general. If the LRT must go through our neighborhood we would like to see the trees and wetland preserved to maintain our ambiance, our silence and our enjoyment of the wildlife, which are some of the reasons we purchased our homes.

N8

As homeowners we would appreciate you allowing us input on all aspects of the LRT project as it pertains to our neighborhood and investment. We are especially concerned with the rerouting of Feltl Road and the preservation of our wooded wetland and wildlife. Please keep us informed and we welcome your inquiries about our opinions on the development of the project at the intersection of Smetana and Feltl Roads.

L1

Signed by the following residents:

Margaret Edstrom, 5447 Pompano Drive, Minnetonka, MN 55343, [margeds@aol.com](mailto:margeds@aol.com), 952-934-1854 (contact person)

Barbara Faegre, 5429 Pompano

Chris Torberg, 5443 Pompano

Sally Shaw, 5402 Pompano

Andrew and Lois Peacock, 5445 Pompano

Janet Rasmussen, 5453 Pompano

Linda Hagmeier, 5451 Pompano

Victoria Dunn, 5457 Pompano

Joanne Strate, 5417 Pompano

Marian Wolf, 5409 Pompano

David Wolf, 5409 Pompano

Carrie Carlson, 5433 Pompano



"Claudia Johnston"  
 <claudiajohnston@comcast.net>  
 12/31/2012 04:26 PM

To <swcorridor@co.hennepin.mn.us>  
 cc  
 bcc  
 Subject Comments on the Southwest Light Rail Transit (SWLRT) - Draft Environmental Impact Statement (DEIS)

December 31, 2012

John Madison and Claudia Johnston-Madison  
 3931 Joppa Ave  
 St. Louis Park MN 55416  
 952-922-1324  
[claudiajohnston@comcast.net](mailto:claudiajohnston@comcast.net)

To Whom It May Concern:

We are writing in response to the Southwest Light Rail Transit (SWLRT) – Draft Environmental Impact Statement (DEIS) published in regard to the SWLRT Project which includes the proposed freight rail re-route in St. Louis Park, Minnesota.

The SW DEIS concludes that relocating freight to the MN&S in St. Louis Park is the best alternative. However, the data provided throughout the document does not support that decision. This is not the first time that Hennepin County has provided this type of documentation. The Draft Environmental Impact Statement is supposed to be an objective, in-depth study. In large part, it appears to be a repackaging of the Environmental Assessment Worksheet that was published two years ago which the Minnesota Department of Transportation vacated after a legal appeal by the City of St. Louis Park.

L4

L4

It appears that whole sections of the previous EAW were cut and pasted into the SW DEIS which is supposed to be a federal-level document. Since federal money is involved in the funding of SWLRT project, it is our opinion that Hennepin County should be replaced by an independent body on the federal level who would review the entire SWLRT process from beginning to end.

L4

We have concerns with many of the assumptions made in this document. However, the following comments are of the greatest concern to us:

Vibration (4-117) Hennepin County has not conducted adequate and appropriate noise and vibration analysis anywhere along the MN&S. The assumption stated in the SWLRT-DEIS that the increase in vibration is insignificant is incorrect. The DEIS underestimates the effects of vibration because only the immediate train traffic is considered and not the additional traffic that is likely to occur. Currently trains travel on the MN&S for approximately two hours a month. If the re-route occurs there will be 232.5% increase in train related vibration each a month. Not only will the duration of vibration increase, but also the amount of vibration will increase because of the longer, heavier trains.

C

Quiet Zones (ES-11) In addition to the lack of adequate noise and vibration analysis, there is a huge concern about the safety hazards associated with a quiet zone with regard to the increased size, number, speed and frequency of trains past the high school. The additional safety issue that is not addressed in the DEIS is regarding lack of visibility that a train conductor would have around the curves (especially by the high school) to be able to view

C

obstructions on the tracks and stop in time. C

The DEIS offers the statement that creating a quiet zone will end all of the noise issues. This assumption is incorrect for the following reasons:

1. A quiet zone is not a sure thing.
  - a. Implementation could be denied by the school board because the building of a quiet zone will limit access to the Senior High School.
  - b. Locomotive engineers are compelled to blow the horn if they perceive a dangerous situation. What kind of responsible person would drive a train through a series of blind crossings, past several schools without blowing the horn? C
2. Quiet zones do not limit locomotive noise
  - a. Multiple locomotives will be necessary for pulling a fully loaded train up the .86% grade across Highway 7 (the new interconnect).
  - b. Multiple locomotives laboring with long trains will make more noise than the locomotives that currently use the MN&S.
3. Train wheels on curves squeal; the tighter the curve the greater the squeal.
4. Bells on crossing arms in a quiet zone will ring the entire time a train is in the crossing. The school board has already gone on record saying that current train traffic today (one train in the morning and one train in the afternoon) already cause a disruption in the classrooms on the east side of the building.

The reasons the MN&S should not be used as a main rail line include the following:

- Multiple grade level crossings within close proximity cuts off traffic from the area.
- Medical emergency response hindered when crossings are blocked – only one fire station has emergency medical response.
- Tight Curves. Derailments are more likely to occur on curves than on straight track. (The route in Minneapolis is straighter and has fewer inclines).
- Hazardous materials are being carried on the rail line without sufficient right of way.
- Proximity to St. Louis Park schools, homes and businesses – many are closer than the length of a rail car.
- Number of pedestrians who transverse crossing every day.
- Cost of re-routing trains through St Louis Park is greater than co-locating the freight in Minneapolis. C



Angela Berntsen  
<angela\_bern@yahoo.com>

12/31/2012 04:28 PM

Please respond to  
Angela Berntsen  
<angela\_bern@yahoo.com>

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>

cc

bcc

Subject SLP resident's comment

To whom it may concern,

As a resident of St Louis Park for the last eleven years, I'm deeply concerned about the threats to run freight rail traffic through our city and through the middle of our high school campus. It seems the single minded desire to expand light rail is clouding the judgement of those involved in making this enormous decision that will have everlasting effects on the city of St Louis Park. Can anyone honestly say it's a "win-win" situation to divide up our city with hundreds of speeding trains on tracks that are completely inappropriate for the types of trains that would be re-routed? Can anyone honestly say it's a win for us to have freight trains mere feet from our high school? Do you honestly think that anyone in their right mind would move to a city that has an undesirable high school, with trains rattling the windows, vibrating the building and endangering the students as they try to navigate around the campus? Would you? Seriously, if the high school becomes undesirable, people WILL NOT MOVE to St Louis Park, and those of us with school aged children will leave for cities that care more about their children, and take our tax dollars with us. And once people deem a city undesirable to live in, property values will drop and the downward spiral will begin.

C

There are so many other issues besides the high school, such as trains blocking emergency vehicles, blind intersections, noise pollution, trains passing through people's backyards....these reasons have been expressed many times in the last year by other residents of St Louis Park at city council meetings and public forums.

C

The so-called "studies" that have been done have been riddled with errors and inaccuracies. They need to be redone looking at all of the different options that were initially dismissed for reasons that were later found to be inaccurate. And where is the money for mitigation? If you are honestly going to consider re-routing this freight traffic, there needs to be large sums of money for mitigation and it needs to be considered as part of the whole project.

T2

L4

Please please please don't let the desire for light rail blind you to the extremely serious fallout that would occur to my beloved city of St Louis Park.

Thank you,  
Angela Berntsen  
9021 W 34th St  
St Louis Park, MN 55426



Chad Hayenga  
<cchayenga@gmail.com>

12/31/2012 04:30 PM

To swcorridor@co.hennepin.mn.us

cc

bcc

Subject SW Corridor Concerns

Perhaps the need to change the fabric of an entire neighborhood is necessary for the greater good, however thoughtful consideration must be taken before that happens. I suggest to you that thoughtful consideration has not happened as Hennepin county has attempted to disrupt thousands of people's lives with little to no consideration for the impact. The DEIS is really a joke, if it weren't so serious. How does one look at the impact of Light Rail Transit through the affluent Kenilworth corridor (a freight corridor designed to handle a lot of freight) in one way but not analyze the exact same impacts of the other option (the MN&S line through St. Louis Park)? You'll need to ask the people responsible for putting the report together. All I am asking for is a side-by-side, apples-to-apples comparison with significant mitigation costs included. The DEIS does not do this.

L4

Chad Hayenga  
2700 Brunswick Ave. S  
St. Louis Park, MN 55416  
952.513.7088



Lisa Tanner  
 <lisa@tannfam.com>  
 12/31/2012 04:30 PM

To "swcorridor@co.hennepin.mn.us"  
 <swcorridor@co.hennepin.mn.us>  
 cc "Thomas L. Johnson" <Thomas.Johnson@gpmlaw.com>,  
 Tanner Doug <doug@dovetailrenovation.com>  
 bcc

Subject: Comments on SW corridor DEID

Dear Project Manager:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Southwest Transitway (LRT) project. Our family has a strong interest in this project as residents of the Cedar Lake Isles Dean neighborhood. We are property owners of land adjacent to Cedar Lake Regional Park and active users of the Kenilworth Regional Trail, the Cedar Lake Regional Trail, the Grand Rounds National Scenic Byway and the Minneapolis Chain of Lakes Regional Park. We have chosen to live, raise our children and operate small businesses in this area directly adjacent to the proposed Southwest LRT line because of the existing scenic, serene nature of the area and also the parks and access to the amenities of uptown and downtown Minneapolis.

We value our ability to bike rather than drive for many of our day-to-day activities such as grocery shopping, going to the park, shopping in Uptown and Calhoun Commons, participating in local Park Board sports, attending Twins games etc. We also highly value and use the lakes and canals for recreational activities year round. The Kenilworth Regional Trail is important connection for us and our children to neighboring Kenwood and Lake Calhoun. We also rely on Cedar Lake Parkway for access in and out of our neighborhood by car and for vital services such as fire and police.

We have reviewed the DEIS for the LRT project and have specific concerns regarding the design of Segment A that we would like to see addressed in the Final Environmental Impact Statement (FEIS) and the final engineering and design if the Southwest Transitway is ultimately constructed. We would also like to state that we are opposed to the co-location alternative.

**Concern: LRT noise, light, vibration and visual appeal** – We are very concerned about the impact of the increased noise, light and vibration on residents, park lands, trails and users due to the high number of trains that will travel along the Kenilworth Regional Trail. The FEIS must address mitigation for light, noise and vibration to ensure that the serene, natural environment of the corridor is maintained. We are very concerned that the DEIS views this section of the corridor as Category 3 – Urban use. We agree with the Minneapolis Park and Recreation Board’s (MPRB) assessment that this section of the corridor shouldn’t be categorized as Category 3 land use, but rather categorized as Category 1 use. We consider this a natural, peaceful and unique sanctuary in the middle of a more busy urban area. We believe the DEIS has misunderstood the very nature of the Kenilworth Corridor. It is also worth noting that Cedar Lake area is more natural, peaceful and quiet than the other Minneapolis city lakes. We are very concerned that a frequent train crossing at the south end of the lake will permanently alter the setting of Cedar Lake.

We do not support an overhead bridge over Cedar Lake Parkway as it will only further spread the sound and light across broader area of neighborhood and create an eyesore that is not at all in character of the current neighborhood and park land. It will also create a significant barrier which will isolate those of us who live on the west side of the tracks.

D  
 E4  
 O1,  
 O5  
 N2

E4  
 O1

E8

**Concern: Safety, Traffic Flow at Cedar Lake Parkway** - As I mentioned above, the Kenilworth Regional Trail and Cedar Lake Parkway are critical transit ways for our neighborhood. We are concerned about the safety of those of us that use the trails for daily commuting and recreation. We would like to see more details in the FEIS on how trail users will be able to safely enter and exit the Kenilworth Regional trail on foot or on bicycles. We are also concerned about the traffic levels at the critical crossing at Cedar Lake Parkway. During the summer months, this intersection is already backed up both East and West. This is a concern for us for many reasons including ability for emergency vehicles to provide adequate response times and access to our neighborhood, air quality standards can be met and also general flow of traffic can move at a reasonable rate. We are specifically concerned that these standards cannot be met with an “at grade” crossing at Cedar Lake Park. We feel that the only solution to address all of our concerns with regard to the Cedar Lake Parkway crossing is a tunnel or trench as proposed by the Minneapolis Park and Recreation Board in their response to the DEIS.

E7 P4

R2

E7

R3

N9

E8

G2

**Concern: Use of Waterways** –The use of the canal between Lake of the Isles and Cedar Lake is an important and valuable recreational corridor. We want to make sure that the wildlife, water quality, as well as the safety of recreational users of this channel is respected during and after construction. We would like to see more details in the FEIS on how this critical connection by water used by recreational users and wildlife will be preserved.

