

SOUTHWEST
Green Line LRT Extension



METRO Green Line LRT Extension (SWLRT)



Amended Record of Decision

Southwest Light Rail Transit

May 15, 2018

Prepared by the
Metropolitan Council



SOUTHWEST LIGHT RAIL TRANSIT PROJECT
Amended Record of Decision

Prepared by:
Federal Transit Administration (FTA)
Metropolitan Council

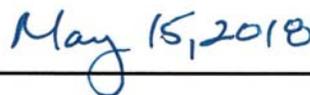
The Federal Transit Administration (FTA), pursuant to Title 23 of the Code of Federal Regulations (CFR), part 771, and Title 40 CFR Parts 1500-1508, issues this Amended Record of Decision (ROD) finding that the requirements of the National Environmental Policy Act of 1969 (NEPA) and Section 4(f) of the US Department of Transportation Act of 1966 (49 U.S.C. § 303 and 23 U.S.C. § 138) have been satisfied for the Southwest Light Rail Transit Project modifications. The Metropolitan Council served as a co-lead agency with FTA in conducting the environmental review process. U.S. Army Corps of Engineers (USACE) served as the NEPA cooperating agency. This process produced the *Southwest Light Rail Project Draft Environmental Impact Statement* (Draft EIS) dated October 2012, the *Southwest Light Rail Project Final Environmental Impact Statement* (Final EIS) dated May 2016, Record of Decision (ROD) dated July 2016, the *Southwest Light Rail Project Supplemental Environmental Assessment* (Supplemental EA) dated February 2018, and *Amended Final Section 4(f) Evaluation* dated May 2018.

The FTA issued a Final EIS and ROD based on the Southwest Light Rail Transit Project in May and July 2016. The decisions and findings in this Amended ROD are based on and incorporate the Project modifications as described in the February 2018 Supplemental EA. The decisions and findings made in the May 2016 Final EIS/July 2016 ROD remain in effect, except where this Amended ROD expressly alters them, as described in Section 3.1.

Based on its consideration of the environmental review documents, FTA finds that the project has met all applicable requirements. FTA further finds that this Amended ROD is complete and supports the determination that all NEPA requirements have been met.



Regional Administrator
Federal Transit Administration, Region V



Date of Approval

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1 Decision

The Federal Transit Administration (FTA) has determined that the requirements of the National Environmental Policy Act of 1969 (NEPA); Section 4(f) of the US Department of Transportation Act of 1966 (49 U.S.C. § 303 and 23 U.S.C. § 138); and related federal environmental statutes, regulations, and executive orders have been satisfied for the Southwest Light Rail Transit (LRT) Project (Project) modifications.

This Amended ROD applies to the 10 design modifications to the Project that were identified during final design and permitting processes that required further analysis to determine potential changes to impacts or mitigation. These design modifications were described and evaluated in the *Southwest LRT Project Supplemental Environmental Assessment (EA)* and *Amended Draft Section 4(f) Evaluation* dated February 2018. As the project sponsor and potential recipient of FTA financial assistance for the Project, the Metropolitan Council (Council) served as the co-lead agency with FTA in conducting the environmental review process.

The FTA issued a Final EIS in May 2016 and ROD in July 2016 on the Southwest LRT Project. The decisions and findings in this Amended ROD are based on and incorporate the Project modifications as described in the Supplemental EA. The decisions and findings made in the May 2016 Final EIS and July 2016 ROD remain in effect, except where this Amended ROD expressly alters them as described in **Section 3.1**.

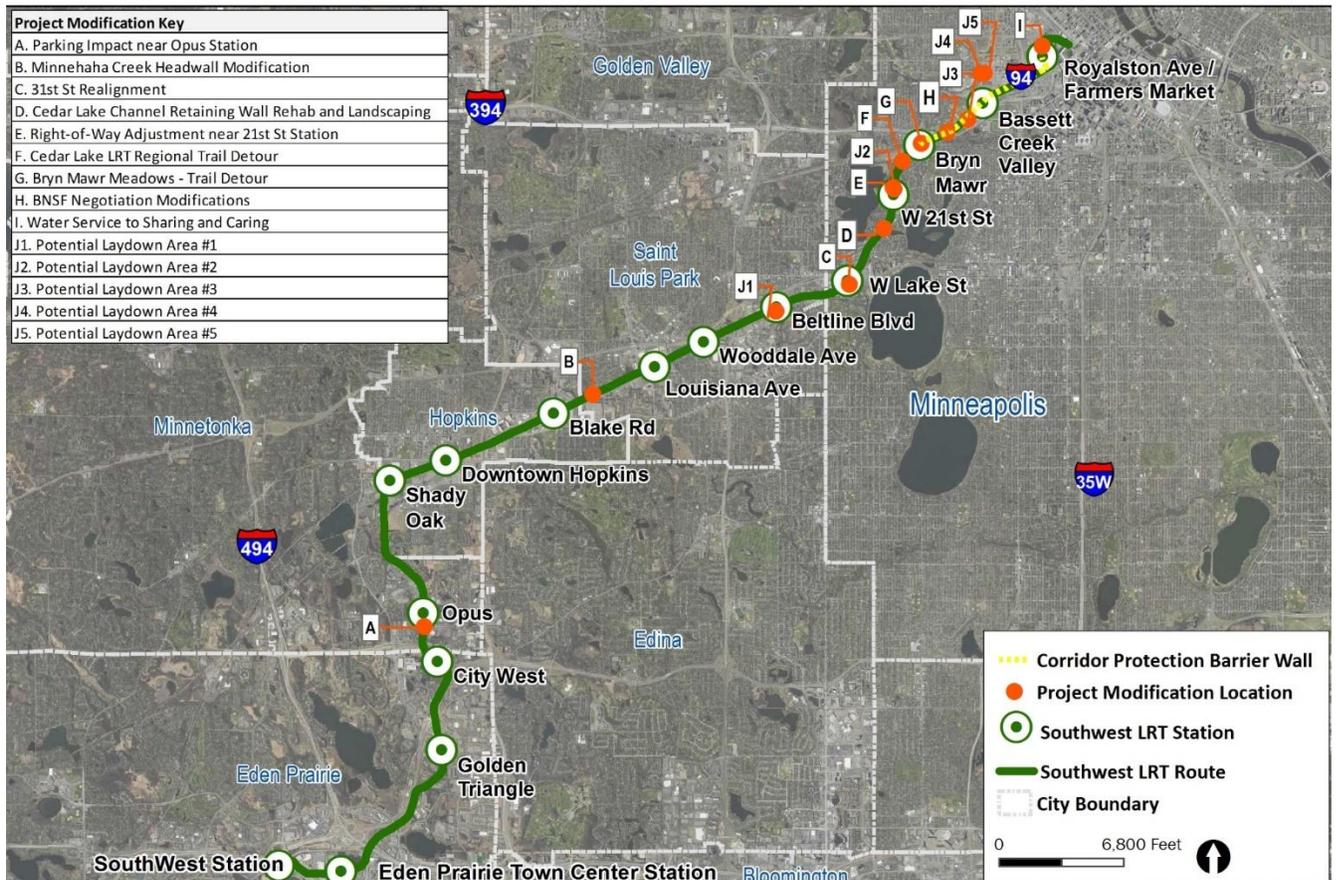
Based on its consideration of the environmental review documents, FTA finds that the Project has met all applicable requirements. FTA further finds that this Amended ROD is complete and supports the determination that all NEPA requirements have been met.

Any additional proposed design changes by the Council must be evaluated in accordance with 23 CFR Part 771 and must be approved by FTA in writing before the agency can proceed with the change.

1.1 Background

After the publication of the Final EIS and issuance of the ROD and state Adequacy Determination, design modifications to the Project were identified during final design that required further analysis to determine potential changes to impacts or mitigation. The Project modifications are located along the corridor in the cities of Minneapolis, Minnetonka, and St. Louis Park. No modifications are located within the cities of Hopkins or Eden Prairie. Locations of Project modifications along the LRT alignment are shown in **Figure 1-1**.

FIGURE 1-1: LOCATION OF PROJECT MODIFICATIONS EVALUATED IN THE SUPPLEMENTAL EA



The focus of the Supplemental EA was on these identified Project modifications and whether the changes affect the environmental impacts and/or mitigation measures as identified in the Final EIS, ROD, and state Adequacy Determination.

1.2 Supplemental EA

The 10 Project modifications to the Southwest LRT Project, as described in the Supplemental EA and Amended Draft Section 4(f) Evaluation, are the subject of this Amended ROD. The changes in the scope and design of the project are summarized in Table 1-1.

TABLE 1-1: MODIFICATIONS EVALUATED IN THE SUPPLEMENTAL EA

Modification	Reason for Change
A: Parcel 322A Parking Impact in Minnetonka near Opus Station	Occurred during right-of-way acquisition process
B: Minnehaha Creek Headwall	Occurred during permitting process
C: 31 st Street Realignment	Occurred during right-of-way acquisition process
D: Ground Rounds Historic District – Kenilworth Lagoon Works Progress Administration (WPA) Rustic Style Retaining Walls Rehabilitation and Landscaping	Occurred as part of the mitigation plan required by the Section 106 review process
E: Right-of-Way Adjustment near 21 st Street Station	Occurred during right-of-way acquisition process
F: Cedar Lake LRT Regional Trail Detour	Occurred during final design
G: Bryn Mawr Meadows – Trail Mitigation	Occurred during final design
H: BNSF Negotiation Modifications	Occurred during BNSF negotiations
I: Water Service to Sharing and Caring Hands	Occurred during final design
J: New Potential Construction Laydown Areas	Occurred during final design

2 Basis for Decision

FTA has determined that the inclusion of the Project modifications identified in the Supplemental EA for the Project meets the purpose and need of the proposed action. The purpose of the Southwest LRT Project includes the following:

- The Southwest LRT Project will improve access and mobility to jobs and activity centers in the Minneapolis central business district, as well as along the entire length of the corridor for reverse-commute trips to the expanding suburban employment centers.
- The Southwest LRT Project will provide a competitive, cost-effective travel option that will attract choice riders to the transit system. The competitive and reliable travel time for the Southwest LRT Project is attributed to the diagonal nature of the line compared to the north-south/east-west orientation of the roadway network and to the increasing levels of congestion of the roadway network.
- The Southwest LRT Project will be part of the region's system of transitways integrated to support regional transportation efficiency. Since the late 1990s, the Southwest LRT Project has been identified by the Council as warranting a high level of transit investment to respond to increasing travel demand in a highly-congested area of the region. Due to congestion levels on the roadway network, speed and use limitations of the shoulder bus operations, and capacity constraints in downtown Minneapolis, a bus option is limited in its ability to adequately serve the travel demand and to provide reliable travel times.

Four primary need factors make the Southwest LRT Project important for people who live and work in the southwest metropolitan area:

- Declining mobility;
- Limited competitive, reliable transit options for choice riders and people who rely on public transportation, including reverse-commute riders;
- Need to maintain a balanced and economically competitive multimodal freight system; and
- Regional/local plans calling for investment in additional light rail transit projects in the region.

The Project's purpose and need has not changed since the issuance of the ROD and state Adequacy Determination in July and August 2016 respectively, and no future changes to the purpose and need will occur.

3 Measures to Minimize Harm

Measures to avoid, minimize, and mitigate the potential adverse effects of the Project modifications were considered throughout the development of the environmental review process and in coordination with the public and participating agencies.

The mitigation commitments included in **Table 3-1** are summarized from the Supplemental EA. Additional mitigation is included for Modification H based on further coordination with the City of Minneapolis.

The mitigation measures included in Attachment A of the July 2016 ROD remain applicable to the Project modifications. Modifications A, B, C, D, E, and I did not warrant modifications to the mitigation measures defined in the ROD. Any additional future design changes to the Project that are inconsistent with this Amended ROD must be evaluated in accordance with 23 CFR Sections 771.129 and 771.130, and if required therein, must be approved by FTA in writing before the Council can proceed with the change.

TABLE 3-1: COMMITMENTS OR MITIGATION MEASURES

Project Modification	Construction or Long-Term Issue	Commitment or Mitigation Measure	Responsible Party
F: Cedar Lake LRT Regional Trail Detour	<ul style="list-style-type: none"> Revised trail detour route for the Cedar Lake LRT Regional Trail during construction resulting in a longer closure of Cedar Lake LRT Regional Trail. 	<ul style="list-style-type: none"> Three detour routes will be in place for up to 840 days during construction of the Project to provide pedestrian and bicycle facilities. 	Council, Hennepin County Regional Railroad Authority (HCRRA), Three Rivers Park District
G: Bryn Mawr Meadows – Trail Mitigation	<ul style="list-style-type: none"> Revised trail detour route during the Luce Line bicycle/pedestrian bridge closure, relocation, and construction resulting in a longer closure of the Luce Line bridge. 	<ul style="list-style-type: none"> Trail detour route will be in place for up to one year and will use existing trails to provide pedestrian and bicycle facilities. Project will also include repaving of approximately 1,800 feet of existing trail in Bryn Mawr Meadows Park in Minneapolis prior to use as a detour route. 	Council
H: BNSF Negotiation Modifications	<ul style="list-style-type: none"> Drainage modifications for the Northstar tail track extension, required as part of the BNSF negotiations and agreement. 	<ul style="list-style-type: none"> Council is coordinating with the Bassett Creek Watershed Management Commission to revise the current Development Proposal permit obtained for the Project. 	Council, Bassett Creek Watershed Management Commission
	<ul style="list-style-type: none"> The Northstar tail track extension alignment is on top of the existing Bassett Creek Tunnel for approximately 870 feet. 	<ul style="list-style-type: none"> The Council's Civil contractor will perform an internal tunnel inspection and will utilize external utility monitoring points, internal crack gauges, and photometric documentation to monitor the tunnel during construction. 	Council
	<ul style="list-style-type: none"> Based on the Section 106 assessment of effect analysis conducted by the Minnesota Department of Transportation (MnDOT) Cultural Resources Unit (CRU) under delegation from FTA, FTA has determined that the Project will now have an Adverse Effect on the St. Paul, Minneapolis & Manitoba Railroad / Great Northern Railway Historic District (StPM&M / GN Historic District). 	<ul style="list-style-type: none"> In accordance with Memorandum of Agreement (MOA) Stipulation III, FTA consulted with the Minnesota Historic Preservation Office (MnHPO) and concurring parties to the MOA to prepare a mitigation plan to resolve the adverse effects. As required by MOA Stipulation I.A., FTA directed the Council to design proposed changes to Project elements in accordance with the Secretary of Interior's Standards to minimize adverse effects of the Project modifications on the StPM&M / GN Historic District. 	FTA, MnHPO, CRU, Council
	<ul style="list-style-type: none"> Based on the physical change in visual quality combined with the sensitivity of the view from Cedar Lake LRT Regional Trail users, the level of impact for this Project change 	<ul style="list-style-type: none"> The visual impact will be mitigated through the Section 106 review process and public outreach to work with the community and Section 106 consulting parties on the design 	FTA, MnHPO, CRU, Council

Project Modification	Construction or Long-Term Issue	Commitment or Mitigation Measure	Responsible Party
	<p>will result in a moderate degree of visual impact.</p> <ul style="list-style-type: none"> The CPB wall will cross two existing watermain (a 24-inch diameter watermain located just east of the I-394 bridge crossing adjacent to Bryn Mawr Meadows and a 36-inch diameter watermain located west of the I-94 bridge crossing). The CPB will need foundations consisting of drilled shafts placed every approximately 7 to 15 feet depending on soil conditions. 	<p>aesthetics of the corridor protection barrier (CPB) wall to minimize visual impacts.</p> <ul style="list-style-type: none"> At each of the watermain crossing points, the City of Minneapolis requires that the part of the watermain under the CPB be replaced and encased in concrete. Concrete encasement design details will be reviewed and approved by the City of Minneapolis. 	<p>Council, City of Minneapolis</p>
<p>J: New Potential Construction Laydown Areas (Fremont Avenue North site – Laydown Area #5)</p>	<ul style="list-style-type: none"> The laydown site on the west side of Fremont Avenue North is a high-risk area that was not investigated in the Phase I or Phase II Environmental Site Assessments, and using it without first investigating and requesting letters of assurance from the Minnesota Pollution Control Agency (MPCA) creates unacceptable risk and should be avoided. 	<ul style="list-style-type: none"> Council and MnDOT requested a No Association Determination (assurance letter) for the identified releases to soil and groundwater from the MPCA on October 4, 2017 using historical soil and groundwater data for parcels on both the east and west sides of Fremont Avenue North. On January 22, 2018, the MPCA responded that partial acquisition and use of the parcels for construction staging will not associate the Council or MnDOT with the identified releases (see Appendix C). 	<p>Council, MnDOT, MPCA</p>
<p>Listing of rusty patched bumble bee under Endangered Species Act after issuance of the Final EIS/ROD</p>	<ul style="list-style-type: none"> The Project may affect but will not likely adversely affect the rusty patched bumble bee. 	<ul style="list-style-type: none"> The U.S. Fish and Wildlife Service (USFWS) will be notified if vegetation will need to be removed during the active season for rusty patched bumble bees (April 1 to September 30). Disturbed floral habitat will be replanted with a native seed mix. Contractors will prepare an invasive species and noxious weeds management plan and will keep mowed areas to a minimum during the active season. 	<p>Council</p>

4 Monitoring and Enforcement

FTA and the Council are ultimately responsible for monitoring and enforcing mitigation measures. The Council, as well as its contractors, will be responsible for compliance assurance of all related commitments and regulatory permit conditions made or obtained for the Project, including the Project modifications and associated commitments/mitigation measures as detailed above in **Table 3-1**.

One permit specific to the Project modifications is anticipated to be required for the construction as identified in **Table 4-1**.

TABLE 4-1: ANTICIPATED PERMITS AND APPROVALS

Regulatory Program or Proposed Action	Applicability	Responsible Entity
Bassett Creek Watershed Management Commission	Revise the current Development Proposal permit for drainage modifications for the Northstar tail track extension.	Council

5 Public Outreach and Opportunities to Comment

The Council takes public engagement seriously as demonstrated by the hundreds of community meetings, events, and presentations held throughout the Project’s development. The Council created a process to ensure meaningful and transparent engagement continued for the Project modifications and Supplemental EA. The public has been engaged through:

- Community group meetings and presentations
- Community town hall meeting on Supplemental EA/Amended Draft Section 4(f) Evaluation
- Project newsletters and email distribution updates
- Project website
- Project corridor tours
- Community pop-up events

The following public engagement activities have taken place to date regarding the Project modifications.

5.1 Bassett Creek Valley Working Group

The Bassett Creek Valley Working Group (BCVWG) was created to:

- Serve as a voice for the community and liaison to the organizations they represent;
- Provide guidance on the aesthetic treatment of the corridor protection barrier (CPB) wall; and
- Advise on communications and outreach strategies related to the process.

The group had their first meeting on October 4, 2017, toured the corridor on October 12, 2017, and met on October 27, 2017, December 5, 2017, and December 19, 2017. All of the working group’s meeting information, including agendas, presentations, and meeting notes, are posted on the Project’s website (www.swlrt.org),¹ under the “Environmental” tab. The work of the BCVWG has been shared with the Southwest LRT Corridor Management Committee (CMC) during the design process. CMC meetings are open to the public and are advertised on www.swlrt.org and through the Project’s e-mail notification system.

5.2 Presentations to Community/Neighborhood Groups

The Council’s outreach team has provided an overview of the CPB wall to, and received feedback from, the following groups to date:

- Bryn Mawr Neighborhood Association (September 13, 2017 and October 11, 2017)
- Harrison Neighborhood (September 14, 2017)

¹ The full URL is <https://metro council.org/Transportation/Projects/Light-Rail-Projects/Southwest-LRT/Environmental/Freight-Rail-Corridor-Protection.aspx?source=child>

- Bassett Creek Redevelopment Oversight Committee (September 19, 2017 and October 17, 2017)

5.3 Corridor Tours

The Council hosted two tours with elected officials and staff in September 2017 and one in October 2017. In addition, three public tours were hosted to encourage local residents to learn about the CPB wall. They were held on the following dates and times to accommodate a variety of schedules and needs of the public:

- Monday, October 23, 2017, 4:30 - 6:00 p.m.
- Thursday, October 26, 2017, 12:00 - 1:30 p.m.
- Wednesday, November 8, 2017, 7:30 - 9:00 a.m.

5.4 Community Open House/Pop-Up Events

A community open house was held on November 15, 2017 as part of the public engagement process. Approximately 65 members of the public attended the open house where they could discuss design and Section 106 issues with staff and provide direct input on preferred design options. Materials presented at the community open house were shared on the Project's website for members of the public to provide feedback as well.

Two pop-up events were also held in November 2017 along the Cedar Lake LRT Regional Trail to share information with commuter and recreational trail users. The two pop-up events were held at the following times:

- Wednesday, November 29, 2017, 11:30 a.m. – 12:30 p.m.
- Thursday, November 30, 2017, 3:30 p.m. – 4:30 p.m.

The pop-up events were advertised using the Project's Twitter account, which has 495 followers.

5.5 Community Town Hall Meeting and Summary of Comments Received on the Supplemental EA/Amended Draft Section 4(f) Evaluation

A community town hall meeting was held on March 22, 2018 to provide the public an opportunity to learn about and give feedback on the impacts of changes in the design of the Southwest LRT Project since the completion of the Final EIS in 2016. The meeting included an open house and opportunity to provide written and verbal comments on the Supplemental EA and Amended Draft Section 4(f) Evaluation. Approximately 35 people attended the town hall meeting and eight provided verbal comments.

The public comment period for the Supplemental EA/Amended Draft Section 4(f) Evaluation extended from February 23 to April 9, 2018, and 32 comments were received. Comments were submitted in the form of letters, emails, testimony at the public hearing, and comment cards received at the town hall. Agencies that submitted comments in response to the Supplemental EA include the U.S. Department of the Interior (DOI), U.S. Environmental Protection Agency (EPA), Minnesota Department of Natural Resources, MnDOT, Minnesota Pollution Control Agency, and the City of Minneapolis. One comment letter was also submitted by a state representative, state senator, and community member. Copies of these letters are included in **Appendix C**. Copies of comments submitted by members of the public are included in **Appendix D**.

The comments included support for and opposition to the Project and the proposed project changes. **Appendices A and B** of this Amended ROD document the FTA's and the Council's responses to all agency and public comments received on the Supplemental EA.

5.6 Project Website

The Project's website (www.swlrt.org) serves as the repository of project information for the public. The website contains a "Construction" page that includes information and a video about the freight rail corridor protection barrier for the project and will be updated as design progresses.

6 Determinations and Findings

This section describes FTA's NEPA determination for the Southwest LRT Project, as well as FTA's findings for other federal environmental requirements for the Project modifications. The determination and findings are supported by the Project's Supplemental EA, as well as **Section 3** of this Amended ROD, which summarizes the environmental impacts of the Project modifications and the associated commitments/mitigation measures.

6.1 Section 106 of the National Historic Preservation Act

Any federal agency whose project, funding, or permit may affect a historic property, both those listed or eligible for inclusion in the National Register of Historic Places (NRHP), must consider the effects on historic properties and "seek ways to avoid, minimize or mitigate" any adverse effects on historic properties (36 CFR Part 800).

Based on results of the effects assessments and implementation of the measures included in the Project's Section 106 Memorandum of Agreement (MOA), FTA determined, in consultation with MnHPO and other consulting parties that the proposed Project changes evaluated in the Supplemental EA will have:

- An Adverse Effect on one historic property: the St. Paul, Minneapolis & Manitoba Railroad / Great Northern Railway Historic District (StPM&M / GN Historic District)

FTA also determined that this Adverse Effect is unavoidable, and MnHPO concurred in a letter dated April 18, 2018 (see correspondence in **Appendix E**).

The Project's procedures to resolve adverse effects are specified in the Project's Section 106 MOA. Since publication of the Supplemental EA, an additional consultation meeting was held on March 14, 2018 to discuss measures to resolve the adverse effect as directed by Stipulation III of the MOA. Meeting notes are included in **Appendix E**. The Project modifications will be designed in accordance with the mitigation plan developed under MOA Stipulation III. FTA has prepared a draft mitigation plan to resolve the adverse effects and provided it to MnHPO and concurring parties to the MOA for review and comment on April 17, 2018.

6.2 Endangered Species Act

The primary federal law protecting threatened and endangered species is Section 7 of the Endangered Species Act (ESA) of 1973 (16 U.S.C. § 1531-1534). Under Section 7 of the ESA, federal agencies are required to consult with the U.S. Fish and Wildlife Service (USFWS) to ensure that the federal agency is not

undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat.

The final rule to list the rusty patched bumble bee (*Bombus affinis*) under the ESA was published in the Federal Register on January 11, 2017, with an effective date of February 10, 2017. The effective date was subsequently extended to March 21, 2017. The listing became effective after the issuance of the Project's ROD in July 2016.

FTA and the Council participated in interagency cooperation with the USFWS in September and October 2017 and February 2018. FTA determined that the Project "may affect, but is not likely to adversely affect" the rusty patched bumble bee or its associated critical habitats. The USFWS concurred with this determination in March 2018 (see **Appendix C**). Measures will be implemented during construction to avoid impacts to the rusty patched bumble bee.

FTA finds that, with the mitigation measures identified in **Section 3**, the Project meets the requirements of the ESA.

6.3 Amended Final Section 4(f) Evaluation

Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 U.S.C. §303(c)) is a federal law that protects publicly owned parks, recreation areas, wildlife and/or waterfowl refuges, and significant historic sites, whether publicly or privately owned. Section 4(f) requirements apply to all transportation projects that require funding or other approvals from the USDOT. As a USDOT agency, FTA must comply with Section 4(f). FTA's Section 4(f) regulations are codified at 23 CFR Part 774.

FTA cannot approve a transportation project that uses a Section 4(f) property, as defined in 23 CFR Part 774.17, unless FTA determines that:

- There is no feasible and prudent avoidance alternative, as defined in 23 CFR Part 774.17, to the use of land from the Section 4(f) property, and the action includes all possible planning, as defined in 23 CFR Part 774.14, to minimize harm to the property resulting from such use (23 CFR Part 774.3(a)); or
- The use of the Section 4(f) property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant will have a *de minimis* use, as defined in 23 CFR Part 774.17, on the property (23 CFR Part 774.3(b)).

FTA published the Amended Draft Section 4(f) Evaluation in conjunction with the Project's Supplemental EA. The Amended Draft Section 4(f) Evaluation was provided to the DOI for review and comment during the Supplemental EA comment period. The DOI's comments on the Amended Draft Section 4(f) Evaluation, dated April 9, 2018, are included in **Appendix C** of this document. The DOI concurred with the Section 4(f) use determination and that the use would be an Adverse Effect under Section 106. FTA also obtained concurrence from the official with jurisdiction (MnHPO) regarding its determinations of the Adverse Effect finding for the StPM&M / GN Historic District and the Section 4(f) use (see letter dated April 16, 2018 in **Appendix E**).

Based on consultation with the DOI and MnHPO and the Amended Draft Section 4(f) Evaluation published as part of the Supplemental EA, FTA has concluded that:

- The existing Southwest LRT Project alignment, with the addition of the Project modifications required by BNSF, would result in a Section 4(f) direct use of the StPM&M / GN Historic District, and there is no feasible and prudent alternative that would avoid a use of this Section 4(f) resource. In addition, FTA has determined in accordance with 23 CFR Part 774.17 that all possible planning to minimize harm has been conducted and implemented. Further, FTA has determined that the alternative that would result in the least overall harm to this historic resource is the existing Project alignment with the proposed Project modifications designed in accordance with the Secretary of Interior's Standards to the extent feasible, as required by the Project's Section 106 MOA.

The Amended Final Section 4(f) Evaluation is included in **Appendix F** of this Amended ROD. The measures to minimize harm to the Section 4(f) historic resource are included in the list of mitigation measures in **Section 3**. Accordingly, FTA finds that the Project meets the requirements of Section 4(f).

7 Conclusion

The environmental record for this decision includes the following documents:

- Southwest LRT Project Draft EIS
- Southwest LRT Project Supplemental Draft EIS
- Southwest LRT Project Final EIS/Section 4(f) Evaluation/ROD
- Southwest LRT Project Supplemental EA/Amended Draft Section 4(f) Evaluation
- All technical reports, white papers, and supporting documentation incorporated by reference into the Draft EIS, Supplemental Draft EIS, Final EIS and ROD, Supplemental EA/Amended Draft Section 4(f) Evaluation, and this Amended ROD

These documents, incorporated herein by reference, constitute the statements required by NEPA and Title 23 of the United States Code on:

- The environmental impacts of the project
- The adverse environmental effects that cannot be avoided should the project be implemented
- Alternatives to the proposed project
- Irreversible and irretrievable impacts on the environment that may be involved with the project should it be implemented

Having carefully considered the environmental record noted above, specifically the Supplemental EA and Amended Draft Section 4(f) Evaluation, the mitigation measures as required herein in addition to those established in the July 2016 ROD, the written and oral comments offered by agencies and the public on this record, and the written responses to the comments, FTA makes a Finding of No Significant Impact with respect to inclusion of the Project modifications in the Southwest LRT Project and finds that a supplemental EIS is not necessary.

FTA finds that all practicable measures to minimize environmental harm have been incorporated into the design of the Project modifications and will ensure that the commitments outlined herein will be implemented as part of the final design, construction contract, and post-construction monitoring. FTA also determines that this decision is in the best overall public interest.

Appendix A
Responses to Agency and Elected Official Comments

1 United States Department of the Interior (DOI)

Comment	Response
<p>The Department’s review concurs with the FTA determinations. The FTA, Metropolitan Council and Minnesota State Historic Preservation Officer (SHPO) have executed a Memorandum of Agreement (MOA) formalizing measures to mitigate effects to the historic property. The Department therefore has no objection to the 4(f) evaluation and concurs with measures to mitigate the adverse effects of the project.</p> <p>The Department has a continuing interest in working with the FTA to ensure impacts to resources of concern are adequately addressed. For issues concerning Section 4(f) resources, please contact Tokey Boswell, Chief, Planning and Compliance Division, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102, or by telephone at 402-661-1534.</p>	<p>The DOI’s concurrence regarding the Section 4(f) evaluation has been incorporated in the Amended Final Section 4(f) Evaluation, included in Appendix F.</p>

2 United States Environmental Protection Agency (EPA)

Comment	Response
<p>Based on our review of the SEA, EPA has no additional comments regarding the proposed Southwest LRT project.</p> <p>EPA requests one hard copy of the FTA final amended environmental decision document for the proposed changes to the Southwest LRT project, when it is available.</p>	<p>One hard copy of the Amended ROD will be provided to the United States Environmental Protection Agency when available.</p>

3 Minnesota Department of Natural Resources (DNR)

Comment	Response
<p>The DNR does not have comments on the Supplemental Environmental Assessment (Supplemental EA)/Amended Draft Section 4(f) Evaluation for the METRO Green Line Extension Project. However, we’d like to remind the Project Proposers to conduct a new NHIS review prior to any start of construction for this project. NHIS reviews are considered valid for one year, as new information is often gathered. The last NHIS review we have on record is from 2015. Information regarding obtaining an NHIS review and or concurrence can be obtained on the DNR’s website, or by contacting Lisa Joyal (lisa.joyal@state.mn.us).</p>	<p>The Metropolitan Council (Council) will coordinate with the DNR to conduct a new Natural Heritage Information System (NHIS) review prior to the start of construction.</p>

4 Minnesota Department of Transportation (MnDOT)

Comment	Response
<p>The corridor protection barrier in Section H is the section of most concern in the Supplemental EA. As these plans are general in nature, the Bridge group will need to approve of adding any structural features next to MnDOT bridges.</p>	<p>The Supplemental EA included schematic diagrams of the corridor protection barrier. MnDOT staff have reviewed the corridor protection barrier design methodology and final detailed design, including locations adjacent to MnDOT bridges. The first step in the review coordination occurred when MnDOT provided the Council a letter on January 30, 2018 indicating that it was satisfied with the corridor protection barrier design methodology. Subsequent to the January 30, 2018 letter, MnDOT provided additional design review comments on the detailed barrier design that have all been addressed to MnDOT's satisfaction.</p>
<p>Please ensure that detours are thoroughly posted so that bicyclists and pedestrians can easily find their way to and through the detours.</p>	<p>The Council has prepared a Construction Communication Plan, which requires the contractor to clearly sign the trail detour routes and provide advance notice of detours.</p>
<p>Any use of or work within or affecting MnDOT right-of-way requires a permit. Permit forms are available from MnDOT's utility website at: http://www.dot.state.mn.us/utility/index.html.</p> <p>Please include one set of plans formatted to 11x17 with each permit application. Please submit/send all permit applications and 11x17 plan sets to: metropermitapps.dot@state.mn.us.</p>	<p>The Council has coordinated with MnDOT to identify required permits on MnDOT property and will complete coordination and permits before or during construction.</p>

5 Minnesota Pollution Control Agency (MPCA)

Comment	Response
<p>The MPCA has concluded that the implementation of many of the administrative plan changes and technical modifications outlined in the Supplemental EA will not result in any significant air quality impacts. However, general air quality comments include:</p> <ul style="list-style-type: none"> • Construction of the proposed Project may cause increased concentrations of dust and air pollutants. When roads are closed or operating with reduced capacity, detoured traffic would result in increased traffic on parallel roadways near the Project area. Increased emissions would also be produced by construction equipment, and fine particulates can enter air from exposed earthen materials. The MPCA recommends that the Metropolitan Council (Met Council) implement best management practices during construction to control dust and manage equipment. Traffic control measures should be developed in subsequent stages of the Project to address detours and traffic flow. • The MPCA looks forward to the Met Council achieving its commitments to prioritizing the use of clean diesel equipment at its construction sites. Met Council's investment directions show ambitious plans involving major construction efforts. All construction work relies on the extensive use of heavy duty diesel engines. Older diesel equipment from before 2007 emits extremely high levels of harmful air pollutants. As most, if not all, transitway work is carried out in close proximity to where Minnesotans live, commute, work, and recreate, people's exposure to heavy duty diesel emissions can be a health risk. • The MPCA hopes the Met Council will move ahead soon with implementing its commitment to develop and employ model contract language including vehicle and equipment emission standards that would either require or give additional bid points for companies that agree to using newer, cleaner diesel trucks and equipment. With Project plans spanning for a few years, the contract language should provide for ongoing updates as diesel engines continue to improve their emission standards. 	<p>The Council will implement best management practices during construction to control dust and manage equipment, as committed to in the July 2016 ROD. The construction specifications require use of EPA-recommended measures where applicable, such as using ultra low-sulfur diesel fuel and using exhaust filtration devices. Traffic control measures have been developed to address detours and traffic flow.</p>