R2

E3

N1,  
N6,  
N8

Minneapolis has a long history of providing outstanding park and recreation services to residents and visitors. The parks, lakes and trails make up an important part of the culture, beauty and appeal of our city. We enjoy living here because of the parks and trails and enjoy sharing our parks with guests from the entire metropolitan area. We don't feel that the DEIS has done enough to ensure that this project protects and preserves the culture, vibrancy and beauty of the city – as it is much of the reason people not only live here but it is also why those riders of the LRT will want to visit our city!

L4

Doug and Lisa Tanner  
18 Park Lane  
Minneapolis MN 55416  
[612 803-3223](tel:6128033223)  
[612 940-4304](tel:6129404304)



"Tom Johnson"  
<tom@railmet.com>  
12/31/2012 04:35 PM

To swcorridor@co.hennepin.mn.us  
cc "Thad Lightfoot" <tlightfoot@envirolawgroup.com>, "Jamie  
Lapray" <lapray@comcast.net>, "Thom Miller"  
<thom@two-rivers.net>

bcc

Subject SWLRT Freight Rail Reoute Analysis Report

Dear Sirs:

My attached report in opposition to the STLP MN&S Freight Rail reroute is attached in pdf format. Please respond that you have received it and included it in the DEIS comment documents.

C

Sincerely,  
Tom

Thomas E. Johnson, P. E.  
Engineering Consultant  
Railroad & Metallurgical Engineering, Inc.  
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**Southwest Light Rail Transit (SWLRT) –**  
**Draft Environmental Impact Statement (DEIS)**  
**Response**

**An Engineering Analysis**  
**Of the St. Louis Park,**  
**MN & S Freight Rail Reroute Design**

Submitted to:

St. Louis Park City Council  
5005 Minnetonka Boulevard  
St. Louis Park, MN 55416

Prepared by:

**Thomas E. Johnson, P.E.**  
**Railroad & Metallurgical Engineering, Inc.**  
**4601 Excelsior Blvd., Suite 305**  
**St. Louis Park, MN 55416**

December 31, 2012

# STLP Freight Rail Reroute

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## **Qualifications:**

I have worked in the Railroad Industry for over 30 years, first as a Metallurgical Engineer and then as an Engineering Manager for GE Transportation Systems (GETS) in Erie, PA. In 1997, I started an Engineering Consulting practice serving primarily the railroad industry, its equipment and component suppliers, and the legal profession. I also perform engineering consulting services for manufacturers in the metallurgical component market, Locomotive & Diesel Engine manufacturers and suppliers, US Railroads and municipalities.

While at GE, I worked in the Locomotive Engineering Department. I wrote Equipment and Material Specifications, introduced new product components, and performed failure analysis on component failures. I studied event recorder downloads, fault logs, and data packs working with the railroads to improve performance and reduce failures. I managed various GE design engineering programs that included the design and field testing with the Class I railroads. I have worked with most of the Class I railroads on locomotive projects and development over my years with GE. Since I began my engineering consulting practice, I have also performed engineering consulting services for the Class I railroads as well as some Short Line Railroads. This work has included both litigation cases and Engineering projects since leaving General Electric Transportation Systems.

I am presently an Engineering Consultant with a consulting practice that focuses in the following areas:

1. Metallurgical Engineering/Failure Analysis.
2. Accident Reconstruction.
3. New Product Development.
4. Railroad Litigation and Product Liability.

I have a Bachelor of Science Degree in Metallurgical Engineering from the University of Minnesota, and I am a licensed Professional Engineer. I am an accredited certified Accident Reconstructionist (ACTAR # 1517) and certified in OSHA regulations. I am certified in Continuously Welded Rail (CWR) and track standards. I have performed train derailment analysis on a number of accidents. I am a member of a number of professional organizations including: the American Society for Metals (ASM), the American Foundry Society (AFS), the Society of Automotive Engineers (SAE), The National Society of Professional Engineers (NSPE), and the Minnesota Society of Professional Engineers (MSPE).

**Introduction:**

I have followed the SWLRT project closely since I have over 30 years of experience in the railroad business. I am a citizen of St. Louis Park, MN and have had my engineering consulting practice headquartered in the Minneapolis area for 14 years. As a railroad design engineer who loves trains, I am very interested in the SWLRT project as I have been on the Hiawatha line. As the political process of obtaining funds has progressed, I became alarmed at three points in the process.

L2

First, I went to a number of the PMT meetings, all of the open houses and had numerous engineering discussions with MnDOT, Hennepin County, and consultants hired by the various government entities. At the conclusion of the PMT process 22 pages of recommendations for mitigation were made. When the EAW from MnDOT was released and stated that “NO MITIGATION WAS REQUIRED” I had my first alarm that something was wrong with the objectivity of the reroute v. colocation decision making process.

While a number of the ideas for mitigation were idealistic and cost prohibitive, a number of the migration items were reasonable and in fact in my opinion are going to be required to make the reroute somewhat safer than without any mitigation. There are a number of areas where the Freight Rail Reroute will be a much less safer alternative than the colocation in the Kenilworth corridor. I will study in some detail my 5 main areas of concern in the body of this report.

C

The second time that I was alarmed was at one of the meetings where the consultants hired by the Hennepin County and the Met Council met with the public and claimed they didn’t look at colocation because they weren’t asked to. However, they said the freight rail, light rail, and the bike path would all fit in the right of way, but they weren’t asked to look at that alternative. Discussion was halted by Commissioner Dorfman and the next day the first “mistake” was announced by Ms. Dorfman.

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C

The third time was recently when the \$123 Million Dollar difference between the freight rail reroute and colocation alternatives was also labeled a \$100 million “mistake”. Ms. Dorfman again announced this “mistake”. If HDR really made a \$100 Million dollar mistake in their report (a 10% error on a \$1Billion dollar project) they should be fired for not knowing what they are doing. The fact their “mistake” was unsigned speaks volumes.

T0

I will present data and calculations supporting my contention that the freight rail reroute is ill advised and the entities supporting it are negligent for reasons of cost and safety with analysis in the following 5 areas of controversy:

- 1. Cost and Construction T0
- 2. Crossing Accident Analysis C
- 3. Derailment Analysis C
- 4. Noise and Vibration C
- 5. Mitigation Importance C

## STLP Freight Rail Reroute

I am performing these studies because I believe that many of the people associated with the politics of this Freight Rail Reroute decision have a gut feel that this is wrong, but have few facts to back up their feelings. This report is an attempt to give some real facts that can back up the STLP City Council to oppose the freight rail reroute in the strongest terms possible.

C

### **Materials Reviewed:**

During the course of the development of the SWLRT system I have kept close track of the proceedings and I have specifically reviewed the following documents and taken photographs and measurements of the entire route of the MN & S that will be upgraded in this reroute.

- Motive Power and Equipment Compliance Manual, Office of Safety Assurance and Compliance, Federal Railroad Administration, US DOT (478 Pages)
- Code of Federal Regulations: 49 CFR 229-...etc.
- Train Accident Reconstruction and FELA & Railroad Litigation, Third Edition, by James R. Loumiet and William Jungbauer, 1998.
- Railroad Engineering, Second Edition, by William W. Hay, 1982.
- The Dictionary of Railway Track Terms, Simmons-Boardman Books, Inc., Christopher F. Schulte, 1990.
- CWR & Thermal Forces Workshop, University of Wisconsin, Madison, Wisconsin, Des Plaines, IL, May 21, 2012.
- Environmental Assessment Worksheet (EAW), Version 8/08rev, part of the MN&S Freight Rail Study, May 11, 2011.
- St. Louis Park DEIS comments (42 pages)- from Tom Harmening)
- Memo from HCRRA to the STB regarding questions.
- Key Findings of SEH (3 pages)- consultant to St. Louis Park City Council
- MN&S Freight Rail Study Environmental Assessment Worksheet--Notice of Availability Memo
- MN&S Freight Rail Study Final Environmental Assessment Worksheet
- MN&S Freight Rail Study Final Figures
  - Appendix B--Agency Correspondence
  - Appendix C--Supporting Technical Information
  - Appendix D--Area "C" Mitigation Measures Identified Throughout the Study Process

**Cost & Construction Analysis:**

This is a big project and there is a specific way that the Federal Government sets these projects up and compares them. While I don't know how the exact calculations are made it was apparent early in the process that for a project of this size that the money that the Federal Government would allocate for mitigation on this project would be \$75,000,000.00. The problem is all of this money and more will be needed to upgrade a really old spur line that is in bad shape to a Class 2 main line track.

T2

The \$75 million that was earmarked for mitigation seems to be allocated to just physically transform this spur line to a mainline. That leaves no money left for mitigation which is why MnDOT had to say that no mitigation is required for the reroute because there is no money for it and the Hennepin County Commissioner (Ms. Dorfman) said that if there were more money added for mitigation that would make the project fall out of the Federal Government's criteria. The EAW's decision to add no mitigation was done to keep the total reconstruction and mitigation costs within the Federal Government's criteria.

In all my years in the railroad business, I have seen many Class I railroads abandon perfectly good mainlines and spurs to reduce their maintenance costs. As more traffic returned they could open them back up if they had not been made into bike or hiking trails. I have never seen or heard of a railroad that would upgrade a spur to a mainline because of the extremely high costs. To straighten out the tight curves on many spurs would be a huge cost (Straightening the four sharp curves on the STLP freight rail reroute is not in the plan). That is why all the mitigation money has to go to upgrading the MN & S line and not for Mitigation.

C

The MN & S Line is an old spur line with a number of blind curves and a set of track bed, ties and rail that will have to be totally replaced. This means that all of the track area will have to be dug up and removed. This will have to be done in an area of homes, crossings and power lines. All of the ground will have to be dug up 6' down and 20' wide. Then starting from scratch a sub grade will have to be put down, sub ballast, ballast, new ties and new rail. While I don't have an exact cost estimate myself, the various engineers at all the meetings and open houses said that all of the \$75 Million Dollars would be needed just to bring the current spur line up to a class 2 standard (25 mph speed limit) and that might not be enough money. The usual Federal money that goes for mitigation (\$75 million here) will be all used up in construction costs to upgrade a really old spur line into a main line that will have new track but the same blind curves, and a higher speed limit. No mitigation funding is available to try to get the safety aspect back to where we are now. My report deals with the safety in the crossing accident analysis section.

T0

T2

The fact that the study funded by Hennepin County & MnDOT looked only at the exorbitant costs of 7 ways of designing the colocation without actually looking at

## STLP Freight Rail Reroute

colocation shows the political aspect of this. On a direct question by me at the meeting, the consultant from out east (former Norfolk Southern engineer I believe) responded by saying that colocation was possible but they weren't asked to look at that solution (effectively told not to look at colocation). Commissioner Dorfman stepped in to stop the questioning and the first of the so called "mistakes" was issued the next day saying colocation was impossible due to "Right of Way" issues.

My final comment is that in all my years in the railroad business, I can find no Railroad that upgrades a spur line to a main line on their own because the costs are too high. Spur lines usually are too narrow and winding making upgrades too costly. Only in the case of the Freight rail reroute where a government entity will pay for it would a Railroad be interested. This raises the question, "Why would the TC & W be interested at all". Railroads move goods from point A to point B. The faster the railroad can deliver goods the more efficient they are and the more money they make. Raising the speed limit to 25 mph from 10 mph is the incentive for TC&W. If it costs the railroad nothing for this speed up all the better.

C

T4

**Crossing Accident Potential:**

The most important aspect of the freight rail reroute after showing that the cost of construction is exorbitant and leaves no money for mitigation is crossing accidents. It is important to refute politicians who say that we “haven’t had accidents there because we are not stupid and get out of the way of the trains.” This short sighted approach does nothing to compare the actual physical reality and engineering reasons why there are few accidents in the current situation and how the safety of the MN & S line will change if the freight rail reroute proceeds.

There are very specific reasons why both pedestrians and vehicles are currently safe at the crossings on the MN & S line. The main reasons are that the current two short trains per day go slow enough to be able to stop in front of any problem that they can see. Under the freight rail reroute scenario with higher speeds, longer trains and more trains that safety factor is lost and can’t be fixed with mitigation. Only a huge redesign to straighten the curves and increase the right of way like the current main line already has.

The trains currently run at less than 10 mph. There are 2 locomotives and 8 railcars. The rule of thumb for small freight trains of mixed freight is that stopping distance in feet = (mph) squared. Therefore, small trains can stop in approximately 10 mph X 10 mph = 100 ft.

At this point, we need to look at how this current stopping distance compares to the sight lines and visibility on some of the blind curves by the St. Louis Park High School. I have performed my own measurements, calculated distances from the maps and taken photographs to analyze the three main crossings at issue. These are the Walker Street crossing, Library lane crossing and the Dakota Ave. crossing. The sight distances that were measured are the point at which the locomotive has come around the curve and is when the locomotive engineer can have an unobstructed view of the crossing. This is the first point at which the locomotive engineer can make a decision to put the train in emergency. On the main line these distances are very long due to the mainly straight track, gradual curves and wide right of ways.

Table I - Sight Distances: Measured/photographed & General Freight stopping distance

Crossings	South Approach	North Approach	Current-10 mph	Reroute- 25 mph
Walker Street	247 feet	243 feet	100 ft.	625 ft. <b>CRASH</b>
Library Lane	243 feet	178 feet	100 ft.	625 ft. <b>CRASH</b>
Dakota Ave.	434 feet	479 feet	100 ft.	625 ft. <b>CRASH</b>

As can be seen from above, on any of the approaches, current train size and speed will allow the locomotive engineer to stop in front of anything he sees blocking or

## STLP Freight Rail Reroute

fouling the crossing. On the other hand even the smaller freight trains going faster will not be able to stop in time to avoid crossing accidents and will crash and travel hundreds of feet past the crossings before coming to a complete stop.

The reality of the situation is that locomotive engineers who are men of integrity and do not want to crash into anything will have to slow down to at least 5 mph for small trains to be safe as they are now. The longer the train is the slower the engineer will have to go to be safe. The result is that there will be longer and longer wait times for longer and longer trains at the crossings if the decision is to maintain a safe stopping distance.

### Example

Before I go into the example, it is important to spend some time on train size, length and weight. There will be 100 railcar grain trains and while one would think that coal trains are much heavier than grain trains, the truth is that all railcars are designed now for a 286,000 lb. max with 4 axles and 8 wheels. This is the standard weight max and while we talk about coal trains, the grain trains will be slightly smaller (100 railcars v. 118 or 132 railcar) and each car will weigh the same.

The only way to show the effects of this safety v. convenience issue is to calculate the stopping distance for an 8,000 ft. coal train and at 25 mph there is no way for a coal or grain train which will take much longer to make an emergency stop than a general freight stopping distance of 625 ft. that we looked at above. Therefore, the example I chose to analyze is an 8,000 ft., 22,000 ton, 132 coal railcars, and three locomotives. This would be the biggest unitized coal train that is in service in the Wyoming Powder River Basin today. It is only slightly longer than the proposed grain trains. The stopping distance for this large size coal train would be about 1,500 -2,000 ft. in normal conditions. The most serious problems is that that to get back to a stopping distance of less than 200 ft., the locomotive engineers of these large coal and grain trains will have to slow down to under 5 mph. The Table II below shows the increases in wait time at the crossings for the coal trains as they slowdown to be safer.

Train Speed (mph)	Train speed (ft./sec)	Crossing wait time (sec)	Crossing wait time(min)
25 mph	36.75	217.7	3.63 minutes
20 mph	29.40	272.10	4.53 minutes
15 mph	22.05	362.8	6.05 minutes
10 mph	14.7	544.2	9.07 minutes
5 mph	7.35	1088.4	18.14 minutes

There also must be added at least 40 seconds to the wait time for warning signals and gates to activate and move prior to a train entering and after leaving the crossing. It is my opinion that to be safe the long coal trains will have to slow to below 5 mph to be safe leading to an almost 20 minute wait time at crossings. For many reasons these will lead to unacceptable wait times for emergency vehicles and the general public and the tug of war between safety and convenience will begin.

## STLP Freight Rail Reroute

Another aspect to take into account is the width of the crossings themselves. The actual width of each crossing was also measured and listed below:

Walker Street	60 feet
Library Lane	144 feet
Dakota Ave.	96.5 feet

The sight distances that are listed in the Table I show that the crossing with the least visibility is the Library Lane coming from the north (North Approach). This is also the crossing with the longest span. It is a busy street also and has only cross bucks at this point. Therefore, my analysis is that this will be the most dangerous crossing in terms of the possibility of a crossing accident.

## **Derailment Accident Reconstruction Analysis:**

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With the recent coal train derailment in Wayzata where a piece of rail went through an office window, it is imperative that a derailment analysis comparison of the current colocation Kenilworth route versus the MN & S line freight rail reroute be studied by the proper authorities. I have studied it with the following analysis:

While it is true that the track bed, rail and ties will be new and that is good, there are a number of areas that are not improved with the freight rail reroute.

1. **Track** – The blind curves are still there and these do not allow the enough tangent track to take out the harmonic vibrations that will be much worse on long trains with loaded and empty rail cars mixed in random sequence. Harmonic vibrations have been tested to be highest at around 17-20 mph which is where they want to run the trains on Class 2 track.
2. **Speed**- the new speed of 25 mph v. 10 mph will be more detrimental to derailments based on the fact that a speed increase will directly increase stopping distance by at least a squared factor.
3. **Train Handling:** Short trains like the current 8 railcar/2 locomotive trains are easy to handle. Longer freight trains invariably have a mixed batch of loaded and empties. This leads to extra side to side motion, and this exacerbated especially in back to back curves.
4. **Railcar and Locomotive Defects:** Equipment defects such as worn wheels and truck hunting also add to the increased probability of derailments. While these defects won't be directly affected by the MN & S freight rail reroute the changes, they will be more likely to cause derailments due to their increased effect on the three variables above as those variables are adversely impacted by the detrimental changes.

The important aspect of all of these factors added together is that derailments are not usually due to a single factor out of specification but to a number of variables that are all outside of or on the edge of their limits. The current Kenilworth area was originally designed as a main line and has large setbacks and gentle curves which are much less susceptible to derailments.

The engineering theories of derailment revolve around a basic engineering concept that the  $l/v$  ratio is exceeded and the wheel flange rides up over the rail causing the derailment and subsequent pileups and damage.

The change to MN & S and the issues listed above significantly increase the propensity for derailments. None of the issues above are a negative on the colocation alternative.

## **Noise and Vibration Analysis:**

There are two issues here. The first one is noise which comes from Locomotive diesel engines, wheel screeching in curves and horn noise. Let's look at each one independently.

### **Diesel engine noise:**

I spent most of my career at the GE transportation Systems in Erie, PA designing locomotive engine systems. I studied and tested diesel engine noise and vibration. The main issue here is that the current 8 railcar/two locomotive trains at 10 mph need only be in notch 1 and sometimes in notch 2. The diesel engine is pretty quiet at these slow speeds and low RPMs. However, the large coal trains will be in notch 8 most of the time especially coming uphill from the west. Notch 8 diesel locomotives will be 10 to 20 times louder than the locomotives in notch 1-2.

### **Wheel Noise in Curves:**

The 4 curves near the high school will be especially bad. Since the 8 railcar trains are considered a noise problem by the high school then 132 railcars with screeching wheels for 18-20 minutes will be an order of magnitude worse.

### **Locomotive Horn Noise:**

The Code of Federal Regulations (CFR) require that 2 long blasts followed by a short blast and then a long blast are required at each crossing. With so many crossings the horn will be sounded continuously as the trains wind through the multiple crossings on the MN & S spur.

### **Vibration Analysis:**

I was very unhappy with the way the secret tests set up by Hennepin County and MNDOT. I spoke with Lance Meister of the firm from out on the East Coast that was brought in for the testing. Similar to the relocation study, they were given specific instructions of exactly what to do and not to do which dictated the outcome before the project started. They just tested the current trains and then used a very small ratio to upgrade the vibration levels to something that would be acceptable.

As an engineer who has ridden and studied coal trains in the Wyoming Powder River Basin, and seen the 10 mph MN & S 8 railcar trains, I can make direct comparisons. The small percentage increase of the tests on the current trains to "simulate" the 132 railcar/3 locomotive/22,000 ton/ 25 mph coal trains is a gross underestimation and the engineer who performed the test from the East Coast is no longer working for them.

**Mitigation Importance:**

The Freight Rail Project Management Teams (PMT) met numerous times for over a year and came up with 22 pages of suggested mitigation projects. While a number of the projects were frivolous and exceedingly costly, there were a number of items that are fairly standard in the railroad industry and indeed in this reroute are required in my opinion.

When they came out and stated that NONE of the mitigation items were required, it was apparent to me that since there is no money available for mitigation the idea is to not require any and hope someone will come up with money later. At this point no money in the project is for Mitigation.

T2

What is Mitigation? It is all the safety measures to keep pedestrians and vehicles off the tracks. The 144 ft. crossing at Library will be problematic to redesign. If the freight rail reroute goes ahead, I recommend that STLP consider closing that street completely for the Freight Rail. That would probably not be a popular decision, but required for safety in the current design.

C

The Dakota crossing is problematic from a visibility standpoint with a McDonalds and the school right there. Therefore, there is an abnormally large number of pedestrians in the Dakota area and some kind of an overhead walkway needs to be designed and a number of high barriers designed to keep kids from wandering onto the tracks. Aesthetically, not a good situation.

C

These are just a few of the obvious designs needed for safe mitigation on this spur line. That is why the current colocation proposal to stay on the main line is so advantageous. The wide setbacks, shallow curves and only a minimum of crossings is how a main line is designed and the MN & S reroute does not address or fix any of these three major areas of concern.

C

**Analysis of the actual DEIS & the STLP Response:**

C

The DEIS is an extremely long document that identifies the LPA that combines the LRT in the Kenilworth Corridor and reroutes the freight rail to the MN & S line upgrade as the “environmentally preferred alternative”. This is a very odd unsupported conclusion. The freight rail in Kenilworth has already been shown, since the DEIS was published, to be really already on parkland when the reason for not choosing co-location was that it might impact on parkland due to the 4f designation.

The DEIS does not get into any detail in the 5 areas serious problems that I looked at above. It appeared that the DEIS was done in haste without any actual testing or calculations and added a huge number of pages to make it look like it was thorough but was anything but thorough.

In regards to the STLP City Council response, they leave the door open for negotiation and list 6 items that “should” or “must” be met. The actual response is “The City of St. Louis Park continues to oppose the rerouting of freight rail traffic from the Kenilworth corridor to St. Louis Park unless the following conditions are clearly met:” The problem is that these issues are some that I have raised and some cannot be mitigated as I have stated above. Therefore, it is incumbent on the St. Louis Park City Council to oppose the freight rail in the strongest non negotiated terms similar to the statements by the City of Minneapolis.

The STLP City Council response lists many of the mitigation items found during the PMT meetings that I attended. Since MnDOT rejected as “not required”, not some but all of the mitigation recommendations, it is odd that STLP City Council thinks they can do better. The Mitigation that has been recommended cannot make the freight rail reroute as safe as the co-location route. Some problems are not able to be mitigated as I have shown in the report.

**Analysis of the Key Findings from SEH Tech Memo #4**

The STLP City Council hired SEH as a consultant, but they have a conflict of interest because they do work for Hennepin County. This has been a problem from the outset and is probably the reason that their conclusions are not supported by their own facts. Their work even signed. Each item will be taken individually:

Physical Characteristics:

- 1. The first statement lists six major reasons why freight rail is better suited to the Kenilworth Corridor than the MN & S spur. None of these structural problems can be mitigated so all six of the problems point to co-location. I couldn't have said it better myself.
- 2. The co-location of both freight rail & light rail together is not only designed on this route in Hopkins, but is standard practice across the country. Therefore it is not a reason to push for the freight rail reroute. C
- 3. The TC&W use of the MN & S line is not just an "intensification" (whatever that means). It is a huge change with the increase in speed and blind curves.
- 4. There are at least three easy partial re-locations of a portion of the regional bike trail and it can be done for a lot less than the \$123 Million dollar extra cost for the reroute.

Safety

- 5. I totally disagree with this statement. The MN & S is "not better" from a traffic/train hazard perspective. The safety downsides are much worse in the MN & S reroute. C
- 6. If the MN & S reroute eliminates 2 at grade crossings it exposes another bunch of blind crossings to increased higher speed traffic.

Switching

- 7. I agree that nothing so far has been addressed about the "wye". I think the railroads would like to keep this open. C

Whistle Quiet Zone (WQZ)

- 8. Staying in the Kenilworth corridor would not require Quiet zones so for this reason it appear to point to staying in Kenilworth corridor. C

Vibration

- 9. I agree that vibration impacts need further study, but due to the wide right of ways on the main line the vibrations will be much less as the effects drop off with distance. C

Costs

STLP Freight Rail Reroute

10. I agree that Kenilworth costs are less...a lot less, \$123 Million less. The costs of relocating the regional bike trail, accommodating freight rail at 2 LRT stations, and mitigation for an already designed main line are miniscule compared the construction costs for changing a spur line into a main line, with 5 bridges and all new ballast, ties and rail.