6 City of Minneapolis

Comment	Response
Modification C: 31st Street Realignment	
<p>The 31st Street Realignment had previously been included in the final plans with the full cooperation of the City of Minneapolis Public Works Department and the Community Planning & Economic Development Department (CPED), including design input, plan review and overall approval. The original intent was to maximize the potential for future development opportunity.</p> <p>Modification C is considered a further refinement to the street realignment based upon an actual development (the Calhoun Towers) that is currently moving through the City's Development Review process. These changes to the street realignment are being proposed in full cooperation with the City (Public Works and CPED) including design review and approval, and will eventually be reflected in the overall construction plans for GREEN LINE EXTENSION; no further comment is necessary.</p>	<p>The Council acknowledges and appreciates the City's review of Modification C.</p>
Modification D: Grand Rounds Historic District: Kenilworth Lagoon Works Progress Administration (WPA) Rustic Style Retaining Walls Rehabilitation and Landscaping	
<p>This change was included in the final design package with the full cooperation of the City (Public Works Department) including design review and approval; no further comment is necessary.</p>	<p>The Council acknowledges and appreciates the City's review of Modification D.</p>
Modification E: Right-of-Way Adjustment near West 21st Street Station	
<p>This change was included in the final design package with the full cooperation of the City (Public Works Department) including design review and approval; no further comment is necessary.</p>	<p>The Council acknowledges and appreciates the City's review of Modification E.</p>
Modification F: Cedar Lake LRT Regional Trail Detour	
<p>This change was included in the final design package with the full cooperation of the City (Public Works Department) including design review and approval; no further comment is necessary.</p>	<p>The Council acknowledges and appreciates the City's review of Modification F.</p>
Modification G: Bryn Mawr Meadows Trail Mitigation	
<p>This change was included in the final design package with the full cooperation of the City (Public Works Department) including design review and approval; no further comment is necessary.</p>	<p>The Council acknowledges and appreciates the City's review of Modification G.</p>

Comment	Response
Modification H: BNSF Negotiation Modifications	
<p>As a result of the negotiations between the Met Council and the BNSF, a new 1,830 foot long Northstar Commuter Rail tail track, and a new freight corridor protection barrier (CPB) between the LRT tracks and the BNSF freight tracks for 5,582 feet starting at the I-94 bridges and ending at the Bryn Mawr Station, has been proposed.</p> <p>The Public Works Departments outlined these impacts along with identification of requirements for mitigation in two (2) letters to the Metropolitan Council in August of 2017. The letters are attached herein as part of the City's comments on the SEA.</p> <p>In Section 2.8 (page 24) and in Section 4.4 (page 78) of the SEA it is stated that "The CPB is being added to the Project because BNSF requires corridor protection between light rail tracks and BNSF's Wayzata Subdivision freight rail tracks when they run side by side." These statements imply that the CPB is to be designed and located between the proposed LRT tracks and the existing BNSF freight rail track. However, the actual design of the CPB is based upon a BNSF freight rail track that does not actually exist at this time. The design criterion for the CPB (location, height, and width) is based upon the proposed location of a second main line freight rail track desired to be built by the BNSF in the future. This distinction is not identified in the SEA.</p> <p>Section 4.4.4 describes the "avoidance alternatives" to the CPB that were discussed as part of the negotiations between the Metropolitan Council and the BNSF. One possible "avoidance alternative" that was either never discussed during negotiations or not included in Section 4.4.4 was the option of delaying construction of the CPB to a point in the future that coincided with actual planning and construction of a future second freight rail track by the BNSF. If this option (or a variation thereof) was discussed, the Public Works Department requests that the SEA should include a summary of this discussion.</p> <p>The addition of the CPB to the Project as a result of the negotiations between the Met Council and the BNSF, and the subsequent expenditure of public funds for the design and construction of a CPB based upon the proposed future location of a second BNSF main line track is not supported by the Public Works Department.</p> <p>At a minimum, the Public Works Department feels that the SEA should include a narrative describing the design criteria for the CPB as it relates to a future second BNSF freight rail track and include a discussion describing the conditions under which a future freight rail track could actually be built.</p>	<p>Regarding the City's comments that the CPB is designed based on a future second mainline track, this is not consistent with negotiations with BNSF. BNSF is requiring the CPB to be constructed with the Project based on the current track configuration and in consideration of a future potential second mainline. During negotiations the Council discussed the idea of building the CPB coincident to if BNSF builds the second mainline in the future; however, delaying construction of the CPB wall does not meet BNSF's requirements. Because the Project requires BNSF property, the design must comply with BNSF requirements for construction on their property and where the LRT runs alongside their property. The design methodology for the CPB wall is based on the California High Speed Rail design as agreed to with BNSF and as modified to account for the specific conditions of the Wayzata Subdivision, namely freight speed (40 MPH maximum speed), proximity of freight track (both existing mainline and future potential second track), and grade.</p> <p>The CPB wall design criteria are based on requirements by BNSF.</p>

Comment	Response
<p>1. Water Treatment & Distribution Services (WT&DS) does not agree with the SEA as it relates to the Corridor Protection Barrier (CPB) and Utility Impacts and mitigation because of the following reasons:</p> <ul style="list-style-type: none"> a. The CPB crosses two (2) existing watermain; a 24" diameter watermain located just east of the I-394 Bridge crossing adjacent to Bryn Mawr Meadows, and a 36" diameter watermain located west of the I-94 Bridge crossing. b. Utility impacts listed in Table 3-13 on page 53 of the SEA are identified as "None", and in Section 3.8.10 "Utilities" it is stated that "The CPB will need foundations consisting of drilled shafts placed every approximately 7 to 15 feet depending on soil conditions. Any utilities that the CPB will cross have been surveyed, and the drilled shafts will be placed to avoid impacts to the utilities. Therefore, this Project modification does not alter the mitigation measures identified in the Final EIS for utilities." <p>2. WT&DS will require that additional mitigation in the form of replacing that part of the water main under the CPB and concrete encasement be required at each of the watermain crossing points. Concrete encasement design details shall be included in the plans with the full cooperation of the City (Public Works Department) including design review and approval.</p>	<p>Subsequent to publishing the Supplemental EA, coordination between the Council and the City identified the need for replacing the watermain under the CPB. The Council acknowledges the City's comment that the City will need to review and approve plans for replacing the watermain under the CPB and concrete encasement.</p>
<p>1. Surface Waters & Sewers (SW&S) does not agree with the SEA as it relates to the Corridor Protection Barrier (CPB) and Utility Impacts and mitigation because of the following reasons:</p> <ul style="list-style-type: none"> a. Section 3.3.6 – The previous reviewed plans did not include relocation of the storm sewer pipe adjacent to 31st St and Minneapolis Public Works – Surface Water & Sewers (MPLS PW-SWS) has not been notified of a proposed relocation. Verify if this is now proposed and if so coordinate with MPLS PW-SWS. b. Section 3.8.7.2 – In addition to BCWMC approval, coordination with the City of Minneapolis for modifications to the previously reviewed plans and modeling will be required. The project will be required to demonstrate it is still meeting City of Minneapolis stormwater management requirements with the proposed modifications. <p>2. The following comments relate to the impacts of the Northstar Commuter Rail tail track to the Bassett Creel Tunnel. The Public Works Departments outlined these impacts along with identification of requirements for mitigation in a letter to the</p>	<p>Regarding the City's comments related to the storm sewer pipe adjacent to 31st Street, the Council will coordinate further with the City related to this modification and will provide plans for review.</p> <p>The Council is coordinating with the watershed district and will also coordinate with the City to demonstrate the Project design meets stormwater management requirements.</p> <p>Regarding the City's comments about the Bassett Creek Tunnel, the Council has performed extensive structural and soil settlement calculations to determine the impact of additional loading from the Northstar tail track. The Council has also tested concrete cores from the tunnel to verify the in situ concrete strength and has tested soil samples to verify parameters used in the settlement calculations. The Council will continue to coordinate the results of these calculations and testing with the City.</p> <p>Since the Supplemental EA was published the Council has been coordinating with the City to develop additional monitoring and inspection commitments. The Council's Civil contractor will perform an internal tunnel inspection prior to construction and will utilize external utility monitoring points, internal crack gauges, and photometric documentation to monitor the tunnel during construction.</p>

Comment	Response
<p>Metropolitan Council dated August 11, 2017. The letter is attached as part of the City's comments on the SEA.</p> <p>SW&S does not agree with the SEA as it relates to the Northstar Commuter Rail tail track and Utility Impacts and mitigation because of the following reasons:</p> <ul style="list-style-type: none"> a. Section 3.8.10 – Sentence 4 should be revised to reflect the following: The City continues to work with the Council to evaluate whether the concrete and soils surrounding the tunnel are sufficient to support additional loading. As the owner and operator of the tunnel, the City continues to have concern about potential long term impacts to the tunnel and alignment that ensures sufficient access to the tunnel into the future. In ongoing work with the Metropolitan Council, the City has stated there is a need for an extensive monitoring plan in place that will ensure the integrity of the tunnel by performing frequent inspections during construction. This may include 18 external monitoring points along with an interior inspection of the tunnel utilizing crack gauges and photometric documentation of its condition preconstruction, post-construction and during construction of the Green Line Extension. 	
<ul style="list-style-type: none"> 1. Public Works does not agree with the SEA as it relates to the Corridor Protection Barrier (CPB) and mitigation for Safety and Security because of the following reasons: <ul style="list-style-type: none"> a. Within Table 3-13, Safety and Security impacts are identified as “None”. However, in the fall of 2017 the Metropolitan Council conducted a series of site tours of the BNSF corridor. During those tours, Public Works staff, elected officials and other stakeholders noted that the construction of the CPB at specific locations adjacent to the Cedar Lake Bike Trail would create a tunnel-like effect resulting in serious safety and security problems. At locations such as the I-394 and I-94 freeway under-bridge spaces the lack of adequate security lighting would be exacerbated by the CPB. Safety and security measures need to be addressed by the SEA and proper Crime Prevention through Environmental Design (CPTED) measures should be included in the Project as mitigation. b. Section 3.8.13 – states that, “The CPB Project modification is designed for safety purposes to keep a derailed freight train from colliding with a light rail train.” This statement is included in the document without further discussion. However, it is the understanding of the Public Works Department that the inclusion of the CPB in the Project is based upon relatively new railroad safety requirements. The specific railroad 	<p>Regarding the City's comments about safety and security near the I-394 and I-94 bridges, specifically related to lighting and use of Crime Prevention through Environmental Design principles, following the corridor tours and public outreach that occurred in the fall of 2017, the Project incorporated additional lighting under both bridges, increasing the lighting coverage area, and added an emergency phone under each bridge. The Project also added lighting for the trail and area near the Northstar tail track from I-94 east through the Glenwood Avenue Bridge.</p> <p>Regarding the City's comments that the Supplemental EA should include information about the railroad safety requirements and ability to withstand a collision, the design methodology for the CPB wall is based on the California High Speed Rail design as agreed to with BNSF and as modified to account for the specific conditions of the Wayzata Subdivision, namely freight speed (40 MPH maximum speed), proximity of freight track (both existing mainline and future potential second track), and grade.</p>

Comment	Response
<p>requirements are not identified in the document nor does the document include supporting documentation that describes the CPB's actual ability to prevent the prescribed derailment collision.</p> <p>At a minimum, the Public Works Department feels that the SEA should include a narrative describing the design criteria for the CPB as it relates to Safety & Security and include by reference (or Appendix) the BNSF design guidelines.</p>	
Modification I: Water Service to Sharing and Caring Hands	
<p>This change was included in the final design package with the full cooperation of the City (Public Works Department) including design review and approval; no further comment is necessary.</p>	<p>The Council acknowledges and appreciates the City's review of Modification I.</p>
Modification J: New Potential Construction Laydown Areas	
<ol style="list-style-type: none"> 1. These areas were previously identified as part of the final design package submitted to the City. It is the understanding of the City of Minneapolis that identification of possible "laydown areas" does not imply an obligation or commitment by the City or any property owner for potential use of these "areas" by the Metropolitan Council (or its Contractor). 2. Section 3.10 – Laydown Areas #4 & 5 are located with the 100-year floodplain based on updated modeling completed recently by both the City of Minneapolis and Bassett Creek Watershed Management Commission. Potential impacts related to this should be evaluated. 	<p>Regarding the City's comment about Laydown Areas #4 and 5 being located within the 100-year floodplain, this statement conflicts with the FEMA flood insurance rate maps. The efforts by the Bassett Creek Watershed Management Commission to update flood elevations have not yet gone through the process with FEMA to update the Flood Insurance Rate Maps for official use. Therefore, the Council will coordinate with the City of Minneapolis Community Planning & Economic Development to determine whether the Floodplain Overlay District rules applies to these two parcels. No physical structures are planned that would affect the current state of the floodplain. If it is determined that laydown areas #4 and #5 are regulated by the City's Floodplain Overlay District regulations, the Council will coordinate with the City and adhere to applicable requirements.</p>

7 Margaret Anderson Kelliher, State Senator Scott Dibble, and State Representative Frank Hornstein

Comment	Response
<p>In section 4.4.1 of the Supplemental Evaluation, the Met Council states, that "On August 16, 2017 the Council authorized negotiation of agreements with BNSF related to portions of a 1.4 mile-long segment of BNSF's subdivision in Minneapolis." (page 76). As a result of these negotiations, the corridor protection barrier (CPB) wall was agreed to by both parties without prior public notification or engagement. The Wall constituted a major new element that met the criteria for additional environmental review. In a letter to Chair Alene Tchurumoff dated September 20th, 2017, Senator Scott Dibble, Representative Frank Hornstein, Mayor Betsey Hodges, and several members of the Minneapolis City Council formally requested that the Council prepare a Supplemental EAW for the project. In response, the Met Council denied the request, and instead forwarded a post ROD Environmental Review to the FTA. It was only after the Federal Transit Administration ordered the Council to conduct a supplemental environmental review in late 2017, that the report was prepared.</p> <p>The process by which the Met Council entered into negotiations and the resultant wall proposal lacked sufficient public engagement and transparency. While the community has been engaged in assisting with the scoping and public review of the SEA, per the requirements of the Minnesota Environmental Policy Act (MEPA), the Council remains engaged in additional on-going discussions and negotiations with freight rail companies that could have profound community impacts, including but not limited to environmental sound pollution because of 10 foot concrete wall freight train noise, denial of access of foot and bike traffic to current transportation modes of the Cedar Lake Trail and barriers to connections between north and south Minneapolis.</p> <p>The Metropolitan Council, in a final SEA, needs to address a more comprehensive strategy to more fully engage with the community and public stakeholders regarding on-going negotiations with freight rail companies, particularly as related to the safety of freight rail in a co-located corridor with light rail transit.</p>	<p>In late summer 2017, negotiations with BNSF concluded on substantive technical and legal issues, and the railroad required the CPB to allow Project construction on their property. On September 21, 2017, the Council received a letter requesting a Supplemental EIS, not a Supplemental EAW as the comment indicates. At that time, the Council was in the process of following FTA's re-evaluation process, and FTA determined that a Supplemental EA was necessary. The Supplemental EA document is meant to evaluate specific Project modifications known at this time. Other property negotiations have not identified modifications to the Project since the Final EIS.</p> <p>The negotiations with BNSF are not public as they are with a private entity; however, the Council has been as transparent as possible regarding the outcomes of the negotiations and has conducted a robust public engagement process regarding the Project modifications as described in Section 5.1 of the Supplemental EA.</p> <p>The comment references preparation of a final Supplemental EA; however, the next step in the FTA process is documenting the findings of the Supplemental EA in an Amended Record of Decision (ROD), not preparing a final Supplemental EA. This Amended ROD documents the mitigation commitments related to the Project modifications (see Section 3), the public outreach process (see Section 5), all public comments received and responses to those comments (see Section 5.5 for a summary and Appendices A, B, C, and D for copies of the comments and responses), and the determinations and findings of the Supplemental EA (see Sections 6 and 7).</p>

In Section 3.8.4, pertaining to Cultural Features (page 55) and 3.8.5 concerning Visual Quality and Aesthetics (page 56), the Council acknowledges the need for additional work and study on these issues. The document, however, lacks specificity on how these on-going issues will be addressed.

Regarding cultural resources, the Council states, "the introduction of CPB wall to the historic district and removal of historic retaining walls will both directly and indirectly alter characteristics of the historic property that qualify it for inclusion in the NRHP in a manner that would diminish the integrity of the property's design, setting, feeling and association." (page 55)

While acknowledging these potential major issues regarding the NRHP, the council proposes, unspecified "design changes" per FTA directive, "to help minimize adverse effects" While this appears to be a positive step toward mitigating these issues, more specific information must be made available for public scrutiny.

Similarly, regarding visual quality and aesthetics, the Council admits that removal of the historical walls, "will create visual elements that diminish the integrity of...significant historic features" and proposes a "mitigation plan to resolve adverse effects" As is the case with the cultural features section, the visual quality and aesthetics section should also include more specific information on the measures the Council intends to take regarding mitigating these impacts

The Metropolitan Council, in a final SEA, needs to specify how it plans to mitigate impacts on cultural and historical features.

The Draft Amended Section 4(f) evaluation published with the Supplemental EA includes information about how the adverse effect will be resolved per the Section 106 MOA executed prior to the July 2016 ROD, which outlines procedures for addressing adverse effects that result from final design/project modifications:

FTA and the Council have consulted with MnHPO and identified consulting parties per the terms of MOA Stipulation III to prepare a mitigation plan to resolve the adverse effect. One of the measures FTA and the Council agreed to implement as a condition of Project funding was to minimize adverse effects to the extent feasible. To minimize the adverse effect on the StPM&M / GN Historic District, new infrastructure constructed for the Project will be designed in accordance with the SOI's Standard for Rehabilitation that requires "the new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment." To the extent feasible, new infrastructure will also be designed in accordance with the SOI's Standard for Rehabilitation that requires that "new additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired." This will help to minimize the adverse effects on the StPM&M / GN Historic District and minimize harm resulting from the use of the Section 4(f) resource.

As noted in MOA Stipulation III, FTA will consult with MnHPO and consulting parties to the MOA to prepare a mitigation plan that will include options to resolve the adverse effects. This will include measures such as Minnesota Historic Property Record documentation and physical interpretation in the form of interpretive panels, integrated elements, and/or online materials.

The design review process for the CPB wall is still underway. After the Supplemental EA and Amended Draft Section 4(f) Evaluation were published, the FTA prepared a draft mitigation plan to resolve the adverse effects and provided it to the MnHPO and all other consulting parties for review and comment on April 17, 2018. FTA will issue a final mitigation plan after considering comments received on the draft mitigation plan.

Consulting parties were identified per the requirements of Section 106 and include the MnHPO; US Army Corps of Engineers; Hennepin County; the Cities of Eden Prairie, Minnetonka, Hopkins, St. Louis Park, and Minneapolis; the Minneapolis Park and Recreation Board; the Eden Prairie and Minneapolis Heritage Preservation Commissions; St. Louis Park Historical Society; Three Rivers Park District; Cedar-Isles-Dean Neighborhood Association; and Kenwood Isles Area Association. The role of the consulting parties is to provide review and comment on the architecture/history and archaeological areas of potential effect; the results of the surveys/investigations completed for the Project, including NRHP eligibility determinations; and determinations of effect.

Comment	Response
<p>The draft SEA concludes that the "Project change will result in a moderate degree of visual impact", and proposes mitigation, "through the Section 106 review process and public outreach" (page 106). Given the potential for "moderate" impacts, the Council needs to address how will address this issue beyond a review process and public outreach.</p> <p>Visual impacts of a 10-foot concrete barrier wall will be an assault on the landscape and the current relative movement of people from one part of Minneapolis to the other. The Met Council should work with the public and BNSF to shorten the crash wall length, back to Interstate 94 where the corridor is narrow and truly needs some protection.</p> <p>The Metropolitan Council, in a final SEA needs to specify how it will address visual impacts in the Section 106 review process and how it will engage the public in that effort.</p>	<p>The location of the CPB wall is a requirement of BNSF and cannot be reduced in size. As stated in the Supplemental EA, the visual quality impact has been mitigated through the public outreach work with the community on the design aesthetics of the wall. This process informed the aesthetic treatment of the wall and resulted in the incorporation of vines and other vegetation to mitigate for the visual impact.</p> <p>The response to your comment above provides additional information about the Section 106 process to resolve the adverse effect, including the visual impact to historic resources (see Section 7.2.2).</p>
<p>We have expressed serious concerns regarding co-location of freight rail and light rail in the Kenilworth corridor, Bryn Mawr Meadows and Downtown Minneapolis. Our reservations regarding co-location are informed, in part, by the actions and activities of the freight rail industry regarding rail safety in the legislative arena, and the industry's heavy lobbying of the legislature to largely absolve itself of liability in the event that a freight rail accident causes serious damage in a light rail corridor.</p> <p>Furthermore, the industry has resisted legislative efforts to require additional rail inspectors, greater public transparency and scrutiny of safety measures, and requirements for stronger coordination with first responders. The SEA largely ignores these concerns, and does not specify how a CPB will enhance rail safety and why a similar CPB is not required in other parts of this co-located alignment. Freight rail in the area includes large unit trains, that at times involve trains with up to 100 tanker cars carrying highly flammable and dangerous cargoes including Bakken oil, and ethanol.</p> <p>The Metropolitan Council, in a final SEA, must specify the kinds of rail accidents and scenarios that the CPB is intended to mitigate, and how the CPB will prevent or reduce damage from a worse case freight rail scenario in the corridor. A revised SEA must address the need for the wall, under these scenarios, and specify the public costs of the project.</p>	<p>The CPB wall is a requirement of BNSF to construct LRT on their land. In other segments of the Project not on or adjacent to BNSF property, corridor protection barriers are included where there is less than 25 feet between LRT and freight tracks.</p> <p>Per BNSF requirements, the CPB wall has been designed such that in the event of a derailment of either a freight train or a light rail train, neither train would enter the operating envelope of the other train. The design methodology for the CPB wall is based on the California High Speed Rail design as agreed to with BNSF and as modified to account for the specific conditions of the Wayzata Subdivision, namely freight speed (40 MPH maximum speed), proximity of freight track (both existing mainline and future potential second track), and grade.</p>

Appendix B
Thematic Responses to Public Comments

1 Introduction

In addition to the agency and elected official comments addressed in Appendix A, 25 written and verbal comments were received from members of the public on the Supplemental Environmental Assessment (EA)/Amended Draft Section 4(f) Evaluation. Copies of the public comments received are included in Appendix D.

Ten themes were identified in the 25 public comments as summarized in Table 1.

TABLE 1: PUBLIC COMMENT THEMES

Code	Theme	Number of Comments
1	General support for light rail transit (LRT) and the Southwest LRT Project	6
2	General opposition to LRT and/or the Southwest LRT Project	6
3	Locally preferred alternative (LPA) decision and process	9
4	Public outreach process	2
5	Negotiations with BNSF	4
6	Location and effectiveness of crash protection barrier (CPB) wall	4
7	Impacts of and mitigation measures for the CPB wall	8
8	Impacts to the Bassett Creek Tunnel	1
9	Cedar Lake LRT Regional Trail and Luce Line Trail impacts and mitigation	1
10	Impacts and mitigation measures for the Southwest LRT Project outside the scope of the Supplemental EA	12

Responses are provided by theme in Section 2. Section 3 provides an index of the 25 comments received and the themes included in each.

2 Comment Responses by Theme

Code	Theme	Summary	Response
1	General support for LRT and the Southwest LRT Project	Comments expressed support for the Southwest LRT Project from individuals and the Bryn Mawr Neighborhood Association, a desire to have it built soon, and that the Project will address needs in the community.	Comments noted.
2	General opposition to LRT and/or the Southwest LRT Project	Comments expressed opposition to LRT being located in parkland, concern that the project will be dangerous to those who live nearby, that the cost is too high and the money would be better invested elsewhere, and that the process has been flawed.	<p>The Supplemental EA was limited to the substantive changes to the Project since the issuance of the Final EIS and Record of Decision (ROD) in May 2016 and July 2016, respectively. These Project modifications did not alter the LPA and, therefore, were not subject to the scoping and public outreach requirements associated with selection of an LPA. The Council did engage the public as part of the Supplemental EA through community group meetings and presentations, a community town hall meeting, project newsletters and email distribution updates, the project website, project corridor tours, and community pop-up events. There was also a public comment period on the Supplemental EA. This process is summarized in Section 5 of the Amended ROD.</p> <p>Anticipated impacts of the Project, including impacts to parks, recreation areas, and open spaces and safety and security, have been evaluated and are documented in Section 3.6 and Section 4.6 of the Final Environmental Impact Statement (EIS), respectively. Measures to mitigate these impacts are summarized in Attachment A to the July 2016 Record of Decision (ROD).</p> <p>Additionally, the Supplemental EA (Sections 3,4, and 6) addressed the impacts and defined mitigation measures for the changes to the Project since the issuance of the Final EIS and ROD.</p> <p>After publication of the Supplemental Draft EIS in May 2015, the Council identified cost saving measures that were developed and analyzed in consultation with the Project's local participating agencies. Those cost saving measures included deferring the proposed Eden Prairie Town Center Station and a Project-wide reduction in the total number of park-and-ride spaces. The Council approved the project scope and budget of \$1.858 billion in August 2016. For a detailed response related to</p>

Code	Theme	Summary	Response
			<p>concerns about cost and schedule, see Appendix L of the Final EIS (Attachment 3, theme T).</p> <p>The Project has undergone a multi-step decision-making process that began in 2005. The process used to define the Southwest LRT Project is described in response to Comment Theme 3: LPA Decision and Process.</p>
3	LPA decision and process	<p>One comment noted that there were broad and open discussions prior to the selection of the LPA and that the process to select the LPA should be honored. Other commenters stated that they oppose the LPA route and are concerned about co-location with freight rail and the impacts of the LPA. Commenters also noted that additional routes and modes should have been considered in the initial scoping process and that the route should serve more densely population areas.</p>	<p>The Supplemental EA was limited to the substantive changes to the Project since the issuance of the Final EIS and ROD in May 2016 and July 2016, respectively. These Project modifications did not alter the LPA and, therefore, were not subject to the scoping and public outreach requirements associated with selection of an LPA. The Council did engage the public as part of the Supplemental EA through community group meetings and presentations, a community town hall meeting, project newsletters and email distribution updates, the project website, project corridor tours, and community pop-up events. There was also a public comment period on the Supplemental EA. This process is summarized in Section 5 of the Amended ROD.</p> <p>The LPA was identified through a decision-making process that began in 2005 when the Hennepin County Regional Railroad Authority (HCRRRA) initiated an Alternatives Analysis study of the Southwest Corridor. Based on the findings of the Alternatives Analysis, as well as input from the public, HCRRRA, local jurisdictions, and elected officials, the Metropolitan Council identified the LPA in May 2010 as LRT on the Kenilworth-Opus-Golden Triangle alignment (Alternative 3A the Alternatives Analysis).</p> <p>In the Draft EIS, published in October 2012, the LPA was included within LRT 3A and LRT 3A-1, with the difference between these two alternatives being the “relocation” or “co-location” of TC&W trains currently operating in the Bass Lake Spur and Kenilworth Corridor. The Draft EIS found that LRT in the Kenilworth-Opus-Golden Triangle alignment, with freight rail relocated from the Kenilworth Corridor (LRT 3A), would best meet the Project’s Purpose and Need Statement. In addition, the Draft EIS found that LRT 3A would minimize construction-related impacts, relative to other alternatives studied. Further, the evaluation in the Draft EIS found that LRT 3A would result in benefits that could not be achieved under the No Build or Enhanced Bus Alternatives (e.g., the introduction of an exclusive transit right-of-way throughout the corridor to reduce transit travel times and increase transit reliability). However, the evaluation in the Draft EIS also found that the benefits</p>

Code	Theme	Summary	Response
			<p>associated with LRT 3A could not be achieved without some adverse environmental impacts but that the overall benefits derived from LRT 3A—including increased transit ridership and enhanced mobility—outweigh the potential adverse environmental impacts.</p> <p>Upon the close of the Draft EIS comment period on December 31, 2012, the Council assumed responsibility from HCRRA as the local lead agency for continuation of the environmental process, and the Council and FTA reviewed the comments received on the Draft EIS. Of note was the US Army Corps of Engineers (USACE) determination that LRT 3A-1 (co-location) was the least environmentally damaging practicable alternative. Due to this, the FTA and Council were required to consider LRT 3A-1 in greater detail to satisfy the Clean Water Act. In addition, TC&W, the major freight carrier operating on the existing freight rail line within the colocation segment of the Kenilworth Corridor, expressed serious engineering and operational concerns with LRT 3A; therefore, TC&W and its shippers were opposed to LRT 3A as presented in the Draft EIS.</p> <p>Based on the comments received on the Draft EIS and through meetings with the public, businesses, municipalities, and other groups, the Council initiated a process to develop adjustments to the Project’s design. In April and July 2014, based on the design adjustment process, technical analysis, and agency and public involvement process, the Council identified adjustments to the LPA throughout the approximate 16-mile proposed Project based on the following:</p> <ul style="list-style-type: none"> • The transit elements included in LRT 3A and LRT 3A-1 as described in the Draft EIS and adjusted as described in the Supplemental Draft EIS • The freight rail modifications of LRT 3A-1 (i.e., retention of freight rail service in the Kenilworth Corridor, termed “co-location” in the Draft EIS, with freight rail modifications described in the Supplemental Draft EIS)

Code	Theme	Summary	Response
4	Public outreach process	Some comments noted that there has been engagement with the Bryn Mawr Neighborhood Association throughout the process and that the neighborhood association supports the Project. Others noted that they appreciated having the Supplemental EA document to comment on and thanked staff for the outreach done as part of the Supplemental EA process.	As discussed in Section 5.1 of the Supplemental EA, the Council held numerous community meetings, events, and presentations throughout the Southwest LRT decision making process. The Council also created a process to ensure meaningful and transparent engagement related to the CPB wall design. Specific public engagement activities that took place regarding the CPB wall included five meetings with the Bassett Creek Valley Working Group, five presentations to community/neighborhood groups, six tours of the corridor (three with elected officials and staff and three public tours), a community open house, and two pop-up events. In addition, the project website hosted information about the proposed changes, including a video describing the proposed corridor protection wall. Generally, the input received at these events was related to a high interest in the design aesthetics for the CPB and concerns regarding the options for pedestrians crossing the railroad and two LRT lines.
5	Negotiations with BNSF	Some comments received were related to negotiations with BNSF over the CPB wall and Northstar tail track. Commenters expressed concerns about lack of transparency in the negotiations and the power of the railroad industry. Comments also noted concerns about the liability of co-locating LRT with freight, the cost of the wall, and the design of the CPB wall.	<p>In late summer 2017, negotiations with BNSF concluded on substantive technical and legal issues, and the railroad required the CPB to allow Project construction on their property. The CPB wall has been designed such that in the event of a derailment of either a freight train or a light rail train, neither train would enter the operating envelope of the other train. The CPB is unique to the requirements of BNSF.</p> <p>The negotiations with BNSF are not public as they are with a private entity; however, the Council has been as transparent as possible regarding the outcomes of the negotiations and has conducted a robust public engagement process regarding the Project modifications as described in Section 5.1 of the Supplemental EA.</p> <p>Specific public engagement activities that took place regarding the CPB wall included five meetings with the Bassett Creek Valley Working Group, five presentations to community/neighborhood groups, six tours of the corridor (three with elected officials and staff and three public tours), a community open house, and two pop-up events on the corridor. In addition, the project website hosted information about the proposed changes, including a video describing the proposed corridor protection wall. Generally, the input received at these events was related to a high interest in the design aesthetics for the CPB and concerns regarding the options for pedestrians crossing the railroad and two LRT lines.</p>

Code	Theme	Summary	Response
6	Location and effectiveness of CPB wall	<p>Comments stated that they did not think the CPB wall would be sufficient to protect against derailment of a freight train and that the wall should not extend as far into the trail area as is planned. Multiple commenters noted that they had safety concerns related to the CPB wall.</p>	<p>The CPB wall has been designed such that in the event of a derailment of either a freight train or a light rail train, neither train would enter the operating envelope of the other train. The design methodology for the CPB wall is based on the California High Speed Rail design as agreed to with BNSF and as modified to account for the specific conditions of the Wayzata Subdivision, namely freight speed (40 MPH maximum speed), proximity of freight track, and grade.</p> <p>The CPB wall is located between the freight tracks and LRT tracks and does not extend into the trail area. The location was determined through the negotiations with BNSF and is a requirement of BNSF to agree to sell a portion of their right-of-way to the Council. In other segments of the Project not on or adjacent to BNSF property, corridor protection barriers are included where there is less than 25 feet between LRT and freight tracks.</p>
7	Impacts of and mitigation measures for the CPB wall	<p>Multiple public comments on potential impacts of the CPB wall. Some indicated that they did not think the wall would be a barrier between neighborhoods, while others are concerned that the wall will be a barrier and will cut off access for bicyclists, pedestrians, and wildlife. Some commenters stated that they did not think the wall would have a visual impact or that the impact would be adequately mitigated, while others think the wall will cause a visual impact. A few comments also expressed concern about noise impacts related to the CPB wall.</p> <p>Comments related to mitigation measures for the CPB wall included support for interpretive panels related to the history of the railroad, concerns about and support for the vegetation to be planted on or near the wall, and concerns about the ability of the public to impact the design of the wall.</p>	<p>Regarding access impacts of the CPB wall, no existing access points will be impacted. As stated in Section 3.8.12 of the Supplemental EA, the project will provide pedestrian and bicycle access points for safe travel north/south across the rail corridor (i.e., Bryn Mawr Station pedestrian bridge, relocated at-grade pedestrian and bicycle trail crossing west of Bryn Mawr Station, I-394 trail overpass and relocated Luce Line pedestrian bridge). These access points were planned as part of the design documented in the Final EIS and remain unchanged with the addition of the CPB.</p> <p>Related to wildlife access, the CPB wall may result in some additional habitat fragmentation, but the change is expected to be negligible as the most likely location for wildlife movement across the BNSF tracks today is near the I-394 bridge. The bridge is near the west end of the CPB wall and such movement would not change substantially as a result of the CPB.</p> <p>The visual quality impact has been mitigated through the public outreach work with the community on the design aesthetics of the wall. This process informed the aesthetic treatment of the wall and resulted in the incorporation of vines and other vegetation to mitigate for the visual impact. The Section 106 process also requires mitigation of visual quality impacts, as discussed in Section 3.8.5 of the Supplemental EA. After the Supplemental EA and Amended Draft Section 4(f) Evaluation were published, the FTA prepared a draft mitigation plan to resolve the</p>

Code	Theme	Summary	Response
			<p>adverse effects and provided it to the Minnesota Historic Preservation Office and all other consulting parties for review and comment on April 17, 2018. FTA will issue a final mitigation plan after considering comments received on the draft mitigation plan.</p> <p>Noise analysis was conducted for the CPB wall following FTA's noise and vibration guidance manual as described in Section 3.8.9 of the Supplemental EA. The results indicate that the presence of the CPB would increase noise levels to the north of the BNSF freight tracks by an imperceptible amount (0 to 0.4 decibels) and that the presence of the CPB would have no effect on the noise levels to the south of the freight tracks.</p>
8	Impacts to the Bassett Creek Tunnel	One commenter expressed concern that relocating the Northstar tail track on top of the Bassett Creek tunnel had not been adequately studied.	<p>The Northstar tail track extension alignment is on top of the existing Bassett Creek Tunnel for approximately 870 feet. The Council has performed extensive structural and soil settlement calculations to determine the impact of additional loading from the Northstar tail track. The Council has also tested concrete cores from the tunnel to verify the in situ concrete strength and has tested soil samples to verify parameters used in the settlement calculations. The Council will continue to coordinate the results of these calculations and testing with the City of Minneapolis.</p> <p>Since the Supplemental EA was published the Council has been coordinating with the City to develop additional monitoring and inspection commitments. The Council's Civil contractor will perform an internal tunnel inspection prior to construction and will utilize external utility monitoring points, internal crack gauges, and photometric documentation to monitor the tunnel during construction.</p>
9	Cedar Lake LRT Regional Trail and Luce Line Trail impacts and mitigation	One member of the public commented on the trail detours associated with Modification F: Cedar Lake LRT Regional Trail Detour and Modification G: Bryn Mawr Meadows – Trail Mitigation. The commenter believes the Cedar Lake LRT Regional Trail detour and the detour during the removal of the Luce Line bridge will be workable, and suggested a different detour for eastbound Luce Line users to access the Cedar Lake Trail.	Trail detours were designed with both bicyclists and pedestrians in mind and with input from bike groups. To make the detours as safe as possible, the detour routes use existing trails rather than on-street facilities to the extent possible.

Code	Theme	Summary	Response
10	Impacts and mitigation measures for the Southwest LRT Project outside the scope of the Supplemental EA	Members of the public commented on impacts and mitigation measures for the Project outside the scope of the Project modifications evaluated in the Supplemental EA. Topics included property impacts, loss of open space, disturbance of wildlife, contamination, construction-related impacts, safety, bicycle and pedestrian access, vegetation, parking, impacts to lakes and groundwater, and neighborhood impacts.	The Supplemental EA was limited to the substantive changes to the Project since the issuance of the Final EIS and ROD in May 2016 and July 2016, respectively. For a summary of impacts and mitigation measures outside the scope of the Supplemental EA, see the July 2016 ROD.

Appendix C
Agency and Elected Official Letters Received

Comments on the Supplemental EA



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

April 9, 2018

9043.1
ER 18/0096

Marisol Simon
Regional Administrator, Region V
Federal Transit Administration
200 W. Adams Street, Suite 320
Chicago, Illinois 60606

Dear Ms. Simon:

The Department of the Interior (Department) has reviewed the Supplemental Environmental Assessment and Amended Section 4(f) Evaluation (document) for the Southwest Light Rail Transit project in and around Minneapolis, Minnesota (project). The project sponsor is the Metropolitan Council, and the Federal Transit Administration (FTA) is the lead federal agency for the project. The document considers effects under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303) associated with the project. The Department offers the following comments and recommendations for your consideration:

Section 4(f) Comments

Section 4(f) impacts associated with this project were previously evaluated in the Southwest Light Rail Transit Final Environmental Impact Statement (Final EIS), Record of Decision (ROD), and Adequacy Determination in 2016. This document evaluates additional impacts as a result of the project's advancement into final engineering. The updated project designs present a new impact on the St. Paul, Minneapolis & Manitoba Railroad/Great Northern Railway (StPM&M/GN) Historic District under Section 4(f).

The StPM&M/GN Historic District is an approximately 205-mile-long linear historic district that extends from northeast Minneapolis, west through Minneapolis and its several suburbs, and westward across Minnesota to the state border with North Dakota. Project impacts to the Historic District were previously assessed as a Section 4(f) use with a de minimis impact, with a no adverse effect finding under Section 106 of the National Historic Preservation Act.

Design modifications to the project as described in the Final EIS are required by Burlington Northern Santa Fe (BNSF), for safe and appropriate operations within the rail corridor. The portion of the historic district impacted by project modifications is an approximately two-mile-long segment in Minneapolis beginning roughly at 7th Street North and extending west of Cedar Lake Junction. In the approximately two-mile-long segment of the Project modifications, the historic StPM&M/GN right-of-way is adjacent to and shares the physical space in the railroad corridor with the Minneapolis & St. Louis Railway. The land area of the railroad corridor that was jointly used by the StPM&M/GN and the M&StL will be utilized for the proposed project.

The FTA has determined that the project, with modifications required by BNSF, would result in a Section 4(f) direct use of the StPM&M/GN Historic District, and that the use would be an adverse effect under Section 106 of the National Historic Preservation Act. The FTA has determined that there is no feasible and prudent alternative that would avoid a use of this Section 4(f) resource. In addition, the FTA has determined in accordance with 23 CFR Part 774.17 that all possible planning to minimize harm has been conducted and implemented. Further, FTA and the Council have determined that the alternative that would result in the least overall harm to this historic resource is the existing project alignment, with the proposed project modifications designed in accordance with the Secretary of Interior's Standards to the extent feasible.

The Department's review concurs with the FTA determinations. The FTA, Metropolitan Council and Minnesota State Historic Preservation Officer (SHPO) have executed a Memorandum of Agreement (MOA) formalizing measures to mitigate effects to the historic property. The Department therefore has no objection to the 4(f) evaluation and concurs with measures to mitigate the adverse effects of the project.

The Department has a continuing interest in working with the FTA to ensure impacts to resources of concern are adequately addressed. For issues concerning Section 4(f) resources, please contact Tokey Boswell, Chief, Planning and Compliance Division, Midwest Regional Office, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102, or by telephone at 402-661-1534.

We appreciate the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Lindy Nelson", with a long horizontal flourish extending to the right.

Lindy Nelson
Regional Environmental Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAR 19 2018

REPLY TO THE ATTENTION OF:

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

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

Re: Supplemental Environmental Assessment – Southwest Light Rail Transit (SWLRT),
Hennepin County, Minnesota.

Dear Ms. Simon and Mr. Fuhrmann:

The U.S. Environmental Protection Agency (EPA) reviewed the Federal Transit Administration's (FTA) February 16, 2018, Supplemental Environmental Assessment (SEA) for the Metropolitan Council's (Council) Southwest (METRO Green Line) Light Rail Transit (SWLRT) Project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The SEA identifies design modifications made to the Project since publication of the 2016 Final Environmental Impact Statement (FEIS), Record of Decision (ROD), and state Adequacy Determination (AD). The focus of the SEA is on whether the modifications affect the environmental impacts and/or mitigation measures, as identified in the FEIS, ROD and state AD.

The SEA addresses the following project modifications:

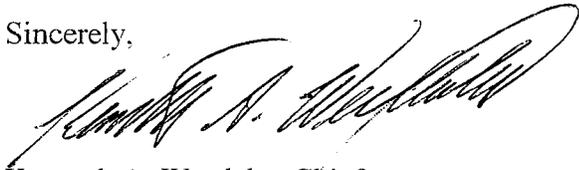
- Parking impact near Opus Station (Minnetonka),
- Minnehaha Creek Headwall Modification (St. Louis Park),
- 31st Street Realignment (Minneapolis),
- Grand Rounds Historic District – Kenilworth Lagoon Works Progress Administration
Rustic Style Retaining Walls Rehabilitation and Landscaping (Minneapolis),
- Right-of-Way Adjustment near 21st Street Station (Minneapolis),
- Cedar Lake LRT Regional Trail Detour (St. Louis Park),

- Bryn Mawr Meadows – Trail Detour (Minneapolis),
- BNSF Negotiation Modifications (corridor protection elements including a proposed barrier between freight rail and light rail tracks in Minneapolis),
- Water Service to Sharing and Caring Hands (Minneapolis); and,
- Five New Potential Construction Laydown Sites (St. Louis Park and Minneapolis).

Based on our review of the SEA, EPA has no additional comments regarding the proposed Southwest LRT project.

EPA requests one hard copy of the FTA final amended environmental decision document for the proposed changes to the Southwest LRT project, when it is available. If you have any questions regarding this letter, please contact Virginia Laszewski of my staff at 312/886-7501 or at laszewski.virginia@epa.gov.

Sincerely,



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

Cc (email): Reginald Arkell, FTA, Chicago Office, Reginald.Arkell@dot.gov

From:
Sent:
To:
Cc:
Subject:

Hi Kelcie,

The DNR does not have comments on the Supplemental Environmental Assessment (Supplemental EA)/Amended Draft Section 4(f) Evaluation for the METRO Green Line Extension Project. However, we'd like to remind the Project Proposers to conduct a new NHIS review prior to any start of construction for this project. NHIS reviews are considered valid for one year, as new information is often gathered. The last NHIS review we have on record is from 2015. Information regarding obtaining an NHIS review and or concurrence can be obtained on the [DNR's website](#), or by contacting Lisa Joyal (lisa.joyal@state.mn.us).

Sincerely,

Becky

Rebecca Horton

Region Environmental Assessment Ecologist | Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road

St. Paul, MN 55404

Phone: 651-259-5755

Fax: 651-772-7977

Email: becky.horton@state.mn.us

mndnr.gov



March 23rd, 2018

Ms. Kelcie Campbell
Southwest LRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

SUBJECT: SWLRT Supplemental Environmental Assessment
MnDOT Review # EA18-001
LRT from Minneapolis to Eden Prairie
Hennepin County

Dear Ms. Kelcie Campbell,

Thank you for the opportunity to review the Supplemental Environmental Assessment (Supplemental EA) for the Southwest Light Rail (SWLRT). Please note that MnDOT's review of this Supplemental EA does not constitute a specific approval. As plans are refined, we would like the opportunity to meet with our partners and to review the updated information. MnDOT's staff has reviewed the document and has the following comments:

Design:

The corridor protection barrier in Section H is the section of most concern in the Supplemental EA. As these plans are general in nature, the Bridge group will need to approve of adding any structural features next to MnDOT bridges.

For questions on these comments, please contact Joe Nietfeld at 651-755-9881 or joe.nietfeld@state.mn.us

Bike/Pedestrian:

Please ensure that detours are thoroughly posted so that bicyclists and pedestrians can easily find their way to and through the detours.

For questions on these comments, please contact Cameron Muhic at 651-234-7797 or cameron.muhic@state.mn.us of MnDOT's bike/pedestrian team.

Permits:

Any use of or work within or affecting MnDOT right-of-way requires a permit. Permit forms are available from MnDOT's utility website at: <http://www.dot.state.mn.us/utility/index.html>

An equal opportunity employer

Please include one set of plans formatted to 11X17 with each permit application. Please submit/send all permit applications and 11X17 plan sets to: metropermitapps.dot@state.mn.us

Please direct any questions regarding permit requirements to Buck Craig (651-234-7911) of MnDOT's Metro Permits Section.

Review Submittal Options:

MnDOT's goal is to complete the review of plans within 30 days. Submittals sent in electronically can usually be turned around faster. There are four submittal options. Please submit either:

1. One (1) electronic pdf version of the plans. MnDOT can accept the plans via e-mail at metrodevreviews.dot@state.mn.us provided that each separate e-mail is under 20 megabytes.
2. Three (3) sets of full size plans. Although submitting seven sets of full size plans will expedite the review process. Plans can be sent to:

MnDOT – Metro District Planning Section
Development Reviews Coordinator
1500 West County Road B-2
Roseville, MN 55113

3. One (1) compact disc.
4. Plans can also be submitted to MnDOT's External FTP Site. Please send files to: <ftp://ftp2.dot.state.mn.us/pub/incoming/MetroWatersEdge/Planning> Internet Explorer doesn't work using ftp so please use an FTP Client or your Windows Explorer (My Computer). Also, please send a note to metrodevreviews.dot@state.mn.us indicating that the plans have been submitted on the FTP site.

If you have any questions concerning this review, please contact me at (651) 234-7795.

Sincerely,



Josh Pansch
Senior Planner

Copy sent via E-Mail:

Buck Craig, Permits
Nancy Jacobson, Design
Hailu Shekur, Water Resources
Brian Kelly, Water Resources
Douglas Nelson, Right of Way
Jason Junge, Traffic
Gina Mitteco, Multimodal Planning

Cameron Muhic, Multimodal Planning
Aaron Tag, Area Engineer
April Crockett, Area Manager
Ryan Wilson, Transit
Blake Nelson, Materials and Road Research
Joe Nietfeld, Transit Office
Russell Owen, Metropolitan Council

April 3, 2018

Kelcie Campbell
Environmental Project Manager
Metropolitan Council Southwest LRT Project Office
Park Place West Building, Suite 500
6465 Wayzata Boulevard
St. Louis Park, MN 55426

Re: Southwest Light Rail Transit Supplemental Environmental Assessment

Dear Kelcie Campbell:

Thank you for the opportunity to review and comment on the Supplemental Environmental Assessment (EA) for the Southwest Light Rail Transit project (Project) in Hennepin County, Minnesota. The Project consists of a new light rail line extending from downtown Minneapolis to Eden Prairie. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration.

Air Quality (Item 16)

The MPCA has concluded that the implementation of many of the administrative plan changes and technical modifications outlined in the Supplemental EA will not result in any significant air quality impacts. However, general air quality comments include:

- Construction of the proposed Project may cause increased concentrations of dust and air pollutants. When roads are closed or operating with reduced capacity, detoured traffic would result in increased traffic on parallel roadways near the Project area. Increased emissions would also be produced by construction equipment, and fine particulates can enter air from exposed earthen materials. The MPCA recommends that the Metropolitan Council (Met Council) implement best management practices during construction to control dust and manage equipment. Traffic control measures should be developed in subsequent stages of the Project to address detours and traffic flow.
- The MPCA looks forward to the Met Council achieving its commitments to prioritizing the use of clean diesel equipment at its construction sites. Met Council's investment directions show ambitious plans involving major construction efforts. All construction work relies on the extensive use of heavy duty diesel engines. Older diesel equipment from before 2007 emits extremely high levels of harmful air pollutants. As most, if not all, transitway work is carried out in close proximity to where Minnesotans live, commute, work, and recreate, people's exposure to heavy duty diesel emissions can be a health risk.
- The MPCA hopes the Met Council will move ahead soon with implementing its commitment to develop and employ model contract language including vehicle and equipment emission standards that would either require or give additional bid points for companies that agree to using newer, cleaner diesel trucks and equipment. With Project plans spanning for a few years, the contract language should provide for ongoing updates as diesel engines continue to improve their emission standards.

Kelcie Campbell

Page 2

April 3, 2018

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

Sincerely,



Karen Kromar
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul
Innocent Eyoh, MPCA, St. Paul
Teresa McDill, MPCA, St. Paul
Ken Westlake, USEPA

April 17, 2018

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

**RE: SWLRT Supplemental Environmental Assessment (SEA)
Formal Comments**

Dear Mr. Alexander,

The City of Minneapolis appreciates the ability to comment on the Supplemental Environmental Assessment (SEA) for the Southwest LRT Corridor (Green Line Extension) project. The attached comments were presented to the Transportation and Public Works Committee of the Minneapolis City Council on March 27, 2018 and were approved by the full City Council on April 13, 2018. Please contact me if you have any questions.

Sincerely,



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

Attachment

**Southwest Light Rail Transit (Green Line Extension)
Supplemental Environmental Assessment (SEA)/Amended Draft Section 4(f) Evaluation
City of Minneapolis, Department of Public Works
Staff Comments**

Preface to Staff Comments:

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

The purpose of the SEA/Amended Draft Section 4(F) Evaluation is to evaluate modifications to the Green Line Extension Project since the publication of the Final Environmental Impact Statement (FEIS), Record of Decision (ROD), and Determination of Adequacy in 2016. Ten (10) specific modifications were identified as subjects of the SEA, listed as follows:

- Modification A. Parcel 322A Parking Impact near Opus Station (Minnetonka)**
- Modification B. Minnehaha Creek Headwall (Hopkins/St. Louis Park)**
- Modification C. 31st Street Realignment (Minneapolis)**
- Modification D. Grand Rounds Historic District: Kenilworth Lagoon Works Progress Administration (WPA) Rustic Style Retaining Walls Rehabilitation and Landscaping (Minneapolis)**
- Modification E. Right-of-Way Adjustment near West 21st Street Station (Minneapolis)**
- Modification F. Cedar Lake LRT Regional Trail Detour (St. Louis Park/Minneapolis)**
- Modification G. Bryn Mawr Meadows Trail Mitigation (Minneapolis)**
- Modification H. BNSF Negotiation Modifications (Minneapolis).**
- Modification I. Water service to Sharing and Caring Hands (Minneapolis)**
- Modification J. New potential construction laydown areas (St. Louis Park/Minneapolis)**

Public Works Staff Comments:

City of Minneapolis, Department of Public Works comments pertaining to the SEA/Amended Draft Section 4(f) modifications are as follows:

Modification A. Parcel 322A Parking Impact near Opus Station (Minnetonka)

- No Comment – this modification takes place completely within the City of Minnetonka.

Modification B. Minnehaha Creek Headwall (Hopkins/St. Louis Park)

- No comment – this modification takes place completely within the Cities of Hopkins and St. Louis Park.

Modification C. 31st Street Realignment (Minneapolis)

- The 31st Street Realignment had previously been included in the final plans with the full cooperation of the City of Minneapolis Public Works Department and the Community Planning & Economic Development Department (CPED), including design input, plan review and overall approval. The original intent was to maximize the potential for future development opportunity.

Modification C is considered a further refinement to the street realignment based upon an actual development (the Calhoun Towers) that is currently moving through the City's Development Review process. These changes to the street realignment are being proposed in full cooperation with the City (Public Works and CPED) including design review and approval, and will eventually be reflected in the overall construction plans for GREEN LINE EXTENSION; no further comment is necessary.

Modification D. Grand Rounds Historic District: Kenilworth Lagoon Works Progress Administration (WPA) Rustic Style Retaining Walls Rehabilitation and Landscaping (Minneapolis)

- This change was included in the final design package with the full cooperation of the City (Public Works Department) including design review and approval; no further comment is necessary.

Modification E. Right-of-Way Adjustment near West 21st Street Station (Minneapolis)

- This change was included in the final design package with the full cooperation of the City (Public Works Department) including design review and approval; no further comment is necessary.

Modification F. Cedar Lake LRT Regional Trail Detour (St. Louis Park/Minneapolis)

- This change was included in the final design package with the full cooperation of the City (Public Works Department) including design review and approval; no further comment is necessary.

Modification G. Bryn Mawr Meadows Trail Mitigation (Minneapolis)

- This change was included in the final design package with the full cooperation of the City (Public Works Department) including design review and approval; no further comment is necessary.

Modification H. BNSF Negotiation Modifications (Minneapolis)

- Public Works - Overarching comments

As a result of the negotiations between the Met Council and the BNSF, a new 1,830 foot long Northstar Commuter Rail tail track, and a new freight corridor protection barrier (CPB) between the LRT tracks and the BNSF freight tracks for 5,582 feet starting at the I-94 bridges and ending at the Bryn Mawr Station, has been proposed

The Public Works Departments outlined these impacts along with identification of requirements for mitigation in two (2) letters to the Metropolitan Council in August of 2017. The letters are attached herein as part of the City's comments on the SEA.

In Section 2.8 (page 24) and in Section 4.4 (page 78) of the SEA it is stated that *"The CPB is being added to the Project because BNSF requires corridor protection between light rail tracks and BNSF's Wayzata Subdivision freight rail tracks when they run side by side."* These statements imply that the CPB is to be designed and located between the proposed LRT tracks and the existing BNSF freight rail track. However, the actual design of the CPB is based upon a BNSF freight rail track that does not actually exist at this time. The design criterion for the CPB (location, height, and width) is based upon the proposed location of a second main line freight rail track desired to be built by the BNSF in the future. This distinction is not identified in the SEA.

Section 4.4.4 describes the "avoidance alternatives" to the CPB that were discussed as part of the negotiations between the Metropolitan Council and the BNSF. One possible "avoidance alternative" that was either never discussed during negotiations or not included in Section 4.4.4 was the option of delaying construction of the CPB to a point in the future that coincided with actual planning and construction of a future second freight rail track by the BNSF. If this option (or a variation thereof) was discussed, the Public Works Department requests that the SEA should include a summary of this discussion.

The addition of the CPB to the Project as a result of the negotiations between the Met Council and the BNSF, and the subsequent expenditure of public funds for the design and construction of a CPB based upon the proposed future location of a second BNSF main line track is not supported by the Public Works Department.

At a minimum, the Public Works Department feels that the SEA should include a narrative describing the design criteria for the CPB as it relates to a future second BNSF freight rail track and include a discussion describing the conditions under which a future freight rail track could actually be built.

- Public Works - Water Treatment & Distribution Services (WT&DS):
 1. WT&DS does not agree with the SEA as it relates to the Corridor Protection Barrier (CPB) and Utility Impacts and mitigation because of the following reasons:
 - a. The CPB crosses two (2) existing watermains; a 24" diameter watermain located just east of the I-394 Bridge crossing adjacent to Bryn Mawr

Meadows, and a 36" diameter watermain located west of the I-94 Bridge crossing.

- b. Utility impacts listed in Table 3-13 on page 53 of the SEA are identified as "None", and in Section 3.8.10 "Utilities" it is stated that "The CPB will need foundations consisting of drilled shafts placed every approximately 7 to 15 feet depending on soil conditions. Any utilities that the CPB will cross have been surveyed, and the drilled shafts will be placed to avoid impacts to the utilities. Therefore, this Project modification does not alter the mitigation measures identified in the Final EIS for utilities."
2. WT&DS will require that additional mitigation in the form of replacing that part of the water main under the CPB and concrete encasement be required at each of the watermain crossing points. Concrete encasement design details shall be included in the plans with the full cooperation of the City (Public Works Department) including design review and approval.
- Public Works – Surface Waters & Sewers (SW&S):
 1. SW&S does not agree with the SEA as it relates to the Corridor Protection Barrier (CPB) and Utility Impacts and mitigation because of the following reasons:
 - a. Section 3.3.6 – The previous reviewed plans did not include relocation of the storm sewer pipe adjacent to 31st St and Minneapolis Public Works – Surface Water & Sewers (MPLS PW-SWS) has not been notified of a proposed relocation. Verify if this is now proposed and if so coordinate with MPLS PW-SWS.
 - b. Section 3.8.7.2 – In addition to BCWMC approval, coordination with the City of Minneapolis for modifications to the previously reviewed plans and modeling will be required. The project will be required to demonstrate it is still meeting City of Minneapolis stormwater management requirements with the proposed modifications.
 2. The following comments relate to the impacts of the Northstar Commuter Rail tail track to the Bassett Creel Tunnel. The Public Works Departments outlined these impacts along with identification of requirements for mitigation in a letter to the Metropolitan Council dated August 11, 2017. The letter is attached as part of the City's comments on the SEA.

SW&S does not agree with the SEA as it relates to the Northstar Commuter Rail tail track and Utility Impacts and mitigation because of the following reasons:

- a. Section 3.8.10 – Sentence 4 should be revised to reflect the following: The City continues to work with the Council to evaluate whether the concrete and soils surrounding the tunnel are sufficient to support additional loading. As the owner and operator of the tunnel, the City continues to have concern about potential long term impacts to the tunnel and alignment that ensures

sufficient access to the tunnel into the future. In ongoing work with the Metropolitan Council, the City has stated there is a need for an extensive monitoring plan in place that will ensure the integrity of the tunnel by performing frequent inspections during construction. This may include 18 external monitoring points along with an interior inspection of the tunnel utilizing crack gauges and photometric documentation of its condition pre-construction, post-construction and during construction of the Green Line Extension.

- **Public Works – Safety & Security:**

1. Public Works does not agree with the SEA as it relates to the Corridor Protection Barrier (CPB) and mitigation for Safety and Security because of the following reasons:

- a. Within Table 3-13, Safety and Security impacts are identified as “None”.

However, in the fall of 2017 the Metropolitan Council conducted a series of site tours of the BNSF corridor. During those tours, Public Works staff, elected officials and other stakeholders noted that the construction of the CPB at specific locations adjacent to the Cedar Lake Bike Trail would create a tunnel-like effect resulting in serious safety and security problems. At locations such as the I-394 and I-94 freeway under-bridge spaces the lack of adequate security lighting would be exacerbated by the CPB. Safety and security measures need to be addressed by the SEA and proper Crime Prevention through Environmental Design (CPTED) measures should be included in the Project as mitigation.

- b. Section 3.8.13 – states that, “The CPB Project modification is designed for safety purposes to keep a derailed freight train from colliding with a light rail train.” This statement is included in the document without further discussion. However, it is the understanding of the Public Works Department that the inclusion of the CPB in the Project is based upon relatively new railroad safety requirements. The specific railroad requirements are not identified in the document nor does the document include supporting documentation that describes the CPB’s actual ability to prevent the prescribed derailment collision.

At a minimum, the Public Works Department feels that the SEA should include a narrative describing the design criteria for the CPB as it relates to Safety & Security and include by reference (or Appendix) the BNSF design guidelines.

Modification I. Water service to Sharing and Caring Hands (Minneapolis)

- This change was included in the final design package with the full cooperation of the City (Public Works Department) including design review and approval; no further comment is necessary.

Modification J. New potential construction laydown areas (St. Louis Park/Minneapolis)

1. These areas were previously identified as part of the final design package submitted to the City. It is the understanding of the City of Minneapolis that identification of possible “laydown areas” does not imply an obligation or commitment by the City or any property owner for potential use of these “areas” by the Metropolitan Council (or its Contractor).
2. Section 3.10 – Laydown Areas #4 & 5 are located with the 100-year floodplain based on updated modeling completed recently by both the City of Minneapolis and Bassett Creek Watershed Management Commission. Potential impacts related to this should be evaluated.

August 11, 2017

Brian Lamb
General Manager, Metro Transit
Fred T. Heywood Office Building and Garage
560 Sixth Avenue North
Minneapolis, MN 55411-4398

Subject: *Requirements for the Bassett Creek Tunnel and Cedar Lake Trail*

Dear Mr. Lamb,

Minneapolis Public Works has been informed that as part of the Southwest Light Rail Transit project (SWLRT), additional tail track to serve the North Star Commuter Rail will be constructed in the vicinity of the I-94 bridge and Target Field (see Attachment A). Construction of the tail track will affect the Bassett Creek Tunnel and the Cedar Lake Trail, which are both owned by the City of Minneapolis and exist by easement on property owned by other agencies, and will require sufficient and timely responsive action by the Metropolitan Council and SWLRT project office.

This letter outlines the minimum technical requirements of the Metropolitan Council and SWLRT project office when performing work affecting these two City assets. Metropolitan Council and the SWLRT project office will adhere to the following minimum standards and specifications. Public Works has prepared this on short notice and without final engineering or construction plans. As such, additional measures related to these two assets may be required at any time during the engineering and construction process, as additional information is available.

Protection of the Bassett Creek Tunnel

In early 2017, the City retained Brierley Associates to analyze the Bassett Creek Tunnel ("Tunnel") for surcharge loading associated with potential future re-alignment of the BNSF tail track. Brierley looked at potential static and dynamic loads, considered soil properties, condition of the Tunnel roof and side walls, and depth of overburden. Brierley concluded that the Tunnel roof would experience too much shear stress at the interior wall separating the box culverts with the addition of the train surcharge loads. They also concluded that, both under current and additional loads, the Tunnel exceeds the concrete cracking limits in critical locations. The report recommends a series of core samples to verify assumptions, further evaluate the impacts of additional loads, and to thoroughly understand mitigation measures necessary to maintain the structural integrity of the Tunnel.

Based on the Brierley report recommendations and understanding that the Met Council intends to build BNSF a North Star tail track, the City is requiring that additional analysis be performed on the Tunnel in the area affected by the tail track to minimize the risk of premature deterioration, reduction in the service life, and structural failure. The additional analysis should, at minimum, include a review of the 2014 Barr Engineering Inspection Report, the 2017 Brierley Loading Analysis, and a requisite field work and follow up as detailed below:

- In concert with the City of Minneapolis, develop a coring plan specifying location, pattern and frequency.
- Obtain core samples of the tunnel roof for testing.
- Visually inspect, probe and/or sound to identify and determine the extent of voids outside the liner.
- Photograph and geographically record locations of core and sounding locations.
- Analyze cores for Unconfined Compressive Strength (UCS).
- Calculate static loads using updated UCS values.
- Calculate dynamic loads analysis using updated probing data (Brierley conservatively assumed soil/liner rigidity in their Dynamic FEA analysis).

In coordination with the Department of Public Works and Division of Surface Water and Sewer, the Metropolitan Council must hire a structural engineering consultant to update the static and dynamic load calculations based on the above data and prepare a technical report. The report should at a minimum:

- Recommend structural and non-structural repairs necessary to maintain structural integrity. For example ground modification (increase soil/liner rigidity and prevention of ground loss and groundwater infiltration), internal bracing, structural grout, crack injection, CIPP, slip forming or slip lining, etc.
- Provide a concept for manhole relocation and removal with considerations for loading and unloading stresses associated with new connections.
- Consider possible alternatives for future Tunnel rehabilitation, upgrades and access given alignment of new tail track.

The consultant should submit the technical report to Public Works for review, comment and approval. Following approval of the technical report the consultant should develop a conceptual design to mitigate risks based on the findings of the technical report. Following Public Works review and approval of the conceptual plan, the consultant should develop construction plans and specifications in regular consultation with Public Works. The final construction design should be completed in parallel with the development of a monitoring plan (crack extensometers or other) for the City to use over time to ensure efficient Tunnel maintenance and operation.

As the owner and operator of the Tunnel, the City is foremost interested in the structural integrity and long term service of the Tunnel. Consistent with the easement agreement between the City and Hennepin County Regional Railroad Authority (“HCRRA”) (see attached Exhibit B), BNSF, the Metropolitan Council, and any additional project partners must obtain permission from the City to complete the additional analysis and implement mitigation measures. The analysis, design, and implementation of mitigation measures for the Tunnel in relationship to tail track will be done with

written permission from the City. At the time written permission is granted, additional contractual agreements may be necessary to outline the terms of any work performed on the site.

Reconstruction of the Cedar Lake Trail

If portions of the Cedar Lake Trail require reconstruction as a result of construction of the North Star trail track, the redesign of the trail shall be completed in full coordination with the City. The trail should not be divided and should be reconstructed in a similar fashion as the existing trail. The Metropolitan Council and SWLRT project office must fully analyze avoiding the construction of a divided trail. Regardless of whether the trail must split around an obstruction or not, the City views the proposed new alignment of the trail as less favorable than the current alignment of the trail from both a trail user and trail owner perspective. Thus, the design of the trail along the new alignment must include measures to mitigate the new alignment with respect to users of the trail in addition to meeting or exceeding the City's minimum specifications for trail construction. The City's minimum specifications include:

- Minimum trail width of 14 feet
- Minimum easement width of 18 feet
- Minimum pavement design of 6 inches of class 5 material with 3 inches of bituminous
- Signing and lighting to guide users along new the alignment safely
- Standards are modified accordingly if the trail is divided.

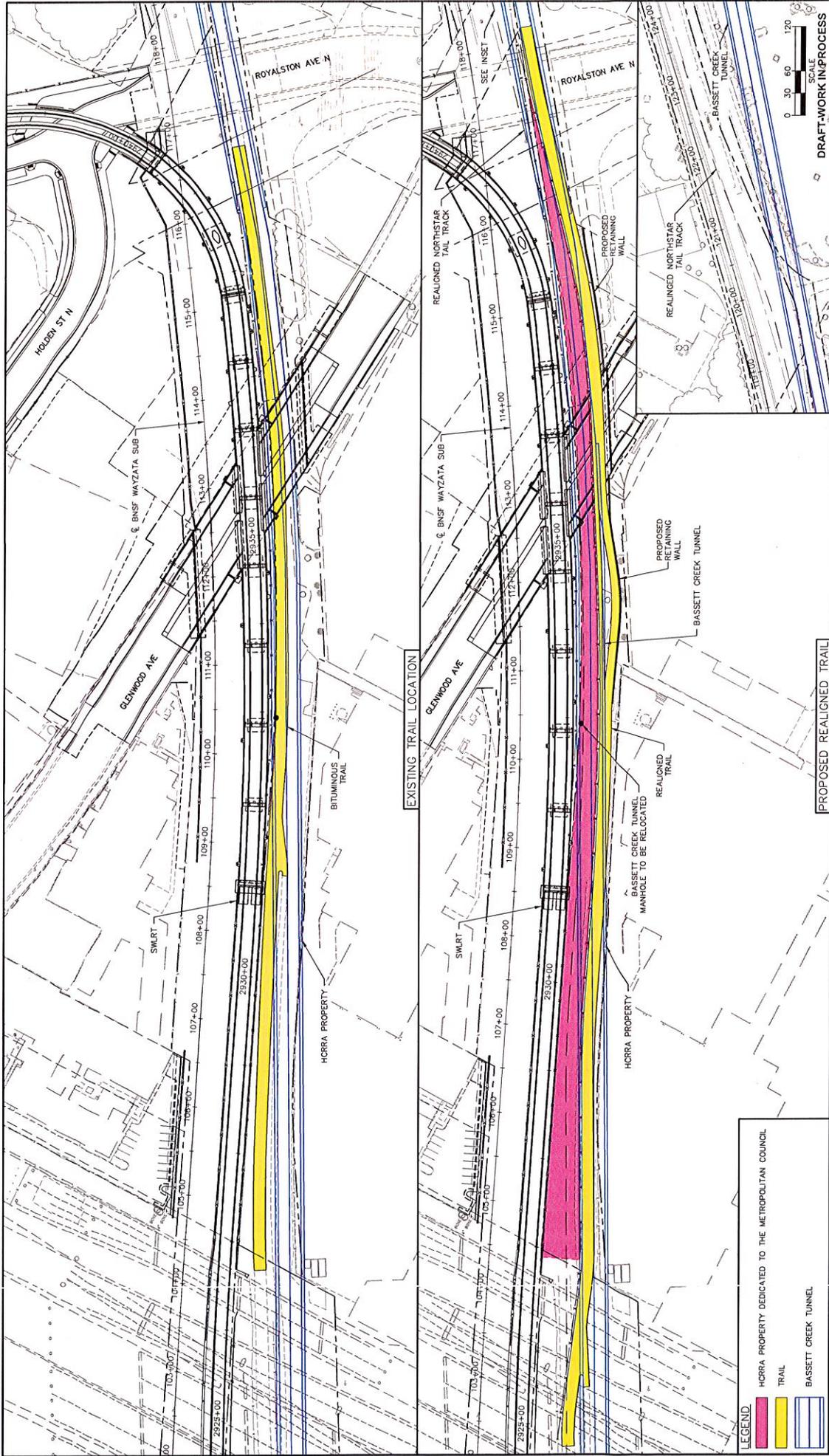
The City has the authority to review all design elements of the realigned trail and make final approvals. The Met Council will need to provide the City with the revised easement documents as part of this work, in accordance with these requirements. Additional contractual agreements may be necessary to outline the terms of any work performed on the site.

Any and all cost associated with requirements outlined for the Basset Creek Tunnel and the Cedar Lake Trail, or any subsequent requirements, will be borne by the Metropolitan Council.

Sincerely,


Robin Hutcheson
Director of Public Works

cc: Lisa Cerney, City Engineer



LEGEND

	HARRA PROPERTY DEDICATED TO THE METROPOLITAN COUNCIL
	TRAIL
	BASSETT CREEK TUNNEL

PROPOSED REALIGNED TRAIL

08/07/2017



SOUTHWEST LIGHT RAIL
 EXISTING TRAIL DESIGN AND
 PROPOSED TRAIL DESIGN WITH REALIGNED NORTHSTAR TAIL TRACK

5787804

7522

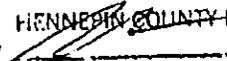
APPROVED BY CITY COUNCIL

TRANSFER ENTERED
DEPT. OF PROPERTY TAX & PUBLIC RECORDS

~~JAN 25 1991~~
City Clerk

JUN 13 1991

UNDERGROUND STORM SEWER TUNNEL
EASEMENT AGREEMENT

HENNEPIN COUNTY MINN.
BY  DEPUTY

THIS AGREEMENT is made this 25th day of January, 1990¹,
by and between HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY, a
political subdivision and local government unit, under the laws
of the State of Minnesota ("GRANTOR"), and the City of Minneapo-
lis, a Minnesota municipal corporation ("GRANTEE").