T2

T4

LRT & Station Area Development

- 11. Other areas of the country, like Chicago, handle this with ease.
- 12. No opinion.
- 13. On the MN & S line the significant backups will be much worse with the High School and many more crossings all of which could be blocked by one train.

C

Mitigation: Protecting Single Family Homes

- 14. No opinion.

Mitigation: Maintaining Mobility

- 15. Not enough information.
- 16. The potential for train induced back-ups on Lake Street are real and unacceptable. This is the problem with trying to turn a spur with many crossings into a main line. The TC&W already is using a main line (Kenilworth Corridor) which does not have these problems because it already is a main line.

C

High School/Lake Street Issues – these 2 issues are huge and no amount of Mitigation can fix

- 17. Reducing noise and vibration impacts is extremely difficult due to the closeness to the tracks and any expansion of the rail buffer would take too many businesses and would not fix the High School.
- 18. Improving crossing access on the MN & S will be extremely difficult and the same for pedestrian grade separated crossings.

C

Property Values

- 19. I have no opinions in this area.

Viability of Kenilworth for Freight Rail

- 20. I agree and this is the main reason that it was eliminated from consideration by government entities because it cannot hold up in a direct comparison.

C

Jurisdictional Complexity

- 21. Sharing of track with both freight and passenger light rail is done all over this country with no absolute drawbacks.
- 22. These issues are much smaller when compared to the MN&S issues.
- 23. The “4P” parkland issue has been shown to be bogus as the freight rail is already on parkland.

C

**Findings:**



The following findings were determined from a review of the documents, photographs, measurements & exhibits along with my research and analysis of the MN& S Railroad Line in St. Louis Park, Minnesota.

1. Based on the cost estimates that the Freight Rail Reroute alternative is \$123 Million Dollars more than the colocation alternative, the decision from a cost standpoint is obvious (The latest attempt by the Met Council to use a \$100 Million dollar mistake notwithstanding). Also, this analysis shows no money for mitigation which in any real scenario will be in the tens of millions of dollars that are not allocated for at all.
2. The Freight rail reroute will be a much more dangerous alternative than the colocation alternative for the following reasons:
  - The \$75 million dollar rework and upgrade does not straighten out the blind curves.
  - The speed limit increases from 10mph to 25 mph which makes it impossible for heavier freight, and the massive coal & grain trains to stop short of an accident at the Walker Street, Library Lane or Dakota Ave. crossings.
  - The huge increase in the number and size of trains that will be travelling through the STLP High School campus seriously increases the danger as well as reducing convenience at these crossings.
  - There will be a continual struggle within the city to speed up the trains due to inconvenience of long waits and to slow down the trains to improve safety. I don't really see nor calculate a happy medium in this situation.
3. The chances of derailments increases dramatically due to a number of changes that you don't normally see on a main line:
  - The track will still have the curves, grades, new bridges and longer trains.
  - The speed increase from 10 mph to 25 mph will be a danger due to the tight and blind curves and the many crossings.
  - The train handling issues become exacerbated with these much longer trains. Particularly when there are mixed or "ugly" trains with a random mixture of heavy loaded railcars and light empties. The dispatching of

## STLP Freight Rail Reroute

trains that are balanced with loaded railcars in the front and empties in the back is not easy to maintain by the railroads.

4. The noise and vibration issues were studied by testing the current slow speed trains and using a ratio factor that was not defined or defended. I looked at the ratio factor of 10-15% and couldn't believe it. As a Professional Engineer, my professional opinion was that it was a shoddy test and a total waste of money.
5. The Library Lane crossing which is very long and is the most blind intersection with a 178 ft. sight distance is the most problematic from an accident scenario and will have to be totally redesigned or closed.

**Conclusions:**

The following conclusions are made within a reasonable degree of engineering certainty based on my Engineering education and railroad experience. They are based on my analysis of the EAW, DEIS and other work presented to date and my photographs, measurements and calculations. My methodology is generally accepted in the field of railroad engineering and accident reconstruction. I reserve the right to update, modify, or change these conclusions if more information and analysis warrants such changes:

C

1. The St. Louis Park City Council is negligent in not taking a stronger stance against the MN&S freight rail reroute due to the more costly and more dangerous accident situation from a comparison of the MN & S Freight Rail Reroute v. the Co-location alternative.
2. The construction costs of the MN & S freight rail reroute will be exorbitant & conveniently does not take into account any mitigation costs and in my opinion underestimates the cost the MN & S upgrade based on my inspection of the rail, ties and ballast currently there on this spur line.
3. The Freight Rail Reroute on the MN & S will be a much more dangerous alternative due to the increased risk of crossing accidents and derailments.
4. The Noise & Vibration Studies have been misguided and mishandled from the beginning resulting in worthless and misleading data and conclusions.
5. All of the government entities that have hired consultants to run studies and tests with predetermined constraints should be held accountable for wasting money.
6. MnDOT & The Hennepin County Regional Railroad Authority (HCRRA) & the Met Council are negligent for not including co-location in the original LPA analysis, not doing any direct comparison of alternatives, and not requiring any mitigation (None of the 22 pages of mitigation options) on the Freight Rail Reroute.

T2

T4

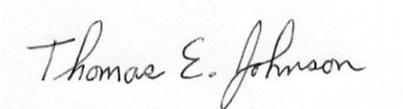
C

C

C

L2

Respectfully submitted,



Thomas E. Johnson, P.E.

## STLP Freight Rail Reroute



Figure #1- Locomotive Engineer's viewpoint when approaching the Walker Street crossing from the South. 247 ft. of visibility.



Figure #2- Locomotive Engineer's viewpoint when approaching the Walker Street crossing from the North. This is the same distance and opposite direction as from Library Lane from the North. 243 ft. of visibility.

## STLP Freight Rail Reroute



Figure #3 - Locomotive Engineer's viewpoint when approaching the Library Lane Crossing from the North. Only 178 ft. of visibility.



Figure #4 - Locomotive Engineer's viewpoint when approaching the Library Lane Crossing from the South. 243 ft. of visibility.

## STLP Freight Rail Reroute



Figure #5 - Locomotive Engineer's viewpoint when approaching the Dakota Ave. Crossing from the South. 434 ft. of visibility.



Figure #6- Locomotive Engineer's viewpoint when approaching the Dakota Ave. crossing from the North. 479 ft. Very little visibility except straight ahead.



**Terry Saario**  
<tsaario@CLYNCH.COM>

12/31/2012 04:38 PM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>

cc

bcc

Subject: Proposed Kenilworth intersection bridge

To whom it may concern:

We are among the oldest residents (90 & 89) in the impacted area for the light rail project. We are not anti-transit and are clearly not experts in planning but the common sense of our many years tells us that the proposed bridge over the congested intersection is an unsightly and bad idea. We love this area and don't need the additional noise, nightlight, and ugliness of the proposed bridge. Can't this be accomplished by going underground as other cities in the world have done?? Thank you for your interest. Dr. Oliver and Jeannette Peterson

E8

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Chris Homsey  
<chrishomsey@yahoo.com>

12/31/2012 04:45 PM

Please respond to  
Chris Homsey  
<chrishomsey@yahoo.com>

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>

cc Trent Waite <trentwaite@yahoo.com>

bcc

Subject DEIS comment from 3166 Dean Court, MPLS

Please see the attached document with comments regarding the Draft Environment Impact Statement (DEIS) for the Southwest LRT project.

Thank you,

Christine Homsey

Trent Waite

3166 Dean Ct

Minneapolis, MN 55416

612-986-3467

## Draft Environmental Impact Statement Comment – Southwest Transitway Project 12/31/2012

Our comments are specific to the following section of the proposed LRT route: **from the point at which the tracks turn into the Kennilworth Corridor (after leaving the proposed Lake Street station near Whole Foods Market in Minneapolis) to the crossing at Cedar Lake Parkway.**

We are residents of the townhomes in the Calhoun Isles Condominium Association; our townhome (and bedroom window) directly faces the existing freight rail tracks that run through the Kennilworth Corridor.

Our main concerns/comments are as follows:

- 1) **Need to mitigate noise arising from frequency and early morning/late night hours of the train:** Currently, the existing freight train passes our house only a few times a day (and rarely during sleeping hours), and most times we do not find it bothersome. However, the LRT train will be traveling by our house/complex every 3.5 minutes during peak hours and will operate 20 hours a day, so we expect it to have a significant impact on our and our neighbors' overall quality of life, safety, and ability to rest/sleep. We request that the final design and mitigation approaches take these concerns into account. E4  
O1
  
- 2) **Plans for the crossing at Cedar Lake Parkway:** Our neighborhood streets (Cedar Lake Parkway and Dean Parkway) are often very congested during rush hours, and when the existing freight train crosses Cedar Lake Parkway, traffic gets very backed up. The proposed solution of having a "flyover" bridge would increase noise and aesthetic concerns because the train would need to ramp up well before the bridge. E8  
P4
  
- 3) **Exploration of a tunnel option:** At this point it does not appear that a tunnel option has been seriously explored. Although it would be a costly option, a tunnel may be a much more elegant solution to addressing the noise, vibration, and aesthetic concerns of our neighbors. Most of the design ideas that have been currently explored (by Hennepin County or individual neighborhoods) including bridging or trenching require much mitigation and many workarounds such as rerouting and/or raising streets and bike trails. Please take the long view and choose an approach that keeps our neighborhoods and parks great places to be. When considering future livability and the costs associated with numerous workarounds and mitigation, a tunnel may be a viable option. O1  
E0

The Calhoun Isles Condominium Association has also submitted a much more detailed response to the DEIS, and we also share the concerns expressed in the Calhoun Isles document.

Thank you for taking the time to read and consider our comments.

Christine Homsey, homeowner – [chrishomsey@yahoo.com](mailto:chrishomsey@yahoo.com) 612-986-3467

Trent Waite, homeowner – [trentwaite@yahoo.com](mailto:trentwaite@yahoo.com) 612-986-1272

3166 Dean Court  
Minneapolis, MN 55416



"Litwin, Nancy"  
<Nancy.Litwin@generalgrowt  
h.com>

12/31/2012 04:46 PM

Please respond to  
"Litwin, Nancy"  
<Nancy.Litwin@generalgrowth.  
com>

To <swcorridor@co.hennepin.mn.us>

cc "Koch, Jeff" <Jeffrey.Koch@generalgrowth.com>

bcc

Subject Southwest LRT DEIS Comments from Eden Prairie Center

December 31, 2012

To Whom It May Concern:

Attached is the complete submittal from Eden Prairie Center for the Southwest LRT DEIS comment process.

Please contact me with any questions or to schedule follow up meetings.

Sincerely,

**Nancy Litwin, Sr. General Manager**

Eden Prairie Center  
8251 Flying Cloud Drive, Suite 125  
Eden Prairie, MN 55344-5305

**PH/VM (952) 525-2152**

Fax (952) 941-7316  
nancy.litwin@ggp.com



Please consider the environment before printing this e-mail

*This communication is intended to constitute an outline of certain business terms and conditions relating to a proposed transaction, and is not intended to constitute a complete statement of all relevant terms and conditions. The terms and conditions expressed in the communication are intended to be embodied in definitive documents which may reflect changes and qualifications with respect to the proposed transaction. Accordingly, unless and until definitive documents are finalized, executed and delivered by both parties, and accept as may otherwise be provided herein, neither party shall have any obligation to the other (whether legal or equitable or under this letter or otherwise) including, but not limited to, any obligation to negotiate in good faith, and either party may cease pursuing the proposed transaction at any time and for any reason. If executed, the definitive documents shall supersede this letter as well as any previous written or oral understandings.*



December 31, 2012

Hennepin County Housing, Community Works and Transit  
Attention: Southwest Transitway  
701 Fourth Avenue South, Suite 400  
Minneapolis, MN 55415

Attention Southwest Transitway:

Eden Prairie Center is a regional shopping, family entertainment and dining destination that showcases more than 120 stores and restaurants, providing employment to more than 2,400 employees. Eden Prairie Center is located just south of I-494 between Flying Cloud Drive and Prairie Center Drive in Eden Prairie. On behalf of Eden Prairie Center's ownership and management, we submit the following comments to the recently released Southwest Transitway Project Draft Environmental Impact Statement (DEIS):

General Comments

- 1.) Eden Prairie Center ownership and management continue to prefer Southwest Transitway LRT 3A alternative for the benefits it would bring to local employers, businesses and future economic development.
- 2.) We understand that the Town Center Station Area on Technology Drive in Eden Prairie will be further evaluated. In order to assess benefits, as well as avoid any adverse effect on our access, our operations, our business and/or our growth, we request individual follow up meetings during the Preliminary Engineering process in order to provide our comments on any alternative station area planning under consideration for the Town Center Station. Nearly twelve million shoppers visit Eden Prairie Center annually.
- 3.) Eden Prairie Center ownership and management are opposed to any taking of our property for use in developing the Southwest Transitway LRT.
- 4.) The project must evaluate alternatives and determine solutions for mitigating construction impacts of the project on all businesses, residents and properties along the corridor. Without appropriate solutions during the construction phase, we anticipate potential negative construction impacts could cause many shoppers/motorists to avoid the Eden Prairie Major Center Area shopping district and build habits of choosing competing shopping areas, thereby creating continued, long-lasting negative impact on businesses in the Major Center Area.
- 5.) Due to the large regional traffic draw of Eden Prairie Center, we request directional guide signs to Eden Prairie Center to assist motorists through construction areas, detours and any roadway reconfigurations that result from the final preferred alternative route of Southwest Transitway LRT.
- 6.) We are strongly opposed to any at-grade LRT crossing in the Major Center Area of Eden Prairie. There is existing significant traffic in the Major Center Area including congestion and backups during peak drive times. Additionally,

A

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J3

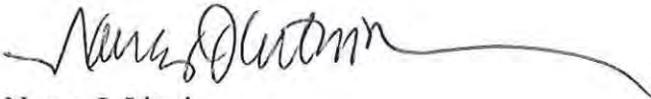
P4

motorists are already often confused and frustrated navigating their way to, through and from this shopping district because the main highways, exit ramp configurations and city streets at the Major Center Area do not follow traditional grid-like patterns.