1. GRANTOR, in consideration of the sum of One Dollar
(\$1.00) and other good and valuable consideration to GRANTOR from
GRANTEE, receipt of which is acknowledged, grants to GRANTEE, its
successors and assigns, forever, a perpetual 50-foot easement at
all times to lay, construct, inspect, protect, operate, maintain,
alter, relocate, replace, substitute, remove, patrol and other-
wise affect an underground storm sewer tunnel and appurtenances
thereto in the City of Minneapolis, County of Hennepin, State of
Minnesota, over, under, across and through the real property
described on the attached Exhibit A (the "Subject Property").
Said permanent easement is legally described on the attached
Exhibit B.

2. GRANTOR also grants to GRANTEE a temporary construction
easement over, under, across, and through the Subject Property
for use by GRANTEE, its representatives, agents, assignees, and
contractors as a work area and service road, including the right
to move, store, and remove equipment and supplies, and erect and
remove temporary structures on the land and to perform any other

work necessary and incident to the construction of the Bassett Creek Flood Control Project. Said temporary easement shall expire on September 30, 1992.

3. The easements granted herein are subject to existing easements for public roads and highways, public utilities, railroads and pipelines. The easements granted herein are expressly subject to the rights and interests of the Chicago and North Western Transportation Company as recited in that certain deed dated May 1, 1984 and filed of record in the Office of the Hennepin County Recorder on September 26, 1984 as Document No. 4928955.

4. This grant of easements shall include the right of GRANTEE to ingress and egress to and from GRANTOR's (or it's successors and assigns) property, including the Subject Property, for the purpose of excavating, laying, constructing, inspecting, protecting, operating, maintaining, altering, relocating, repairing, replacing, substituting, and removing the property of GRANTEE, together with the privilege of temporarily placing tools, equipment, material, and dirt on the abutting property for the above-listed purposes. GRANTEE also shall have the right to place signs and markers, subject to the approval of GRANTOR, on the property to protect the interest of the public or property owner or to notify them of GRANTEE's easement.

5. GRANTOR agrees that it will not interfere with GRANTEE's operation of the underground storm sewer tunnel or GRANTEE's easement rights.

6. GRANTEE agrees to bury the underground storm sewer tunnel at the depths as indicated on U.S. Army Corps of Engineers Drawings Stage IV M-34.3-P-64/40 through M-34.3-P-64/43, copies of which have been provided to Grantor by Grantee. GRANTEE shall at all times exercise due care and diligence to avoid injury or damage to buildings, and other personal property of the GRANTOR.

7. GRANTEE agrees that at all times it will indemnify and hold harmless GRANTOR against all claims, demands, actions or causes of action arising or growing out of any loss or damage to property or injury to or death of person which may be due in any manner to the installation, use, maintenance, repair, or presence of said underground storm sewer tunnel and will pay to GRANTOR the full amount of any loss or damage which GRANTOR may sustain, incur or become liable for on account thereof.

8. The terms and provisions of this instrument shall run with the land and shall extend to and be binding upon GRANTOR, its successors, and assigns.

IN WITNESS WHEREOF, the undersigned have signed this Easement Agreement on behalf of the parties.

GRANTOR

HENNEPIN COUNTY REGIONAL
RAILROAD AUTHORITY

Upon proper execution,
this agreement will be
legally valid and binding.

By Mark Andrew
Chairman, Board of Commissioners

[Signature]
Assistant County Attorney
Date: 12-19-90

Approved as to execution:

[Signature]
Assistant County Attorney
Date: 3-5-91

GRANTEE

CITY OF MINNEAPOLIS

By: [Signature]
Its Mayor

By: [Signature]
Its Assistant City Clerk

By: [Signature]
Its _____

CITY FINANCE OFFICER

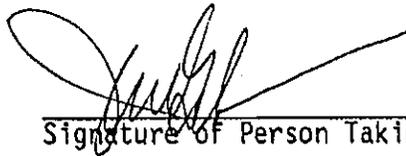
Approved as to form:

[Signature]
Floyd B. Olson
Deputy City Attorney

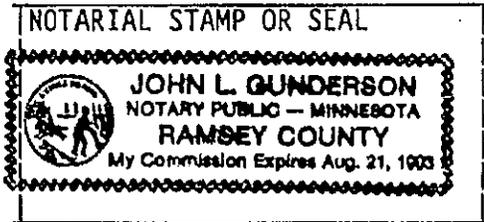
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STATE OF
MINNESOTA }
COUNTY OF HENNEPIN }

The foregoing was acknowledged before me this 7th day of FEBRUARY,
1991, by DONALD FRASER, STEVEN RISTUBEN, AND MELVIN WENDORF,
the Mayor, City Clerk and Finance Officer respectively of the City of
Minneapolis, a municipal corporation, under the laws of The State of Minnesota,
on behalf of the corporation.
ASSISTANT



Signature of Person Taking Acknowledgment



This instrument was drafted by:

Holmes & Graven
470 Pillsbury Center
Minneapolis, MN 55402

EXHIBIT A

Description of Subject Property

That part of the Southwest 1/4 of Section 22, Township 29 North, Range 24 West of the Fourth Principal Meridian, bounded and described as follows: Beginning at the intersection of the West line of 11th Street North with a line running from the Southwest corner of Lot 13, Block 3, Camp and Walker's Addition to Minneapolis, to a point on the West line of Lot 2 in Block 3 of Wilson Bell and Wagner's Addition to Minneapolis distant 28 feet Southeasterly measured at right angles from the Southeasterly right-of-way line of the Burlington Northern Railroad Company; thence Southwesterly along last described line to the West line of said Lot 2; thence Southwesterly parallel with said Southeasterly right-of-way line to a point on the East line of Lot 9 in Block 3 of said Wilson Bell and Wagner's Addition; thence South along said East line to a point 65 feet North from the Southeast corner of said Lot 9; thence Southwesterly to a point on the West line of said Lot 9 distant 30 feet North from Southwest corner of said Lot 9; thence North along said West line to a point distant 28 feet Southeasterly measured at right angles from the Southeasterly right-of-way line of the Burlington Northern Railroad Company; thence Southwesterly parallel with said Southeasterly right-of-way line to a point on the Southerly line of Glenwood (formerly Western) Avenue; thence Easterly along said Southerly line to a point on the Northerly extension of the West line of Lot 3 in Lawrence and Fuller's Addition; thence South along said Northerly extension to the Northwest corner of said Lot 3; thence East along the North line of said Lot 3 to a point distant 20 feet West from the Northeast corner of said Lot 3; thence Southwesterly to a point on the West line of said Lot 3 distant 68 feet Southeasterly measured radially from said Southeasterly right-of-way line of the Burlington Northern Railroad Company; thence Southwesterly parallel with said Southeasterly right-of-way line to its intersection with a line drawn Northeasterly from the Southwest corner of Lot 6 in Lawrence and Fuller's Addition and passing through a point on the East line of said Lot 6 distant 68 feet North from the Southeast corner of Lot 6; thence Southwesterly to the Southwest corner of said Lot 6; thence North 0 degrees 08 minutes West (assumed bearing) along the West line of said Lot 6 a distance of 66 feet (more or less) to a point distant 276.05 feet North 0 degrees 08 minutes West from a point on the North line of Lot 20, Auditor's Subdivision No. 31; thence South 65 degrees 29 minutes West a distance of 274.81 feet; thence South 58 degrees, 12 minutes West a distance of 6.25 feet; thence South 66 degrees 20 minutes West a distance of 161.23 feet; thence Southwesterly 120.25 feet along a tangential curve to the left having a radius of 883.34 feet; thence South 58 degrees 32 minutes West a distance of 134 feet, more or less, to a point on the Easterly right-of-way line of Interstate Highway No. 94; thence Northerly along said Easterly right-of-way line to a point on the Southeasterly right-of-way line of said

Burlington Northern Railroad Company; thence Northeasterly along said Southeasterly right-of-way line to a point on the West line of 11th Street North; thence South to beginning;

ALSO

That part of the Southeast 1/4 of Section 21 and of the North 1/2 of Section 28, Township 29 North, Range 24 West of the Fourth Principal Meridian bounded and described as follows: Commencing at the Northeast corner of Lot 1 of Block 1 in Groveland Addition to Minneapolis; thence North along the Northerly extension of the East line of said Lot 1 a distance of 15 feet; thence West at right angles a distance of 20 feet to the point of beginning of the tract of land herein described; thence continuing Westerly along the last described course a distance of 29.95 feet; thence Southwesterly deflecting left 31 degrees 10 minutes a distance of 149.5 feet; thence Southwesterly deflecting to the right 01 degrees 59 minutes a distance of 148.5 feet; thence Southwesterly to a point on the North line of Linden Avenue distant 252.41 feet Westerly from the intersection of said North line with the center line of vacated Aldrich Avenue North; thence Westerly along said North line of Linden Avenue to a point distant 28 feet Southeast-erly measured at right angles from the Southeasterly right-of-way line of the Burlington Northern Railroad Company; thence South- westerly parallel with said Southeasterly right-of-way line to a point on the West line of Bryant Avenue North; thence Southerly along said West line to a point on the South line of vacated Linden Avenue; thence Westerly along said South line of vacated Linden Avenue to a point distant 53 feet Southeasterly measured at right angles from the Southeasterly right-of-way line of said Burlington Northern Railroad Company; thence Southwesterly parallel with said Southeasterly right-of-way line to a point on the East line of Colfax Avenue North; thence Southerly along said East line to a point distant 65.5 feet Southeasterly measured at right angles from said Southeasterly right-of-way line; thence Southwesterly parallel with said Southeasterly right-of-way line to a point on the North line of Hawthorne Avenue; thence South- westerly to the Northeast corner of Lot 12 of Block 41 in Groveland Addition to Minneapolis; thence Southwesterly to a point on the North line of Lot 11 in said Block 41 distant 62 feet Easterly from the Northwest corner of said Lot 11; thence Southwesterly to the Southwest corner of said Lot 11; thence Northerly along the West line of said Lot 11 to a point distant 28 feet Southeasterly measured at right angles from said South- easterly right-of-way line; thence Southwesterly parallel with said Southeasterly right-of-way line to a point on the West line of Dupont Avenue North; thence Southerly along said West line to a point distant 65.5 feet Southeasterly measured at right angles from said Southeasterly right-of-way line; thence Southwesterly parallel with said Southeasterly right-of-way line to a point on the North line of Laurel Avenue; thence Westerly along said North line to a point distant 28 feet Southeasterly measured at right angles from said Southeasterly right-of-way line; thence South- westerly parallel with said Southeasterly right-of-way line to a

point on the South line of said Laurel Avenue; thence Easterly along said South line to a point distant 14.73 feet East from the Northwest corner of Block 44 in Groveland Addition to Minneapolis; thence Southwesterly 489 feet to a point on the West line of said Groveland Addition distant 16.8 feet South from the North line of Ontario Avenue; thence Southwesterly to a point on the North line of Lot 3 in Block 3 of Spring Lake Addition to Minneapolis, distant 40 feet West from the Northeast corner of said Lot 3; thence Southwesterly to a point on the West line of said Spring Lake Addition distant 6.2 feet South from its intersection with the Westerly extension of the North line of Lot 15 in Block 3 of said Spring Lake Addition; thence Southwesterly a distance of 250 feet to a point distant 75 feet Southeasterly measured radially from the center line of the St. Paul, Minneapolis & Manitoba Railway as originally located; thence Southwesterly parallel with said center line to the South line of Government Lot 5 of Section 28, Township 29, Range 24; thence Westerly along said South line to a point distant 22 feet Southeasterly measured radially from said center line of the St. Paul, Minneapolis & Manitoba Railway as originally located; thence Northeasterly parallel with said center line to a point distant 90 feet Northeasterly measured along said parallel line from the West line of Groveland Addition to Minneapolis; thence Northeasterly a distance of 245 feet more or less to a point distant 50 feet Southeasterly measured at right angles from said center line and distant 358 feet Northeasterly measured parallel with said center line from the West line of said Groveland Addition; thence Southwesterly parallel with said center line to its intersection with the Southeasterly right-of-way line of the Burlington Northern Railroad Company; thence Northeasterly along said right-of-way line to a point distant 20 feet West measured at right angles from the Northerly extension of the East line of Lot 1 of Block 1 in said Groveland Addition; thence Southerly parallel with said Northerly extension to the point of beginning;

ALSO

The right of way of the Chicago and North Western Transportation Company in the Southeast Quarter of the Southeast Quarter of Section 21, the Southwest Quarter of the Southwest Quarter of Section 22, and the Northeast Quarter of the Northeast Quarter of Section 28, all in Township 29 North, Range 24 West, Hennepin County, Minnesota, which lies Westerly of a line run parallel with and distant 345 feet Easterly of the East line of Lyndale Avenue North and Easterly of a line run parallel with and distant 20 feet Westerly of the West line of said Lyndale Avenue North.

EXHIBIT B

Description of Easement

Those portions of the Subject Property, located in Township 29 North, Range 24 West, Hennepin County, Minnesota, described as follows:

A permanent easement for underground storm sewer tunnel purposes over, under, across, and through that part of the Subject Property lying a distance of 25 feet on each side of the following described centerline: Commencing at the most easterly corner of Block 85, Hoag's Addition to Minneapolis, Hennepin County, Minnesota having established grid coordinates of (x) 2187652.72, (y) 723666.31 of the Minnesota Coordinate System of 1927, South Zone; thence North 45 degrees 19 minutes 06 seconds West, along the Northeasterly line of said Block 85 (bearings based on grid meridian of said South Zone) a ground distance of 281.55 feet; thence North 80 degrees 09 minutes 16 seconds East 69.89 feet to the point of beginning of the line to be described having grid coordinates of (x) 2187521.41, (y) 723876.21, said South Zone; thence South 80 degrees 09 minutes 16 seconds West 311.77 feet; thence 63.06 feet Southwesterly along a tangential curve concave to the southeast having a central angle of 36 degrees 07 minutes 44 seconds and a radius of 100 feet; thence South 44 degrees 01 minute 32 seconds West, tangent to said curve, 449.02 feet; thence South 42 degrees 14 minutes 12 seconds West 626.62 feet; thence Southwesterly 13.71 feet along a tangential curve concave to the Northwest having a central angle of 7 degrees 51 minutes 21 seconds and a radius of 100.00 feet; thence South 50 degrees 05 minutes 33 seconds West, tangent to said curve, 939.76 feet; thence Southwesterly 11.50 feet along a tangential curve concave to the Northwest having a central angle of 6 degrees 35 minutes 16 seconds and a radius of 100.00 feet; thence South 56 degrees 40 minutes 49 seconds West, tangent to said curve, 351.30 feet; thence Southwesterly 7.75 feet along a tangential curve concave to the Northwest having a central angle of 4 degrees 26 minutes 34 seconds and a radius of 100.00 feet; thence South 61 degrees 07 minutes 23 seconds West, tangent to said curve, 1871.35 feet; thence Northwest-erly 139.89 feet along a tangential curve concave to the north having a central angle of 80 degrees 08 minutes 58 seconds and a radius of 100.00 feet and there terminating.

August 14, 2017

Brian Lamb
General Manager, Metro Transit
Fred T. Heywood Office Building and Garage
560 Sixth Avenue North
Minneapolis, MN 55411-4398

Subject: *Questions Regarding Proposed Barrier Wall*

Dear Mr. Lamb,

Last week I submitted a letter to you with the City's requirements for the Bassett Creek Tunnel and the Cedar Lake Trail associated with any actions taken by the Metropolitan Council that may affect these City assets.

We understand that a barrier wall is being considered for inclusion between light rail and freight rail in the same vicinity as the above mentioned assets, on property the City does not own. During the development of the SWLRT project, City staff has consistently maintained the position that barrier walls would be a detriment to the project and to the community. Considerable attention on the part of our teams has been devoted to the minimization and mitigation of any proposed walls. As such, Public Works is seeking answers to the following questions regarding the proposed wall:

- Can you confirm that a barrier wall is proposed, and in what exact geographic location?
- What is the purpose of the wall?
- What other options have been considered?
- Who is requiring the wall?
- Would it be included in SWLRT project costs? Who would cover the cost?
- How much does it cost?
- How would the City of Minneapolis be engaged in further discussion and design of the proposed wall?
- How has the community been informed and engaged in decisions related to the addition of a wall to the SWLRT project? How would they be involved if this moves forward?
- Have there been any engineering studies to justify the presence of the wall?
- How are the environmental impacts of the wall being analyzed?
- Does the consideration of this wall have implications for any future transit project that Met Council is considering?

If this proposed barrier wall is included in the SWLRT project, Public Works would like additional answers to these questions:

Will the wall have any impact on the Cedar lake Trail?
How will the presence of the wall be mitigated for trail users and adjacent neighborhoods?
How will the presence of the wall impact viewshed, and how will it be mitigated?
How long will the wall be?
How tall will the wall be?
How thick will the wall be?
What materials will be used to construct the wall?
How will you design it in such a way that it fits within the surrounding context of this portion of the SWLT project?

Similar to discussion that occurred during project development, the City will expect to have a robust forum in which we may represent the concerns of our communities appropriately, and can continue to ask critical questions of the project team.

Sincerely,


Robin Hutcheson
Director of Public Works

cc: Lisa Cerney, City Engineer

From: Frank Hornstein <rep.frank.hornstein@house.mn>
Sent: Monday, April 09, 2018 4:57 PM
To: swlrt <swlrt@metrotransit.org>
Cc: fhornstein@msn.com; scottd@senate.mn
Subject: Re: Supplemental Environmental Assessment (SEA)/Amended Draft Section 4(f) Evaluation

Attn. Kelcie Campbell
Environmental Project Coordinator

Re: Supplemental Environmental Assessment (SEA)/Amended Draft Section 4(f) Evaluation

Our comments concerning the document pertain to:

- 1) On-going concerns regarding transparency in the Met Council's negotiations with BNSF and other freight rail companies (pg. 76),
- 2) Lack of specificity in how the Council will mitigate impacts on historical features in the study area (pp. 55-56),
- 3) Need for additional information addressing visual impacts of the proposed barrier wall (pg. 102),
- 4) Need to address the relationship between the CPB wall and broader freight rail safety concerns.

1. Public Engagement Regarding Freight Rail Agreements

In section 4.4.1 of the Supplemental Evaluation, the Met Council states, that "On August 16, 2017 the Council authorized negotiation of agreements with BNSF related to portions of a 1.4 mile-long segment of BNSF's subdivision in Minneapolis." (page 76). As a result of these negotiations, the corridor protection barrier (CPB) wall was agreed to by both parties without prior public notification or engagement. The Wall constituted a major new element that met the criteria for additional environmental review. In a letter to Chair Alene Tchurumoff dated September 20th, 2017, Senator Scott Dibble, Representative Frank Hornstein, Mayor Betsey Hodges, and several members of the Minneapolis City Council formally requested that the Council prepare a Supplemental EAW for the project. In response, the Met Council denied the request, and instead forwarded a post ROD Environmental Review to the FTA.

It was only after the Federal Transit Administration ordered the Council to conduct a supplemental environmental review in late 2017, that the report was prepared.

The process by which the Met Council entered into negotiations and the resultant wall proposal lacked sufficient public engagement and transparency. While the community has been engaged in assisting with the scoping and public review of the SEA, per the requirements of the Minnesota Environmental Policy Act (MEPA), the Council remains engaged in additional on-going discussions and negotiations with freight rail companies that could have profound community impacts, including but not limited to environmental sound pollution because of 10 foot concrete wall freight train noise, denial of access of foot and bike traffic to current transportation modes of the Cedar Lake Trail and barriers to connections between north and south Minneapolis.

The Metropolitan Council, in a final SEA, needs to address a more comprehensive strategy to more fully engage with the community and public stakeholders regarding on-going negotiations with freight rail companies, particularly as related to the safety of freight rail in a co-located corridor with light rail transit.

2. The lack of specificity in mitigating impacts on cultural and historical features

In Section 3.8.4, pertaining to Cultural Features (page 55) and 3.8.5 concerning Visual Quality and Aesthetics (page 56), the Council acknowledges the need for additional work and study on these issues. The document, however, lacks specificity on how these on-going issues will be addressed.

Regarding cultural resources, the Council states, "the introduction of CPB wall to the historic district and removal of historic retaining walls will both directly and indirectly alter characteristics of the historic property that qualify it for inclusion in the NRHP in a manner that would diminish the integrity of the property's design, setting, feeling and association." (page 55)

While acknowledging these potential major issues regarding the NRHP, the council proposes, unspecified "design changes" per FTA directive, "to help

minimize adverse effects" While this appears to be a positive step toward mitigating these issues, more specific information must be made available for public scrutiny.

Similarly, regarding visual quality and aesthetics, the Council admits that removal of the historical walls, "will create visual elements that diminish the integrity of...significant historic features" and proposes a "mitigation plan to resolve adverse effects" As is the case with the cultural features section, the visual quality and aesthetics section should also include more specific information on the measures the Council intends to take regarding mitigating these impacts

The Metropolitan Council, in a final SEA, needs to specify how it plans to mitigate impacts on cultural and historical features.

3. Visual impacts

The draft SEA concludes that the "Project change will result in a moderate degree of visual impact", and proposes mitigation, "through the Section 106 review process and public outreach" (page 106). Given the potential for "moderate" impacts, the Council needs to address how will address this issue beyond a review process and public outreach.

Visual impacts of a 10-foot concrete barrier wall will be an assault on the landscape and the current relative movement of people from one part of Minneapolis to the other. The Met Council should work with the public and BNSF to shorten the crash wall length, back to Interstate 94 where the corridor is narrow and truly needs some protection.

The Metropolitan Council, in a final SEA needs to specify how it will address visual impacts in the Section 106 review process and how it will engage the public in that effort

4. Larger concerns regarding freight rail safety in a co-located LRT corridor

We have expressed serious concerns regarding co-location of freight rail and light rail in the Kenilworth corridor, Bryn Mawr Meadows and Downtown Minneapolis. Our reservations regarding co-location are informed, in part, by the actions and activities of the freight rail industry regarding rail safety in the legislative arena, and the industry's heavy

lobbying of the legislature to largely absolve itself of liability in the event that a freight rail accident causes serious damage in a light rail corridor.

Furthermore, the industry has resisted legislative efforts to require additional rail inspectors, greater public transparency and scrutiny of safety measures, and requirements for stronger coordination with first responders. The SEA largely ignores these concerns, and does not specify how a CPB will enhance rail safety and why a similar CPB is not required in other parts of this co-located alignment. Freight rail in the area includes large unit trains, that at times involve trains with up to 100 tanker cars carrying highly flammable and dangerous cargoes including Bakken oil, and ethanol.

The Metropolitan Council, in a final SEA, must specify the kinds of rail accidents and scenarios that the CPB is intended to mitigate, and how the CPB will prevent or reduce damage from a worse case freight rail scenario in the corridor. A revised SEA must address the need for the wall, under these scenarios, and specify the public costs of the project.

Thank you for your consideration

Sincerely,
Margaret Anderson Kelliher
Bryn Mawr Resident and member of the Bassett Creek Valley Working Group

Scott Dibble
State Senator, District 61

Frank Hornstein
State Representative, District 61A

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

Claire Steven, Legislative Assistant

claire.steven@house.mn

651.296.5408

(email for the quickest response)

Agency Correspondence

January 22, 2018

Jim DeLuca
Office of Environmental Stewardship
Minnesota Department of Transportation
395 John Ireland Boulevard
Mail Stop 620
Saint Paul, MN 55155

Kelcie Campbell
Environmental Agreements
Metro Transit
6465 Wayzata Boulevard
Suite 500
St. Louis Park, MN 55426

RE: No Association Determination
Southwest LRT, Fremont Avenue Construction Staging
MPCA Site ID: VP31670
Billing ID: 185742
PINs: 2102924430089, 2102924430090

Dear Kelcie Campbell and Jim DeLuca:

This letter is in response to your request for a determination under Minn. Stat. § 115B.178, that certain actions proposed to be taken by Met Council and the Minnesota Department of Transportation (MnDOT) at two parcels in the vicinity of the proposed Bassett Creek Valley Station, part of the Southwest LRT (the Site), will not constitute conduct associating Met Council or MnDOT with the release or threatened release of hazardous substances, pollutants, or contaminants at the Site for the purpose of Minn. Stat. § 115B.03, subd. 3(4) (2017).

The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) Program has reviewed the documents submitted for the Site. Post occupants of the Site parcels have included a chemical supply company, a laundry supply, an electric equipment company, an x-ray equipment supplier, a motor vehicle warehouse and an engine parts shop. Metro Transit plans to acquire portions of the Site parcels in order to facilitate the construction of the Southwest LRT.

Soil and groundwater samples were collected from on or adjacent to the Site parcels in 2002, 2003, and 2006. Soil samples from those investigations encountered tetrachloroethene (PCE), antimony, arsenic, copper, lead, mercury, and polynuclear aromatic hydrocarbons (PAHs) in soil as well as antimony, cadmium, lead, nickel, selenium, thallium, PCE, and trichloroethene (TCE) in groundwater. For the purpose of this No Association Determination, the Threatened Release at the Site is comprised of antimony, arsenic, copper, lead, mercury, PAHs and PCE in soil and antimony, cadmium, lead, nickel, selenium, thallium, TCE and PCE in groundwater (the Identified Release).

Based upon a review of the information provided to the MPCA VIC Program, and subject to the conditions set forth in this letter, a determination is hereby made pursuant to Minn. Stat. § 115B.178, subd. 1 that the Proposed Actions listed below will not associate Met Council or MnDOT with the Identified Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4) (2017). This determination applies only to the following Proposed Actions:

- Partial acquisition of the parcels comprising the Site; and

January 22, 2018

- Use of the parcels for construction staging, including equipment and materials storage.

This determination is made in accordance with Minn. Stat. § 115B.178, subd. 1, and is subject to the following conditions:

1. The Proposed Actions shall be carried out as described in the Letter (or herein);
2. Met Council and MnDOT shall cooperate with the MPCA, its employees, contractors, and others acting at the MPCA's direction, in the event that the MPCA takes, or directs others to take, response actions at the Site to address the Identified Release or any other as yet unidentified release or threatened release of a hazardous substance, pollutant, or contaminant, including, but not limited to, granting access to the Site so that response actions can be taken;
3. Met Council and MnDOT shall avoid actions that contribute to the Identified Release or that interfere with response actions required under any MPCA-approved response action plan to address the Identified Release;

Pursuant to Minn. Stat. § 115B.178, subd.1, when Met Council or MnDOT take the Proposed Actions in accordance with the determination in this letter, subject to the conditions stated herein, the Proposed Actions will not associate Met Council or MnDOT with the Identified Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4) (2017).

The determination made in this letter applies to Met Council or MnDOT's successors and assigns if the successors and assigns: 1) are not otherwise responsible for the Identified Release at the Site; 2) do not engage in activities with respect to the Identified Release which are substantially different from the activities which Met Council or MnDOT propose to take, as described in the Letter.

Please be advised that the determination made in this letter is subject to the disclaimers found in Attachment A and is contingent on compliance with the terms and conditions set forth herein.

If you have any questions about the contents of this letter, please contact Andrew Nichols, Project Manager, at 651-757-2612 or by email at andrew.nichols@state.mn.us.

Sincerely,



This document has been electronically signed.

Gary L. Krueger

Supervisor

Site Remediation & Redevelopment Section

Remediation Division

GK/AN:bhj

Enclosure

cc: Tom Frame, City of Minneapolis (electronic)
John Evans, Hennepin County (electronic)

Disclaimers

Southwest LRT

MPCA Site ID: VP31670

PINs: 2102924430089, 2102924430090

1. Reservation of authorities

The Minnesota Pollution Control Agency (MPCA) Commissioner reserves the authority to take any appropriate actions with respect to any release, threatened release, or other conditions at the Site. The MPCA Commissioner also reserves the authority to take such actions if the voluntary party does not proceed in the manner described in this letter or if actions taken or omitted by the voluntary party with respect to the Site contribute to any release or threatened release, or create an imminent and substantial danger to public health and welfare.

2. No MPCA assumption of liability

The MPCA, its Commissioner and staff do not assume any liability for any release, threatened release or other conditions at the Site or for any actions taken or omitted by the voluntary party with regard to the release, threatened release, or other conditions at the Site, whether the actions taken or omitted are in accordance with this letter or otherwise.

3. Letter based on current information

All statements, conclusions and representations in this letter are based upon information known to the MPCA Commissioner and staff at the time this letter was issued. The MPCA Commissioner and staff reserve the authority to modify or rescind any such statement, conclusion or representation and to take any appropriate action under his authority if the MPCA Commissioner or staff acquires information after issuance of this letter that provides a basis for such modification or action.

4. Disclaimer regarding use or development of the property

The MPCA, its Commissioner and staff do not warrant that the Site is suitable or appropriate for any particular use.

5. Disclaimer regarding investigative or response action at the property

Nothing in this letter is intended to authorize any response action under Minn. Stat. § 115B.17, subd. 12.

6. This approval does not supplant any applicable state or local stormwater permits, ordinances, or other regulatory documents.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Minnesota-Wisconsin Field Office
4101 American Boulevard East
Bloomington, Minnesota 55425-1665



March 28, 2018

Mr. William Wheeler
Federal Transit Administration
1200 New Jersey Avenue Southeast
Washington, D.C. 20590

RE: Request for concurrence
Southwest Light Rail Project
FWS TAILS No. 03E19000-2012-I-0121-R002

Dear Mr. Wheeler:

This letter is in response to your request for an updated concurrence with the determination that activities associated with construction of the Southwest Light Rail Project (Metro Green Line) from Minneapolis to Eden Prairie may affect, but are not likely to adversely affect the rusty patched bumble bee (*Bombus affinis*), a species federally listed as endangered on March 21, 2017. The U.S. Fish and Wildlife Service (Service) previously concurred on September 25, 2015 that proposed activities may affect, but were not likely to adversely affect northern long-eared bat (*Myotis septentrionalis*).

The Federal Transit Administration (FTA) has determined that construction within the proposed action area and operation of the Metro Green Line will result in insignificant or discountable impacts to the rusty patched bumble bee. Further, impacts to the northern long-eared bat have already been evaluated or covered by the final 4(d) Rule and any potential impacts are being substantially reduced by avoiding tree removal during the June 1 to July 31 pup season.

We concur with your determination that the proposed project may affect but will not likely adversely affect the rusty patched bumble bee. Only a portion of the proposed action area is inside the identified High Potential Zone and of that, only 13.4 acres of forested habitat and 4.7 acres of floral habitat are anticipated to be suitable for the species. Based on a site visit conducted on October 16, 2017, we believe that it is highly unlikely that the rusty patched bumble bee will use the forested habitat within the boundaries of the proposed action given the ongoing disturbance in the area, lower quality habitat present, and high quality forest communities that are available for overwintering habitat in close proximity. The floral habitat is a planted prairie currently located along the pedestrian paths in the Kenilworth Corridor. Temporary disturbance of this area is anticipated to occur mid-September 2018 at the earliest. Disruption of the habitat at that time is not anticipated to result in significant impacts to the species since the colony would have already produced new queens that would have likely

dispersed from the habitat, and the rest of the colony would be near or past the end of the active foraging and nesting season. As additional details develop over the timeline of construction within this habitat, we request that we be notified if it appears that the vegetation will need to be removed during the 2019 active season (April 1 to September 30).

Mortality from light rail collisions is not anticipated, as we do not expect rusty patched bumble bees to be foraging or nesting on the tracks, where there are little or no floral resources or suitable nesting conditions. We anticipate that the bees will instead be using the available floral resources and nesting habitat that are located away from the proposed tracks. Furthermore, because there are so few rusty patched bumble bees distributed over a large area, and the trains are present for a short duration at any point on the tracks, we believe that there is little to no likelihood that individuals will be frequenting the area to the point that they would be struck by a train.

Conservation measures will be incorporated by replanting the disturbed floral habitat with a native seed mix that will benefit the rusty patched bumble bee and other pollinator species. Additional habitat is also anticipated to be planted along the rail line and the project design minimizes vegetation removal as much as is practicable. Contractors on the project will prepare an invasive species and noxious weeds management plan, and mowed areas during the active season will be kept at a minimum.

This concludes consultation under Section 7 of the Endangered Species Act, as amended. Please contact our office if this project changes or new information reveals effects of the action to proposed or listed species to an extent not covered in your original request. If you have questions, please contact Mr. Andrew Horton, Fish and Wildlife Biologist, at 952-252-0092 (extension 208) or via email at andrew_horton@fws.gov.

Sincerely,



Peter Fasbender
Field Supervisor

cc: (email only)

Elizabeth Breiseth, Federal Transit Administration
Kelcie Campbell, Metro Transit
MarySue Abel, Metro Transit

Appendix D
Public Comments Received

COMMENT NUMBER: 1

From: matt muyres <[REDACTED]>
Sent: Tuesday, February 27, 2018 9:38 AM
To: swlrt <swlrt@metrotransit.org>
Subject: LRT Environmental Terrorism

I hope you dont mind that we catalog, **document** and publish all environmental destruction, eminent domain and the **widespread** loss of open spaces left....?

Ill give you the link soon...

You guys are stuffing an aprt complex near the cedar lake regional trail...no room for it...UNLESS...you cut down **trees**....thats always the development mantra.

Good luck,
Matt

Ms. Kelcie Campbell, Environmental Project Manager
Metro Transit - Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426
Email: SWLRT@metrotransit.org



COMMENT NUMBER: 2

From: Richard Adair <[REDACTED]>

Sent: Tuesday, February 27, 2018 3:06 PM

To: swlrt <swlrt@metrotransit.org>; Ginis, Sophia <Sophia.Ginis@metrotransit.org>

Subject: comments on SEA/Amended Draft Section 4(f) Evaluation

Comments on the SWLRT Supplemental Environmental Assessment/Amended Draft Section 4(f) Evaluation

From: Richard Adair, [REDACTED]

Note: I am a resident of the Bryn Mawr neighborhood and a long-term observer of the SWLRT project who has attended most of the public meetings over the last 10 years. Most of my comments are directed to the portions of SWLRT near my neighborhood where I feel I have useful information to offer.

Section 1.2. Purpose and Need

Since the publication of the Final EIS, the following factors have increased the need for this project:

- a. Increased traffic congestion, especially severe during road construction and after even minor snowfalls.
- b. A growing residential population in downtown Minneapolis.
- c. Increasing racial disparities in the Twin Cities in income, home ownership, transit dependence, and incarceration. Racial tension has increased following two highly publicized killings of black men by police. In the 2017 Minneapolis mayoral election all candidates listed race relations and economic disparity as primary concerns. Several advocated investing in transit to provide access to better-paying jobs across the metro area as a major tool to address this problem. Objective evidence recently published from a large Harvard sociological study supports this approach (<http://www.nytimes.com/2015/05/07/upshot/transportation-emerges-as-crucial-to-escaping-poverty.html>).
- d. Advancing signs of global warming and climate change, with calls for local governments to take the leadership in decreasing carbon emissions (for example, by increasing transit use and decreasing automobile dependence).

Section 1.3. Project Description. Figure 1-1 uses outdated names for the Bassett Creek Valley and Bryn Mawr stations.

Section 2.6. Modification F: Cedar Lake LRT Regional Trail Detour. I am an avid cyclist who is familiar with all these trails. I think the detours described will be quite workable, especially substituting the North Cedar Lake Trail to get from Hopkins to downtown. I frequently ride both the north and south arms of the Cedar Lake Trail, and they take about the same time.

Section 2.7. Modification G Bryn Mawr Meadows—Trail Mitigation. The proposed detour of N-S bicycle traffic after removal of the spiral Luce Line Trail bridge at the east end of Bryn Mawr Meadows (before completion of the new bridge to the Bassett Creek Valley Station) is workable. But I would suggest a more direct and less expensive detour allowing eastbound Luce Line riders to access the Cedar Lake Trail: leave the Luce Line Trail by

turning left at Cedar Lake Rd, right on 2nd Av N, right on the Van White Trail. Second Av is smooth with very little traffic and currently used by experienced bicyclists for this reason. Cedar Lake Road was repaved in 2016. Striped bicycle lanes on these roads would suffice.

Section 3.82. Neighborhood and Community. I don't believe the idea that the CPB would be a "perceived barrier" between neighborhoods is widely shared. I think the opposite is true—that the overpass allowing pedestrians and bicycles to access the Bryn Mawr station will provide a new and safer connection between the Bryn Mawr and Harrison neighborhoods to the north and the Kenwood and Cedar-Isle-Dean neighborhoods to the south. Instead of scrambling down the bank south of Penn Ave and illegally crossing active rail lines at grade, one will be able to cross the BNSF and TC&W rail lines on a skyway, take the elevator down to the Bryn Mawr station and head off on the nearby trails.

In any case, I feel that the function of the CPB (to save lives during a derailment) outweighs such psychological considerations. Trains travel at high speeds in this area.

Section 3.85. Visual quality and Aesthetics. The visual impact of the CPB from Bryn Mawr Station and from Bryn Mawr Meadows will be very small and mitigated by plantings, including vines as requested by the neighborhood and various working groups, as well as varying heights of the CPB related to use of earthen berms in some places. In fact, the visual appeal of a view across the valley between the Kenwood and Bryn Mawr bluffs will be improved greatly by having LRT in this area instead of piles of concrete and other items being recycled.

Section 3.88. Ecosystems. Wildlife especially deer do move between Cedar lake and Bryn Mawr meadows, as judged by their tracks in the mud and snow under the I 394 bridge in the vicinity of a paved bicycle path just east of Penn Ave. These animals will still be able to move under I 394 in this area by crossing the light rail and BNSF tracks west of the Bryn Mawr station and following the vegetated bluff line until they encounter this bicycle path. In other words, they can make an "end run" around the CPB, which ends east of the Bryn Mawr station. My observations independently support the Supplement Environmental Assessment's findings.

Section 4.4.3. Potential Impacts to the StPM&M/GN Historic District. I've lived in Minneapolis for 28 years without thinking much about the history of the railroad lines and switchyards west of downtown Minneapolis, other than noticing the massive limestone blocks in old retaining walls near Target Field. Then I discovered the interpretive panels with old photographs along the Cedar Lake Trail under the Cedar Lake Parkway bridge, and those near the Stone Arch bridge downtown. I began to understand how Minneapolis grew as a milling destination for grain from the vast prairies west of here. I could also see how the geography of the city lakes and bluffs restricted railroad use to certain corridors including Kenilworth. If these are examples of 4 (f) mitigation, I can imagine passenger rail riders experiencing something similar--learning about railroad history in interpretive panels while waiting for a train, and then riding downtown along the historic rail route and looking at the bluffs rising on either side.

Section 4.4.5 Avoidance Alternatives Analysis. I attended almost all the early meetings in which alternative routes 3C and others were discussed in great detail before the locally preferred option was selected. This was a wide-ranging and wide-open discussion, sometimes quite heated, especially at the well-attended meetings in St. Louis Park and Minneapolis. I think objective people present at these meetings would reject the assertion that project staff predetermined the result. Staff did bring a sense of reality (cost and

ridership estimates) and transit principles (trains for long hops, buses for short hops) to the table. There is no new information to add except possibly increased ridership on 3A associated with bus rapid transit in North Minneapolis. A major question was “could the TC & W be induced to relocate?” Even though an independent analysis suggested by the governor found this was feasible, the railroad declined to move or abandon its operations. Many people living near the Kenilworth corridor said they wanted to protect the park-like nature of this area but seemed to discount its long history as an active rail corridor, or that Hennepin County purchased right of way decades ago with the explicit purpose of using it for light rail.

Many people at these meetings also discussed the value of access to SWLRT at the Royalston, Bassett Creek Valley, and Bryn Mawr stations for low-income people living in North Minneapolis. (Royalston will serve as the transfer point between the Green Line LRT and the C Line BRT.) Many advocated for keeping costs and taxes down by using an available and publicly owned diagonal piece of real estate leading directly downtown, and against squeezing a rail line through a built-up urban neighborhood with existing bus service. Disruption of historically significant areas by route 3C was considered equal or greater than with route 3A.

I think it’s very important that we honor the testimony of all the people who came to those meetings and the process whereby the locally preferred option was selected.

5.1 Public engagement. As noted in the supplement, the Bryn Maw Neighborhood Association has consistently and strongly supported this project.

COMMENT NUMBER: 3

From: Sweiger, Cindy <[REDACTED]>

Sent: Wednesday, March 14, 2018 9:29 AM

To: swlrt <swlrt@metrotransit.org>

Subject: SWLR Opus Area

Where can I view an exact map that lists the specific route? What roads will it follow and what wet lands will be affected by the construction and traffic of the actual LR?

You may say it's quiet and won't disturb the wildlife, but I disagree. It will disturb me even when I am on the trails.

Thank you.

Cindy

COMMENT NUMBER: 4

From: Hedlund Dik <[REDACTED]>
Sent: Thursday, March 22, 2018 6:08 PM
To: swlrt <swlrt@metrotransit.org>
Subject: SW Light Rail

This Southwest light rail is the most ridiculous idea ever fostered by the city of Minneapolis. This corridor is the most pristine area of Minneapolis with walking/biking trails through wooded terrain in the prime lakes area. What were they thinking? Is the almighty dollar worth disrupting this beautiful respite putting 250 trains a day through this gorgeous parkland? Idiocy!!

Dik Hedlund
[REDACTED]
Minneapolis, 55405

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SOUTHWEST LIGHT RAIL TRANSIT
PUBLIC MEETING

Held on March 22, 2018, at 6:00 p.m.
at Dunwoody College of Technology, McNamara
Center, 818 Dunwoody Boulevard, Minneapolis,
Minnesota.

Reported by: Rachel C. Graham

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A P P E A R A N C E S

Gail Dorfman, Cara Letofsky - Met Council
Marion Greene - County Commissioner

T E S T I M O N Y

TESTIMONY BY:	PAGE
Arthur Higinbotham.....	3
Barry Schade.....	5
Jake Werner.....	8
David Rhude.....	12
Jeanette Colby.....	13
Benjamin Hertzfel.....	15
Margaret Anderson Kelliher.....	17
Frank Hornstein.....	20

1 MS. DORFMAN: I will call up Art
2 Higinbotham.

3 MR. HIGINBOTHAM: I have a copy of
4 my remarks here, to whom do I submit those?
5 Thank you. I'm going to turn this (indicating)
6 this way, because my remarks are directed to
7 the people as voters as much as they are to the
8 Met Council.

9 My name is Arthur Higinbotham. I'm
10 a former 24-year resident of Cedar Lake Shores
11 Townhome Association, and past chair of the
12 Cedar-Isles-Dean Neighborhood Association.
13 Two years ago I moved to St. Paul to be closer
14 to my family, as well as to escape the terrible
15 consequences of the Met Council proceeding with
16 co-location of the Southwest LRT, and frankly
17 on the Kenilworth corridor.

18 Those who remain in the
19 neighborhood will witness the destruction of
20 thousands of trees along the corridor.
21 Construction of unsightly walls separating the
22 light freight and Light Rail from the
23 pedestrian and bike path that's used by over
24 half a million Minnesotans every year.

25 And, also, unknown contamination of

COMMENT
NUMBER: 5

1 our chain of lakes by contamination from the
2 LRT. More significantly, these neighbors will
3 run the risk of having the 14-story Calhoun
4 Isles Condominium grain elevator collapse into
5 the LRT tunnel during construction, due to
6 vibration caused by digging the tunnel less
7 than two feet from the base of the foundation
8 of the grain elevator.

9 Lastly and most important is the
10 threat of derailment and explosion of tankers
11 carrying flammable ethanol and high volatility
12 Bakken crude in the corridor, right over the
13 LRT tunnel, which will contain 18,000 volt
14 overhead power lines, incinerating everyone in
15 the tunnel, and trains, and destroying many
16 homes in the neighborhood.

17 The catastrophes west of Fargo, and
18 Lac-Mégantic in Quebec, and scores of other
19 locations across the United States demonstrate
20 that this is a real possibility with the
21 current design.

22 The St. Louis Park alternative for
23 the LRT was undoubtedly flawed, but the Met
24 Council has failed to open up the docket to
25 consider other alternatives. One of those

1 would be to run the LRT down the Midtown
2 Greenway, a much highly, densely populated
3 area, and becoming evermore so, to the I35
4 corridor and down 3rd Avenue to 5th Street,
5 where it would join the Hiawatha and the St.
6 Paul lines.

7 This alternative, which was pointed
8 out long ago in this discussion, would serve
9 much more of downtown Minneapolis than the
10 current one, which runs north of the downtown
11 area and loops around the Target Center.

12 Another option is to run the
13 Southwest LRT down the BNSF corridor to the
14 vibrant Westend of St. Louis Park to Eden
15 Prairie along Louisiana Avenue. Unfortunately,
16 we have not had any interest in looking at
17 these options, which would avoid serious
18 problems for people in the city of Minneapolis.
19 Thank you very much for your time.

20 MS. DORFMAN: Thank you, Art.
21 We'll make sure that the entirety of your
22 remarks are documented. Next is Barry Schade.

23 MR. SCHADE: I'm Barry Schade, and
24 I live in Bryn Mawr, where I'm part of the Bryn
25 Mawr Neighborhood Association Board. And I've

COMMENT
NUMBER: 6

1 been involved with this project on behalf of
2 the neighborhood since I was a young man, it
3 seems like.

4 I think our main concern is that
5 the project move forward. I think that
6 reflects, by and large, the attitude of the
7 neighborhood. It's certainly not a unanimous
8 one, we never have a 100 percent consent on
9 anything. But, by far, the common response
10 from the neighborhood is that we want to see
11 this project built soon.

12 The Bryn Mawr Neighborhood
13 Association's past resolution has been in
14 support of the project over the years. And
15 from the beginning, our concern hasn't been
16 about the project itself, except to the degree
17 that it would interfere with our access to the
18 trails.

19 That has been our arch concern over
20 the years, of whether our use of the trails
21 would be interfered with by the construction,
22 the operation of this project.

23 Quite frankly, the last minute
24 addition of a crash wall really gave us
25 heartburn. It raised a number of questions, it

1 was a big surprise, and we saw all kinds of
2 things that were unanswered at that point.

3 On October 10th of this past year,
4 we passed a resolution petitioning the Met
5 Council to prepare an EA work -- environmental
6 assessment worksheet before adding the crash
7 wall. And I just want to report today that
8 it's my assessment that the SEA that we're
9 considering today addresses the issues to be
10 raised in that resolution last October.

11 The neighborhood also had the
12 opportunity of participating in the Light Rail
13 Bassett Creek Valley Working Group that was set
14 up primarily to look at the aesthetics of the
15 crash wall.

16 In the process of doing that, we
17 also looked at a number of other issues related
18 to the wall. But on December 19th, we issued a
19 report confirming that the aesthetics of the
20 wall were being adequately addressed, and
21 raised concerns about the need for
22 environmental review, which I believe the SEA
23 provides that kind of review.

24 The Bryn Mawr Neighborhood
25 Association, I guess that is overwhelmingly in

1 support of the project, concerns I hear are
2 mainly when is it going to get done.

3 But I want to, again, confirm that
4 access to the trails is a lingering concern
5 that we'll be paying attention to during the
6 years of construction, and when the project is
7 operational. Thank you.

8 MS. DORFMAN: Thank you very much,
9 Barry. Jake Werner.

10 MR. WERNER: I'm afraid I won't be
11 done in three minutes. I'm not representing
12 any neighborhood organization. My name is Jake
13 Werner. I live on the west side of Cedar Lake,
14 I've been over there for about 26 years now.

15 I'm going to call this the
16 contentious, litigious bridge at Kenilworth
17 Lagoon. I believe the Met Council and
18 Southwest Light Rail has a unique opportunity
19 to offer an olive branch, if you will, to the
20 communities impacted by the Light Rail project.

21 This opportunity is to provide or
22 initiate a longstanding, never realized plan of
23 Theodore Wirth, which would enhance the
24 recreational ambiance and convenience of the
25 area through Kenilworth Channel.

COMMENT
NUMBER: 7

1 Just a bit of history. Theodore
2 Wirth acquired the shoreland around Cedar Lake
3 and the parkland through the Kenilworth Channel
4 in 1933. His intent was to render the entire
5 shoreland of Cedar Lake available to the
6 public, like the other city lakes.

7 He also intended to connect Cedar
8 Lake to Lake of the Isles through the
9 Kenilworth Channel, not only by water, but also
10 for pedestrians to walk along the channel. The
11 park board owns approximately 40 feet on the
12 south side of the channel. And in some cases,
13 175 to 200 feet north on the side of the
14 channel.

15 What happened? The Great
16 Depression, which stopped any improvements from
17 occurring. And following that, World War II.
18 After these events, Wirth had retired, and the
19 plans for Cedar were never acted on.

20 In 1997, the Wirth plans surfaced
21 again. The entire Chain of Lakes were being
22 renovated. The park board hired a consulting
23 firm, Michael Van Valkenburgh and Associates, a
24 world-renowned landscape architect firm out of
25 Boston, Massachusetts.

1 Van Valkenburgh made separate plans
2 for each of the Chain of Lakes. His Cedar lake
3 plan echoed the original Wirth plan. A path, a
4 pedestrian path around the lake, the entire
5 lake, and ped paths through the Kenilworth
6 Channel, linking up to Lake of the Isles.

7 We can see the value of this
8 pedestrian linkage at the channel from Isles to
9 Calhoun. It has a great recreational feel, and
10 it provides park users with a safe and pleasant
11 connection to the lakes.

12 So when the old bridge is torn
13 down -- a bridge, by the way, that Theodore
14 Wirth intensely disliked and wanted torn down
15 at the earliest opportunity -- when it's torn
16 down as part of the construction process, the
17 pedestrian access could/should be included in
18 the construction process.

19 Let's not miss the opportunity to
20 incorporate this great enhancement to the area.
21 It would be a safe and scenic passageway to
22 each lake, and avoid the horrible, dangerous
23 Cedar Lake Parkway/Dean Parkway connection.
24 The Kenilworth bike trail, I can remember when
25 there was no bike trail there, just a cow path

1 surrounded by vegetation -- weeds, actually.

2 The construction of the temporary
3 bike path really showed how starved people were
4 for some sort of a connection through this
5 area. I believe the previous speaker said over
6 500,000 people, and that's correct. It became
7 not only a bike commuter trail, but even more a
8 recreational trail for residents and regional
9 bikers.

10 I believe the lack of pathways
11 around Cedar Lake certainly enhanced the
12 recreational value of the Kenilworth bike
13 trail, because it was some access. And, of
14 course, the connection of the Midtown Greenway
15 and the Cedar Lake bike trail.

16 It also supports, by the way, the
17 Met Council's initiatives for regional parks
18 and trails. Their access -- 2,040 plans for
19 regional parks. The construction of the new
20 bridge is a perfect opportunity to initiate
21 this outstanding landscape design of a
22 pedestrian passageway through the channel to
23 link up with Lake of the Isles. Thank you.

24 MS. DORFMAN: Thank you very much,
25 Jake. Next on my list is David Rhude. While

1 David's coming up, I will note that we've been
2 joined by State Representative Frank Hornstein.
3 And also former State Representative and
4 Speaker of the House, Margaret Kelliher, is
5 here. Thank you both.

COMMENT
NUMBER: 8

6 MR. RHUDE: Thanks for having me.
7 My name is David Rhude. I live just south of
8 Cedar Lake, CIDNA, here in Minneapolis. I'm
9 not as eloquent as the previous three speakers,
10 sorry.

11 Couple things. Speaking of the,
12 what we call the connector piece, the waterway
13 between Lake of the Isles and Cedar.
14 Obviously, during some of the construction,
15 it's probably going to need to be closed, but I
16 haven't heard how much. I've heard rumors that
17 it could be closed for years.

18 Not only are there a lot of
19 paddlers, the rare swimmer and fish that go
20 through there, but cross-country skiers and
21 walkers through the winter. The City of Lakes
22 Loppet, um -- it's just, I hope it's considered
23 a big deal -- passes through there, and it
24 would be a shame if we couldn't ski through
25 there in the wintertime. So that passageway,

1 what kind of timetable, and what kind of
2 closures might happen, I have heard nothing
3 except some bad rumors.

4 I'm also a bicyclist. I've talked
5 with some of the staff. There's some pretty
6 dodgy bicycle interaction points, particularly
7 the Van White Road. If people are traveling
8 sort of south on that road, the vehicles really
9 hit a high speed.

10 With the changes, they're going to
11 probably expect most of the bicyclists to now
12 not going under the bridge, but be at grade.
13 And I expect there's going to be some real
14 serious problems there. So keep the bicyclists
15 in mind. Thank you.

16 MS. DORFMAN: Thank you very much.
17 Next, I have Gary Kehrberger. And then
18 Jeanette Colby after Gary. Gary Kehrberger?
19 Jeanette, do you want to come up, and then
20 we'll try Gary again after.

21 MS. COLBY: Hello, everyone.
22 Marion and Gail, thank you for having me. I
23 haven't planned any remarks, but I was kind of
24 surprised to hear the presenter, who I haven't
25 become familiar with yet, say that most of the

COMMENT
NUMBER: 9

1 changes are to the areas in Minneapolis, and
2 she said there's no particular reason for that,
3 but that's what the fact is.

4 Well, actually, there is a
5 particular reason for that, and it's
6 co-location. Co-location, which we've talked a
7 lot about, and is the consequence of poor
8 initial planning and scoping at the beginning
9 of this whole process.

10 We are going to spend tens of
11 millions of dollars to accommodate co-location,
12 hundreds of millions. This wall is a concern
13 in that it costs \$20 million. That's a lot of
14 taxpayer dollars that we should really be
15 spending on transit. This isn't transit.

16 Additionally, I just wanted to say
17 that the presence of this wall and the failed
18 negotiations with TCNW, which we read about in
19 the newspaper yesterday, or was it today,
20 raised even greater questions about safety in
21 the rest of the corridor than we had already
22 expressed when we testified regarding the final
23 EIS.

24 So I think -- I know there are
25 factors that contribute to the idea that we are

1 safer in a narrower area in Kenilworth, even
2 without a wall, related to the curvature of the
3 rail and so forth, and the related speed
4 limits. But it's hard for me to take seriously
5 what the Met Council is telling us when we know
6 that the industry experts, TCNW and BNSF, are
7 so deeply concerned about the potential
8 liabilities of co-location.

9 I and my neighbors don't want to be
10 victims of some more mistakes. Thank you very
11 much.

12 MS. DORFMAN: Thank you so much,
13 Jeanette. Next is Benjamin Hertzfel.

14 MR. HERTZEL: Hi. I've been told
15 I'm hostile, so sorry if I'm hostile. My focus
16 is actually really, really narrow on this; I'm
17 not a part of the larger scheme that everybody
18 else is talking about.

19 The environmental impact that I
20 think we're talking about here doesn't really
21 seem to take the environment that you're
22 putting in into account. I'm speaking
23 specifically of the drawings that I've seen
24 here that include birch trees, which are not
25 native to this part of the state.

COMMENT
NUMBER: 10

1 It's lazy and shopping-mall
2 planting to put them in. It's incredibly
3 stupid. They don't grow here. You can plant
4 them and they will live for a while, but not
5 very well. They're a northern tree. In the
6 past 30 years, our northern forests have moved
7 farther and farther north, which means birch
8 trees are going to grow here with more and more
9 difficulty, and you're going to waste money
10 putting them in.

11 Also, there's no diversity. None.
12 You have alders and you have birch. And that's
13 it. You have a clump and grass and a clump and
14 grass. It looks like a shopping mall. It's
15 ridiculous. It's absolutely ridiculous. And I
16 don't believe the people that put it together
17 are qualified to do this kind of stuff.

18 You should be putting in a large
19 variety of trees. You need diversity if you
20 want these to succeed. You need spruce trees.
21 You need things where the birds are going to
22 go. You're going to need willows in the wet
23 areas. You're going to need hickory. You need
24 shrubs.

25 You can't put in a clump of birch,

1 mow the lawn, and a clump of alder, and think
2 it's going to succeed. It will not succeed.
3 It's also going to be really ugly. You plant
4 the wall with these vines, and they die in the
5 winter. Now you have a concrete wall covered
6 with dead vines. Why are you doing that?

7 You should be planting spruce trees
8 along the walls that will give cover
9 year-round. They grow, they last, they'll live
10 200 years, they're provide habitat, and you
11 will not waste your money. Thank you.

12 MS. DORFMAN: Thank you very much.
13 We'll go back to Gary Kehrberger. Those are
14 all the names that I have. Is there anyone
15 else who would like to address us tonight and
16 comment? Margaret.

17 MS. KELLIHER: Margaret Anderson
18 Kelliher, I live in the Bryn Mawr neighborhood.
19 I did sit on the project looking at the
20 treatment of the wall. So, first, I want to
21 echo what Barry Schade said; that for a long
22 time our neighborhood has been supportive of
23 Light Rail. There's no doubt about that. We
24 do see Light Rail as a value.

25 I do also want to echo what

COMMENT
NUMBER: 11

1 Jeanette Colby said. The reason we're all
2 sitting here, and a little teeth on the edge,
3 is because of the co-location issue. And then,
4 frankly, what I would say was really a huge
5 mistake at the end of this, and that is a
6 nontransparent negotiation with a failed
7 decision on a wall.

8 When we came to the committee, one
9 of the surprising things was there was -- and I
10 want to compliment the staff, I think they did
11 a very nice job. It is not their fault that at
12 the negotiation table something was agreed to.
13 They did a nice job of walking us through this.

14 But the reality here is it cuts off
15 access in many, many different ways. It cuts
16 off access for our wildlife. It cuts off
17 access for humans. If one of the big goals is
18 to connect north and south Minneapolis, which
19 we live in the space between, this will not do
20 it now.

21 And we have no ability to impact
22 the design of this wall. I ask, why can't it
23 look like James J. Hill's great design? That
24 seems to have stood the test of time. Big
25 arches, open arches.

1 Believe me, if this train derailed,
2 the freight train, we don't have a shot at
3 living with a fiery -- whatever. This wall is
4 not going to save the people. But what could
5 save this project is if you would go back and
6 put some pressure on the railroad about the
7 actual design of the wall at this point.

8 I really have given up on thinking
9 that we're naive enough to look at a new route,
10 and all of those things. That'd be naive. But
11 you could do something, yet. And that is go
12 back to the negotiating table.

13 There is no reason this wall has to
14 extend as far out into the trail area as it
15 does today. It could stop. There's a reason
16 why it needs to be closer by Catholic Charities
17 and others.

18 And like I said, nontransparent
19 negotiation that shows up one day with the
20 power of the railroad and the power of
21 government was really something that is a
22 disappointment in this.

23 So I think the committee worked
24 hard to make this -- give the suggestions that
25 we did. But, honestly, the access for

1 pedestrians, bikers, everything else has really
2 been diminished by this decision.

3 MS. DORFMAN: Thank you.

4 Representative Hornstein.

5 MR. HORNSTEIN: Thank you so much,
6 Council Member Dorfman and members. Well,
7 Speaker Kelliher really inspired me and got me
8 going, in terms of wanting to just make a
9 couple brief comments. And I want to echo,
10 also, what Ms. Colby said.

11 I am very concerned about these
12 negotiations with the freight rail industry.
13 And it's an industry. They're behind closed
14 doors. They have tremendous impact on our
15 community. I just want to relate a story to
16 you that happened last night at the
17 legislature.

18 In an amendment to the
19 Transportation Bill, we're asking the freight
20 rail industry just to fund two additional rail
21 inspectors. Two inspectors. Minnesota has
22 more track and less inspectors than many states
23 in the country. This is a way to prevent
24 accidents from happening.

25 The railroad industry lobbied very

COMMENT
NUMBER: 12

1 hard, and this amendment never really saw the
2 light of day. But that's what's happening
3 every day at the Capitol. And I was very, very
4 frustrated that we have -- now in state law,
5 that railroad companies don't have to pay
6 liability in this corridor in case of an
7 accident.

8 So I want to echo what Speaker
9 Kelliher said, because I would like to see a
10 much more transparent negotiation, and start
11 from scratch because we're not getting
12 information. And what we are getting is very
13 unsettling.

14 So I just wanted to say that on the
15 record. And thank all of you for coming. And
16 I appreciate the fact that we now do have a
17 document that we can react to and comment on.
18 And I believe Madame Chair said until April
19 9th, so the public can weigh in until
20 April 9th. Thank you very much.

21 MS. DORFMAN: Thanks, Frank. Is
22 there anyone else who would like to make some
23 public testimony tonight? Again, staff are
24 going to stay, if you want to ask questions.
25 Rachel, our court reporter, is happy to take

1 testimony as well. And then you can write
2 comments on cards and leave them, too.

3 So if there's nobody else who would
4 like to testify, we'll close this. Thank you
5 again for taking the time and being here
6 tonight. We look forward to hearing and
7 reading your comments. And, again, look for
8 them being posted on the southwestlrt.org site
9 with comments, too. So thank you, again.

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COMMENT NUMBER: 13

COMMENTS TO MET COUNCIL ON SWLRT

My name is Arthur Higinbotham. I am a former 24 year resident of Cedar Lake Shores townhomes and past Chair of the Cedar Isles Dean Neighborhood Association. Two years ago I moved to St. Paul to be closer to family as well as to escape the terrible consequences of the Met Council proceeding with colocation of the SWLRT and freight rail on the Kenilworth corridor. Those who remain in the neighborhood will witness the destruction of thousands of trees along the corridor, construction of unsightly walls separating freight and light rail from the bike/pedestrian corridor used by half a million Minnesotans every year, and unknown contamination of our chain of lakes by the LRT. More significantly, they will run the risk that the 14 story Calhoun Isles condominium grain elevator will collapse into the LRT tunnel during construction due to vibration caused by digging the SWLRT tunnel less than 2 feet from the base of the grain elevator tower. Lastly, and most important, is the threat of derailment and explosion of tankers carrying flammable ethanol and high volatility Bakken crude oil in the corridor, right over the LRT tunnel which will contain 18,000 volt overhead power lines, incinerating everyone in trains in the tunnel and destroying many homes in the neighborhood. The catastrophes west of Fargo, Lake Megantic in Quebec, and scores of other locations demonstrate that this is a real possibility. The decision by Judge John Tunheim to throw out the suit brought by the Minneapolis Lakes and Parks Alliance, which challenged the legality of the Hennepin County Commissioners and the Metropolitan Council decision to restrict the route consideration to the colocation proposal, which was not on the table when the project was initiated, was made in error. The St. Louis Park alternative for the LRT was undoubtedly flawed, but the Met Council failed to open other alternatives which would be less dangerous and better serve the community. One such proposal is to run the SWLRT down the Midtown Greenway to the I35W corridor, following that corridor down 3rd Av. To 5th St., where it would link to existing Hiawatha and St. Paul light rail lines in a smooth curve under the Hennepin County building plaza; this would serve the Convention Center, Orchestra Hall, St. Thomas University, the theater district, the Allina and Children's Hospital complexes, and major businesses in the southwest part of downtown. Another option is to run the SWLRT through the BNSF corridor to the vibrant west end of St. Louis Park and thence to Eden Prairie along Louisiana Avenue. Competent leaders would send the project back to the drawing board to consider these. Instead, we have political appointees instead of transportation experts managing this project. While I have no time for the moral lassitude and abhorrent policies of the Trump administration, I deplore the positions of our state and local officials in managing this project. As a lifelong Democrat, I will be forced to vote for a Republican governor this fall, whether it be Tim Pawlenty, Jeff Johnson or Kurt Daud to stop this project.

March 22, 2018

Comment Card



Date 3-22-2018

^{We are}
Comment: HAPPY TO FINALLY SEE SOME ACTION ON
PUBLIC TRANSIT IN THIS AREA. WE'VE LIVED IN SLP
FOR 21 YRS AND ARE NOW SHOPPING FOR A HOUSE IN
MPLS. NEAR THE GREEN LINE. WE ^{LITERALLY} CAN'T WAIT FOR
THIS ROUTE TO BE COMPLETED.

Tim + Heidi Hermes
ST LOUIS PARK 55426

Comment Card



Date 3/22/18

Comment: I Believe there are many better things
we could do with this money. We are destroying
a park land that can never be replaced.

Comment Card



Date 3/22/18

Comment: liability → capped at \$3 million, who is going to pay the rest? This is nothing!

danger → why only wall for BNSF? what about co-location w/ freight south of that?

parking in neighborhoods → 21st St station

SWLRT should not be built. Waste of \$ and dangerous to those who live in area.

Comment Card



Date 3-22-18

Comment: THANK YOU FOR THE WORK
AND OUTREACH ON THE SUPPLEMENTAL
ASSESSMENT, IT'S IMPORTANT THAT THIS
PROJECT GO FORWARD.

COMMENT NUMBER: 18

From: [REDACTED]

Sent: Saturday, March 24, 2018 2:46 PM

To: swlRt <swlRt@metrotransit.org>

Subject: light rail extension public comment

The LRT extensions are critical for much-needed access because Minneapolis-St. Paul has high taxes and high rents, and LRT extensions would allow the many people who cannot afford to have a car or pay M-SP costs to access living wage M-SP jobs in city, county, and state government. LRT also would allow for M-SP residents who need to live in M-SP for services like medical care to be able to access suburban jobs, as many companies have relocated their headquarters outside of M-SP. There is also a substantial need to reduce our ecological footprint and ease traffic congestion, both of which LRT does better than any other form of transportation. Please accept this as a resounding letter of support for LRT extensions.

Thanks you very much for your work to extend LRT,

Trina Porte

[REDACTED]

Minneapolis MN 55414

[Constant Fatigue Is A Warning Signâ€™ Here's The Simple Fix](http://thirdpartyoffers.juno.com/TGL3132/5ab6ab4c434e92b4c6921st01duc)

[gundrymd.com](http://thirdpartyoffers.juno.com/TGL3132/5ab6ab4c434e92b4c6921st01duc)

<http://thirdpartyoffers.juno.com/TGL3132/5ab6ab4c434e92b4c6921st01duc>

Sponsored Links 

COMMENT NUMBER: 19

2018-04-07 16:24:12

Edith Black



Minneapolis MN 55405 United States

Resident of:

Minneapolis

Comments relate to:

Letter timing

Comments:

Representatives Hornstein and Dibble: How pathetic is this to send out a letter with only two days to comment on the issues involved. (Dated 4/4, delivered to homes Friday, 4/6, comments accepted until 4/9, with the offices closed on the weekend.)

This is another egregious example of how this entire highly flawed project has been handled from its inception.

A stated goal of the Minneapolis section of the project has been to ""serve the people of Minneapolis."" Yet, 75% of the line goes through basically unpopulated areas of the city, with stations serving only a very small number of Minneapolis citizens.

Representatives Hornstein and Dibble, how, in conscience, can you support this segment of the project which does not serve the people of Minneapolis in its denser population areas?

Look at the 40+ apartments that have been built along the Greenway in the past 5 years, with more coming on? Nothing, nothing, can be built along the SWLRT projected route that traverses the 4 miles of woodlands and grasslands along the Kenilworth corridor, the Bryn Mawr ballfields, and on to downtown.

Rerouting could accomplish the goal of reaching the populated areas of Minneapolis via several of the alternative routes.

I urge you to oppose this project along it's present projected route through the Kenilworth corridor.

Edith S. Black

COMMENT NUMBER: 20

2018-04-07 16:40:22

Bruce Jarvis



Minneapolis MN 55405

Resident of:

Minneapolis

Comments relate to:

BNSF agreement modifications (corridor protection elements including a barrier between freight rail and light rail tracks in Minneapolis, pursuant to an agreement between the Metropolitan Council and BNSF Railway).

Comments:

In response to a letter from Representative Hornstein and Senator Dibble,

I have read the part of the Supplemental Environmental Assessment, p. 78, that pertains to the barrier wall. I note that it is now to be 1 foot higher on the freight rail side and that ""visible height on LRT side will vary."" [vague]

I am concerned about noise deflection from freight trains into the park and neighborhoods north of 394 and from LRT into neighborhood to the south of the tracks.

We live a bit northwest of the proposed Bryn Mawr station. We hear freight trains now as it is without any wall to bounce the sound.

I remain opposed to the current route and barrier wall for this reason.

Bruce Jarvis

Bryn Mawr

COMMENT NUMBER: 21

2018-04-08 22:03:04

David Klopp



Golden Valley MN 55416

Resident of:

Another part of Hennepin County

Comments relate to:

Safety of project

Comments:

Hello Met Council,

The Minnesota legislature has FULLY FUNDED every light rail project that the Met Council has proposed. The Hiawatha line, Central Corridor and Northstar.

But NOT the Southwest Light Rail. There must be a good reason why so many at the Capitol have said NO to the SWLRT.

SAFETY

It is just plain STUPID to Co-locate a high voltage LRT next to a heavy freight rail where the primary freight is a class 3 flammable liquid such as oil and ethanol

The railroads all know this and this is why they are requiring a massive "BLAST WALL"

The railroads also have in the negotiations an insurance clause, Relieving them of financial burden in the event of an Accident. It will most likely be not if, but when an accident occurs

The BLAST/CRASH wall does not cover the other eight miles of Co-location.

This is area of St. Louis Park, Hopkins, Minneapolis, Minnetonka.

CHAIN OF LAKES AFFECTED

The groundwater is poorly mentioned in the report and the hydrology is lacking completely.

ALL GROUNDWATER IN HENNEPIN COUNTY DRAINS EAST TOWARDS MISSISSIPPI RIVER

Excavating a "cut and cover tunnel" will be a mistake.

Flooded basements and expensive pumping will occur next to Cedar Lake.

Look at how the neighbors at Lake Nokomis are having trouble.

A BAD ROUTE FOR LRT

This route does little to help people move in the city or a business prosper

33 acres of urban forest will be lost. Poor choice to locate in a park.

Parks are not able to be developed and must be protected.

COST

The cost of this project is crazy for Hennepin County Taxpayers. And with the Railroads getting a ""FINANCIAL PASS"" when a rail disaster occurs in the corridor.

BEST IDEA

Put the train where the people are. This is not in Cedar Lake Park.

COMMENT NUMBER: 22

2018-04-09 23:37:44

Judy kahm



st. Louis park Minnesota 55416

Resident of:

St. Louis Park

Comments relate to:

BNSF agreement modifications (corridor protection elements including a barrier between freight rail and light rail tracks in Minneapolis, pursuant to an agreement between the Metropolitan Council and BNSF Railway).