- a. The LRT crossing of Valley View Road at Flying Cloud Drive should be converted to a grade separated crossing. The Valley View Road corridor is a major artery serving Eden Prairie's Golden Triangle and Major Center Area which provides critical access to both I-494 and Highway 212. The operation of this corridor is extremely dependent on and sensitive to effective traffic signal coordination. It is an inappropriate location for an at-grade LRT crossing. We are strongly opposed to an at-grade LRT crossing at this location and anticipate it could cause many shoppers/motorists to avoid this shopping district thereby negatively impacting businesses in the Major Center Area. F0
  - b. Similarly the LRT crossing of Technology Drive should be re-evaluated. Costco is a major regional traffic draw to this shopping district and negative impacts to the number of shoppers/motorists visiting this Costco location has a direct impact on the traffic and success of other surrounding businesses. J3
- 7.) The size of the Town Center Station Park & Ride facility should be carefully planned to assure adequate parking supply for Park & Ride users and avoid potential parking overflow issues that would negatively impact Eden Prairie Center and other businesses' available parking. F0
  - 8.) Both construction and ongoing operation noise and vibration concerns must be continually addressed in the engineering and design of the Southwest LRT. I2
  - 9.) The design of the Southwest LRT must complement and be coordinated with the services offered by Southwest Transit. Future Southwest Transit operations are critical to the design and operation of the Southwest LRT line. Southwest Transit needs to be an active partner in the Preliminary Engineering process. P10
- O5,  
O12
- P3

Please feel free to contact me at (952) 525-2152 if you have any questions.

Sincerely,



Nancy J. Litwin  
Sr. General Manager  
Eden Prairie Center



Louise Kurzeka  
<LKURZEKA1@comcast.net>

12/31/2012 04:49 PM

To swcorridor@co.hennepin.mn.us

cc

bcc

Subject Comment on SWLRT DEIS

## To Whom It May Concern:

I am writing in response to the Southwest Light Rail Transit (SWLRT) – Draft Environmental Impact Statement (DEIS) published in regard the SWLRT which includes the proposed freight rail re-route in St. Louis Park, Minnesota.

The current SWLRT-DEIS has significant flaws and the planned re-route idea either needs to be dropped completely or a great deal more study must be done. As this action is proposed and described in Chapter 1, Section 1.3.2.3 as rebuilding a little known, lightly used spur line into a main freight rail line, which will initially allow a 788% increase of rail car traffic. Having grown up in the same home I live in now, I know firsthand how light the rail traffic use was on the spur line even in the 1960's. What the SWLRT-DEIS does not address, but should, are the real world impacts of this action on the affected area. C

Besides my general concerns about the SWLRT-DEIS, the portion of the report dealing with freight rail trains blocking street crossings (6-38 and 39) causes me the greatest concern. The SWLRT-DEIS says the blocked crossings will not cause significant travel or safety issues. I live just two blocks from one of those major crossing at Library Lane and Lake St. so I am very familiar with the issues both for residents safety, emergency vehicle delays and normal traffic problems, especially since the tracks cross at a diagaonal at this intersection. To the consultant sitting miles away the increase may seem insignificant, but to residents who must travel the area the 580% increase in blocked crossing time is unacceptable. C

A supposed benefit of the proposed re-route is explained in chapter 1, pages 11 and 12 of the SWLRT-DEIS. According to the document Twin City and Western (TCW) freight trains will regularly travel north of St. Louis Park into Golden Valley, Crystal and New Hope. When the trains travel north they will have to cross Cedar Lake Road; however, no data is given for the impact of this blocked crossing. C

Issues about blocked crossings not dealt with in the SWLRT-DEIS include, but are not limited to the following:

- Effects of multiple blocked crossings on residents' ability to move freely about their neighborhood
- Amount of time it takes congestion to clear once a train has passed.
  - Making turns from one street to another with backed up traffic
  - Pedestrian safety as traffic clears
- Possibility that trains will be going slower than the "worst case scenario" in the EAW – Trains often stop at McDonald's for train crews to have a break. When they resume travel they will NOT be going 10 mph.
- Medical response times can be affected
  - Narrow side streets will be blocked with waiting automobiles
  - Only one fire station has medical response
- When train volumes increase what will be done to alleviate auto traffic congestion
  - Particularly at Lake St and Library Lane which conveys all the exiting high school vehicle traffic as well as 15 or more school busses each school day at 3:10pm.

C

None of the mitigation requested by the City of St. Louis Park on behalf of residents such as myself is being considered. This mitigation is not frivolous; it is necessary to maintain the safety, livability and property values for the residents of St. Louis Park.

C

Louise Kurzeka

3301 Library Lane

St. Louis Park, MN 55426-4210



Shelley Fitzmaurice/Walter  
Duffy <duffyfitz@mac.com>

12/31/2012 04:59 PM

To swcorridor@co.hennepin.mn.us

cc

bcc

Subject RE: Comments on the SWLRT DEIS

DATE: December 31, 2012

TO: Hennepin County

Housing, Community Works & Transit

ATTN: Southwest Transitway

701 Fourth Avenue South, Suite 400

Minneapolis, MN 55415

RE: Comments on the Southwest Transitway DEIS

Dear Project Manager:

We respectfully submit the attached comments and concerns regarding the SWLRT DEIS.

If you have any questions please contact us at this email address or the address noted below.

Thank-you for your consideration.

Sincerely,

Walter Duffy and Shelley Fitzmaurice

(2642 Burnham Road, Minneapolis, MN 55416)

# COMMENTS ON SWLRT DEIS

## A. Introduction

We are long-term residents of Minneapolis who own a single-family residence on Burnham Road near the intersection of Cedar Lake Parkway and Burnham Road. We and our children frequently walk and bike in this area and, like thousands of others, appreciate and enjoy the surrounding green spaces, parkland, Cedar Lake, and the walking and biking trails that make up the historic Grand Rounds. We have lived in our home for over thirty years and have a direct interest and concern related to the decisions made in connection with building and operating the Southwest Light Rail Transit (the "SWLRT") through the Kenilworth Corridor. The following comments focus on the 3A alternatives discussed in the Draft Environmental Impact Statement (the "DEIS").

## B. Deficiencies of the DEIS

### (1) General DEIS Deficiencies

In our opinion the DEIS is alarmingly deficient in its failure to adequately address and discuss all viable alternatives for the SWLRT crossing at Cedar Lake Parkway including (i) crossing at grade, (ii) crossing on an elevated bridge, and (iii) crossing using a below grade trench or tunnel with one or more overpasses and trail configurations. The DEIS is also inadequate for its lack of a "Legal and Regulatory Analysis" for each section of the DEIS. Further, the DEIS completely ignores the MEPA and EQB Environmental Review Rules which require that an environmental review address all state environment noise standards; and the DEIS inadequately addresses mitigation measures to reduce both severe and moderate noise impacts along the SWLRT route.

L4

### (2) Recommendations for the Final EIS

#### (a) **Chapter 2.0 Alternatives Considered**

In the Final EIS, a section should be added to Chapter 2.0 that describes three sub alternatives within Alternative LRT 3A for the SWLRT crossing of Cedar Lake Parkway. The alternatives to be studied would be: (1) crossing at grade; (2) crossing on an elevated bridge; (3) crossing using a below grade trench with one or more overpasses and trail configurations. These three sub alternatives should then be studied in Chapter 4.0 Environmental Effects and other appropriate chapters of the Final EIS.

E0

(b) **Chapter 4.0 Environmental Effects**

In the Draft EIS, Sections 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, and 4.10 have an analysis section titled "Legal and Regulatory Overview." Sections 4.7, 4.8, 4.9, and 4.11 do not. In the Final EIS, a Legal and Regulatory Overview analysis section should be added to those sections in which it is missing.

U

(c) **Chapter 4.0, Section 4.7 Noise**

Minnesota has a set of noise standards that are completely ignored in the Section 4.7 noise analysis. MEPA and the EQB Environmental Review Rules require that an environmental review address all state environmental standards. Therefore, the Final EIS should be supplemented by providing a complete noise analysis based on the State noise standards. This analysis should identify any areas where state noise standards will be violated and mitigation measures to eliminate the violations. Or, if effective mitigation measures are not available, then the scope of any required noise waiver should be described.

O8

(d) **Chapter 4.0, Section 4.7, Subsection 4.7.6 Long-Term Mitigation**

This subsection inadequately addresses mitigation measures to reduce both severe and moderate noise impacts along the SWLRT route. Almost the entire subsection treats noise mitigation along the freight rail relocation, not the hundreds of moderate and severe noise impacts along the SWLRT route. No mitigation measures, other than Quiet Zones, are even identified. And the Quiet Zone discussion focuses on the freight rail relocation route, not the SWLRT route. In the Final EIS, all possible mitigation noise mitigation measures should be identified and evaluated for their effectiveness along the entire SWLRT route.

O8

## C. Discussion of Specific Concerns

(1) Taking of Park Board and/or Private Property:

The DEIS contains several vague comments about the "permanent use" of property owned by the Minneapolis Park and Recreation Board (the "MPRB") and private homeowners. We understand this to mean that certain properties will be taken by eminent domain. The DEIS does not specifically identify what properties would be taken but, based on conversations and information from other concerned citizens, we fear that a portion of the small beach on the southeast shores of Cedar Lake (the "Beach") is in jeopardy of being permanently taken from the MPRB to accommodate a wider Cedar Lake Parkway. For example, page 11-3 of the DEIS, with reference to the SWLRT Option 3A (no co-location), indicates four properties, including .81 acres of Cedar Lake Park might potentially be permanently used.

E2

M3

This Beach is a lovely place frequented by many families. Its small size makes it attractive for families of small children who live in the surrounding neighborhoods because it does not have the size or parking availability to make it a target for large crowds. It is also used as an access point for boaters who bring their kayaks and canoes to the Beach to access Cedar Lake. Taking any part of it will significantly detract from its usage and charm.

Additionally, sections of the DEIS note that under the SWLRT Option 3A-1 (which contemplates co-location of both the SWLRT and the existing freight train usage along the Kenilworth Corridor (the “Co-location Alternative”), the DEIS states that three private residences on Burnham Road would be taken. (See page 3-34 of the DEIS.) No street addresses are given but the homes are described as the first three single-family homes north of Cedar Lake Parkway along Burnham Road. Our home is the second such home. This has created a cloud of uncertainty over these homes and has put their owners in a state of limbo. Given this uncertainty it would seem unlikely that any of these homes could be sold for many years, affecting the ability of the owners of these properties to make life decisions (such as retirement, downsizing, or sale of their homesteads due to health issues or death). Additionally, it creates a disincentive for any of these homeowners to expend any monies to improve, maintain and enhance their homes while the possibility of a permanent taking remains.

E4

M4

We do not think that the DEIS adequately addresses any potential taking of public roads or parkland or private property, either temporarily as a result of construction, or permanently as a result of operation of the SWLRT through the Kenilworth Corridor. The final DEIS should more specifically describe any such potential taking and specifically address the environmental impact of such.

(2) Co-Location of Freight Trains:

For all the reasons noted in the DEIS, we agree that co-location of the existing freight trains with the SWLRT would not be advisable. As noted in the DEIS, and below, the SWLRT itself imposes negative environmental impacts. The Co-location Alternative only serves to exacerbate and magnify them.