Comments:

I understand the reason for the wall but feel it will have a very negative impact on our neighborhood. It will cut off people from the bike/walking trails or having access to the ball park from the trail and destroy the visual openness of the area. It will no doubt be a target for graffiti as well.

COMMENT NUMBER: 23

2018-04-09 22:36:18

Kyla Wahlstrom


Minneapolis Minnesota 55405 United States

Resident of:

Minneapolis

Comments relate to:

Grand Rounds Historic District: Kenilworth Lagoon Works Progress Administration (WPA) rustic style retaining walls rehabilitation and landscaping (Minneapolis)

Right-of-way adjustment near West 21st Street Station (Minneapolis)

BNSF agreement modifications (corridor protection elements including a barrier between freight rail and light rail tracks in Minneapolis, pursuant to an agreement between the Metropolitan Council and BNSF Railway).

Comments:

After reading the 109 page document, I still do not see any clear explanation of how the LRT trains and the BNSF freight trains will be sufficiently separated at the ""pinch point"", in the area from the Lake St. station to the 21st St. station, in the case of a catastrophic fire resulting from an electric spark igniting a BNSF rail car carrying oil or gas. There is no room for error or even an estimate of a miniscule percentage of such an occurrence. And once the landscape is forever changed by the construction of the SWLRT, without those concerns for safety being directly AND COMPLETELY addressed, this project should not go forward.

Beyond the safety concerns which seem to be either overlooked or ignored, there are no descriptions of how the 21st St. station will be accommodated within an existing neighborhood. The estimate of ridership using that station is incomprehensible--the Metro Transit buses which go past my house every day are mostly empty, and several years ago Metro Transit cut back service in our area to only 3 hours in the morning rush hour and 3 hours in the evening rush hour. The money being wasted to build that station is a sad substantiation of the adage: ""Garbage in, garbage out."" The ""garbage numbers"" of estimated riders using the 21st St. station will result in spending ""garbage money"" to build an LRT station that is a waste of resources and a blight on a neighborhood for a station that will not be used, but by a few.

I support the benefits of light rail, but the route of the SWLRT as it is now does NOTHING to support the high density housing that is emerging all over the Uptown area. The LRT needs to go through Uptown to capture all of the new residents that are, and will be, living there in increasingly dense housing. If we can keep those thousands of cars off the streets by providing light rail service to downtown and out to the suburbs, then the LRT has done its job. The 3C-1 and 3C-2 alternatives address the concerns of the needs where housing is dense, but get hardly a mention in the SEA. Yes, making a change to those

alternatives will cost more in the short run to build, but the long-term FOREVER benefits strongly outweigh the current route through the Kenilworth Corridor. The current plan is incredibly short-sighted.

Finally, the loss of the ""gem of our city--our beautiful chain of lakes and trails"" will be a regret forever once the LRT is built. This is a ""forever decision"". The loss of income to Minneapolis in the form of high real estate taxes currently collected on homes near Cedar Lake and Lake of the Isles will never recover once the LRT is built and the resulting outcome is that the large homes will fall in price. I do not see any reference to this loss of income nor the interruption of the ideal of the chain of lakes anywhere in the SEA document. This is a huge failing on the part of the Met Council and the persons who crafted only a partial report of outcomes in the SEA.

COMMENT NUMBER: 24

2018-04-09 21:14:12

Susu Jeffrey

Resident of:

Minneapolis

Comments relate to:

Minnehaha Creek headwall modifications (St. Louis Park)

Grand Rounds Historic District: Kenilworth Lagoon Works Progress Administration (WPA) rustic style retaining walls rehabilitation and landscaping (Minneapolis)

BNSF agreement modifications (corridor protection elements including a barrier between freight rail and light rail tracks in Minneapolis, pursuant to an agreement between the Metropolitan Council and BNSF Railway).

Bryn Mawr Meadows trail mitigation (Minneapolis)

Comments:

Mass transit like the proposed SWLRT should be scoped to service populated areas, in this case Uptown or the Northside. SWLRT was designed to avoid populated areas according to the G.W. Bush priorities under which it was planned.

The various wall discussions fail to address safety concerns of the idea of co-locating electric and ethanol trains.

Hennepin County residents could be bankrupted by the unbalanced agreements foisted upon appointed deciders who repeatedly put LRTs in parkland.

The tunnel is a theory that works only on paper. How it would harm the top of the Chain of Lakes and the clean Minneapolis reputation and tourist draw has never been addressed.

SWLRT is too expensive, environmentally poorly planned, does not serve the people of the largest city in the state, and has been rejected by the state legislature as a worthy investment.

COMMENT NUMBER: 25

2018-04-09 16:53:24

George Puzak



Minneapolis MN 55403 United States

Resident of:

Minneapolis

Comments relate to:

BNSF agreement modifications (corridor protection elements including a barrier between freight rail and light rail tracks in Minneapolis, pursuant to an agreement between the Metropolitan Council and BNSF Railway).

Failure to include commuter rail and freight rail in SWLRT initial scoping

Comments:

Dear staff of FTA and Met Council and elected officials,

I am writing to comment on the SWLRT Supplemental Environmental Assessment (SEA).

The SEA was triggered when Burlington Northern Santa Fe (BNSF) demanded that the Met Council build and pay for a 1.4 mile-long, 10-foot tall concrete barrier protection wall separating SWLRT from BNSF freight rail. In addition, BNSF demanded that Northstar Commuter Rail be included in the project. More specifically BNSF is demanding that storage tracks for Northstar Commuter Rail be moved at least 1,800 feet west onto property directly above Bassett's Creek Tunnel; the impact of storing commuter rail cars on top of Bassett's Creek Tunnel was never studied or commented on and the tunnel will need to be re-built to accommodate the weight of Northstar's commuter rail cars.

Even though the National Environmental Policy Act (NEPA) requires that all affected modes of transport be included in a project's initial scoping document, neither Northstar commuter rail nor freight rail were included in SWLRT's 2009 initial scoping document. Since these two modes were omitted from initial scoping, the public's legal right to comment on and shape the initial project was obstructed. The SEA is insufficient to address these omissions because the public is limited to commenting on a continually-changing plan that includes new modes of transport, rather than shaping the plan when all modes are included from a project's beginning.

The impacts of the newly proposed barrier wall and of the commuter rail car storage on top of Bassett's Creek Tunnel have not been sufficiently studied. For example, the wall will affect the free flow of wildlife from Theodore Wirth Park and Bassett's Creek valley to the Chain of Lakes. The wall will also cause noise from freight rail and LRT to reverberate off the concrete barrier wall. These effects must be thoroughly studied in a supplemental EIS.

For all these reasons, the FTA should order that the Met Council re-open scoping to include all modes of transport in this project—light rail transit, freight rail, and commuter rail. Neither the effects of the barrier wall nor the impacts on Bassett's Creek were ever included in the Draft EIS, the Supplemental EIS

or the Final EIS. At a minimum, the FTA should require that the Met Council complete a supplemental environmental impact statement (SEIS) for SWLRT.

Appendix E
Section 106 Coordination



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

March 6, 2018

Sarah Beimers
State Historic Preservation Office
50 Sherburne Avenue
St. Paul, Minnesota 55102

RE: Southwest Light Rail Transit Project, Hennepin County, Minnesota; Clarification on Revised Determination of Effect for the St. Paul, Minneapolis & Manitoba Railroad / Great Northern Railway Main Line Rail Corridor Historic District, SHPO #2009-0080

Dear Ms. Beimers,

The Federal Transit Administration (FTA) is writing to continue Section 106 consultation under the terms of the Memorandum of Agreement (MOA) between the FTA and the Minnesota Historic Preservation Office (MnHPO) for the Metropolitan Council (Council) Southwest Light Rail Transit (METRO Green Line Extension) Project (Project). This letter provides clarification of our findings issued on November 7, 2017 related to several proposed design modifications to the approved Civil Construction 100% Plans for the Project.

As you are aware, the Council is proposing to utilize portions of the Burlington Northern Santa Fe Railway's (BNSF) Wayzata Subdivision for the Project. In our letter of November 7, 2017, FTA notified your office that the Council had negotiated several draft agreements (Agreements) with BNSF related to constructing and operating portions of the Project in BNSF right-of-way. The draft Agreements propose several design modifications to the Civil Construction 100% Plans. As noted in our November 7, 2017 letter, FTA found that the proposed design modifications included substantive changes (as defined in MOA Stipulation II.A) to the Project design that would result in a change of effect to St. Paul, Minneapolis & Manitoba Railroad / Great Northern Railway Main Line Historic District (StPM&M / GN Historic District). Specifically, FTA determined that the proposed design modifications would have an adverse effect on the StPM&M / GN Historic District.

In accordance with MOA Stipulation III, FTA held a consultation meeting with MnHPO and MOA concurring parties on November 28, 2017 to consider measures for resolving the adverse effect on the StPM&M / GN Historic District. During the meeting, you requested that FTA provide clarification as to whether the adverse effect was avoidable or unavoidable.

In coordination with the Section 106 review for the Project, FTA has prepared a Supplemental Environmental Assessment (SEA) to evaluate impacts of the proposed design modification under the National Environmental Policy Act (NEPA). The SEA, a copy of which was provided to your office under separate cover on February 23, 2018, includes an Amended Draft Section 4(f) Evaluation that assesses the impacts of the proposed design modifications on the StPM&M / GN

Historic District, a historic site under Section 4(f) of the Department of Transportation Act of 1966. As part of the Section 4(f) evaluation, FTA considered alternatives for avoiding a Section 4(f) direct use of the historic district, which would also avoid the adverse effect under Section 106. Alternatives considered included a no build alternative, two location avoidance alternatives, and one design modification alternative (no Corridor Protection Barrier Wall or Northstar tail track shift). Based on the Section 106 assessment of effects report FTA provided to your office on November 7, 2017 and the Amended Draft Section 4(f) Evaluation, FTA has found that there is no prudent alternative that meets the Project's stated purpose and need without adversely affecting the StPM&M / GN Historic District. Therefore, FTA has determined that the Project's adverse effect on the StPM&M / GN Historic District is unavoidable.

In accordance with MOA Stipulation III, within forty-five (45) days of this letter FTA will prepare a draft mitigation plan for the historic property, taking into account the nature and scale of the adverse effect. The mitigation plan will incorporate the minimization and mitigation measures MnHPO and MOA concurring parties identified during the consultation meeting FTA held on November 28, 2017, for resolving the adverse effect on the StPM&M / GN Historic District. These include:

- Designing the proposed design modifications in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* to the extent feasible;
- Preparation of a Level II Minnesota Historic Property Record of the grade separation features from just north of the Royalston Avenue Bridge to the Interstate 94 Bridges; and
- The incorporation of interpretation of the StPM&M / GN Historic District into the Project segment located within and in the vicinity of the historic district.

During the preparation of the draft plan, FTA plans to hold an additional consultation meeting with MnHPO and MOA concurring parties on March 14, 2018 to gain additional input on the type and amount of interpretation to include in the plan.

In closing, ***we request that MnHPO and MOA consulting parties provide comments, if any, on FTA's findings of effect in writing by April 20, 2018.*** If you have any questions, please contact Reggie Arkell at (312) 886-3704 or reginald.arkell@dot.gov.

Sincerely,



Jay M. Ciavarella

Director, Office of Planning and Program Development

cc: Reggie Arkell, Federal Transit Administration
Elizabeth Breiseth, Federal Transit Administration
Melissa Jenny, United States Army Corps of Engineers

Brad Johnson, United States Army Corps of Engineers
Greg Mathis, MnDOT Cultural Resources Unit
Jim Alexander, Metropolitan Council
Kelcie Campbell, Metropolitan Council
Gary Erickson, Hennepin County
Lori Creamer, City of Eden Prairie
Jason Lindahl, City of Hopkins
Brian Schaffer, City of Minneapolis
John Byers, City of Minneapolis
Julie Wischnack, City of Minnetonka
Meg McMonigal, City of St. Louis Park
Michael Schroeder, Minneapolis Park and Recreation Board
Bill Walker, Three Rivers Park District
John Olson, St. Louis Park Historical Society
Michael Wilson, Cedar-Isles-Dean Neighborhood Association
Jeanette Colby, Kenwood Isles Area Association

April 16, 2018

Jay Ciavarella
Federal Transit Administration
200 West Adams Street, Suite 320
Chicago IL 60606-5253

RE: Southwest Light Rail Transit Project (Project)
Multiple Communities, Hennepin County
SHPO Number: 2009-0080 MOA

Dear Mr. Ciavarella:

Thank you for continuing consultation on the above project. Information received in our office on 1 March 2018 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR § 800 and per the terms of the 2016 Memorandum of Agreement (MOA) executed for this undertaking.

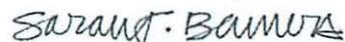
We have completed our review of your letter dated 23 February 2018, a submittal which included the document entitled *Supplemental Environmental Assessment: Southwest Light Rail Transit, February 16, 2018* (SEA) as prepared by the Metropolitan Council (Council). This SEA also includes an Amended Draft Section 4(f) Evaluation addressing the now modified Project impacts to the St. Paul, Minneapolis and Manitoba Railroad/Great Northern Railway Historic District (StPM&M/GNR Historic District), a historic property which is eligible for listing in the National Register of Historic Places (NRHP).

Pursuant to our office's responsibilities as part of the Section 106 review, we recently provided concurrence with your agency's "adverse effect" determination as it pertains to the Project modification's impacts to the StPM&M/GNR Historic District. Per the terms of the MOA for this Project, our office will continue consultation with your agency and others to finalize the mitigation plan which will include provisions for resolving the adverse effect.

We agree with the Amended Draft Section 4(f) Evaluation statement that the Council has undertaken and completed a thorough analysis of the Project modifications and impacts in regards to the resulting "direct use" of this historic property. Although this Project will result in an additional adverse impact to this historic property, the Council's efforts to analyze avoidance measures and minimize the adverse impact have been extensive. Therefore, based upon information provided to our office at this time, we agree that the preliminary determination of Section 4(f) use, as stated in Section 4.6 of the SEA, is appropriate.

If you have any questions or concerns regarding this comment letter please feel free to contact me at (651) 201-3290 or sarah.beimers@state.mn.us.

Sincerely,



Sarah Beimers
Environmental Review Program Manager

cc: Barbara Howard and Greg Mathis, Minnesota Department of Transportation, Cultural Resources Unit

April 18, 2018

Jay Ciavarella
Federal Transit Administration
200 West Adams Street, Suite 320
Chicago IL 60606-5253

RE: Southwest Light Rail Transit Project (Project)
Multiple Communities, Hennepin County
SHPO Number: 2009-0080 MOA

Dear Mr. Ciavarella:

Thank you for continuing consultation on the above project. Information received in our office on March 8, 2018 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR § 800 and per the terms of the 2016 Memorandum of Agreement (MOA) executed for this undertaking.

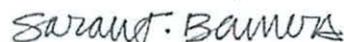
We have completed our review of your letter dated March 6, 2018 in which your agency provides confirmation that the adverse effect to the St. Paul, Minneapolis and Manitoba Railroad/Great Northern Railway Historic District, a historic property which is eligible for listing in the National Register of Historic Places, an effect determination made in November 2017 following review of Project design modifications, is unavoidable.

Based upon information provided to and reviewed by our office just recently, including the Supplemental Environmental Assessment (SEA) and Amended Draft Section 4(f) Evaluation report, and for which we provided comment to your agency on April 16, 2018, we agree with your agency's determination that there is no prudent alternative to avoid the additional adverse effect caused by the Project.

Therefore, in accordance with Stipulation III of the MOA, it is our understanding that your agency will, within 45-days of your March 6th letter, prepare a draft mitigation plan to resolve the adverse effect to the historic property through appropriate minimization and mitigation measures. We have already participated in consultation meetings held during November 2017 and March 2018 during which these measures were developed and discussed. We agree that the measures are accurately summarized in your March 6th letter and we look forward to reviewing the draft mitigation plan when it becomes available.

We look forward to continuing consultation with your agency and others on this important Project. If you have any questions or concerns regarding this comment letter please feel free to contact me at (651) 201-3290 or sarah.beimers@state.mn.us.

Sincerely,



Sarah Beimers
Environmental Review Program Manager

cc: Greg Mathis, Minnesota Department of Transportation, Cultural Resources Unit



Meeting Title: SWLRT Section 106 Consultation

Date: 3/14/2018 **Time:** 1:00 PM **Duration:** 1.5 hours

Location: Southwest LRT Project Office, Conference Room A
6465 Wayzata Boulevard, Suite 500
St Louis Park, MN 55426

Meeting called by: Greg Mathis, MnDOT CRU

Attendees: MnHPO: Sarah Beimers
Hennepin County: Gary Erickson
MPRB: Michael Schroeder
FTA: Bill Wheeler, Elizabeth Breiseth (on phone)
MnDOT: Stephanie Atwood
St. Louis Park: Meg McMonigal
CIDNA: Mike Wilson
SLPHS: John Olson
SPO: Ryan Kronzer, Kelcie Campbell, Sarah Ghandour, Michelle Julius, Dan Pfeiffer

Purpose of Meeting: Resolve New Adverse Effects

--- Agenda & Discussion ---

1. Welcome & Introductions

Greg Mathis from the Minnesota Department of Transportation (MnDOT) Cultural Resources Unit (CRU) welcomed attendees, explained the purpose of the meeting, and led introductions. He then provided a brief overview of the proposed project modifications discussed at the November 28, 2017 meeting.

2. Update on Adverse Effect Finding for the St.P.M.&M. G.N. Historic District

Greg recapped FTA's November 7, 2017 adverse effect finding and the steps that have taken place up to this point, including clarification findings issued on March 6, 2018, that the adverse effect was unavoidable.

3. Summary of 11/28/2017 Consultation Meeting

Greg provided a summary of the discussion from the 11/28/2017 Consultation Meeting about possible measures to resolve the adverse effect.

4. Resolution of Adverse Effects: StPM&M/GN Historic District

Greg reviewed the measures consulting parties had agreed to on November 28, 2017, to resolve the adverse effect of the Project design modifications on the historic district:

- *Minimization Measures:* While the project modifications will still be an adverse effect, to minimize the adverse effect, they will be designed in accordance with the SOI's Standards to the extent feasible and be presented to MnHPO, who will then review the 90% Plans. Agreed upon design elements for the wall include:
 - Dark grey CPB Wall with a block pattern and vines in places
 - Modified block pattern at the station (Bassett Creek Valley) with station name incised in the wall.
- *Mitigation Measures:* The group had agreed to several mitigation measures to resolve the adverse effect: 1) Minnesota Historic Property Record (Level II) for the historic cut/grade separation area and 2) interpretation of the StPM&M / GN Historic District.

Sarah Beimers (MnHPO) asked if the group had gotten through the specifics of the MHPR at the last meeting. The Level II doesn't have a narrative on the property and she wondered if that would be sufficient. Greg responded that the report¹ provided the historic narrative on the property, so the MHPR would serve as a supplementary document. Kelcie Campbell (SPO) added that today's meeting was mainly to get input on the design for the interpretation (#2).

Proposed Interpretation

Greg reviewed some of the interpretation ideas that parties had offered up at the 11/28/2017 meeting (Slides 14–15). Kelcie noted that these ideas helped lead to the themes and story that should be told in the interpretation. Greg then identified proposed locations for the interpretation (Bassett Creek Valley, Bryn Mawr) on a rollplot. Kelcie noted the rollplot was an updated version of what parties had seen in November 2017.

Greg discussed web content, which is already planned for interpreting the archaeological sites at Royalston station and for the Blue Line Extension LRT (BLRT). There is the possibility of all information going on a website. He then presented a sample of the Osseo Branch panels designed for the BLRT's mitigation. He also showed other uses of Integrated Elements at the St. Anthony Parkway Bridge, the future Robbinsdale BLRT Station, and a proposed scenic overlook at the Golden Valley

¹ "Section 106 Assessment of Effects for Historic Properties Supplement 1: Additional Documentation and Assessment of Additional Effects on the St. Paul, Minneapolis & Manitoba Railroad / Great Northern Railway Historic District," November 2017.



Road BLRT Station. He explained an idea for such an overlook at the Bryn Mawr Station looking SE that could use historical photos to contrast past and present.

Greg opened up the discussion to the room.

- Sarah B. asked for more information about the Penn Avenue site and where an overlook would go. Sarah Ghandour (SPO) said it was a drop-off site for cars and buses. The landscape goes downhill and there would be people waiting in the area. Sarah B. asked if the Kenwood Water Tower was visible from that spot. The group confirmed that it was.
- Meg McMonigal (SLP) asked if the panel designs would be consistent, have the same style as those on BLRT. She added she would like to see them with more graphics and fewer words. Greg said that the BLRT panels tell several stories at each station, which is why there is the need for those to have so much text. Meg responded that having the BLRT and these panels graphically similar makes sense. Greg noted that (on the platforms) there would need to be a difference in dimensions due to the different station designs, but asked if she would still like to see the consistency in design for SWLRT. Meg responded that she would like to see consistency in the graphic design of the new panels, either with the BLRT panels or the panels at Royalston Station.
- Michael Schroeder (MPRB) said that he had no objection to the story being told in this way and thought seeing the picture at the overlook was compelling. He did question how many people would see it from that location and wondered if there were ways to expand the story so it could be seen by people on the trail. Greg noted that there were blue dots (interpretive locations) along the trail. Sarah G. explained the reasons why those locations were chosen.
 - Michael Wilson (CIDNA) asked to know where the approximate location of the Kenwood Water Tower was on the roll plot and it was located for him. He noted that while it was visible from Bryn Mawr Station, it was even more so from Bassett Creek Valley Station.
 - Michael S. continued that 411,000 people used the trail and see the railroad remnants, such as artifacts and fire hydrants, which provides the Project an opportunity to tell the story on the trail. He said that getting the interpretation where most trail users were is important. Michael W. added that most who will see it from the top of the hill will be waiting for buses.
- Michael W. said to not leave out the Minneapolis and St. Louis (M&StL) in the interpretation as its rail yards were far larger than those for GN in this area and the BNSF spends more time on the route used by the M&StL than it does on the old route for the GN.
- Sarah G. asked Michael S. about the users at the Bassett Creek Valley Station. He said the Park Board doesn't know much about the population of users and that there were probably more on the trail than at the station. He believe that most won't get off at both stations to read

both panels, but trail users would see all panels along the trail. He suggested focusing the interpretation on places of confluence. He also commented that trail users may use the interpretation more than LRT riders.

- Sarah B. noted that this was thought of when planning the BLRT, where a user could see either one or all of the panels.
- Sarah B. added that she appreciated knowing about the trail users and noted that taking advantage of the audience is important. She then asked about maintenance of the panels. Specifically, she wanted to know if they would be located on MPRB property and who would take care of them. Michael S. said that the trail situation is confusing. Kelcie responded that it may be possible to put the panels on the ROW. Michael said this detail could be worked out.
- Greg asked how Michael S. felt about the overall approach. Michael S. said that he liked it. Kelcie asked if he was leaning towards panels or integrated elements. He responded that he liked the approach used at the Robbinsdale Station, but noted that if the integrated element was not a clear reflection of what was historically on the site, then it's just "more stuff" put out there. He added that the bridge at St. Anthony is being maintained at a level that the trails are not. He also felt the panels worked the best to tell the story (Michael S. left after concluding his comments).
- Meg asked if it was possible to move a panel to the end. Sarah G. said this was possible.
- Gary Erickson (Hennepin County) asked about the whole alignment and if there was anything along the entire way that could continue to tell the railroad's story. Greg responded that mitigation is being done as part of the Section 106 process. All railroads were looked at, but they didn't meet National Register criteria except this one. Since the others affected aren't considered historic, the Project isn't required to do anything for them under Section 106. Gary questioned if an organization like the Minnesota Transportation Museum might want to find funds to extend the interpretation.
- Sarah B. said the distribution of the interpretation made sense but could use some tweaking at Bryn Mawr. She then asked about the phrase "landscape opportunity" that was used on the rollplot. Ryan K. (SPO) explained that this meant grasses, etc. and a buffer for the power pole.
- Greg asked the parties for their thoughts on integrated elements.
 - Meg McMonigal said "no," they are too much maintenance. Sarah B. said they worked well at BLRT because they were designed concurrently with the station design. Ryan K. responded that panels are durable, but not indestructible. Kelcie noted that they are easier to replace: reprint the image file vs. trying to recreate an element with unique construction.
 - Gary said that if an element was more integrated with a station, it was less likely to be vandalized. His suggestion was to keep it simple.



- Sarah B. asked how much of the corridor will be visible when the Crash Protection Wall is built. Ryan K. said that would depend on the viewer’s location.
 - Gary added that BLRT’s integrated elements were developed earlier in the design process and were incorporated into the Project’s budget. Greg confirmed this was correct and said they could be added to Southwest, but it could be more difficult since the Project is already designed. Kelcie responded that mitigation is scaled relative to the adverse effect (i.e. larger adverse effect = larger scale of mitigation).
- Sarah B. said it would be helpful to provide a key on the panels, so people would know each was part of a group and they could find the others. The group and team generally agreed with this idea and Sarah G. said something could be easily integrated.

5. Next Steps

Greg said that the input from this meeting will be used to develop a draft mitigation plan. FTA will provide the draft plan to consulting parties to review by April 19, 2018. Consulting parties will have 30 days to provide comments. FTA will use any comments received to prepare the final mitigation plan. When concurrence is received from MnHPO on the final mitigation plan, CRU will move forward with design review.

Kelcie mentioned a Town Hall meeting taking place on March 22, 2018, where the public can comment on the Supplemental Environmental Assessment document, and gave additional instructions.

ACTION ITEMS:	PERSON RESPONSIBLE:	DEADLINE:
1. MnHPO concurrence with FTA unavoidable adverse effect finding	MnHPO	April 5, 2018
2. Draft mitigation plan	FTA/MnDOT CRU	April 19, 2018
3.		
4.		
5.		

Appendix F
Amended Final Section 4(f) Evaluation



METRO Green Line LRT Extension (SWLRT)



Amended Final Section 4(f) Evaluation

Southwest Light Rail Transit

May 15, 2018

Prepared by the
Metropolitan Council



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1 Introduction

The Amended Final Section 4(f) Evaluation provides additional information on one Section 4(f) property and determination since publication of the Project’s Final Section 4(f) Evaluation. The Final Section 4(f) Evaluation was published in May 2016 within the Southwest Light Rail Transit (LRT) Project (Project) Final Environmental Impact Statement (EIS) (see Section 6 of the Final EIS). This Amended Final Section 4(f) Evaluation provides a Section 4(f) direct use determination for one identified Section 4(f) property in Minneapolis, Minnesota: the St. Paul, Minneapolis & Manitoba Railroad (StPM&M) / Great Northern (GN) Railway Historic District. The Amended Final Section 4(f) Evaluation is the result of modifications to the Project as design advanced following publication of the Final EIS and issuance of the Record of Decision (ROD).

Table 1-1 describes the new determination for the one Section 4(f) property affected by modifications to the proposed Southwest LRT Project since the Final EIS/Final Section 4(f) Evaluation. The location of this Section 4(f) property is shown in **Figure 4-3**, along with the proposed Southwest LRT Project alignment, stations, and Section 106 area of potential effect (APE).

The Federal Transit Administration (FTA) published the Amended Draft Section 4(f) Evaluation in conjunction with the Project’s Supplemental Environmental Assessment (EA). The Amended Draft Section 4(f) Evaluation was provided to the U.S. Department of the Interior (DOI) for review and comment during the Supplemental EA comment period, which concluded on April 9, 2018. The DOI’s comments on the Amended Draft Section 4(f) Evaluation are included in Appendix C of the Amended ROD. FTA also obtained concurrence from the official with jurisdiction (the Minnesota Historic Preservation Office (MnHPO)) regarding its determinations of the Adverse Effect finding for the StPM&M / GN Historic District (see Appendix E of the Amended ROD).

TABLE 1-1: IMPACTS TO SECTION 4(F) PROPERTIES

Section 4(f) Property	Property Type	Location	Official with Jurisdiction	Section 4(f) Qualifying Description	Type of Use
StPM&M / GN Historic District	Historic District	MnHPO Inventory #HE-MPC-16387	MnHPO	Eligible for National Register of Historic Places (NRHP)	Direct Use

Appendix A of the Supplemental EA provides additional Section 106 supporting documentation for this Amended Final Section 4(f) Evaluation.

2 Changes in the Proposed Southwest LRT Project from the Final EIS Section 4(f) Evaluation

Table 2-1 summarizes the change in impacts to the Section 4(f) property in this Amended Final Section 4(f) Evaluation compared to the Final Section 4(f) Evaluation published as part of the Final EIS in May 2016.

TABLE 2-1: COMPARISON OF IMPACTS TO STPM&M / GN RAILWAY HISTORIC DISTRICT IN THE FINAL EIS AND AMENDED FINAL SECTION 4(F) EVALUATION

Section 4(f) Property	May 2016 Final Section 4(f) Determination	May 2018 Final Section 4(f) Determination
StPM&M / GN Historic District	<i>De minimis</i> Impact	Direct Use

2.1 Section 4(f) Evaluation from Final EIS

The preliminary plans from the Final EIS showed that a portion of the StPM&M / GN rail line in Minneapolis is located within the Project corridor. In the Final EIS, it was identified that the Project would result in the permanent incorporation of approximately 1.5 acres of property from the StPM&M / GN Historic District, and approximately 5.42 acres will be temporarily occupied for construction access.

The Project would shift a segment of the existing railroad tracks, from approximately I-94 to Royalston Avenue (total length of 2,543 feet), approximately 0 to 25 feet north within the existing railroad right-of-way. The continuity of the linear resource would be maintained within the historic right-of-way, resulting in only a minor effect to the alignment of the tracks, and BNSF trains would continue to be able to use the line. There would also be minor visual effects from the introduction of the LRT catenary along this section of the rail corridor. FTA determined that none of these impacts had an adverse effect on the ability of this NRHP-eligible resource to convey its historic significance or on its historic uses as a railroad and its movement of goods on the tracks. Based on the preceding discussion and consultation with MnHPO, FTA made a Section 106 determination of No Adverse Effect with respect to Project impacts at the StPM&M / GN Historic District (see Section 106 consultation documentation in Appendix H of the Final EIS).

2.2 Section 4(f) Determination in the Final EIS

As defined in 23 CFR Parts 774.5 and 774.17, a *de minimis* impact determination under Section 4(f) can only be made for an historic site if FTA makes a determination for a property of “No Adverse Effect” or “No Historic Properties Affected” through consultation under Section 106 of the National Historic Preservation Act (NHPA), and MnHPO concurs with that determination. Because a Section 106 determination of No Adverse Effect had been made with respect to Project actions at the StPM&M / GN Historic District with concurrence from the MnHPO, a subsequent *de minimis* impact determination was issued for the Section 4(f) use.

2.3 Amended Draft Section 4(f) Evaluation Summary

In February 2018 FTA issued a revised, preliminary Section 4(f) direct use determination of the Section 4(f) property (StPM&M / GN Historic District) within the Wayzata Subdivision where design modifications to the Southwest LRT corridor are required by BNSF. The rationale for the revised determination is documented in **Section 4** and supporting documentation is provided in Appendix A of the Supplemental EA. In general, the Amended Draft Section 4(f) Evaluation was based on proposed Southwest LRT Project 90% engineering drawings and design work (see figures in Section 2.8 of the Supplemental EA).

3 Regulatory Background/Methodology

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966, 49 USC § 303, is a federal law that protects publicly owned parks, recreation areas, wildlife and/or waterfowl refuges, and significant historic sites, whether publicly or privately owned. Section 4(f) requirements apply to all

transportation projects that require funding or other approvals by USDOT, including FTA. FTA's Section 4(f) implementing regulations are at 23 CFR Part 774.

This Section 4(f) documentation has been prepared in accordance with 49 USC § 303, the joint Federal Highway Administration (FHWA)/FTA regulations for Section 4(f) compliance codified as 23 CFR Part 774, the FHWA Technical Advisory T6640.8A (FHWA, 1987), and the revised FHWA Section 4(f) Policy Paper (FHWA, 2012). FTA guidance on Section 4(f) is based on the revised FHWA policy paper.

FTA sought concurrence from the Official With Jurisdiction (OWJ) on the preliminary determination prior to making a Final Section 4(f) Determination as required by regulations.

3.1 Types of Section 4(f) Properties

Section 4(f) requires consideration of (as listed in 23 CFR Part 774.5):

- Parks and recreational areas of national, state, or local significance that are both publicly owned and open to the public;
- Publicly owned wildlife and waterfowl refuges of national, state, or local significance that are open to the public to the extent that public access does not interfere with the primary purpose of the refuge; and
- Historic sites of national, state, or local significance in public or private ownership regardless of whether they are open to the public that are listed in, or eligible for, the NRHP (36 CFR Part 60).

The one property that is the subject of this Amended Final Section 4(f) Evaluation is considered under the definition of historic sites above.

3.2 De minimis Impact Determinations

De minimis impacts on historic sites result in the determination of either "No Adverse Effect" or "No Historic Properties Affected" in compliance with Section 106 of the NHPA.

For a *de minimis* impact determination to be made for this Section 4(f) historic site, the following conditions must be met (23 CFR Part 774.5):

- The consulting parties identified as part of the Section 106 process must be consulted;
- The public has been afforded an opportunity to review and comment on the effects of the Project on the Section 4(f) property; and
- MnHPO, after being informed of the public comments and FTA's intent to make the *de minimis* impact finding, concurs in writing with the *de minimis* determination.

3.3 Section 4(f) Approvals

In addition to the Section 106 analysis, FTA cannot approve the use of a Section 4(f) resource, as defined in 23 CFR Part 774.17, unless FTA determines that:

- There is no feasible and prudent avoidance alternative, as defined in 23 CFR Part 774.17, to the use of land from the Section 4(f) property, and the action includes all possible planning, as defined in 23 CFR Part 774.17, to minimize harm to the Section 4(f) property resulting from such use; or

- The use of the Section 4(f) property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement features) committed to by the applicant would have a *de minimis* impact, as defined in 23 CFR Part 774.17, on the Section 4(f) property and as described above in **Section 3.2** (23 CFR Part 774.3).

3.4 Section 4(f) Evaluation Process

After identifying the Section 4(f) property in the proposed Southwest LRT Project study area, FTA analyzed whether and how the proposed Southwest LRT Project would impact the Section 4(f) property and whether the impact qualifies as a use of the property.

If a use is identified, the steps in a Section 4(f) Use evaluation are followed as described below.

3.4.1 Analyze Avoidance Alternatives

In this step, FTA considers alternatives that completely avoid the use of a Section 4(f) property. The avoidance alternatives analysis applies the Section 4(f) feasible and prudent criteria (23 CFR Part 774.17(2) and (3)). An avoidance alternative is not feasible if it cannot be built as a matter of sound engineering judgment. As defined in 23 CFR 774.17, an avoidance alternative is not considered prudent if:

1. It compromises the Project to a degree that it is unreasonable to proceed with the Project in light of its stated purpose and need;
2. It results in unacceptable safety or operational problems;
3. After reasonable mitigation, it still causes:
 - a. Severe social, economic, or environmental impacts
 - b. Severe disruption to established communities
 - c. Severe disproportionate impacts to minority or low-income populations
 - d. Severe impacts to environmental resources protected under other federal statutes;
4. It results in additional construction, maintenance, or operational costs of an extraordinary magnitude;
5. It causes other unique problems or unusual factors; or
6. It involves multiple factors in items (1) through (5) of this definition, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

3.4.2 Consider All Possible Planning to Minimize Harm

After determining that there are no feasible and prudent alternatives to avoid the use of Section 4(f) property, the Section 4(f) evaluation requires the consideration and documentation of all possible planning to minimize harm to Section 4(f) property (*see* 23 CFR Part 774.3(a)(2)). All possible planning, defined in 23 CFR Part 774.17, means that all reasonable measures identified in the Section 4(f) evaluation to minimize harm or to mitigate for adverse impacts and effects must be included in the Project. All possible planning to minimize harm is independent of the analysis of feasible and prudent avoidance alternatives because such analysis would have already occurred in the context of searching for feasible and prudent alternatives that would avoid Section 4(f) properties altogether under 23 CFR Part 774.3(a). Minimization and mitigation measures should be determined through consultation with the OWJs over the Section 4(f) resource. Mitigation measures involving public parks, recreation areas, or wildlife or waterfowl refuges may involve replacement of land and/or facilities of comparable value and function, or monetary compensation to enhance remaining land. Mitigation of historic sites usually consists of those

measures necessary to preserve the integrity of the site, which have been agreed to in the Project’s Section 106 Memorandum of Agreement (MOA). The MOA for this Project was executed on June 21, 2016 by FTA, MnHPO, and other consulting parties in accordance with 36 CFR Part 800.

3.4.3 Determine Alternative(s) with Least Overall Harm

If no feasible and prudent alternatives are identified that would avoid using a Section 4(f) property, FTA also must determine the alternative that would cause the least overall harm to Section 4(f) properties using the following factors from 23 CFR Part 774.3(c)(1) and the results of considering all possible planning to minimize harm (23 CFR Part 774.3(c)):

1. The ability to mitigate adverse impacts to each Section 4(f) property.
2. The relative severity of the remaining harm after mitigation.
3. The relative significance of each Section 4(f) property.
4. The views of the OWJs over each property.
5. The degree to which each alternative meets the Project purpose and need.
6. The magnitude of adverse effects to resources not protected by Section 4(f).
7. Substantial cost differences among the alternatives.

3.4.4 Coordinate with OWJs

Section 4(f) regulations require coordination with the officials with jurisdiction over the Section 4(f) property prior to Section 4(f) approval in several situations. The OWJs include:

- The State Historic Preservation Office for the state in which the undertaking is located in for historic sites; and
- Officials of the agency or agencies that own or administer the property in the case of public parks and recreation areas.

The concurrence of OWJs is required in the case of making *de minimis* findings or applying the temporary occupancy exception. See 23 CFR Part 774 for additional information regarding coordination with OWJs.

4 Use of Section 4(f) Property in the Project Study Area

This section addresses the use of the previously identified Section 4(f) property within the city of Minneapolis. **Table 4-1** lists the resource name, location, and jurisdictional owner. **Figure 4-1** to **Figure 4-3** shows the location of the Project modifications within the context of the Project and within the area of the Project’s alignment in Minneapolis.

TABLE 4-1: SECTION 4(F) PROPERTY EVALUATED IN THIS AMENDED FINAL SECTION 4(F) EVALUATION

Section 4(f) Property	Property Type	Location	Official with Jurisdiction	Section 4(f) Qualifying Description	Type of Use
StPM&M / GN Historic District	Historic District	Minneapolis; MnHPO Inventory #HE-MPC-16387	MnHPO	Eligible for the NRHP	Direct Use

4.1 Use of Section 4(f) Property in the Proposed Southwest LRT Project Area

On August 16, 2017, the Council authorized negotiation of agreements with BNSF related to portions of a 1.4-mile-long segment of BNSF’s Wayzata Subdivision in Minneapolis between downtown Minneapolis to

the I-394 bridge and from the I-394 bridge to just east of the Project's Bryn Mawr Station.¹ The Project modifications requested as a result of the negotiations included a new freight corridor protection barrier (CPB) between the Project's LRT tracks and the BNSF freight tracks for 1.4 miles, an extension of the Northstar Commuter Rail tail track by 1,830 feet from the current end of the tail track, and bridge and retaining wall modifications. The Minnesota Department of Transportation (MnDOT) Cultural Resources Unit (CRU) and FTA determined that there is only one identified historic property in the Project's architecture/history and archaeological APES: the StPM&M / GN Historic District (a Section 4(f) property). Collectively, the Project changes directly impact a 1.7-mile-long segment of the StPM&M / GN Historic District.

The following is a list of modifications from the 90% engineering plans that impact the StPM&M / GN historic district, the Section 4(f) property:

Northstar Tail Track (Figure 4-1 and Figure 4-3)

- Realign and extend the Northstar Commuter Rail tail track to maintain sufficient space within the BNSF right-of-way to allow for possible reinstallation of a second main line track in the future:
 - Realign existing tail track from its connection with the BNSF main line just south of the 10th Street North Bridge to current end of track at the 12th Street North (Royalston Avenue) Bridge.
 - Extend tail track west approximately 1,830 feet from the current end of the tail track.
- Realign fencing and add an additional fence between the BNSF main line track and the Northstar tail track.
- The Northstar tail track extension necessitates the relocation of the existing Cedar Lake Trail to the south/southeast from approximately 12th Street North to Lyndale Avenue. The relocation of the trail will increase the limits of disturbance (LOD) into the embankments lining the historic railroad cut in the vicinity of 12th Street North and will necessitate the removal of historic retaining walls that contribute to the StPM&M / GN Historic District.

Cedar Lake Trail (Figure 4-1 and Figure 4-3)

- Realign the existing Cedar Lake Trail to accommodate construction of the Northstar tail track extension:
 - Realign the trail from just east of the 12th Street North (Royalston Avenue) Bridge to a point under the I-94 bridges.

Drainage

- Modify the design of drainage basins and inlets to accommodate the CPB, Northstar tail track extension, and the re-alignment of the Cedar Lake Trail.

¹ The Council consulted with the freight rail companies in connection with the preliminary design and engineering necessary to complete the environmental review of the Southwest LRT Project. After the ROD was issued in July 2016, the Council began discussions with the freight rail companies regarding final design and potential property acquisitions. On August 16, 2017, the Council authorized the negotiation of agreements with BNSF.

Bridge R0697 (LRT over BNSF) (Figure 4-1 and Figure 4-3)

- Modify the pier design (Piers 1–9) for heavy construction.
- Adjust the pier spacing of Piers 4 and 5 to mitigate conflict with an existing CenturyLink underground line.
- Modify the bridge barrier to improve crashworthiness.

Bridges 27C16 and 27C17 (Glenwood Avenue bridges) (Figure 4-1 and Figure 4-3)

- Add an infill section of pier protection on the Bridge 27C16 (Glenwood West) pier.
- Modify a Bridge 27C17 (Glenwood East) pier to a solid wall pier design for crash protection adjacent to tail track.
- Revise (increase) the fence height on Bridge 27C17 (Glenwood East) over the Northstar tail track to match height over the BNSF tracks.

Retaining Walls (Figure 4-1 and Figure 4-3)

- Increase the limits of disturbance to realign the Cedar Lake Trail and build new walls.
- Retaining Wall E412
 - Shift the location of the wall several feet to the west to place the wall and its footings outside of BNSF right-of-way (except at bridge tie-ins).
 - Modify the design for the wall to allow it to be shifted, including adjusting the height of the wall; the previously reviewed 4-foot by 8-foot pattern finish surface will not change.
- Retaining Walls E406 and E408
 - Add new Retaining Walls E406 and E408 along realigned trail:
 - New walls to replace historic walls described under “Historic Retaining Walls.”
 - Finish surface to match 4-foot by 8-foot grid pattern previously reviewed for Retaining Walls E411 and E412.
- Historic Retaining Walls
 - Remove a deteriorated historic formed concrete retaining wall that is a contributing feature of the StPM&M / GN Historic District and a non-historic concrete block retaining wall, both on the east/southeast side of the railroad corridor, between the 12th Street pedestrian way and the 12th Street Bridge to accommodate construction of the realigned Cedar Lake Trail.
 - Remove a historic stone masonry retaining wall that is a contributing feature of the StPM&M / GN Historic District on east/southeast side of the railroad corridor, between the 12th Street Bridge and Glenwood Avenue Bridge to accommodate construction of the realigned Cedar Lake Trail.
 - Remove remnants of a historic heavy timber retaining wall that is a contributing feature of the StPM&M / GN Historic District on west/northwest side of the railroad corridor between the 12th Street Bridge and Glenwood Avenue Bridge to allow for the construction of the realigned Retaining Wall E412.

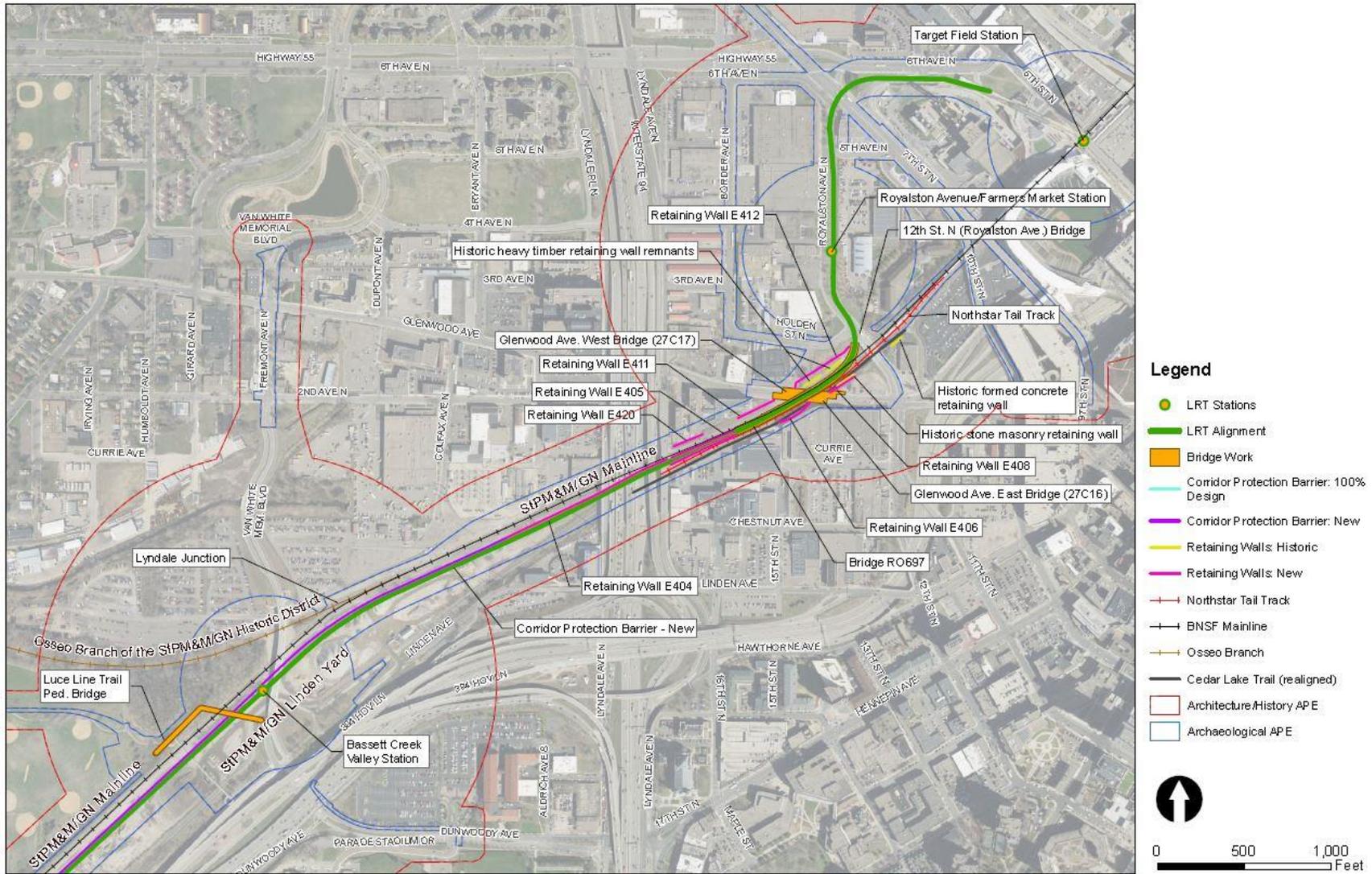
Corridor Protection Barrier Wall (Figure 4-1 and Figure 4-2)

- New permanent easement added to maintain the CPB wall and for freight track drainage.

- Modify the height of CPB Walls E404 and E405 up to Bridge R0697 (LRT over BNSF):
 - Increase the minimum height from 6 feet above the railhead to 7.5 feet above the railhead (approximately 10 feet above grade) on the freight rail side of the walls.
- Add 5,582-foot long (1.06 miles) new CPB Wall along the west/northwest side of the LRT tracks from Retaining Wall E404 at the I-94 bridges to the Bryn Mawr Station:
 - Wall will extend 7.5 feet above the railhead (10 feet above grade) on the freight rail side, visible height on LRT side will vary.
 - New CPB Walls will increase the total length of the barrier (walls and pier protection) between the freight and LRT from approximately 1,523 feet (0.29 miles) to 7,105 feet (1.35 miles; includes pier protection for I-394 and Luce Line Trail bridges that was part of previous design documented in the Final EIS) in length.
- Modify track slabs at Linden Yard utility crossings to accommodate the CPB Wall.

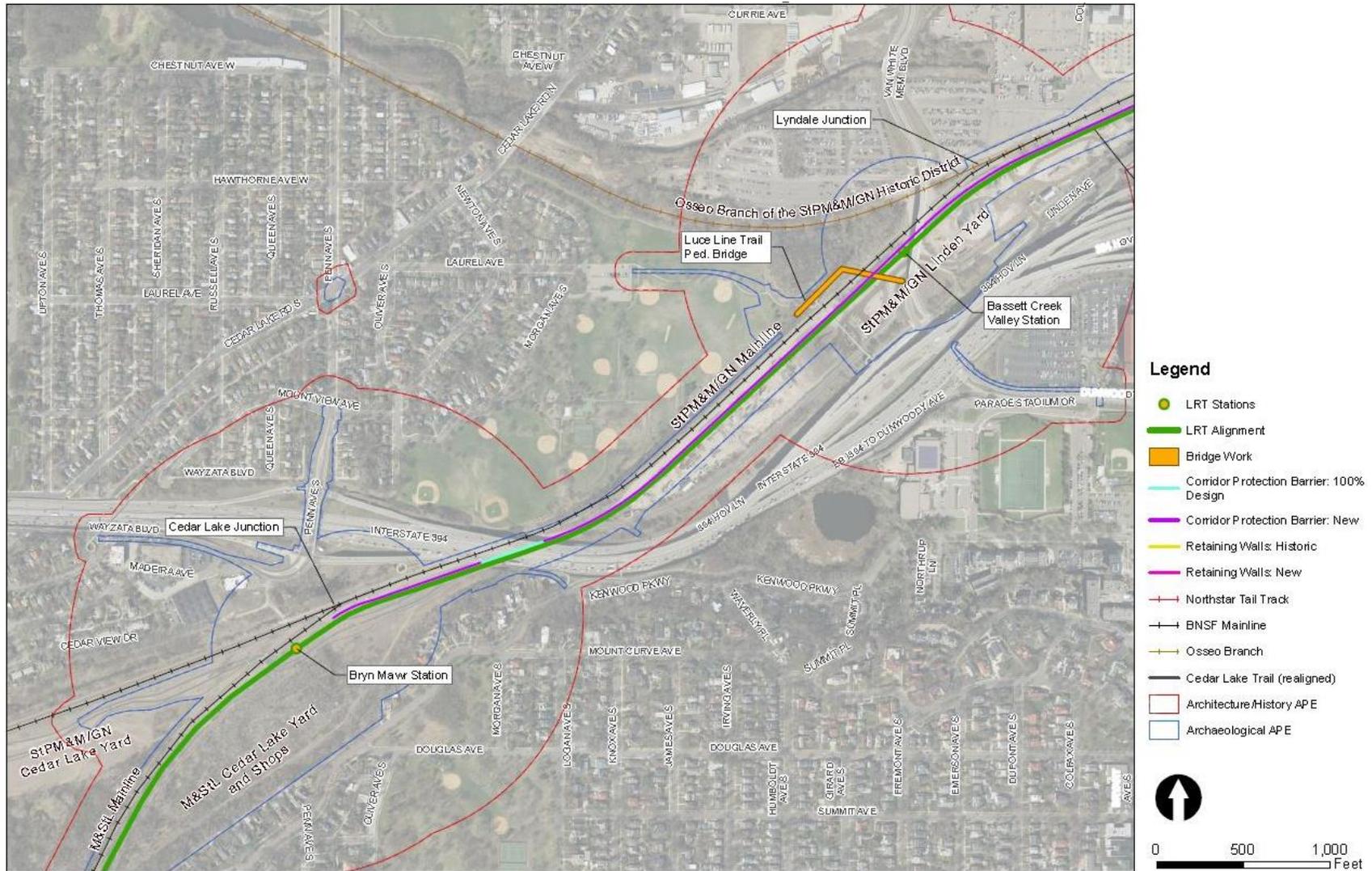
The CPB wall is being added to the Project because BNSF requires corridor protection between light rail tracks and BNSF's Wayzata Subdivision freight rail tracks when they run side by side. The Northstar tail track shift and associated modifications to retaining walls are required by BNSF to retain existing space on their property. The Southwest LRT Project cannot be built on BNSF land without BNSF's agreement.

FIGURE 4-1: OVERVIEW MAP OF 7TH STREET NORTH TO LINDEN YARDS IN MINNEAPOLIS²



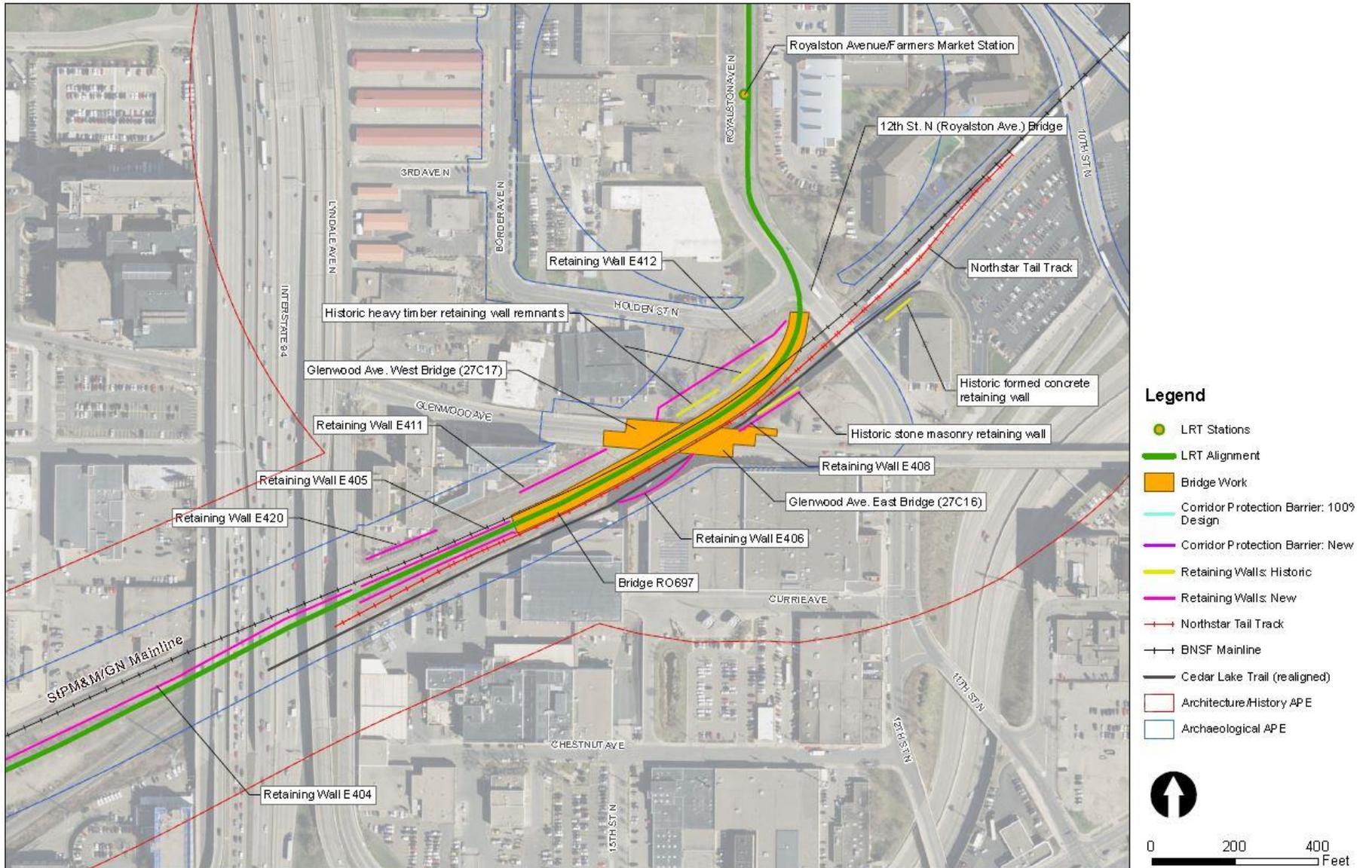
² Wall E404 is both a retaining wall and corridor protection wall and was included in the Final EIS plans and the 100% design that followed the Final EIS for the project. E404 is proposed to be modified to match the properties of the newly proposed corridor protection wall E403 which ties into the western end of wall E404 at a point 294 feet west of the western edge of the W. Lyndale Ave North bridge.

FIGURE 4-2: OVERVIEW MAP OF LINDEN YARDS TO CEDAR LAKE YARD IN MINNEAPOLIS³



³ Although the Osseo Branch of the StPM&M /GN Historic District is within the alignment APE for the Project modifications and is shown on Figure 4-2, FTA determined on January 20, 2016, that the construction of the METRO Blue Line Extension (another FTA undertaking), would result in the destruction of the Osseo Branch. Therefore, effects of the design modifications required by BNSF on the Osseo Branch are not assessed in this Section 4(f) Evaluation.

FIGURE 4-3: OVERVIEW MAP OF GLENWOOD AVENUE BRIDGES



4.2 Section 4(f) Property Description

The StPM&M / GN Historic District is an approximately 205-mile-long linear historic district that extends from Minneapolis Junction in northeast Minneapolis, across the Mississippi River through the Minneapolis Warehouse Historic District, west through Minneapolis and its several suburbs, and westward across Minnesota to Breckenridge on the state border with North Dakota. The portion of the historic district impacted by the Project design modifications is an approximately two-mile-long segment of the 205-mile historic district in Minneapolis beginning roughly at 7th Street North and extending west of Cedar Lake Junction. The width of this segment of the historic district varies considerably from approximately 100 feet to hundreds of feet at the railroad yards within the Warehouse District, Linden Yard west of Lyndale Avenue, and Cedar Lake Yard located between Cedar Lake Junction and Cedar Lake. This segment of the historic district includes a variety of features, both natural and man-made, and functions that collectively constitute elements of the historic district. In the approximately two-mile-long segment of the Project modifications, the historic StPM&M / GN right-of-way is adjacent to and shares the railroad corridor with the Minneapolis & St. Louis Railway (M&StL), which purchased the southern part of the overall railroad corridor between downtown Minneapolis and Cedar Lake Junction from the StPM&M. The land area of the railroad corridor that was jointly used by the StPM&M / GN and the M&StL will be utilized for the proposed Project.

4.3 Potential Impacts to the StPM&M / GN Historic District

BNSF's requirements would necessitate modifications to the Project design that are both within and just outside the boundaries of the StPM&M / GN Historic District, which has been determined eligible for inclusion in the NRHP. As such, all Project infrastructure required by the BNSF must be designed in accordance with the Secretary of Interior's (SOI's) Standards for the Treatment of Historic Properties (Standards) as required by MOA Stipulation I.A.

The effects of the Project design modifications on the StPM&M / GN Historic District include both direct and indirect effects to an approximately two-mile-long segment of the approximately 205-mile historic district and include an additional CPB wall, realignment and extension of the Northstar tail track, realignment of the existing Cedar Lake Trail, drainage modifications, and removal and reconstruction of historic retaining walls (see **Section 4.1** for details). The design modifications within and in the vicinity of the StPM&M / GN Historic District include design changes to previously approved Project elements, additional alterations and additions to the historic district within a historic cut that extends from just north of 12th Street North to Lyndale Avenue, and the introduction of an additional CPB wall from just east of I-94 to the Project's Bryn Mawr Station.

The new CPB wall will increase the total length of continuous CPB (walls and pier protection) in the corridor from 1,136 feet (0.22 miles, not including the pier protection under the I-394 and Luce Line Trail bridges) to 7,105 feet (1.35 miles; includes pier protection for I-394 and Luce Line Trail bridges). The height of the CPB wall will also increase from a minimum of 6 feet above the railhead to 7.5 feet above the railhead (approximately 10 feet above grade) on the freight rail side of the walls (visible height on the LRT side will vary). These design changes are subject to MOA Stipulation I.A, which requires all Project elements within and in the vicinity of the StPM&M / GN Historic District be designed in accordance with the SOI's Standards to minimize effects and avoid adverse effects on the historic district. In the case of the proposed Project changes, adverse effects cannot be avoided but these elements will be designed to minimize the adverse effects.

The majority of the CPB wall will be constructed within the boundaries of the StPM&M / GN Historic District, between the LRT tracks and the BNSF main line track. Along the entirety of the segment of the StPM&M / GN Historic District and its setting where the CPB wall is proposed to be constructed, the historic district and portions of its setting are characterized by open areas with very flat topography where multiple tracks and other rail-related shops and industries were located. This condition existed throughout the period of significance. The open spaces include most of the StPM&M / GN right-of-way as well as the M&StL right-of-way that was co-located within the same railroad corridor and is an important character defining feature of the historic district's setting between 7th Street North and Cedar Lake Junction in Minneapolis. The introduction of the CPB wall to the historic district will change physical and spatial relationships of the BNSF main line with other physical features of the overall railroad corridor, both within the historic district and its setting. It will also create a visual element that diminishes the integrity of the property's significant historic features. More specifically, the introduction of the CPB will create a physical and a visual barrier between the main line track and historic yards, which are also contributing elements to the historic district. The CPB wall within this area diminishes the ability of this segment of the historic district to convey its magnitude and function, as well as the association of the main line tracks with their associated yards, and the M&StL main line, which are also important features of the historic district's setting. Thus, the introduction of the CPB wall to the historic district will both directly and indirectly alter characteristics of a historic property that qualify it for inclusion in the NRHP in a manner that would diminish the integrity of the property's design, setting, feeling, and association. Therefore, the construction of the CPB wall will result in an adverse effect to the StPM&M / GN Historic District.

Extension of the Northstar tail track is another condition required for use of BNSF property and necessitates the relocation of the existing Cedar Lake Trail to the south/southeast from approximately 12th Street North to Lyndale Avenue. The relocation of the trail will increase the LOD into the embankments lining the historic railroad cut in the vicinity of 12th Street North; however, they are still within the archeological and architectural APEs previously established for the Project. The trench and the feeling of enclosure provided by the edges is an important character defining feature of the railroad corridor in the area between 12th Street North and Lyndale Avenue. The Project modifications also include the removal of several historic retaining walls along both sides of the tracks that date from the period of significance and are contributing elements of the historic district. The historic walls will be replaced with new retaining walls that will be set back from the historic retaining walls, thus altering (widening) the width of the historic cut. Retaining walls will also be added to partially replace contributing historic earthen embankments dating from the late 1860s or 1870s that are covered with vegetation, further altering the historic character of the historic district in this area. The destruction of the historic retaining walls does not meet the SOI's Standards, which recommend that "the replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided" and that "new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired." The widening of the historic cut and the introduction of taller, modern concrete retaining walls that will replace historic stone and concrete walls and vegetated earthen embankments will also change the character of this segment of the historic district, thus further diminishing the ability of this segment of the historic district to convey its integrity of design, workmanship, setting, feeling, and association. The further widening of the trench also does not meet the SOI's Standards, which requires that a new use

require only “minimal change to its distinctive materials, features, spaces, and spatial relationships.” While moving Retaining Wall E412 outside the historic district could be seen as minimizing the impacts of the new wall, because the spatial relationships of the trench are an important character defining feature of the historic district in the vicinity of 12th Street North, placing it outside the boundaries alters the spatial relationships of the trench, so in the future it will feel larger than it was historically. Moreover, the clear boundaries and setting of the historic district in this area, which are defined by the trench, will no longer be clearly defined. Collectively, these modifications to the Project will result in the physical destruction of contributing features of the historic district and will, therefore, adversely affect the integrity of design, workmanship, setting, feeling, and association of this section of the historic district.

Based on the results of the effects assessment conducted by MnDOT CRU under delegation from FTA, which is documented in Appendix A of the Supplemental EA, FTA has determined that the Project will now have an Adverse Effect on the StPM&M / GN Historic District. Therefore, in accordance with MOA Stipulation III, FTA has prepared a draft mitigation plan to resolve the adverse effects and provided it to MnHPO and concurring parties to the MOA for review and comment on April 17, 2018. In addition, as required by MOA Stipulation I.A., FTA will direct the Council to design changes to Project elements in accordance with the SOI’s Standards to help minimize the adverse effects of the Project modifications on the StPM&M / GN Historic District.

4.4 Background on Alternative Definition

Section 4.5 presents the avoidance alternatives considered and summarizes the FTA and Council assessment of the feasibility and prudence of those avoidance alternatives. This section analyzes design modifications that were evaluated prior to and during the negotiations with BNSF to minimize adverse effects to the StPM&M / GN Historic District.

The design modifications discussed in this section are not avoidance alternatives; rather, they would result in a *de minimis* impact (as determined in the Southwest LRT Final EIS/Section 4(f) Evaluation). Although they are not avoidance alternatives, these design modifications went through the feasible and prudent evaluation process to inform the Section 4(f) decision making process.

4.4.1 Design Modification Alternative – No CPB Wall or Tail Track Shift

This Design Modification Alternative removes the CPB wall and the Northstar tail track shift from the Project modifications; however, both the CPB and the tail track are requirements of BNSF as part of the negotiations for the Project to use a segment of BNSF’s Wayzata Subdivision⁴. As documented in the Final EIS/Final Section 4(f) Evaluation, if selected this alternative constitutes a use under Section 4(f) but with a *de minimis* impact, which avoids an adverse effect to the Section 4(f) historic property.

4.4.1.1 Evaluation of Feasibility

Per 23 CFR Part 774.17 of the Section 4(f) regulations, an alternative is not feasible if it cannot be built as a matter of sound engineering judgment. FTA and the Council have determined that this Design Modification Alternative will be feasible from an engineering perspective because no construction for the CPB wall or shifting of the Northstar tail track will be required to implement this alternative.

⁴ These design modifications are not considered an avoidance alternative, as it results in a *de minimis* impact. However, to assist in the decision making, this alternative went through the feasible and prudent evaluation process.

4.4.1.2 Evaluation of Prudence

Section 3.4 lists the Section 4(f) criteria used by FTA to determine the prudence of an avoidance alternative as defined in 23 CFR Part 774.17. For this Design Modification Alternative, the most relevant criteria are the first two:

- It compromises the Project to a degree that it is unreasonable to proceed with the Project in light of its stated purpose and need; and
- It results in unacceptable safety or operational considerations.

Project Purpose and Need

The Southwest LRT Project's purpose and need is summarized in Chapter 1 of the Final EIS and Section 1.2 of the Supplemental EA. The Southwest LRT Project cannot be built on BNSF land without BNSF's agreement. One of the terms of the BNSF agreement is that the CPB wall and Northstar tail track extension are built as part of the Project. If the Design Modification Alternative is selected and results in no CPB wall and no tail track extension, the stated purpose and need for the Southwest LRT Project will not be met as BNSF will not allow the Project to be built on its land.

This alternative does not meet the Project's purpose and need and is not acceptable to BNSF. This Design Modification Alternative would not meet BNSF requirements, nor would it allow the Council to use BNSF right-of-way in the Wayzata Subdivision to build the Project.

Operational Considerations Related to the CPB

The Project's design as proposed in the Final EIS met the Federal Railroad Administration's (FRA) safety regulations, which provides a safety jurisdiction determination for the Project in its regulatory role over the implementation of the Project in the vicinity of existing freight rail. During the Final EIS, FRA's safety jurisdiction determination concluded that the proposed Project will be an urban rapid transit operation and, therefore, FRA will exercise its safety jurisdiction and regulations over five shared highway-rail grade crossings for the Project.⁵

During Project design, the Council also followed safety and security policies that establish minimum requirements for facilities based on local, state, and federal codes or standards, the Council's guidance, and the Safety and Security Management Plan (SSMP) for the Project. The policies provide for consistency, integrity, and safety when operating LRT systems (see Section 4.4 and 4.6 of the Final EIS for additional discussion of the safety regulations that apply to the Project). A number of these criteria, including the use of restraining and emergency guardrail, relate to preventing derailments at potentially higher risk locations. Specifically, the Project includes the following safety commitments as detailed in the Final EIS and ROD:

- Corridor protection barriers between freight rail and light rail tracks where clearance between centerlines is less than 25 feet;

⁵ The five highway-rail crossings at grade through which freight rail traffic will operate in the corridor that it will share with the Project are located at 5th Avenue South, Blake Road North, Wooddale Avenue, Beltline Boulevard, and 21st Street.

- Conform to FTA’s Rail Fixed Guideway Systems; State Safety Oversight Program for Safety and Security Guidance for Recipients with Major Capital Projects (Circular C 5800.1), covered under 49 CFR Part 633 – Project Management Oversight;
- Coordinate with, as applicable, the State of Minnesota railroad and pipeline safety regulations that went into effect in July 2014 as part of MN Chapter 312; and
- Design shared freight rail and light rail crossings to meet FRA requirements for at-grade crossings, including requirements for train horn quiet zones as described in the Train Horn Quiet Zone Final Rule (49 CFR Part 222), where applicable.

During the negotiations that followed the publication of the Final EIS/Final Section 4(f) Evaluation and issuance of the ROD, BNSF outlined requirements beyond the safety regulations that the Project was designed to such that “in the event of a derailment of either a freight train or a light rail train, that neither train would enter the operating envelope of the other train.” The Council evaluated other corridor protection treatments as alternatives to a CPB wall that could minimize the potential risk of an incident between freight and LRT tracks. **Table 4-2** summarizes the potential effectiveness of various corridor protection treatments that were studied by the Council.