D

(3) At-Grade Crossing of the SWLRT at Cedar Lake Parkway:

Again, for all the reasons noted in the DEIS, we agree that an at-grade crossing of the SWLRT, even without co-location, would not be advisable. Such a crossing would significantly and negatively impact the flow of traffic on Cedar Lake Parkway, which is owned by the MPRB and which is part of the historic Grand Rounds. Cedar Lake Parkway is an important connecting roadway between the Cedar Lake Park neighborhood and the Lake of the Isles neighborhood and the Calhoun Lake neighborhood. The numerous stops required by over 300 daily SWLRT estimated crossings would discourage and disrupt pedestrian, bike and vehicle passage between these neighborhoods. Additionally, it would significantly increase existing

E8

P4

safety concerns for pedestrian, bicyclists, and motor vehicles at this crossing. It would also contribute to significant air pollution from cars that would be idling at the crossing whenever the SWLRT was crossing.

E8  
P9

If at an-grade crossing is still being considered as a viable alternative, the DEIS must be significantly enhanced to address safety concerns, regulations of the Federal Transportation Authority, and the increased potential for noise, air and light pollution.

E8  
O6  
N2  
N9

(4) Comments and Concerns about the DEIS Preferred Solution:

We were encouraged that the conclusion of the DEIS was to recommend a solution that did not involve either co-location of freight trains or an at-grade crossing over Cedar Lake Parkway. However we do **not** support the solution proposed by the DEIS. Other viable alternatives should be studied and addressed in the final DEIS.

G2

The solution endorsed by the DEIS is to construct an aerial bridge over Cedar Lake Parkway for the SWLRT and a photo was included of the type of bridge contemplated. While we were pleased to see some creative thinking on this issue, we do not believe that such a solution adequately addresses the negative environmental impacts of running the SWLRT over Cedar Lake Parkway. The DEIS does acknowledge that “Cedar Lake Parkway is a contributing element of the National Register eligible Grand Rounds Historic district” and the constructed elements of the bridge “would have a substantial impact on this historic landscape.” (See, page 3-116 of the DEIS.) The DIS goes on to state that “this issue will be addressed during “Section consultation.” We believe that this issue is too important not to be further considered and addressed in the final DEIS, together with alternative solutions as discussed below that are not currently considered in the DEIS.

E8  
S3  
S4

The proposed aerial bridge, as evidenced by the photo example at Photo 3.6-6, is a visually unattractive concrete and steel structure, inconsistent with other Grand Round bridges (such as the bridge to the north where Cedar Lake Parkway intersects with France Avenue) with no proposed architectural design or landscaping elements to enhance its visual appearance or mitigate sound and light pollution. Light rail transit trains passing over this bridge (estimated to be over 300 times within a 24 hour period), many after dark, will create noise, vibrations, and light pollution for the many residences in close proximity, including private single-family homes, townhomes, and an apartment buildings on both sides of the proposed bridge, adjacent to Cedar Lake Parkway. With respect to our own home, two bedrooms will directly face the bridge and the sound and lights of all these LRT trains will significantly impact the ability to continue to use these rooms as sleeping rooms. The DEIS notes that visual impacts such as visual intrusion and privacy may be substantial “where vegetation or landscape buffers do not exist.” (See page 3-117 of the DEIS.) It seems doubtful that any vegetation or landscape buffers would be possible to mitigate these effects for those residences closest to the aerial bridge

E8  
N2

including, without limitation, our home on Burnham Road, due to the proposed height of the aerial bridge.

Based on information in the DEIS the overall height of the aerial bridge is estimated to be between 40 feet and 43 feet (which includes 18 feet for the LRT trains). This puts the LRT trains at a height that will amplify their sound and light and make them visible to residents of the neighborhood well beyond those adjacent to the SWLRT as well as to boaters and other recreational users of Cedar Lake. The height of this proposed structure may also violate the Minneapolis Shoreline Overlay Ordinance, which prohibits structures of more than 35 feet or two and a half stories above grade around the chain of lakes.

E4  
E8  
N2

We refer you to additional and more specific comments set forth in the DEIS comments submitted by a coalition of local neighborhood associations including Cedar Isle Neighborhood Association (our neighborhood association), West Calhoun Neighborhood Association, Kenwood Isles Area Association, Calhoun-Isles Condominium Association and Cedar Lake Shores Homeowners Association (herein, the "Local Neighborhood Association Comments"). We are in agreement with most comments and specifically endorse the recommendation therein that a tunnel or trench would be a better solution to the Cedar Lake Parkway crossing.

E0 G2  
E8

(5) The MPRB Proposed Alternatives for the Cedar Lake Parkway Area:

We have also seen and reviewed the proposed alternatives recommended by the MPRB in its Comments on the DEIS, as discussed and illustrated in Section 9 and Appendix A to the MPRB's Comments. These alternatives are, in our opinion, vastly superior to the proposed aerial bridge. They contemplate either a cut and cover tunnel, or an open trench, to be constructed under a slightly elevated Cedar Lake Parkway. However, the environmental impacts of none of these alternatives have been addressed in the DEIS. We believe they must be seriously studied and addressed because they provide cost-effective and viable alternatives that will minimize the environmental impacts of the SWLRT at his crossing.

E0

With respect to the MPRB alternatives, we support those that (a) do not involve any partial or complete taking of private residences, particularly those on Burnham Road (such as our own home), and (b) do not contemplate a rerouting of any biking or walking trails to the North of the proposed SWLRT. With respect to the latter, we believe one proposed MPRB alternative contemplates such a rerouting. We believe that other MPRB alternatives contemplate making trail connections that would connect the MPRB Cedar Lake Parkway existing trails to the Kenilworth existing trails which are South of the proposed SWLRT. A connection to the South would be preferable from a cost perspective (no or minimal rerouting required) and from the perspective of avoiding a rerouting that would position any new trail, or trails, too close in proximity to the single-family residences on Burnham Road.

M4

P9

E2  
E8

Our preferred MPRB alternatives are those alternatives that contemplate a trench within which the SWLRT would pass, below grade, with an elevated Cedar Lake Parkway crossing over such trench. The design and construction of a trench and elevated parkway road would need to address related safety issues but we believe appropriate solutions are available. It is our opinion that an elevated Cedar Lake Parkway, with a trench for the SWLRT, would make the existing intersection of pedestrian and bike trails with the Cedar Lake Parkway significantly safer than it is today. Furthermore, running the LRT in a trench will minimize the noise of all trains, the light pollution of trains running after dark, and, possibly, even the vibration effects. This solution also better lends itself to architectural designs more consistent with the Grand Rounds and should allow more space for creative and more effective landscape and vegetative mitigation. Further, the economics of the MPRB's trench alternatives should be cost-competitive with the aerial bridge solution proposed in the DEIS.

G2

E8  
E0

T4

The alternatives proposed by the MPRB contemplate a realignment of Burnham Road with access to Burnham Road shifting from the north of the existing freight rail tracks to the south of the proposed SWLRT. This would mean that three homes on Burnham Road, including our home, may have more limited access than currently, and they may need to be given a new "Park Lane" address as they will become part of that roadway. However, we find this significantly more preferable than the proposed aerial bridge in the DEIS, assuming that no realigned road, trail or track would interfere with the use and access to our home. Specifically, we would not favor any realignment that would move any road or trail closer to our house than the current alignment of Burnham Road. Any greater proximity would have negative environmental, safety and privacy impacts on our home and those of our immediate neighbors, contributing to diminished enjoyment and value.

E8

Finally, rerouting and moving the current Burnham Road – Cedar Lake Parkway intersection would eliminate an extremely dangerous intersection. Over the forty years of residing near this intersection we have observed many accidents (and near misses) at this intersection as bicyclists follow the Cedar Lake Parkway trail and turn from the Kenilworth trail to the Cedar Lake Parkway trail at this intersection. Not only is visibility poor for motorists on Burnham Road, but many motorists on Cedar Lake Parkway ignore the "Pedestrian Crossing" and "No Left Turn" signs; and many bicyclists regularly ignore road safety rules and cross both Cedar Lake Parkway and Burnham Road without stopping, looking or providing appropriate right-of-way to pedestrians and motor vehicles. Adding either an at-grade crossing of the SWLRT, or an aerial bridge that will reduce visibility at this intersection, would make this intersection less safe and could potentially violate federal safety regulations while the MPRB proposed alternatives are designed to increase safety at this critical intersection of roads, trails, and light rail.

E8  
E2

#### D. Summary:

In closing, we urge that maximum consideration be given to choosing a final solution that will minimize the environmental impacts on the homes and neighborhoods that the SWLRT will travel through. We believe that better solutions have been offered by the MPRB and that those alternatives offer substantially improved solutions to the negative environmental impacts of either an at-grade crossing or the DEIS aerial bridge option offered for the SWLRT crossing of Cedar Lake Parkway.

E0

While the SWLRT will economically benefit business and development interests in the cities of Eden Prairie and Minneapolis, we respectfully request that the governmental decision makers choose a design that will do the “least amount of harm” to the historic urban parkland, lakes, trails and neighborhoods in Minneapolis that the SWLRT will pass through, preserving the maximum benefit for both inhabitants of the affected neighborhoods and the thousands of metro-wide users of these parks, lakes and trails. The MPRB proposed alternative involving a trenched SWLRT with a raised Cedar Lake Parkway over the trench meets the criterion of creating the least amount of harm and should be addressed in the final environmental impact report.

Respectfully Submitted,

Walter Duffy and Shelley Fitzmaurice



"Alan Winner"  
<alanwinner@rconnect.com>

12/31/2012 05:13 PM

To <swcorridor@co.hennepin.mn.us>

cc

bcc

Subject Draft DEIS

I strongly support the SWLRT project, as I believe it is essential to the future economic and social welfare of suburban living and work within the Twin Cities metropolitan community.

A

I do not believe current plans in Eden Prairie for stations at the Southwest Station and near Technology Drive and Emerson are both viable as proposed. One or the other should have adequate pedestrian, bicycle and motor vehicle access and parking facilities to accommodate ridership. Personally, I believe condemnation of some Eaton property and at Southwest Station to add to the existing parking structure could serve this need and avoid another station at Technology and Emerson. Alternatively, the Technology and Emerson area could be realigned to the east of Costco and near Gander Mountain property to develop the necessary parking and access for pedestrians (via shuttles or pedestrian motorized covered walkways), bicycles and vehicle parking by encouraging Costco and Gander Mountain operations to allow short term parking for LRT riders (1-3 hours maximum), and omit the Southwest Station access point.

F0

12

Thank You.

Alan Winner  
alanwinner@rconnect.com



Brian Bajema  
<bbajema@gmail.com>

12/31/2012 05:14 PM

To swcorridor@co.hennepin.mn.us

cc

bcc

Subject SW LRT Draft Environmental Impact Statement (DEIS),  
comments:

We own a home on Benton Boulevard in Minneapolis with a backyard that is aligned with the Kenilworth bike path between Cedar Lake and Lake of the Isles. After reading the draft environmental-impact statement and attending meetings held by both the Cedar Isles Dean Neighborhood Association and Minneapolis Park & Recreation Board, we have several concerns surrounding the impact of the Southwest Light Rail project on our health, home, and neighborhood. Given that the preferred Southwest light-rail route would take 250+ trains per day through our neighborhood and within approximately 50 yards of our personal residence, we have concerns with respect to:

1. The health impacts on our family of having high voltage lines within such a close proximity to our residence. What studies have you done or are you planning to complete that address the short and/or long term consequences and subsequent health effects of living in such a close proximity to this type of high voltage infrastructure? Especially on children as we have a two year old.

N11

2. The vibration associated with the construction and operation of the light rail. What are the short and long term effect(s) on the infrastructure of our home? Additionally, we have a swimming pool within 20 yards of the proposed light rail tracks and are concerned about the effects on its infrastructure as well.

E4

O5,  
O6,  
O12

3. The noise associated with the high number of trains coming through our neighborhood and within such a close proximity to our residence. Given the proposed at-grade solution, my understanding is that the trains would be required to sound their horn as they approach Cedar Lake Parkway to alert vehicle and pedestrian traffic. This would result in a significant amount of horns/whistles/bells per day given the outlined train schedule. Given my experience riding a bicycle on the Hiawatha trail and the noise that is generated by the light rail trains on this route, the noise pollution/impact this would cause in both our residence and neighborhood will be significant. I understand there is also a 42-foot-high flyover bridge that has been proposed as an alternative. This would put the light-rail tracks near eye level with our residence's main floor and would elevate the trains above our back yard taking away our privacy.

E4

O1

E8

N2

4. The light generated from the trains. With 250+ trains scheduled to run from dawn until midnight, we are concerned about the privacy and health effects associated with the light pollution in our residence and neighborhood.

E6

N2

E8

5. Safety concerns of having 250+ trains per day coming through a residential neighborhood. Given the population density and traffic patterns in our neighborhood, statistically speaking there will be an elevated number of accidents and a delay in the response time of emergency services. What statistical information is available on the number of accidents and delays in the response

E9

R1

R3

time of emergency personnel we should expect in our neighborhood if/when this project is approved?

6. Impact on the number of people who use the Kenilworth bike path for commuting and recreation. Given the noise and safety issues of operating such a large number of trains right next to a bike path, we believe this will actually deter many people from using the bike path. Current commuters may choose to drive their vehicle to work while recreational users may choose to go elsewhere. What studies are available or will you be conducting to get accurate user feedback?

E4  
E2  
E9

P9

C

7. In order to move this project forward, we understand that the current freight traffic would have to be relocated within St. Louis Park which would negatively impact residents there, adding additional congestion to an already busy area.

C

8. We believe the property value of our home as well as those in the neighborhood (reducing property tax revenues) would be negatively impacted as this light-rail route would fundamentally impact the current character of our beautiful, quiet urban setting significantly diminishing our neighborhood as a desirable place to live.

M2

T0

N2

R1

O1

In addition to the health, noise, vibration, light, safety, and financial issues, we are also concerned about how the light-rail through our neighborhood would fundamentally alter the urban green space that surrounds a highly developed residential and recreational area. There are good reasons why light rail is usually not built through highly developed residential and recreational areas. Unless our concerns and those of our neighbors are addressed, we believe a new route should be chosen. If the project cannot address the issues and/or becomes no longer economically feasible, the project should be abandoned.

B

N1,  
N2

Brian and Cyndi Bajema



Steven Thiel  
<sgthiel@aol.com>  
12/31/2012 05:20 PM

To swcorridor@co.hennepin.mn.us  
cc "<jpribila@gmail.com> Pribila" <jpribila@gmail.com>  
bcc  
Subject Response to the DEIS

To whom it may concern,

Attached are our comments regarding the DEIS for the SW LRT.

Steven Thiel & Jonathan Pribila

**See Comment #638 for  
Theme Delineations**

## **Southwest Light Rail Transit Way - Draft Environmental Impact Statement Response Letter**

The Southwest Light Rail Transit Way will significantly impact the people that live along the entire length of its path, the wildlife and vegetation along the proposed route, and the people who use the bike and pedestrian paths along the tracks. The Cedar-Isles-Dean and Kenwood neighborhoods that line the Kenilworth corridor will likely experience the largest impact because the homes and parkland are in close proximity to the proposed route.

The primary purposes of the DEIS are (i) to identify the potentially significant environmental impacts of the proposed transit way, (ii) to identify and analyze the reasonable alternatives, and (iii) to identify measures that would mitigate the significant environmental impacts of the proposed project, including both the construction-related and long-term impacts.

The primary aim of this response is to minimize the impact that the light rail will have on commuters and residents along the railway as well as the surrounding wildlife and environment. The observations below relate to a failure of the DEIS to adequately assess the potential environmental impacts within the Kenilworth Corridor, particularly given its acknowledged environmental sensitivity, and to identify and recommend mitigation measures. These deficiencies should be corrected in the FEIS.

### **1. KENILWORTH CORRIDOR**

While the DEIS recognizes that “portions of the land between Cedar Lake and Lake of the Isles are very high sensitivity,” the DEIS puts no particular focus on the Kenilworth Corridor. Instead, the environmental assessment is spread more-or-less evenly across the 15 miles of the proposed transit way (the “study area”). An exception is the Freight Rail Relocation Segment which receives much attention in terms of its potential impact on residents in St. Louis Park. This is not to fault an emphasis on the relocation analysis. It is simply to draw a contrast between the different levels of data gathering and technical analysis. Given the high sensitivity of the portions of land along the Kenilworth Corridor and the significant number of residents that will be affected, it deserves the same level of attention.

### **2. NOISE AND VIBRATION**

The entire study area is viewed as “dominated by urban land use.” This perspective comes across particularly clearly for the Kenilworth Corridor, in direct contrast with the perspective of the Minneapolis Park and Recreation Board. The Federal Transportation Agency (FTA) noise impact criteria are based on land use and existing noise levels. The FTA has three land-use noise categories: Category 1 is for land where quiet is an essential element of its use; Category 2 are residences and buildings where people normally sleep; Category 3 are institutional land uses such as schools, libraries and churches.

The park land to the west of the Kenilworth Corridor is either shown as a Category 3 land use in the DEIS or is not characterized. The residential properties to the east and west of the Corridor are shown as Category 2. This parkland has been inappropriately characterized. The MPRB, for example, views the Kenilworth Regional Trail as an area focused on “serenity, habitat restoration, minimal development and passive recreation.” Based on the MPRB definition, the Kenilworth Corridor should be classified as Category 1 land use because it consists of “buildings or parks where quiet is an essential element of their purpose.” The noise and vibration analysis needs to be recalibrated in light of the adjacent parkland being appropriately identified as Category 1 land use.

There are also problems with the methodology used to determine noise and vibration impact. It does not appear as though any direct measurement of existing noise levels was taken within the Kenilworth Corridor. The closest location appears to be Kenilworth Place and Upton Avenue South, which is identified as being “representative of noise-sensitive land use in the Kenwood Neighborhood, away from major thoroughfares.”

Using the current, but incorrect categorization system outlined in the DEIS, 3, Within Segment A, the DEIS estimates that there are 73 moderate noise impacts and 183 severe impacts. It states that “[m]any of the impacts are due to low existing ambient noise levels combined with proximity of residential neighborhoods to the alignment and high speeds of operation.” Other impacts were associated with the warning signal use at the 21st Street station coupled with low ambient noise levels. The DEIS states that noise levels that result in a severe impact present a compelling need for mitigation. However, the DEIS does not recommend any specific mitigation measures for the Kenilworth Corridor. In fact, the only specific recommendation in the DEIS calls for the use of Quiet Zones and this is recommended only for the freight rail relocation segment in St. Louis Park.

Several options for noise mitigation need to be clearly outlined prior to FEIS. Specifically, a tunnel option in which the light rail is below the current grade through the Kenilworth corridor should be fully evaluated and included in the FEIS. The increased cost of tunneling should be thoroughly and thoughtfully evaluated relative to the substantial improvement in noise pollution between west lake station and 21<sup>st</sup> street. This short segment is narrow and extremely close to housing units. Mitigation through large berms or sound barriers, which have been used along the Hiawatha Line, are likely not going to be possible because of the very limited space available.

In addition to the housing units affected, users of the Grand Rounds bike and pedestrian trail will experience a significant change in the level of ambient noise because of the frequency of the train. The effect of increased noise on these users of the Kenilworth trail are completely omitted from the analysis in the DEIS since the Kenilworth trail was not identified as a Category 1 land use. These trails are immediately next to the rail with little or no space for mitigation. What are the plans to mitigate the noise to the recreation trails immediately adjacent to the proposed railway? Specific plans for appropriate noise mitigation need to be included in the FEIS.

Furthermore, the impact on the number of bikers and pedestrians that use the Kenilworth trail has been significantly underestimated. According to the DEIS, bicycle and pedestrian counts were performed in September (6.3.1.4). As everyone in Minneapolis knows, the bike and pedestrian trails receive much higher use during the summer months. These counts need to be obtained several times per day during the summer months to accrue data that will allow for a realistic summer time average.

### **3. LIGHT POLLUTION**

The DEIS fails to address, in any fashion, the impact that the ambient light from the rail will have. The current freight rail adds little light to the surrounding wildlife areas and homes. The proposed light rail will run many times an hour and frequently at night. The change in ambient light levels along the Kenilworth corridor will be significant and will disrupt the serenity of the neighborhood. What are the proposed mitigation measures for this light pollution? Running the train below grade or tunneling the train through this highly sensitive area would mitigate this light pollution.

### **4. WILDLIFE AND NATURAL HABITAT**

The perspective of the DEIS on urban-land-use is inconsistent with the fact that the DEIS identified fourteen federal or state-listed species and native plants within one mile of the proposed transit way. Ten of the species as well as native plants are found in Segment A of the transit way (primarily the Kenilworth Corridor), significantly more than are found in any other segment. From personal experience, bald eagles and peregrine falcon are routinely seen along the Kenilworth Trail. No adverse environmental impact is noted with respect to any of the ten species listed in the DEIS and there is little-to-no analysis offered in the DEIS to support this conclusion.

Moreover, the DEIS sees the habitat as typically of low quality, and states that the native habitats are mostly concentrated in areas other than the Kenilworth Corridor. The DEIS claims that only 2.5% of Segment A is said to have native habitat. While this may be technically true, it vastly underestimates the area of vegetation and woodlands adjacent to the proposed route. In addition, by the DEIS' own claim, within 1 mile of the proposed route, Segment A contains tamarack swamp and a bat colony which are

considered high quality or unique natural communities. No mitigation is proposed for the effect of the light rail on these unique communities.

The DEIS does note that increased habitat fragmentation “could be expected from the construction of required safety/security barriers to separate the light rail tracks from adjacent bicycle/pedestrian trails,” which could be mitigated “through the use of wildlife underpasses.” This is one of the few specific mitigation measures proposed in the DEIS, and seems to run counter to the determination that there is little to mitigate.

## **5. KENILWORTH CHANNEL AND BRIDGE**

The historic water connection between Cedar Lake and Lake of the Isles remains a defining characteristic of the Minneapolis Chain of Lakes Regional Park. The 1913 Kenilworth Channel is part of the Grand Rounds Historic District that is eligible for the National Register of Historic Places. It is critical to preserve the historic nature of the Channel.

In addition, The Kenilworth Channel was central to creating the Minneapolis Chain of Lakes and provides a critical connection between Cedar Lake and Lake of the Isles. Trail access is necessary for people as is year-round channel access for both people and wildlife. It is also a critical link in the City of Lakes Loppet (winter ski race) and City of Lake Tri-Loppet.

According to the DEIS (3.6.3.3) ...the bridge design, bank treatment, and aesthetics for the new facility and the potential replacement or modification of the existing pedestrian bridge would have a substantial effect on this historic landscape... In addition, (3.4.5.3)...Potential long-term effects may occur at the following properties: Kenilworth Lagoon/Channel, Grand Rounds (potential effects of the construction of new bridge structures within the historic district; the design and footprint of these structures may affect the banks of the historic channel and may affect the district’s overall feeling and setting). While the DEIS notes that these issues will be addressed during preliminary engineering, it is essential that the historic nature of the channel and recreational access between the Lake of Isles and Cedar Lake must be maintained.

Few measures are proposed to mitigate the potential adverse environmental impacts of the project, and nearly none that are of a specific nature. For example, the DEIS notes that “[t]he impact of replacing an existing bridge over the channel that connects Cedar Lake and Kenilworth Lagoon could be substantial because of sensitive receptors traveling the lagoon.” This has a significant impact on several aquatic federally and state listed species including the Black Sandshell (mollusk), Pugnose Shiner (fish), and Least Darter (fish). Despite identifying these concerns, the DEIS offers no specific mitigation measures.

In addition, by the DEIS’ own account, the area between Cedar Lake and Lake of the Isles is considered a zone of very high sensitivity to pollution of the water table system. The current bridge is constructed of creosote soaked wood pylons. Creosote is a known carcinogen and its use is monitored by the Environmental Protection Agency. Will the necessary reconstruction of this bridge address the creosote pylons that extend into the canal connecting Cedar Lake and Lake of the Isles?

No mitigation measures are set out in the DEIS to address these concerns. Instead, the bridge design, bank treatment and aesthetics for the new bridge are to be addressed later, *after* the Final Environmental Impact Statement (FEIS) has been approved. These need to be addressed prior to the FEIS and need to minimize the affect on water pollution and these federally and state listed aquatic life.

## **6. INDIRECT EFFECTS OF LTR**

The DEIS is required to analyze the cumulative impact of reasonably foreseeable future developments. This is also true for the potential indirect effects that may occur in the future. For example, the stated intent of LRT stations is to precipitate development on nearby property. The environmental effects of that future development, when added to the impact of the LRT, may have a significant environmental impact. However, no analysis of the potential cumulative or indirect effects of the Southwest LRT within the

Kenilworth Corridor was conducted. Instead, it is simply stated that those effects could be controlled by existing regulations, primarily those of the City.