TABLE 4-2: CORRIDOR PROTECTION TREATMENTS CONSIDERED

Corridor Protection Treatment		Rationale
1	Monitoring systems	Enables railroad and transit signal and communication systems to warn of a derailment fouling operations of an adjacent track.
2	Emergency guardrail	Assists in keeping rolling stock within the track area in the event of a derailment. Assumes inclusion of guardrail could reduce the risk of fouling operations of an adjacent track by 10%.
3	Mechanical monitoring of freight rolling stock	Focus on reducing mechanical-related incidents and derailments. Historical data suggests implementation can decrease mechanical derailments by 64% and, based on BNSF data, reduce derailments overall by 20.5%.
4	Earth berm (6 feet in height)	Limits the dispersion of rolling stock in the event of a derailment. Vertical differentiation could be helpful in minimizing the risk of dispersion fouling operations of an adjacent track.
5	Increase track separation from 25 feet to 40 feet	Limits the dispersion of rolling stock in the event of a derailment due to an increase in track separation.
6	Ditch (6 feet in depth)	Limits the dispersion of rolling stock in the event of a derailment. No papers specifically discuss the potential effectiveness of a ditch as an independent solution. Vertical differentiation could be helpful in minimizing the risk of dispersion fouling operations of an adjacent track.
7	Wall (6 feet in height from top of freight rail)	Limits the dispersion of rolling stock in the event of a derailment by constructing an above-grade physical barrier between freight.
8	LRT on retained embankment	The retaining wall supporting the LRT track can be designed to limit fouling associated with a derailment in a manner similar to Corridor Protection Treatment 7 - Wall above.
9	LRT on vertical structure adjacent to or crossing freight	The use of a vertical structure has the potential to reduce the probability of dispersion of freight rolling stock.

The Council offered these alternative corridor protection measures in **Table 4-2** during negotiations; however, these measures were not acceptable to BNSF. BNSF required additional safety considerations in the form of extending the CPB wall both in terms of length and height as a condition to allow the Project to be constructed on BNSF property.

Operational Considerations Related to the Tail Track Shift

The Council is requesting joint use of land that is governed by a 2007 lease of land agreement between the Council and BNSF for the land that BNSF owns within the Wayzata Subdivision. The lease details requirements for storage and access to the Northstar platform and for normal maintenance and operation of the track. Per these terms detailed in the lease agreement, BNSF is requesting the Northstar tail track extension be a condition of the right-of-way negotiations to allow the Project to be constructed on BNSF property.

BNSF is seeking to maintain as much of its current right-of-way as possible so that the company has the capacity to meet current and potential future needs. The Northstar tail track shift and associated Project modifications related to drainage and retaining walls are required to preserve existing space on BNSF property for this purpose.

4.4.1.3 Design Modification Alternative Determination

As documented in the Final EIS/Final Section 4(f) Evaluation, the Design Modification Alternative (no CPB wall and no tail track shift) would be a use under Section 4(f) that would have a *de minimis* impact, as it would avoid an adverse effect of the Section 4(f) historic resource. The Design Modification Alternative is feasible to construct, but it is deemed not prudent under criteria defined in 23 CFR Part 774.17.

4.5 Avoidance Alternatives Analysis

The Section 4(f) statute requires the selection of an alternative that completely avoids the use of Section 4(f) property if that alternative is deemed feasible and prudent. The No-Build alternative and Avoidance Alternatives would completely avoid the use of any Section 4(f) property. The following sections summarize the FTA and Council assessment of the feasibility and prudence of the avoidance alternatives.

4.5.1 No-Build Alternative

The No-Build Alternative is required by the National Environmental Policy Act (NEPA) and Minnesota Environmental Policy Act (MEPA) processes and includes all existing and committed transportation infrastructure, facilities, and services contained in the Region's fiscally constrained and federally approved transportation plan, the Council's Transportation Policy Plan.

As defined in Chapter 2 – Alternatives Considered in the Final EIS, the No-Build Alternative will completely avoid a use of the Section 4(f) resource.

4.5.1.1 Evaluation of Feasibility

As per 23 CFR Part 774.17 of the Section 4(f) regulations, an alternative is not feasible if it cannot be built as a matter of sound engineering judgment. FTA and the Council have determined that the No-Build Alternative will be feasible from an engineering perspective because no construction will be required to implement the alternative.

4.5.1.2 Evaluation of Prudence

Section 3.4 of this document lists the Section 4(f) criteria used by FTA to determine the prudence of an avoidance alternative as defined in 23 CFR Part 774.17. For the No-Build Alternative, the most relevant criterion is the first: "It compromises the Project to a degree that it is unreasonable to proceed with the Project in light of its stated purpose and need."

The Southwest LRT Project's purpose and need is summarized in Chapter 1 of the Final EIS and Section 1.2 of the Supplemental EA. FTA and the Council have concluded that, while the No-Build Alternative will avoid the adverse effect and Section 4(f) use, the No-Build Alternative will not adequately support the purpose and need of the Southwest LRT Project as expressed through the proposed Southwest LRT Project's evaluation criteria (see Chapter 2 of the Final EIS). In summary, the No-Build Alternative will be inconsistent with local and regional comprehensive plans, which include or are consistent with implementation of the Southwest LRT Project. Furthermore, the No-Build Alternative will not improve mobility, provide a reliable and efficient travel option, or support an investment in additional light rail transit in the region, which are key elements of the Southwest LRT Project's purpose and need (see Chapter 1 of the Final EIS).

FTA and the Council have determined that the No-Build Alternative will compromise the proposed Southwest LRT Project to a degree that the stated purpose and need for the Southwest LRT Project will not be met; therefore, the No-Build Alternative does not constitute a prudent alternative that will fully avoid the use of the Section 4(f) property.

4.5.1.3 Avoidance Alternative Determination

The No-Build Alternative will avoid uses of all Section 4(f) resources, but it is deemed not prudent under the definition in 23 CFR Part 774.17 because it neither addresses nor corrects the transportation purpose and need that prompted the proposed Southwest LRT Project.

4.5.2 Location Avoidance Alternative – Alternative 3C-1 (Nicollet Mall) from the Draft EIS

Alternative 3C-1 (Nicollet Mall) was studied as part of the Draft EIS and is evaluated in this Amended Final Section 4(f) Evaluation because this alternative avoids using BNSF right-of-way and therefore will completely avoid a use of the Section 4(f) resource. Alternative 3C-1 travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis. For additional description and background on the alternatives evaluation process, see Chapter 8 of the Final EIS and **Figure 4-4**.

This alternative, as defined in the Draft EIS, included relocating the existing freight rail service operating on the Bass Lake Spur and the Cedar Lake Junction between just east of Louisiana Avenue in St. Louis Park and Penn Avenue in Minneapolis to the Minneapolis, Northfield and Southern Railway (MN&S) line in St. Louis Park. The freight rail relocation would result in the cessation of freight rail service on this section of the Bass Lake Spur and the Hennepin County Regional Railroad Authority (HCRRRA) Cedar Lake Junction (Kenilworth Corridor)⁶.

This alternative would operate from Trunk Highway (TH) 5 and Mitchell Road on new right-of-way along Technology Drive through the Golden Triangle/Opus areas to the HCRRRA property through Hopkins and

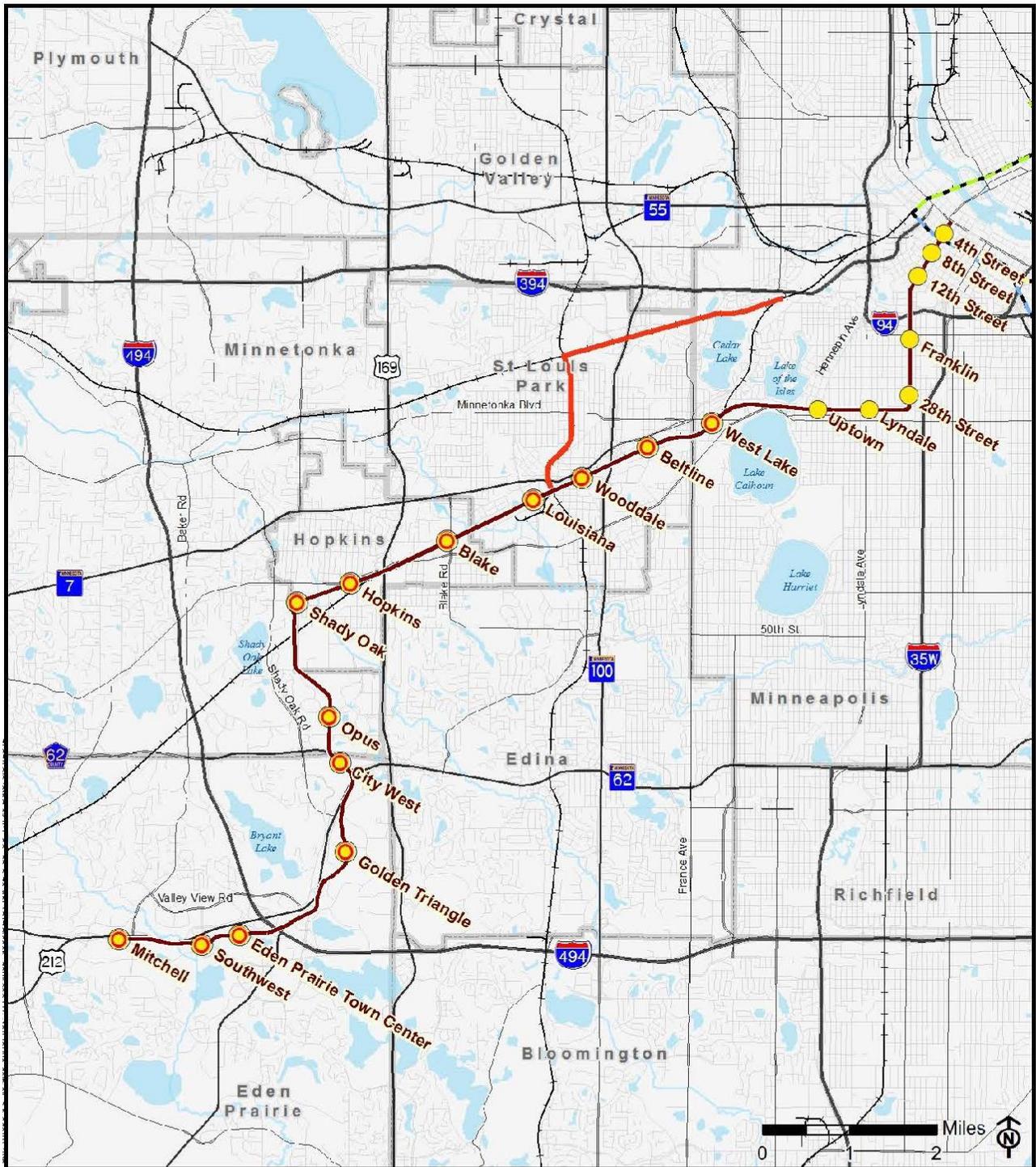
⁶ Although Alternative 3C-1 did not advance as the Locally Preferred Alternative (LPA), freight rail relocation was studied in the Final EIS. The LPA was adjusted to include a light rail tunnel in the Kenilworth Corridor (generally between West Lake Street and the Kenilworth Lagoon) to retain the existing freight rail service in the Kenworth Corridor, with some modifications to freight rail tracks to accommodate light rail. Freight rail relocation was not studied again as part of the Supplemental EA or the Amended Draft Section 4(f) Evaluation. For additional background on the LPA selection process, see Chapter 8 of the Final EIS.

St. Louis Park, then to the Midtown corridor through Minneapolis, to Nicollet Avenue (tunnel from Franklin Avenue to 28th Street) then Nicollet Mall.

Stations were proposed at Mitchell Road, Southwest Station, Eden Prairie Town Center, Golden Triangle, City West, Opus, Shady Oak Road, downtown Hopkins, Blake Road, Louisiana Avenue, Wooddale Avenue, Beltline Boulevard, West Lake Street, Hennepin Avenue (Uptown), Lyndale Avenue, 28th Street, Franklin Avenue, 12th Street, 8th Street, and 4th Street.

The evaluation of feasibility and prudence for this alternative is included in **Section 4.5.3** with the other location avoidance alternative.

FIGURE 4-4: ALTERNATIVE 3C-1



Legend	
Station	Municipal Boundary
Park & Ride Station	Freight Rail Relocation
LRT 3C-1	Railroad
Hiawatha Light Rail	
Northstar Commuter Rail	

Figure 2.3-6
Build Alternative LRT 3C-1




4.5.3 Location Avoidance Alternative – Alternative 3C-2 (11th/12th Street) from the Draft EIS

Alternative 3C-2 (11th/12th Street) was studied as part of the Draft EIS and is evaluated in this Amended Draft Section 4(f) Evaluation because this alternative avoids using BNSF right-of-way and therefore will completely avoid a use of the Section 4(f) resource (see **Figure 4-5**). Alternative 3C-2 travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis.

This alternative, as defined in the Draft EIS, included relocating the existing freight rail service that operates on the Bass Lake Spur and the Cedar Lake Junction between just east of Louisiana Avenue in St. Louis Park and Penn Avenue in Minneapolis to the MN&S line in St. Louis Park. The freight rail relocation would result in the cessation of freight rail service on this section of the Bass Lake Spur and the HCRRA Cedar Lake Junction (Kenilworth Corridor).⁷

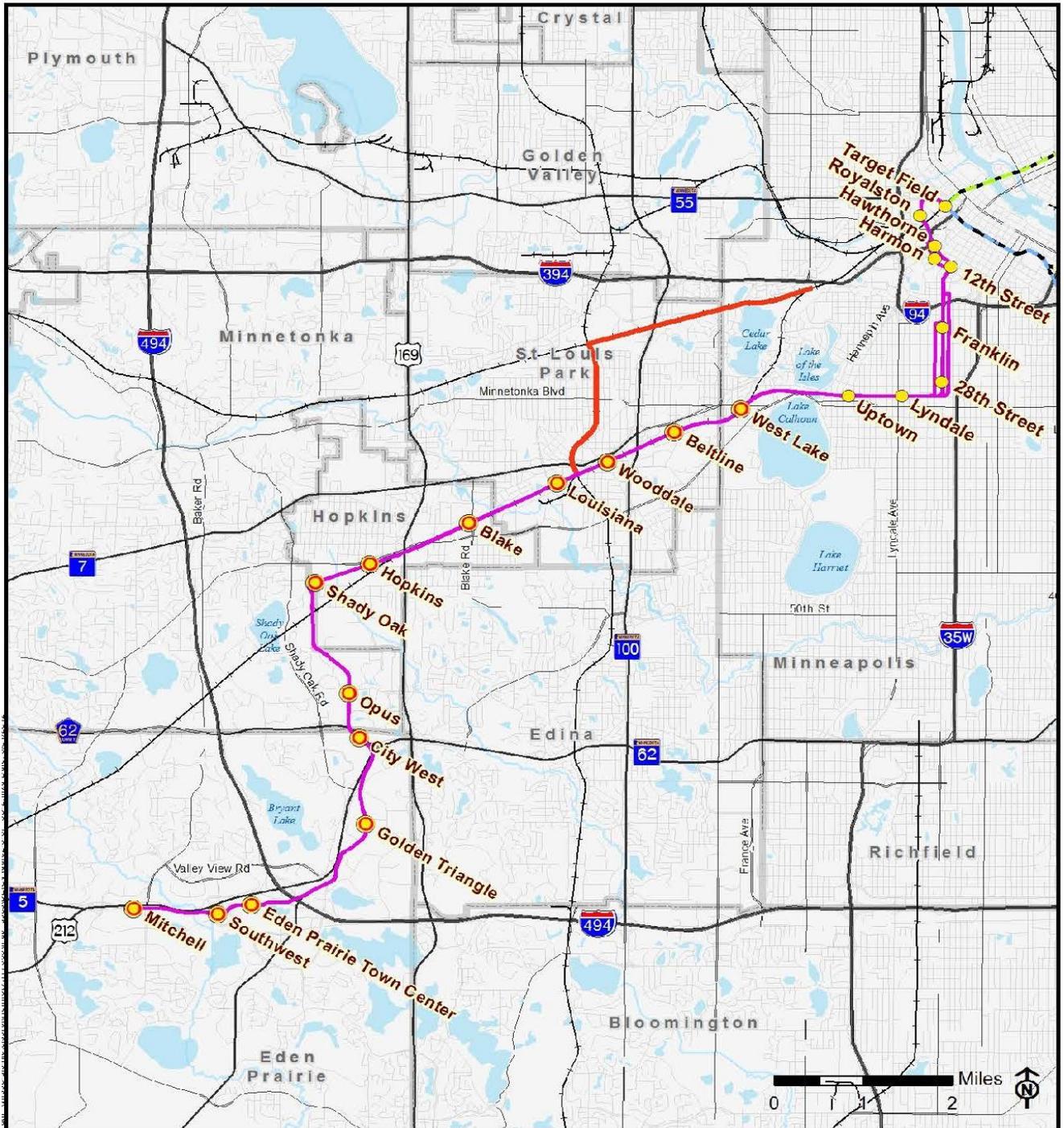
Alternative 3C-2 (11th/12th Street) would operate on the same alignment as Alternative 3C-1 (Nicollet Mall) between Eden Prairie and the West Lake Station in Minneapolis. At the Midtown Corridor in the vicinity of Nicollet Avenue, the alignment would travel either under Nicollet Avenue, Blaisdell Avenue, or 1st Avenue in a tunnel between the Midtown Corridor and Franklin Avenue. North of Franklin Avenue, it would operate on-street to the vicinity of 11th/12th Street where it would turn west onto 11th Street operating as a one-way pair between Nicollet Mall and Royalston Avenue. At Royalston Avenue, the alternative would interline with the Hiawatha/Central LRT lines on 5th Street.

Stations were proposed at Mitchell Road, Southwest Station, Eden Prairie Town Center, Golden Triangle, City West, Opus, Shady Oak Road, downtown Hopkins, Blake Road, Louisiana Avenue, Wooddale Avenue, Beltline Boulevard, West Lake Street, Hennepin Avenue (Uptown), Lyndale Avenue, 28th Street and either Blaisdell Avenue or 1st Avenue, Franklin Avenue and either Blaisdell Avenue or 1st Avenue, 12th Street/Nicollet Mall, 11th Street/Hawthorne Avenue, 12th Street/Harmon Avenue, and Royalston Avenue.

Alternative 3C-2 (11th/12th Street) proposes to use either a tunnel under Nicollet Avenue, with optional routes under Blaisdell or 1st Avenue, between the Midtown Corridor and Franklin Avenue. For the Blaisdell Avenue option, the LRT would exit the tunnel at Blaisdell and Franklin and transition across the Plymouth Congregational Church property to enter center-running operations on Nicollet Avenue. The LRT would operate in the center of Nicollet Avenue to 12th Street. For the 1st Avenue option, the LRT would exit the tunnel north of Franklin and operate center-running on 1st Avenue to 16th Street where it would transition diagonally across the City of Minneapolis meter farm entering Nicollet Avenue at 15th Street for center-running operations to 12th Street. At 12th Street under all options the LRT would operate as a one-way pair on 11th and 12th Street, rejoining as a two-way configuration on 12th Street at Glenwood, then operating on Royalston Avenue with a short tunnel under 7th Street and interlined on the Hiawatha/Central LRT tracks on 5th Street in downtown Minneapolis.

⁷ Although Alternative 3C-2 did not advance as the Locally Preferred Alternative, freight rail relocation was studied in the Final EIS. The LPA was adjusted to include a light rail tunnel in the Kenilworth Corridor (generally between West Lake Street and the Kenilworth Lagoon) to retain the existing freight rail service in the Kenilworth Corridor, with some modifications to freight rail tracks to accommodate light rail. Freight rail relocation was not studied again as part of the Supplemental EA or the Amended Draft Section 4(f) Evaluation. For additional summary of the alternatives evaluation process, see Chapter 8 of the Final EIS.

FIGURE 4-5: ALTERNATIVE 3C-2



<p>Legend</p> <ul style="list-style-type: none"> ● Station ● Park & Ride Station — LRT 3C-2 — Hiawatha Light Rail — Northstar Commuter Rail Municipal Boundary — Freight Rail Relocation —+— Railroad 		<p>Figure 2.3-7 Build Alternative LRT 3C-2</p>
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4.5.3.1 *Evaluation of Feasibility – for Alternatives 3C-1 and 3C-2*

Per 23 CFR Part 774.17 of the Section 4(f) regulations, an alternative is not feasible if it cannot be built as a matter of sound engineering judgment. FTA and the Council have determined that the Location Avoidance Alternatives 3C-1 and 3C-2 that were evaluated as part of the Draft EIS would be feasible from an engineering perspective.

4.5.3.2 *Evaluation of Prudence – for Alternatives 3C-1 and 3C-2*

For the Location Avoidance Alternatives (3C-1 and 3C-2), the most relevant criteria from 23 CFR 774.17 are:

- It compromises the Project to a degree that it is unreasonable to proceed with the Project in light of its stated purpose and need;
- It results in unacceptable safety or operational problems;
- It results in additional construction, maintenance, and operation costs of an extraordinary magnitude; and
- After reasonable mitigation, it still causes severe disruption to established communities.

Both alternatives were previously evaluated in the Draft EIS and found to only partially meet the Project's purpose and need. The alternatives will improve access and mobility to jobs; however, they will not provide a cost-effective transportation option and instead would provide duplicate transit service to the saturated transit markets in the Uptown Minneapolis area. The service duplication has several consequences, including higher operating costs and providing a sub-optimal resource for the public. The Project could not replace the existing bus service operating in Midtown Corridor because this would be detrimental to the existing service levels and disenfranchise current transit riders as it would need to operate at a lower service frequency than the current bus service in the Midtown area.

Furthermore, of all the alternatives studied in the Draft EIS, Alternatives 3C-1 and 3C-2 had the highest costs for acquiring right-of-way and the design would result in severe construction complexity and permitting. Both alternatives would cost approximately \$500 million more than the preferred alternative. The differences in ridership and travel time benefits for these alternatives were insufficient to offset the greater capital cost and were unlikely to qualify for federal funding without major revisions. These combined factors combined could delay implementation and would result in additional costs.

The Location Avoidance Alternatives also were found to have significantly greater numbers of known historic resources, contaminated properties, and potential noise and vibration receptors than the preferred alternative. In addition, the two alternatives would have disproportionately high and adverse effects on low income and minority populations associated with:

- Acquisitions and displacements from 241 parcels from environmental justice areas;⁸
- Community cohesion (impacts on environmental justice populations resulting from a separation in the seamless trail network along the Midtown Greenway);
- Construction effects (disruptions associated with the construction of a cut-and-cover tunnel in environmental justice areas); and

⁸ Environmental justice area is defined as area in any census tract where 20 percent or more individuals live in poverty and/or 30 percent or more of the population is minority.

- Traffic (intersection in environmental justice area degrades from level of service “A” to “E”).

During the Draft EIS, LRT 3A⁹ was recommended for selection as the Locally Preferred Alternative (LPA). Based on the information at that time it best met the 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, and supporting economic development.

4.5.3.3 Location Avoidance Alternatives Determination

The Location Avoidance Alternatives (3C-1 and 3C-2) would avoid uses of the Section 4(f) resources considered in this Evaluation, but neither are deemed prudent under the definition in 23 CFR Part 774.17. Neither alternative addresses nor corrects the transportation purpose and need that prompted the proposed Southwest LRT Project, and both would result in operational problems, cause severe disruption to established communities, and result in additional construction and operation costs.

4.6 All Possible Planning to Minimize Harm Analysis

In addition to a determination that there is no feasible and prudent alternative that avoids the use of a Section 4(f) resource, the Section 4(f) regulations also state that FTA may not approve the use of a Section 4(f) resource unless it determines that the proposed action includes all possible planning, as defined in 23 CFR Part 774.17, to minimize harm to the property resulting from such use.

4.6.1 Refinements to the Preferred Alternative between the Draft EIS and Final EIS

Following the publication of the Southwest LRT Draft EIS, a technical memorandum was produced to evaluate and determine the preferred alignment south and west of the Royalston Station and within the BNSF corridor (see Appendix B of the Supplemental EA for the 2013 Royalston Station/Interchange Project Connection (TI-20) Technical Issue Resolution). The results of the analysis were used to determine the preferred alignment along this segment of the Project. The three alternatives evaluated in the memorandum included:

1. **Alignment 1:** The LPA Modified alignment is grade separated over 7th Street, runs in the center median on Royalston Avenue with a center platform, cuts through Holden Street (closing it to traffic due to grade differences), and enters the BSNF rail corridor at-grade before passing under the existing Glenwood Avenue bridge (see **Figure 4-6**).
2. **Alignment 2:** This alignment for the Project is grade separated over 7th Street, runs on a modified east side Royalston Avenue location with an east side platform, crosses through the intersection of Royalston Avenue and Holden Street, crosses over the BNSF tracks on a new bridge, crosses Glenwood Avenue at-grade between two new bridges, and descends to grade in the BNSF corridor before passing under the existing I-94 bridges (see **Figure 4-7**).
3. **Alignment 3:** This alignment for the Project is grade separated over 7th Street, runs on a modified east side Royalston Avenue location before making a diagonal through Holden Street where the platform is located, crosses over the BNSF tracks on a new bridge, crosses Glenwood Avenue at-grade between

⁹ LRT 3A as defined in the Draft EIS travels between Mitchell Road in Eden Prairie and downtown Minneapolis, providing service to Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis. Stations are proposed at Mitchell Road, Southwest Station, Eden Prairie Town Center, Golden Triangle, City West, Opus, Shady Oak Road, downtown Hopkins, Blake Road, Louisiana Avenue, Wooddale Avenue, Beltline Boulevard, West Lake Street, 21st Street, Penn Avenue, Van White Boulevard, and Royalston Avenue.

two new bridges, and descends to grade in the BNSF corridor before passing under the existing I-94 bridges (see Figure 4-8).

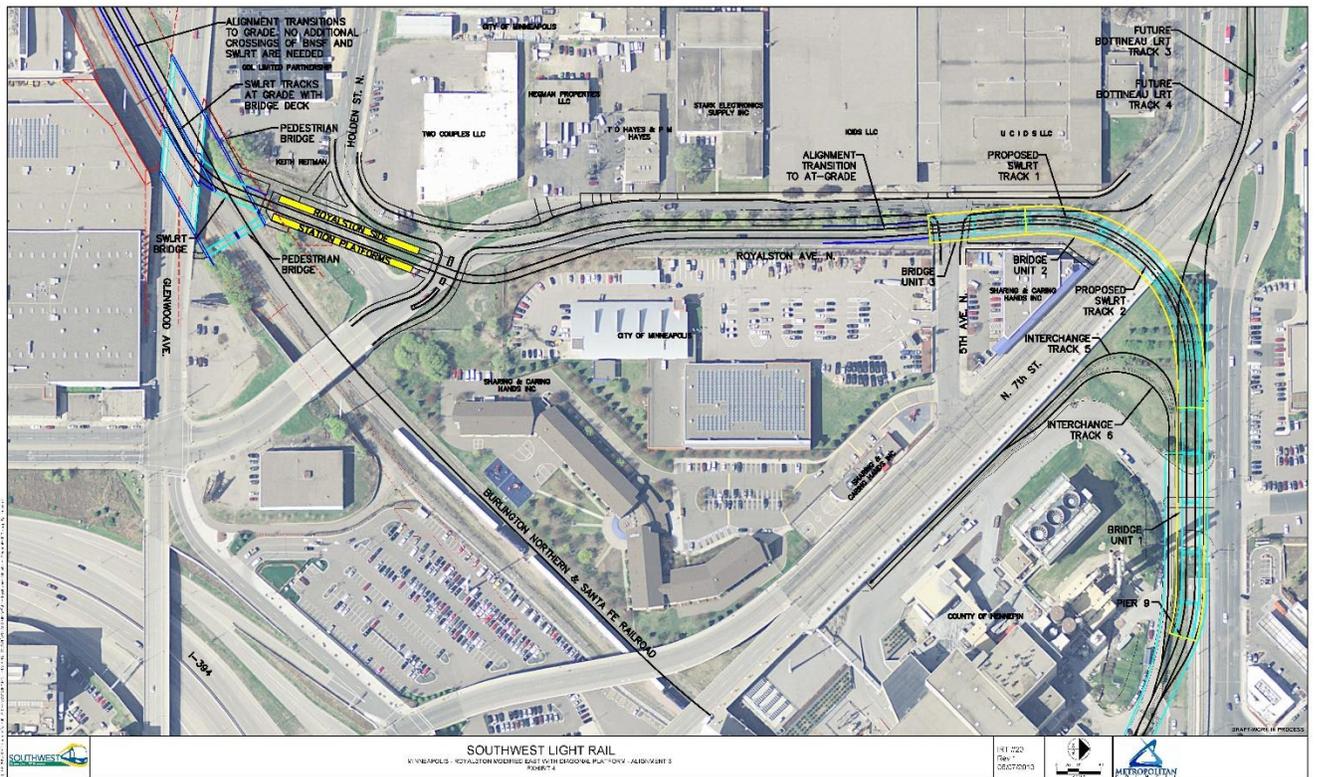
FIGURE 4-6: ALIGNMENT 1 – LPA MODIFIED ALIGNMENT



FIGURE 4-7: ALIGNMENT 2 – ALIGNMENT SELECTED TO ADVANCE IN THE FINAL EIS



FIGURE 4-8: ALIGNMENT 3 – PLATFORM LOCATED ON A DIAGONAL THROUGH HOLDEN STREET



Alignment 2 was selected to advance to the Final EIS. The analysis found that Alignment 2 provided the following benefits to the Project compared to the other two that were studied:

- Maintains existing at-grade intersection connection with Holden Street and Royalston Avenue.
- Provides shorter walking distances to bus stops for Routes 5, 19, 22, and 755 on 7th Street.
- Requires minimal additional right-of-way from private property owners and the City of Minneapolis by allowing freight and trail to remain in the corridor in their existing general locations, and elevating LRT above the freight and trail in the most horizontally constrained areas between Glenwood and I-94.
- Matches the elevation of existing Glenwood Avenue bridge, without raising grades and requiring impacts to properties north and south of the rail corridor, likely requiring major property acquisitions due to access to the properties being blocked by the raised roadways.
- Avoids placing freight rail tracks immediately above the Bassett Creek Tunnel, requiring a major realignment of the active freight rail mainline tracks within the corridor off the BNSF property and onto HCRRA property.
- Reduces the length and area of LRT track alignment located on BNSF property.
- Eliminates a major fly over bridge over the freight tracks required to move LRT from the north to the south side of the freight corridor west of I-94, all built in the rail corridor.

The permanent impacts to the BNSF property and the BNSF operating main line track alignment are minimized with Alignment 2. Alignment 2 minimizes the length of BNSF main line track realignment and reduces property impacts to the BNSF corridor by LRT.

4.6.2 Actions to Minimize Harm Following BNSF Negotiations

FTA and the Council have consulted with MnHPO and other Section 106 consulting parties during the design of the proposed Southwest LRT Project modifications within and in the vicinity of the StPM&M / GN Historic District to avoid, minimize, and/or mitigate adverse effects from construction and operation of the Project through design to SOI's Standards.

FTA, MnDOT CRU, and the Council are responsible for the Southwest LRT Project's implementation of the MOA, which stipulates the measures FTA and the Council will implement to minimize effects and avoid adverse effects on historic properties.

In accordance with Section 106 MOA Stipulation II, MnDOT CRU and FTA reviewed the Preliminary Plans for the Project modifications (see **Section 4.1** for full description), which include the destruction and/or permanent alteration of several character defining contributing features of the StM&M / GN Historic District. MnDOT CRU found, and FTA determined, that the design modification include substantive changes, defined in the MOA as "design variations resulting in a change of effects to a historic property." MnDOT CRU and FTA also found that the modification did not fully meet the SOI's Standards as required by MOA Stipulation I.A, which stipulates that all Project elements within and in the vicinity of the StPM&M / GN Historic District be designed in accordance with the SOI's Standards to minimize effects and avoid adverse effects on the historic district. The design modifications did not meet the SOI's Standard for Rehabilitation, which require that "new additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size,

scale and proportion, and massing to protect the integrity of the property and its environment.” FTA and MnDOT CRU applied the criteria of adverse effect in accordance with 36 CFR Part 800.5(a) and the Project’s Section 106 MOA and FTA determined under Section 106 that the design changes would have an adverse effect on the StPM&M / GN Historic District (see MnDOT CRU’s Section 106 Assessment of the CPB in Appendix A of the Supplemental EA for complete analysis).

FTA and the Council have consulted with MnHPO and identified consulting parties per the terms of MOA Stipulation III to prepare a mitigation plan to resolve the adverse effect. One of the measures FTA and the Council agreed to implement as a condition of Project funding was to minimize adverse effects to the extent feasible. To minimize the adverse effect on the StPM&M / GN Historic District, new infrastructure constructed for the Project will be designed in accordance with the SOI’s Standard for Rehabilitation that requires “the new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.” To the extent feasible, new infrastructure will also be designed in accordance with the SOI’s Standard for Rehabilitation that requires that “new additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.” This will help to minimize the adverse effects on the StPM&M / GN Historic District and minimize harm resulting from the use of the Section 4(f) resource.

As noted in MOA Stipulation III, FTA has consulted with MnHPO and consulting parties to the MOA to prepare a mitigation plan that will include options to resolve the adverse effects. This includes measures such as Minnesota Historic Property Record documentation and physical interpretation in the form of interpretive panels, integrated elements, and online materials. The draft mitigation plan was provided to MnHPO and consulting parties on April 17, 2018. FTA will issue a final mitigation plan after considering comments received on the draft mitigation plan.

Based on the summary within this section, FTA has determined in accordance with 23 CFR Part 774.17 that all possible planning to minimize harm to the StPM&M / GN Historic District will be conducted and implemented through the Southwest LRT Project’s Section 106 process and with the implementation of the Project’s Section 106 MOA.

5 Coordination

This section addresses Section 4(f) coordination and concurrence requirements set forth in 23 CFR Part 774 by providing a summary of the Project’s Section 4(f) coordination activities that have occurred with regard to the StPM&M / GN Historic District.

5.1 Public Engagement

See Section 5.1 of the Supplemental EA for a summary of public engagement activities that have taken place to date regarding the CPB wall.

5.2 U.S. Department of the Interior

The Amended Draft Section 4(f) Evaluation was provided to the DOI for review and comment. On April 9, 2018, the DOI concurred with FTA's Section 4(f) use determination and the measures to mitigate the adverse effects of the project (see correspondence in Appendix C of the Amended ROD).

5.3 Officials with Jurisdiction

The official with jurisdiction for this property is MnHPO. Following is a summary of the Section 4(f) consultation activities that have occurred with officials with jurisdiction since publication of the Final EIS.

- November 28, 2017 and March 14, 2018 meetings with MnHPO and consulting parties under Section 106. See Appendix A of the Supplemental EA and Appendix E of the Amended ROD, respectively, for meeting notes.

FTA obtained concurrence from MnHPO regarding its determinations of the Adverse Effect finding for the StPM&M / GN Historic District and the Section 4(f) use in a letter dated April 16, 2018 (see correspondence in Appendix E of the Amended ROD).

6 Determination of Section 4(f) Use

Based on Southwest LRT Project's 90% engineering plans for the Project modifications required by the BNSF and analysis summarized in this Amended Final Section 4(f) Evaluation, FTA has made the following Section 4(f) determination:

- The existing Southwest LRT Project alignment, with the addition of the Project modifications required by BNSF, would result in a Section 4(f) direct use of the StPM&M / GN Historic District, and there is no feasible and prudent alternative that would avoid a use of this Section 4(f) resource. In addition, FTA has determined in accordance with 23 CFR Part 774.17 that all possible planning to minimize harm has been conducted and implemented. Further, FTA and the Council have determined that the alternative that would result in the least overall harm to this historic resource is the existing Project alignment with the proposed Project modifications designed in accordance with the SOI's Standards to the extent feasible, as required by the Project's Section 106 MOA.