## **7. CEDAR LAKE PARKWAY INTERSECTION**

### **LRT BRIDGE OPTION**

The intersection of cedar lake parkway and the proposed light rail transit way are a source of significant controversy and represent significant safety issues for the vehicular traffic on Cedar Lake Parkway and bike and pedestrian traffic on the pathways. For these reasons the intersection of the proposed transit way and Cedar Lake Parkway needs to be carefully considered.

The DEIS acknowledges that the proposed LRT bridge over Cedar Lake Parkway (CLP) “would have a substantial [visual] impact on this historic landscape.” A similar long-term architectural impact is acknowledged. However, further consideration of these impacts is deferred to the “Section 106 consultation process.” This is a federally-mandated collaboration process. The City and MPRB are parties to the process. Any resolution of the bridge proposal is likely to occur after the approval of the FEIS.

Separate from these acknowledgements, Cedar Lake Parkway (CLP) is a part of the Grand Rounds Historic District, which is eligible for the National Register of Historic Properties(NLRP). Because of Cedar Lake Parkway’s eligibility for the NRHP and because the SW LRT project has and will receive federal funding, the DEIS identifies Cedar Lake Parkway as a “property” under Section 4(f) of the U.S. Department of Transportation Act of 1966. Section 4(f) is intended to prevent the conversion of historic sites, parks, recreation areas and wildlife and waterfowl refuges to transportation uses, except under certain limited circumstances. For purposes of Section 4(f), the prohibition applies whenever the protected property is directly incorporated into a project or the project is so proximate to a protected property that it results in an impact that causes substantial impairment to the property’s use or enjoyment (so-called “constructive use”). Substantial impairment occurs when the protected attributes of the property are substantially diminished. Exceptions to the prohibition arise when there is no feasible and prudent alternative. This is clearly not the case since the DEIS discussed several other alternate routes that do not disrupt the Grand Rounds Historic District.

For an unstated reason(s), the DEIS concludes that the proposed LRT overpass is neither a direct or constructive use of the historic attributes of Cedar Lake Parkway. Therefore, the DEIS finds that there is no Section 4(f) prohibition applicable to the construction of the bridge. The DEIS contains no analysis of the proposed bridge’s *proximity* to park property as an independent basis for identification as a constructive use under Section 4(f). The explicit reason(s) as to why the proposed LRT overpass is neither a direct or constructive use of the historic Cedar Lake Parkway must be clearly identified and explained in the FEIS.

Further, the DEIS does not make any assessment of the potential noise impact of elevating the transit way nor the visual intrusion of the elevated transit way to nearby residents or to bike/pedestrian trail users. This needs to be fully evaluated in the FEIS. It is also unclear whether the proposed bridge would violate Minneapolis’ shoreline ordinance restricting the height of permanent structures close the city’s lakes. This needs to be addressed in the FEIS

Finally, the DEIS has no analysis of potential measures to mitigate the visual and noise impact caused by trains traveling across the proposed overpass. Clear mitigation measures need to be fully detailed in the FEIS.

### **AT GRADE CROSSING OPTION**

The intersection of Cedar Lake Parkway and the Kenilworth Trailway is heavily travelled by both cars, pedestrians, and cyclists. This creates two problems: 1. Safety for all users of the intersection. 2. Traffic delays. The DEIS acknowledges the problems with a grade crossing and have proposed a grade separated crossing as an alternative.

In 2011, according to the Metropolitan Council's annual visit estimates, Kenilworth Regional Trail had approximately 624,400 visits and the Chain of Lakes Regional Park had 5,122,900 visits. This is significantly higher than the DEIS estimates. Once again, extrapolating bike usage for a 2 hour period in September, fails to reflect the extremely high usage that the trail receives in the summer. This intersection, particularly in the peak of summer, is already very dangerous and has resulted in a number of accidents.

Cedar Lake Parkway is heavily travelled particularly at rush hour. It represents one of three ways out of the Cedar Isles Dean Neighborhood and the most direct west exit from the neighborhood. Lake of the Isles and Dean Parkway are the only other options. Given the high degree of pedestrian and vehicular traffic, this intersection is already dangerous and in the summer can result in significant delays. In fact, the DEIS estimates that it will degrade the intersection to a D, E or F status. South of the intersection, traffic would likely back up along the west end of Cedar Lake Parkway and extend on to Dean Parkway. It would block the vehicular traffic exiting Benton Blvd and limit access to the Excelsior Blvd. North of the intersection, it would also limit access to Burnham Road. Further, such impacts are inconsistent with one of the basic design characteristics of the Grand Rounds: a continuous recreational driving experience. Please see the above discussion of Section of 4(F) prohibition of direct or constructive use of the historic attributes of Cedar Lake Parkway.

A grade crossing would also increase the noise and air pollution at this intersection due to the high frequency of trains that will cross here. For an at-grade crossing, high levels of track, bell, and whistle noise would significantly diminish the quality of experience in adjacent parkland and along the trails. Frequent traffic delays for train crossings are expected to diminish air quality for park and trail users.

The frequent closing of the intersection would cause significant delays in fire, police, and emergency medical response to residences, park facilities, and beaches. Given the limited numbers of ways in and out of the Cedar Isles Dean neighborhood, this could significantly limit access of emergency services to these residents. In addition, due to the proximity of South Cedar Lake Beach, timely emergency medical access across this intersection is critical.

The effects of adding LRT into this intersection would result in frequent delays for parkway and trail users along Cedar Lake Parkway, and create visual obstructions. Both of these impacts would significantly diminish the quality of experience for parkway, park, and trail users. Further, such impacts are inconsistent with one of the basic design characteristics of the Historic Grand Rounds: a continuous recreational driving experience.

#### TUNNELING TRENCHING OPTION

The DEIS acknowledges that there are fundamental safety, vehicular and pedestrian traffic concerns with an at grade crossing at Cedar Lake Parkway. The MPRB has recommended tunneling or trenching the transit way underneath the Parkway. While the MPRB did conduct a preliminary assessment of a trenched LRT underpass, no reference was made to a below grade crossing in the DEIS. In fact, the DEIS does not even mention tunneling or trenching the transit way. Tunneling or trenching the transit way is a very valid alternative and one generally favored by the residents of the Cedar Isles Dean neighborhood who would be primarily affected by the proposed light rail.

For the above reasons, the "adequacy" of the analysis and conclusions in the DEIS relating to the proposed Cedar Lake Parkway is severely lacking.

#### **8. 21st STREET STATION**

The DEIS identifies the 21st Station as a "park and ride" site with parking for 100 vehicles and 1000 daily LRT boardings. There was no assessment of the traffic flow associated with parking at the site. Nor was

there a site plan showing the location of the parking lot. Both of these issues need to be addressed in the FEIS.

The MPRB believes that the western most track is on park land adjacent the proposed station. If this is true, the DEIS needs to conduct a Section 4(f) analysis regarding the use of park land. No such analysis has been undertaken. The DEIS does state that the land ownership adjacent the station is complicated and that additional survey work may be necessary.

Separate from the track location, the proposed station and associated parking lot could constitute a constructive use of the adjacent park land. The DEIS does not address this issue specifically. Instead, the DEIS makes a general statement that there are no constructive uses of Section 4(f) protected property within the Kenilworth Corridor. If Section 4(f) does apply, a feasible and prudent alternative is to forgo the station entirely or at least the parking component.

In addition, no analysis was conducted as to whether the proposed station and parking lot would comply with the requirements of the City's Shoreland Overlay District, particularly those governing storm water runoff and point and non-point source discharges of pollutants.

The DEIS acknowledges that the implementation of LRT service and stations along Segment A (mostly the Kenilworth Corridor) "would likely result in some land use change surrounding the stations..." No assessment was done of the cumulative impact of those changes nor was any mitigation proposed to protect the natural character of the area surrounding the proposed station. The City/HCRRA Design Team recommended only minimum infrastructure at the 21st Street station with no development at all on adjacent property. This recommendation is not included in the DEIS as a mitigation measure.

In conclusion, the DEIS addresses several specific environmental and economic impacts of the Southwest Light Rail. However, it fails to recognize that the proposed Southwest LTR will fundamentally change the character of the Kenilworth corridor. Most of the residents chose to live here because of the privacy, the park-like setting, and the proximity to nature and recreation trails. The DEIS assumes that the Kenilworth corridor is dominated by urban land use because of the presence of the freight train but it fails to recognize the significant impact that conversion to light rail traveling over 200 times a day at speeds of 50 miles an hour would have. While the DEIS begins to address some of these concerns, it is severely flawed and does not adequately address protecting the environment (Goal 3, DEIS) and preserving and protecting the quality of life (Goal 4, DEIS) along the Kenilworth Trail. There are flaws in the assumptions made within the DEIS, the methodology used to determine the environmental impact, and most profoundly in the lack of specific mitigation proposed for all of the areas of environmental concern.

Thank you for allowing us to submit our comments. We look forward to hearing your response to each of these concerns.

Jonathan Pribila and Steven Thiel  
2830 Benton Blvd  
Minneapolis, MN 55416



**Pamela Peters**  
<pame41@me.com>

12/31/2012 05:20 PM

To "swcorridor@co.hennepin.mn.us"  
<swcorridor@co.hennepin.mn.us>

cc

bcc

Subject: DES comment from Harrison resident

Sticking to the Bassett Creek Valley Master Plan is necessary to ensure a successful redevelopment that will provide living-wage jobs, quality affordable housing, increased businesses that serve the surrounding community, and an improved natural environment. LRT will increase 'value' placed on Bassett Creek Valley location by employers who value the labor force available in the Bassett Creek Valley area, and connections to potential employers in the Southwest metro area

M1

I am very concerned that our neighborhood will not benefit from the light rails being planned. Being so close to downtown our neighborhood has much to offer and lots of great opportunities for growth. The residents are eager for amenities, housing and jobs. Please consider this in your light rail designs. It's time to bring Harrison and all of the north side into the prosperity of Minneapolis. It has been ignored for far too long

M3

Pamela Peters.  
President Harrison Neighborhood Association



"Irene Elkins"  
 <ireneelkins@earthlink.net>

12/31/2012 05:21 PM

Please respond to  
 ireneelkins@earthlink.net

To swcorridor@co.hennepin.mn.us

cc

bcc

Subject Please consider my comment below re: DEIS for SWLRT project

To Whom it May Concern at Hennepin County Housing, Community Works and Transit:

As a resident of St. Louis Park, I am contacting you about a subject of great concern: the proposed freight rail reroute through St. Louis Park to make room for the SWLRT project in the Kenilworth Corridor. While I understand the desire not to lose federal funding for light rail transit, **the DEIS does not take seriously the enormously negative impact the reroute could have on the quality of life in St. Louis Park, nor is the amount or feasibility of mitigation fully taken into account.** Although it doesn't appear that the tracks in my neighborhood would be directly affected by the reroute, for those who would be, I can't imagine there's much that could be done to properly mitigate around the very narrow corridor surrounding the tracks, unless it involved buying many homes, since few people would be able to sell under those circumstances or recoup their home's former value. **There are also significant errors in the DEIS**, which indicates that Cedar Lake Parkland can't be used for transit co-location without violating Federal environmental laws, yet county land records show that the current Kenilworth freight rail line already lies in the parkland in question.

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**Frankly, it's hard not to wonder if the "colocation" alternative to the reroute is not receiving sufficient consideration because the more affluent areas around the Kenilworth Corridor are being given preferential treatment. Purchasing homes or businesses around the "pinchpoint" in the Kenilworth Corridor so that freight rail and light rail could coexist in that much more appropriate space would seem to have an impact on far fewer people than rerouting the trains.** Dave McKenzie, a consultant hired by the St. Louis Park City Council, thought it was possible to co-locate both freight and light rail in the Kenilworth corridor. If that's somehow not viable, surely there's another solution that wouldn't be so damaging to the quality of life in SLP than the proposed reroute, but there's a strong sense among residents paying attention to this issue that other solutions aren't being seriously considered.

**Finally, I can't believe anyone who's spent much time near St. Louis Park High School and seen where those tracks are located (very close to school entrances/exits) would believe that it's safe to reroute a bunch of fast-moving trains past the only public high school in St. Louis Park.** Having a lot of train traffic run so close to the high school would also greatly interfere with the learning environment, as my 11th grade daughter has said that everything tends to stop when a train goes by, but now that happens only twice a day at most, and the trains are short and slow-moving. Rerouting would also create a real traffic bottleneck, around the high school, limiting its accessibility, were trains to go through frequently.

As appealing as the idea of having light rail may seem, **if it greatly damages the desirability of living in St. Louis Park or elsewhere in Hennepin county, I think that Hennepin County officials will be doing a huge disservice to the communities they serve.** Thanks you for considering my point of view.

Sincerely,  
 Irene Elkins  
 4175 Zarthan Ave. S.  
 St. Louis Park, MN 55416  
 (952) 929-9793